ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

C A P. CLXII.

An Act for the Preſervation of the public Peace in certain diſturbed Counties in *England*; and to give, until the Twenty-fifth Day of *March* One thouſand eight hundred and thirteen, additional Powers to Juſtices for that Purpoſe. [29th *July* 1812.]

WHEREAS Arms have for ſome Time paſt been induſtriouſly collected by evil-diſpoſed Perſons, for Purpoſes dangerous to the public Peace, and have been alſo taken by Force from the Houſes of Perſons unable to reſiſt ſuch Violence: And whereas illegal Aſſociations have been formed in ſeveral Counties, and which are in many Caſes connected with each other by Delegates; and numerous Outrages have been committed by Perſons ſo aſſociated, and by other evil-diſpoſed Perſons who aſſemble to deſtroy Manufactories and Machinery: And whereas Meetings are held, as well by Night as by Day, by many evil-diſpoſed Perſons, for the Purpoſe of training and learning the Uſe of Arms, in order to enable them more effectually to execute their evil Purpoſes: And whereas ſuch Practices endanger the public Peace and Security; and it is therefore neceſſary to empower Magiſtrates, and others acting under their Authority in Protection of the public Peace, upon Suſpicion, to ſearch for and ſeize all ſtolen or ſecreted and concealed Arms, Weapons, and Ammunition, and to receive for ſafe Cuſtody the Arms, Weapons, and Ammunition belonging to Perſons unable to reſiſt ſuch unlawful Outrages as aforeſaid; and alſo to authorize the diſperſing of all unlawful Aſſemblies and Meetings, and the apprehending of Perſons engaged therein, or aiding and aſſiſting thereat, or acting as Delegates of or to ſuch Aſſemblies

or

or Associations, or engaged in inciting Persons to join in such illegal Practices; be it therefore 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 it shall be lawful for any Justice of the Peace or Magistrate, or for any Constable or other Peace Officer acting under any Warrant signed by any Justice of the Peace or Magistrate, or for any Person or Persons acting with or in Aid of any Constable or other Peace Officer, having a Warrant from any Justice of the Peace or Magistrate, to search for and seize any stolen or concealed or secreted Muskets, Guns, Pistols, or other Fire Arms, or Swords, Bayonets, Pikes, Pike Heads, Dirks, Daggers, Spears, or Instruments serving for Pikes or Spears, or any Parts of such Arms or Weapons, or any Gunpowder or Bullets, or other Ammunition, in any House or Building, or any Place whatsoever in which the Justice of the Peace or Magistrate, making or granting any Warrant for the making of any such Search, may suspect any stolen Arms, Weapons, or Ammunition to be, or any Arms, Weapons, or Ammunition to be concealed or secreted; and in case Admission shall be refused or not obtained within a reasonable Time after it shall have been first demanded, to enter by Force, by Day or by Night, into every such House or Building, or any Place whatsoever, and to carry away the Arms, Weapons, and Ammunition there so found, and deliver the same to such Person or Persons, to be deposited in such Place or Places as shall be appointed for that Purpose, as herein-after mentioned.

Arms collected for Purposes dangerous to the Public Peace may be searched for and seized.

II. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace or Magistrates, by any Warrant under their Hands and Seals, to require the Delivery of any Arms, Weapons, or Ammunition which may be in any House or Place in which, in the Judgment of such Justices or Magistrates, such Arms, Weapons, or Ammunition shall not be sufficiently secure against any Attempts which may be made by any evil-disposed Persons to obtain Possession thereof; and if the Person possessed of such Arms or Weapons or Ammunition shall refuse to deliver up such Arms, Weapons, or Ammunition, upon such Demand as aforesaid, it shall be lawful for such Justices or Magistrates, or any Persons acting under any such Warrant as aforesaid, to search for and take and secure the same, and for that Purpose to enter by Force in the Day-time, if Entry should not be allowed in a reasonable Time after Demand thereof, into any House or Building, or any Place whatsoever; and all Arms, Weapons, or Ammunition so taken, shall be marked by the Person taking the same, in such a Manner as to ascertain from whom the same were taken, and a Receipt shall be given by the Person receiving or taking the same, to the Person by whom the same shall be delivered, or from whom the same shall be so taken; and all such Arms, Weapons, and Ammunition, shall be deposited for safe Custody in such Place and put in charge of such Person or Persons as shall be appointed to take Care of such Arms, Weapons, or Ammunition, for the Purpose of being restored as herein after mentioned.

