Anno vicesimo nono

Georgii II. Regis.

An Act for appointing a sufficient Number of Constables for the Service of the City and Liberty of *Westminster*; and to compel proper Persons to take upon them the Office of Jurymen, to present Nuisances, and other Offences, within the said City and Liberty.

WHEREAS by reason of some Defects in an Act of Parliament, passed in the Twenty seventh Year of the Reign of Queen Elizabeth, intituled, An Act for the good Government of the City and Borough of *Westminster*, in the County of *Middlesex*; the publick Ways and Passages are greatly obstructed, and many other Annoyances and Offences are daily committed within the said City and Borough: And whereas by reason of the great Increase of Build- Preamble. Act 27 Eliz.

ings in Westminster of late years, and of some Irregularity in the Appointment of Constables for the said City and Borough, there is not at present a sufficient Number of those Officers for the Service of Westminster: To remedy which said Evils; May it please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fifth Day of June, One thousand seven hundred and fifty six, the Dean of the Collegiate Church of Saint Peter, Westminster, for the time being, or the High Steward of the City and Liberty of Westminster for the time being, or his lawful Deputy, is hereby authorized and required (calling to his Assistance the Burgesses of the said City and Liberty of Westminster, if the said Dean, or High Steward or his Deputy, shall think fit) at a Court Leet to be holden for the said City and Liberty, on Tuesday next following the Feast of Saint Michael the Archangel in every Year, yearly to appoint Eighty able and fit Persons residing within the said City and Liberty, being Artificers, or Persons using any Trade of buying or selling (Alehouse-keepers, Victuallers, or Persons retailing Spirituous Liquors, only excepted) to be Constables for the said City and Liberty of Westminster, being duly presented thereto, in Manner herein after mentioned and directed.

Eighty Constables to be appointed yearly for the City and Liberty of *Westminster*,

And, for the better and more easy executing the said Office of Constable, and for preserving the Peace in Westminster; be it further enacted by the Authority aforesaid, That the Constables to be appointed as aforesaid, shall be chosen out of the several Parishes in Westminster as followeth; that is to say, There shall be yearly chosen out of the Parish of Saint Margaret Fourteen; out of the Parish of Saint John the Evangelist Four; out of the Parish of Saint Martin in the Fields Fourteen; out of the Parish of Saint George Hanover Square Twelve; out of the Parish of Saint James Fourteen; out of the Parish of Saint Ann Eight; out of the Parish of Saint Paul Covent Garden Six; out of the Parish of Saint Clement Danes Six; and out of the Parish of Saint Mary le Strand Two: And the Constables so appointed shall take the usual Oath of Office, and shall do and execute all and every Matter and Thing appertaining and belonging to the Office of a Constable, for the Space of

to be chosen out of the several Parishes, and in the Proportions here mentioned;

who are to take the usual Oath of Office, and serve for One Year.

One whole Year, to commence from their Appointment to the said Office, or until other Persons shall be appointed in their Stead, or shall find fit and able Persons, to be approved of by the said Court Leet, to serve and take the Oath of the Office of Constable, as their Deputies, and in their Room and Stead; such other Persons not being Alehouse-keepers, Victuallers, or Persons retailing Spirituous Liquors.