Arms not secure from unlawful Seizure may be demanded by Warrant of Two Justices, and lodged in Places of Security.

III. Provided always, and be it further enacted, That it shall be lawful for any Person from whom any such Arms, Weapons, or Ammunition shall be so taken as last aforesaid, in case the Justices or Magistrates upon whose Warrant the same shall have been taken shall, upon Application made

Party may appeal to Special or Quarter Sessions.

made for that Purpoſe, refuſe to reſtore the ſame, to apply to the next Special or General or Quarter Seſſions of the Peace of the County or Riding, for the Reſtitution of ſuch Arms, Weapons, and Ammunition, or any Part thereof; and the Juſtices aſſembled at ſuch Special or General or Quarter Seſſions of the Peace ſhall make ſuch Order for the Reſtitution or ſafe Cuſtody of ſuch Arms, Weapons, or Ammunition, or any Part thereof, as upon ſuch Application ſhall appear to them to be proper: And from and after the paſſing of this Act, and during the Continuance thereof, Special Seſſions of the Peace ſhall be held in every County, Riding, City, or Place in which Seſſions of the Peace are held, once in every Three Weeks at the leaſt, for receiving and hearing ſuch Applications as to Arms as aforeſaid; the Firſt of which Seſſions ſhall be held on the Second *Tueſday* next after the paſſing of this Act; and all ſuch Special Seſſions may be adjourned from Time to Time, as may be deemed neceſſary by the Juſtices attending the ſame.

Seſſions to be held every Three Weeks for deciding Claims as to Arms.

IV. And be it further enacted, That it ſhall be lawful for the Juſtices of the Peace aſſembled at any ſuch Special or General or Quarter Seſſions of the Peace, in every County or Riding or Diviſion of any County within the Proviſions of this Act, and they are hereby required, in all Caſes where the ſame ſhall be neceſſary, to appoint proper Places for Depôts for all Arms ſeized or taken for ſafe Cuſtody, and alſo proper Perſons to have the Cuſtody and Care of ſuch Arms; and the Expence of ſuch Depôts and ſuch Remuneration as the Juſtices at any ſuch Seſſion or any ſubſequent Seſſions ſhall deem reaſonable and proper, to be paid to the Perſons having the Cuſtody and Care of ſuch Arms, for their Trouble, and for the Care and Preſervation thereof, ſhall be paid out of the Rates of the County, Riding, or Diviſion, where the Depôts ſhall reſpectively be.

Depots for ſeized Arms to be appointed.

V. And be it further enacted, That every Perſon having the Care of any Depôt for ſafe Cuſtody of any ſuch Arms, Weapons, or Ammunition aforeſaid, under the Proviſions of this Act, ſhall keep an accurate Regiſtry thereof, and ſhall produce ſuch Regiſter, or deliver an accurate Copy thereof, or of any Part thereof, whenever the ſame ſhall be demanded, to the Lieutenant or Vice Lieutenant, or Deputy Lieutenant, and to the Clerk of the Peace of the County, Riding, or Diviſion, or City, Town, or Place where the ſame ſhall be depoſited, for the Uſe of the Lieutenancy, or of the Juſtices aſſembled at any Special or General or Quarter Seſſions of the Peace as aforeſaid.

Regiſtry of Arms to be kept, and Copies thereof made for Lieutenancy and Quarter Seſſions.

VI. And be it further enacted, That the Juſtices aſſembled at any Special or General or Quarter Seſſions of the Peace may and ſhall from Time to Time, as the Caſe may require, examine the Returns of Regiſtry of all Arms, Weapons, and Ammunition depoſited under the Proviſions of this Act, and alſo, if they ſhall ſee fit, examine any Perſon or Perſons, who may be able to give any Information as to ſuch Arms, Weapons, or Ammunition, or any other Matter or Thing relating thereto, upon Oath (which Oath they are hereby reſpectively authorized to adminiſter); and it ſhall be lawful for the Juſtices aſſembled at any ſuch Special or General or Quarter Seſſions of the Peace, to order that any ſuch Arms, Weapons, or Ammunition, ſhall remain depoſited while the County or Part of the County where the ſame ſhall have been taken ſhall, in the Judgement of the

Special or General or Quarter Seſſions may determine how Arms, &c. are to be diſpoſed of.

the Juſtices aſſembled at any ſuch Special or General or Quarter Seſſions of the Peace as aforeſaid, continue ſo diſturbed, as to make it expedient to retain the ſame in ſafe Cuſtody, or that the ſame ſhall ſo remain during the Continuance of this Act, or that the ſame ſhall be reſtored to the Owner thereof; and the ſaid Juſtices ſhall alſo make ſuch Order for the Delivery of all ſuch Arms to the Perſons entitled thereto, without Fee or Reward, at the Expiration of this Act, as they may deem proper and neceſſary.

Certain Aſſemblies declared to be unlawful; and Perſons preſent at or aiding ſuch Aſſemblies, or acting as Delegates from, or aſſiſting by Contributions of Money for ſuch Purpoſes, guilty of a Miſdemeanor.

VII. And be it further enacted, That all Aſſemblies of Perſons meeting to be trained or drilled, or for the Purpoſe of being arrayed in Bodies or learning the Uſe of Arms, without any lawful Authority from His Majeſty, or any Lieutenant of any County by Commiſſion or otherwiſe, for ſo doing; and all Aſſemblies of Perſons meeting together for the Purpoſe of illegally taking any Arms, Weapons, or Ammunition, or for the Purpoſe of collecting or forming of any Depôts of any Arms, Weapons, or Ammunition, or for the Purpoſe of ſecreting and concealing of any Arms, Weapons, or Ammunition, or for the Deſtruction of any Houſe, Building, Machinery, or other Property, or for the Purpoſe of aiding, abetting, or in any Manner aſſiſting in any ſuch Purpoſe aforeſaid; or for the Purpoſe of raiſing any Sums of Money for the Purpoſe of aiding and abetting any ſuch Purpoſe as aforeſaid, or for the aiding and abetting, or aſſiſting in the ſupporting and maintaining of any ſuch Aſſembly as aforeſaid, or of any other unlawful Combination or Confederacy, ſhall be and the ſame are hereby prohibited as dangerous to the Peace and the Security of His Majeſty's liege Subjects, and of His Government; and every Perſon preſent at, or aiding or abetting any ſuch Aſſembly, Meeting, Combination, or Confederacy as aforeſaid, or aiding or aſſiſting in the getting together of any ſuch Aſſembly, Meeting, Combination, or Confederacy as aforeſaid, or acting as a Secretary of or as a Delegate to or from any ſuch Aſſembly, Meeting, Combination, or Confederacy as aforeſaid, or who ſhall knowingly be employed or concerned in the collecting, or receiving, or diſburſing of any ſuch Sums of Money as aforeſaid, for any ſuch Purpoſe as aforeſaid, ſhall upon being convicted thereof be deemed guilty of a Miſdemeanor.

Perſons aſſembled in Danger of the public Peace, may be diſperſed; and thoſe found carrying Arms under ſuſpicious Circumſtances may be detained and required to give Bail, and proſecuted for a Miſdemeanor.

VIII. And be it further enacted, That it ſhall be lawful for any Juſtice of the Peace or Magiſtrate, or for any Conſtable, Peace Officer, or other Perſon acting under the Warrant of any Juſtice of the Peace, or Magiſtrate, or acting with or in aid of any Juſtice of the Peace or Magiſtrate, or of any Conſtable or other Peace Officer having ſuch Warrant as aforeſaid, to diſperſe any ſuch unlawful Aſſembly or Meeting before mentioned, and to arreſt and detain any Perſons preſent at or aiding, aſſiſting, or abetting any ſuch unlawful Aſſembly or Meeting, and alſo any Perſon found carrying Arms in ſuch Manner and at ſuch Times as to afford juſt Grounds of Suſpicion that the ſame are carried for Purpoſes dangerous to the Public Peace; and it ſhall be lawful for the Juſtice of the Peace or Magiſtrate who ſhall arreſt any ſuch Perſon, or before whom any Perſon arreſted upon any ſuch Warrant ſhall be brought, to commit ſuch Perſon for Trial for a Miſdemeanor under the Proviſions of this Act, unleſs ſuch Perſon can and ſhall give ſufficient Bail for his Appearance at the next General or Quarter Seſſions of the Peace, to anſwer to any Indictment which may be preferred againſt him for any Offence againſt this Act.