And, in order that fit and proper Persons may be appointed to the said Office of Constable; be it further enacted by the Authority aforesaid, That the said Dean of Westminster for the time being, or the said High Steward for the time being, or his Deputy (calling to his Assistance the Burgesses of the said City and Liberty of Westminster, if the said Dean, or High Steward, or his Deputy, shall think fit) shall and may, and he is hereby authorized and required to issue out a Precept or Precepts within Six Weeks before the Feast of Saint Michael in every Year, directed to the High Bailiff of Westminster, who is hereby authorized, directed, and required to obey the same, to impanel and return Forty substantial Housholders and Traders residing within the said several Parishes in Westminster, in the Proportions before mentioned; and to summon such Persons to appear at such Time and Place as in such Precept or Precepts shall be directed and appointed; and out of the Persons so impanelled, summoned, and returned, the said Dean, or High Steward, or his Deputy (calling to his Assistance the Burgesses of the said City and Liberty of Westminster, if the said Dean, High Steward, or his Deputy, shall think fit) shall, at a Court to be held by him for that Purpose, nominate and appoint so many as he shall think fit, not exceeding Thirty, taking Care that One or more be nominated out of each of the said Parishes; and that the Persons so nominated and appointed shall be called The Leet Jury, and shall be sworn to present to the said Court fit and proper Persons to be chosen and appointed Constables for the Service of the City and Liberty of Westminster for the Year then next ensuing; that is to say, The said Jury shall present to serve as Constables for the Parish of Saint Margaret Twenty eight; the Parish of Saint John the Evangelist Eight; the Parish of Saint Martin in the Fields Twenty eight; the Parish of Saint George Hanover Square Twenty four; the Parish of Saint James Twenty eight; the Parish of Saint Ann Sixteen; the Parish of Saint Paul Covent Garden

Precepts to be issued for returning and summoning a *Leet Jury*.

who are to present a certain Number of proper Persons out of each Parish to serve as Constables.

Garden Twelve; the Parish of Saint Clement Danes Twelve; and the Parish of Saint Mary le Strand Four; out of which said Number so presented the said Court shall, at the Time, and in the Manner and Proportions herein before directed, appoint Eighty to be Constables to serve for the said City and Liberty; and the Persons so nominated and appointed to be The Leet Jury, shall continue in the said Office for One whole Year, or till others are appointed and sworn in their Room and Stead.

Leet Jury to continue in Office for One Year.

Provided always, and be it enacted by the Authority aforesaid, That in case any Person who shall be summoned by the said High Bailiff, by virtue of any Precept or Precepts to be directed as aforesaid, to take upon him the said Office of Juryman, shall neglect or refuse to appear according to the Direction of such Summons, or appearing shall refuse to take upon him the said Office (being thereunto appointed) or shall at any Time refuse to appear to present proper Persons to be Constables, being duly summoned for that Purpose, every such Person shall forfeit the Sum of Forty Shillings; which said Sum of Forty Shillings shall be set upon him by the said Court by way of Fine for such his Contempt or Refusal, to be recovered in such Manner as is herein after directed.

40*s.* Fine on Persons summoned, refusing to appear, to execute the Office of Jurymen.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall be presented by the Jury as aforesaid, as fit and proper Persons for the Office of Constable, shall by a Precept or Precepts from the said Court, be summoned by the Petty Constables to whom such Precept shall be directed, to appear at the said Court Leet, to be holden for the City and Liberty of Westminster, to take upon them the said Office; and in case any Person that shall be so summoned, shall neglect to appear according to the Direction of such Summons (Proof being made of the Service of such Summons on Oath) or appearing, shall refuse to take upon him the Office of Constable, being thereunto appointed as aforesaid, or to find a fit and able Person, then to take upon him the said Office in his Stead, every such Person shall forfeit the Sum of Eight Pounds; which said Sum of Eight Pounds shall be set upon him by the said Court, by way of Fine, for such his Contempt or Refusal to take upon him the said Office; to be recovered in such Manner as is herein after directed.

Precepts to be issued for summoning Persons presented to serve as Constables, to attend the Court;

and on their refusing to attend or serve, they are to be fined 8*l.*

And be it further enacted by the Authority aforesaid, That the said Dean, or High Steward, or his Deputy, shall

shall and may, and he is hereby authorized and impowered to adjourn the said Court Leet from time to time, as he shall think fit: And in case any Constable shall die, remove out of the Parish for which he was appointed, or shall be discharged from his said Office on Account of his Inability, or for other just Cause, it shall be lawful for him, and he is hereby authorized and impowered, at such adjourned Courts, to summon others before him, being first presented by the Jury as aforesaid; which said Jury, the said Dean, or High Steward, or his Deputy, shall summon for that Purpose, and to appoint One or more of such fit Person or Persons to serve as Constables or Constable in the Room and Stead of such Person or Persons as shall die, be removed, or discharged as aforesaid, in like Manner as is before directed for appointing Constables at the annual Leet; and all Persons who shall be so summoned and appointed, are hereby required to appear and take upon them, or find other fit Persons to take upon them the Execution of the said Office, on Pain of the like Penalties and Forfeitures as are before inflicted upon Persons refusing to appear, according to the Direction of their Summons, or to take upon them the Execution of the Office of Constable, at the annual Leet.