IX. And be it further enacted, That it shall be lawful for any Two Justices of the Peace or Magistrates, upon Information upon Oath by any One or more credible Witness or Witnesses, that any Person is, to the best of the Knowledge or Belief of the Person giving such Information, acting as a Secretary of or Delegate to or from any such unlawful Assembly or Meeting as aforesaid, or is employed or engaged or concerned in the receiving or collecting of any Contributions of Money, or disbursing of any such Money, for any unlawful Purpose as aforesaid, or in aid of any unlawful Assembly, Meeting, Combination, or Confederacy as aforesaid, or has the Care and Custody of any such Money, or of the Books, Papers, Documents, or other Things relating to any such unlawful Assembly, Meeting, Combination, or Confederacy, or containing any Accounts of any such Money, to grant a Warrant for the Apprehension of any such Person or Persons, and for the seizing any such Books, Accounts, Papers, Documents, or other Things as aforesaid; and upon Examination had thereon, if he shall see Cause, to commit such Person to the Gaol or House of Correction of the County, Riding, Division, City, Town, or Place, for Trial thereon, unless such Person can and shall give sufficient Bail to the Satisfaction of such Justices or Magistrates for his Appearance to answer to any Indictment which may be preferred against him for any such Offence under this Act, at the ensuing General or Quarter Sessions of the Peace for such County, Riding, Division, City, Town, or Place.

Two Justices may, upon Information upon Oath, commit Delegates, &c. and seize Books.

X. And be it further enacted, That every Person indicted for any Offence under this Act, shall forthwith plead to the Indictment, and Trial shall proceed thereon at the Sessions of the Peace at which the Indictment shall be preferred against him, unless the Court shall, upon any sufficient Ground, postpone the pleading to such Indictment or such Trial; and then and in such Case the Person indicted shall remain in Custody, unless sufficient Bail shall be given, to the Satisfaction of the Court for his Appearance and answering to such Indictment at the Time appointed for the Pleading to or Trial thereof, without further Notice.

Persons committed, to plead and proceed to Trial upon the Indictment being found; or if Trial postponed, to remain in Custody, unless bailed.

XI. And be it further enacted, That it shall be lawful for any Justice of the Peace or Magistrate, or for any Person acting under any Warrant of any Justice of the Peace or Magistrate, to order any Assembly consisting of Ten or more Persons met together on any Common or Field, or any other open or inclosed Ground, in the Night, that is to say, between the Hours of Eight of the Clock in the Evening and Six in the Morning, from the First Day of *October* to the First Day of *February*, or between the Hours of Ten at Night and Four in the Morning, from the First Day of *February* to the First Day of *October*, which such Justice of the Peace may suspect to be assembled for any unlawful Purpose, to disperse; and if the Justice of the Peace or Magistrate, or the Person having such Warrant, shall not, upon the View of such Assembly or otherwise, be satisfied that such Persons are assembled upon some lawful Occasion, and shall in consequence thereof order such Assembly to disperse, and such Persons shall not upon such Order disperse, then and in such Case such Assembly shall be deemed an unlawful Assembly, and the Persons there remaining together after such Order may be arrested and detained, and dealt with as any Persons found at any unlawful Meeting may be dealt with under the Provisions of this Act.

Justices may disperse unlawful Assemblies.

Juſtices of detached and adjoining Counties to have concurrent Juriſdiction in ſuch Counties.