Court may be adjourned from time to time;

and on Death, Removal, or Discharge of any Constables, others to be presented to the Court, and chosen into the said Office.

Provided always, and be it further enacted by the Authority aforesaid, That no Person who hath served or shall hereafter serve, by himself, or Deputy, the Office of Constable, shall be presented again to the said Office, or shall be summoned or appointed to serve the same in less than Seven Years after the End of such former Service; and that no Person who hath been or shall be nominated and sworn to be on the Leet Jury, and hath served or shall serve the said Office of Juryman, shall be again summoned or appointed to serve the said Office, in less than Seven Years after the End of such former Service.

None liable to serve as Constable,

or Juryman, more than once in 7 Years.

And be it further enacted by the Authority aforesaid, That the said Dean, or High Steward, or his Deputy, shall, at the said Court Leet to be holden on Tuesday next after the Feast of Saint Michael yearly, appoint an able Person, being an Artificer, or using some Trade of buying and selling, and not being an Alehouse-keeper, Victualler, or Retailer of Spirituous Liquors, to be High Constable of the said City and Liberty of Westminster, being duly summoned for that Purpose, who shall take the usual Oath of Office, and do and execute all and every Matter and Thing appertaining to the Office of High Constable for the Space of One whole Year, to commence from

High Constable to be chosen,

who is to take the usual Oath of Office, and serve for 1 Year.

his Appointment to the said Office, or until another Person shall be appointed in his Stead; and that in case of the Death or Removal of such High Constable, the said Dean, or High Steward, or his Deputy, shall, at some Adjournment of the said Court Leet, appoint another Person to serve in his Room, being duly summoned for that Purpose.

On his Death or Removal another Person to be appointed.

Provided always, That no Person shall serve the said Office of High Constable for more than Three Years together; and every Person who shall be so summoned and appointed, is hereby required to appear and take upon him the Execution of the said Office of High Constable, on Pain of forfeiting the Sum of Twenty Pounds; which said Sum shall be set upon him by way of Fine, for such his Contempt or Refusal to take upon him the said Office; to be recovered in such Manner as herein after is directed.

None may serve as High Constable for more than 3 Years together.

20 *l.* Fine not serving the said Office.

And whereas the Obstructions of the publick Ways and Passages in Westminster, and other Annoyances and Offences committed therein, are greatly owing to the Want of a sufficient Power to compel Persons to take upon them the Office of Jurymen, to present Nuisances and other Offences committed in Westminster, and to the Want of an easy Method of recovering the Amerciaments set by such Jury; be it therefore enacted by the Authority aforesaid, That the said Dean, or High Steward, or his Deputy, the Two Chief Burgesses of Westminster, and the other Burgesses for the time being, or any Five of them, whereof the said Dean, High Steward, or his Deputy, or One of the said Two Chief Burgesses, to be One, shall and may, and they are hereby authorized and required, Twice in every Year, to issue out their Precept or Precepts under the Common Seal of their Court, directed to the High Bailiff of Westminster, who is hereby authorized, directed, and required, to obey the same, to impanel and return Eighty substantial Householders and Traders residing and dwelling within the said several Parishes in Westminster, in the Proportions before-mentioned, and to summon such Persons to appear before them, at such Time, and such Place, as in such Precept or Precepts shall be set forth; and out of the Persons so impanelled, summoned, and returned, the said Dean, High Steward, or his Deputy, the said Two Chief Burgesses, and the other Burgesses, or any Five of them, whereof the said Dean, High Steward, or his Deputy, or One of the Two Chief Burgesses, to be One, shall, at a

Precepts to be issued for returning and summoning an *Annoyance Jury*.

Court to be held for that Purpose, nominate and appoint so many as they shall think proper, not exceeding Forty eight, taking Care that One or more be nominated out of each of the said Parishes; and that the several Persons so nominated and appointed shall be called The Annoyance Jury, and shall take an Oath to the Effect following; which Oath the said Court are hereby impowered to administer:

Oath of Office to be taken by the said Jury.

I *A. B.* do swear, That I will diligently enquire and make true Presentment to this Court of all such publick Annoyances, and other Offences, that shall be committed in *Westminster*, during the Time of my Continuance in the Office whereunto I am now appointed; and that I will present no Person or Thing through Hatred or Malice, nor leave any unpresented through Love, Favour, or Affection.

The Oath.

So help me God.

Provided always, and be it enacted by the Authority aforesaid, That in case any Person who shall be summoned as aforesaid to take upon him the said Office of Juryman, shall neglect or refuse to appear according to the Direction of such Summons, or appearing, shall refuse to take upon him the said Office (being thereunto appointed) every Person so offending shall forfeit the Sum of Forty Shillings; which said Sum shall be set upon him by the said Court, by way of Fine, for such his Contempt or Refusal to take upon him the said Office; to be recovered in such Manner as is herein after directed.

40 *s.* Fine on Persons summoned refusing to appear, or to execute the Office of Juryman.

And be it further enacted by the Authority aforesaid, That the Jury of Annoyance to be appointed as aforesaid, shall subdivide themselves into smaller Bodies, not being less than Twelve in each Body, and they are hereby authorized and required, as often as they shall be directed by the said Court, strictly to enquire into, and present to the said Court, according to their Oath, upon their own View and Knowledge, all defective or bad Pavements, and all Annoyances in, Obstructions of, or Encroachments upon, any of the publick Ways or Passages within the said City or Liberty; and the said Jury shall give or leave Notice in Writing of their Intention to present the same, at the House or Houses to which such defective Pavements belong, or to the Person or Persons who shall cause or suffer such Annoyances, Obstructions, or Encroachments; and if such Pavements are not amended, or such

Duty of the *Annoyance Jury* and Court with respect to the Pavements, Annoyances, Obstructions and Encroachments in the publick Ways,

Annoyances, Obstructions, or Encroachments, removed within Fourteen Days after such Notice given, then the said Jury shall amerce the Person or Persons inhabiting the said House or Houses, or causing or suffering such Annoyances, Obstructions, or Encroachments, in such Sums as they shall think proper, according to the Nature of the Offence, not exceeding Forty Shillings for any One Offence; to be recovered in such Manner as is herein after directed: And if any Person or Persons shall abuse or insult any of the said Jury of Annoyance, when they are in the Execution of their Office, or shall any Way obstruct them in executing the Duties of the said Office, it shall be lawful for any One or more Justice or Justices of the Peace for the said City and Liberty of Westminster, upon the Fact alledged being duly proved upon the Oath of Two or more credible Witnesses, to fine such Person or Persons so offending as aforesaid, in any Sum not exceeding Forty Shillings; to be recovered in such Manner as is herein after directed.

40 s. Fine on Persons insulting, or obstructing the Jury, in the Execution of their Office.

And be it further enacted by the Authority aforesaid, That where the said Jury of Annoyance shall upon their View as aforesaid, find any bad or defective Pavement, belonging to any empty House or Building within the said City or Liberty, or any Annoyance before such House or Building, it shall and may be lawful to and for the said Jury, and they are hereby authorized, directed, and required, to present such defective or bad Pavement, or such Nuisance, to the said Court of Burgesses, first leaving Notice in Writing on the Door or other publick Part of such empty House or Building, of their Intention to present the same; and, in case the Owner or Owners, Proprietor or Proprietors, of such House or Houses, Building or Buildings, shall not within Fourteen Days after such Notice given as aforesaid, cause such Pavement to be amended, or such Annoyance removed, then the said Court shall forthwith cause such Pavement to be repaired, or such Nuisance to be removed, and the said Jury shall amerce the Owner or Owners, Proprietor or Proprietors, of such House or Building, in such Sum or Sums of Money as by the Order and Directions of the said Court shall be laid out and expended in making good such defective Pavement, or removing such Nuisance, and the Charge attending the same; which said Amerciament or Amerciaments so set as aforesaid, shall be levied on the next Tenant or Tenants, Occupier or Occupiers, of the Ground Floor of such House or Houses, Building or Buildings,

Duty of the said Jury and Court, with respect to the Pavements and Annoyances before empty Houses.

Amerciament for the same may be levied on the succeeding Tenant,

ings, in such Manner as is herein after directed for the levying of other Amerciaments that shall be set and imposed by virtue of this Act; and it shall and may be lawful to and for such Tenant or Tenants, Occupier or Occupiers, of such Houses or Buildings, who shall pay any Sum or Sums of Money so amerced as aforesaid (if they shall pay the same voluntarily) to deduct and detain out of their Rent then due, or thereafter to grow due, all and every such Sum or Sums of Money as they shall so pay.

who is to deduct the same out of the Rent.

And, for preventing Persons dealing by unlawful Weights, Balances, or Measures, within the said City or Liberty of Westminster; be it further enacted by the Authority aforesaid, That the said Annoyance Jury shall and are hereby authorized and impowered, at all seasonable Times in the Day-time, to enter into any Shop, House, or Warehouse, within the said City and Liberty, belonging to any Person or Persons that deal by Weight or Measure; and if the said Jury shall find any Weight, Balance, or Measure, to be unlawful or defective, it shall and may be lawful to and for the said Jury, and they are hereby directed and required, to break and destroy the same, and to amerce the Person or Persons so offending, in such Sum or Sums of Money as they shall think proper, according to the Nature of the Offence, not exceeding Forty Shillings for any One Offence.

Duty of the said Jury with respect to Weights and Measures.

Provided always, and be it enacted by the Authority aforesaid, That no Person who hath been or shall be nominated and appointed to be on the Annoyance Jury, and hath served or shall serve the said Office of Juryman, shall be again summoned or appointed to serve the said Office, in less than Three Years after the End of such former Service.

None liable to serve on the *Annoyance Jury* more than once in 3 Years.

And be it further enacted by the Authority aforesaid, That in case the said High Bailiff or his Deputy, or other Officer acting under him, or under the Order or Authority of the said Court, by virtue of this Act or otherwise, shall ask, demand, or take of any Person or Persons whatsoever, any Sum or Sums of Money or other Gratuity or Reward whatsoever, for or under Pretence of excusing any Person or Persons from appearing to serve, or for not summoning any Person or Persons to serve the said Office of Constable, or to serve on either of the Juries aforesaid, or on any other Jury within the said City and Liberty of Westminster; or if any Person whatsoever shall give any Sum or Sums of Money, or other Re-

40 *s.* on High Bailiff, or other Officer, accepting any Gratuity to excuse Persons from appearing to serve, or not summoning them, to serve,

and on Persons giving any Gratuity on such Account.

ward whatsoever, to any such Officer as aforesaid, for or on Account of excusing him from serving or being summoned to serve the Office of Constable, or to serve on such Juries, that then and in either of such Cases, it shall and may be lawful for any One or more Justice or Justices of the Peace for the said City and Liberty of Westminster, upon the Fact alledged being duly proved upon the Oath of Two or more credible Witnesses, to fine such Person or Persons so offending as aforesaid, in any Sum not exceeding Forty Shillings, to be recovered in such Manner as is herein after directed.

Fines and Amerciaments to be levied by Distress and Sale.

And be it enacted by the Authority aforesaid, That upon the Non-payment of any Fine or Amerciament that shall be set or imposed upon any Person or Persons by the Authority of this Act, it shall and may be lawful for the High Bailiff of Westminster, or his Deputy or Deputies, and he and they is and are hereby authorized, directed, and required, by a Warrant or Warrants from the said Court Leet, or by a Warrant or Warrants under the Common Seal of the said Court of Burgesses, or by a Warrant or Warrants from the Justice or Justices of the Peace before whom any such Person or Persons shall be convicted as aforesaid, to levy all and every such Fines and Amerciaments as shall be set and imposed as aforesaid, by Distress of the Goods and Chattles of every such Person or Persons as shall be fined or amerced as aforesaid, being then Reliant or inhabiting within the said City or Liberty of Westminster, and to cause Sale to be made thereof in case they shall not be redeemed within Five Days, rendering the Overplus, if any, to the Owner, upon Demand, after deducting the reasonable Charges of such Distress and Sale; and if such Offender or Offenders shall not have Goods or Chattles within the said City and Liberty, whereof such Fine or Fines, Amerciament or Amerciaments, can be levied as aforesaid, then, and in such Case, and upon the Non-payment of such Fine or Fines, Amerciament or Amerciaments, it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to One of His Majesty's Gaols within the City or Liberty of Westminster, there to remain for the Space of Ten Days, unless he, she, or they shall sooner pay, or cause to be paid, the said Fine or Fines, Amerciament or Amerciaments, so imposed as aforesaid; in which Case he, she, or they, on Payment thereof, shall be forthwith discharged out of Custody.

For want of Distress, and on Non-payment, Offender to be committed.

And be it further enacted by the Authority aforesaid, That all and every the Fine or Fines which shall be set, imposed, and recovered, by virtue of this Act, shall, from time to time, be paid by the High Bailiff of Westminster, or other Person into whose Hands the same shall come, within Fourteen Days next after the Receipt thereof, to the Overseers of the Poor for the time being of the several Parishes in Westminster respectively, out of which the same shall be so recovered, who shall give a Receipt or Receipts for the same; and the said Overseers are hereby directed and required to apply the said Fine or Fines to the same Uses and Purposes that the Poor Rates in the said several Parishes are by Law to be applied; and shall duly account upon Oath for the same at the Time, and in the Manner, they are obliged to account for all other Sums of Money that shall come into their Hands; and all and every the Amerciament and Amerciaments which shall be set and imposed by the said Annoyance Jury, and recovered by virtue of this Act, shall be applied and disposed of in Manner following; that is to say, The said High Bailiff for the time being shall be, and he is hereby intitled to One Moiety or Half Part thereof, and shall receive and take the same to his own Use; and the other Moiety or Half Part thereof shall be taken and applied by the said Court of Burgesses to pay the necessary Charges and Expences that shall attend the Execution of this Act.

Fines to be paid over to the Overseers, and applied in Aid of the Poors Rate.

Amerciaments set by the *Annoyance Jury*, to go to the High Bailiff, and Court of Burgesses.

And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County of Middlesex, and not elsewhere, except the Person or Persons against whom such Action shall be brought, shall remove into and reside in the City of London; in which Case, the said Action shall be laid and brought in the said City of London; and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority thereof; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall

Limitation of Actions.

General Issue.

be brought in any other County, City, or Place, than the County of Middleſex (except in ſuch Caſe as aforeſaid) that then and in ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and if upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her, or their Action or Actions; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit, in other Caſes by Law.

Treble Coſts.

Particular Exemptions from this Act.

Provided always, That this Act, or any Thing or Matter therein contained, ſhall not extend to the Church or College of Weſtminſter, nor to the Cloſe of Weſtminſter, nor to any Perſon or Perſons inhabiting within the Site, Circuit, or Precinct of the ſaid Church, College, or Cloſe, for any Offence or Miſgovernment to be committed by them or any of them, within the Site, Circuit, or Precinct of the ſaid Church, College, or Cloſe.

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FINIS.