XII. And be it further enacted, That all the Juſtices of the Peace acting in and for the ſeveral Counties ſpecified in this Act or in any Proclamation to be iſſued under this Act, or any Counties next adjoining thereto, ſhall have concurrent Juriſdiction as Juſtices of the Peace in all Caſes as to the carrying into Execution the Proviſions of this Act, and as to all Matters and Things relating to the Preſervation of the Public Peace, as fully and effectually as if each of ſuch Juſtices was in the Commiſſion of the Peace of each of ſuch Counties, and had duly qualified by Law to act therein.

His Majeſty empowered to appoint certain Perſons Juſtices of Peace.

XIII. And be it further enacted, That it ſhall be lawful for His Majeſty to appoint by any Commiſſion or Commiſſions under the Great Seal of the United Kingdom, or under the Seal of the County Palatine of *Lancaſter*, to be made out from Time to Time for that Purpoſe, any Perſon being the Son of any Peer or Lord of Parliament, or of any Perſon having a Qualification to ſit in Parliament, in the Counties within the Proviſions of this Act, or either of them, or in any County adjacent to any ſuch County, although not the eldeſt Son or Heir Apparent, to be and act as Juſtices of the Peace in and for the ſeveral Counties or Ridings ſpecified in this Act, or which may hereafter be ſpecified in any Proclamation under this Act, or any Counties or Ridings next adjoining thereto, for carrying into Execution the Proviſions of this Act, and the Preſervation of the Peace in ſuch Counties or Ridings during the Continuance of this Act, although ſuch Perſon may not be duly qualified by Law in reſpect of Property under any Act of Parliament now in force relating to the Qualification of Juſtices of the Peace to act as a Juſtice of the Peace, and every ſuch Commiſſion ſhall ſtate that the Perſons appointed Juſtices therein are ſo appointed under the Proviſions of this Act, and no ſuch Commiſſion ſhall extend or be deemed or conſtrued to extend to abrogate, annul, or ſuperſede, or in any Manner to affect any other Commiſſion or Commiſſions of the Peace which may be in force or may hereafter be iſſued in or for any ſuch County or Counties, or Riding or Ridings; and all Perſons ſo appointed ſhall take all ſuch Oaths as are by Law required to be taken by any Juſtices of the Peace, except the Oath of Qualification as to Property; and ſuch Oaths may be taken before the Lord High Chancellor, or the Chief Juſtice of His Majeſty's Court of King's Bench, or the Chief Juſtice of the Common Pleas, or Chief Baron of the Exchequer, or any Judge of any of His Majeſty's Courts of Record at *Weſtminſter*, or any Two Juſtices of the Peace of the County or Riding, or any one of the Counties or Ridings for which any ſuch Perſon ſhall be appointed, (who are hereby ſeverally and reſpectively authorized to adminiſter the ſame), and all Perſons ſo appointed and having taken ſuch Oaths as aforeſaid ſhall be and be deemed to be to all Intents and Purpoſes Juſtices of the Peace for the Counties or Ridings for which they ſhall be ſo appointed, without any further or other Qualification whatever, as fully and effectually to all Intents and Purpoſes as if they were included in the general Commiſſions of the Peace for the Counties or Ridings for which they are appointed, and were duly qualified, and had duly qualified according to Law to act as Juſtices of the Peace in ſuch Counties or Ridings.

Juſtices to appoint Special Conſtables.

XIV. And be it further enacted, That it ſhall be lawful for the Juſtices of the Peace aſſembled at any Special or General or Quarter Seſſions of

the Peace, to appoint any such Persons as may appear to them to be fit and proper to be denominated Special Constables for any Hundred or Hundreds, or Division or Divisions of any County, or for any Part of any Hundred or Division of any County, although the same may consist of several Parishes, Townships, or Places; and all such Special Constables shall be subject to the general Controul and Superintendence of the Chief Constable of the Hundred or Division for which they shall be appointed to act, provided that no Person shall be appointed such Special Constable as aforesaid without his Consent.

Offenders may be indicted if not prosecuted under this Act.

XV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prevent any Prosecution by Indictment or otherwise for any Thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the Offender shall have been prosecuted for such Offence under this Act, and convicted or acquitted of such Offence; save only that no Person shall be prosecuted under the Provisions of this Act, for having been before the passing of this Act a Member of any Assembly or Association by this Act declared to be unlawful, if such Person shall not in any Manner have acted against the Provisions of this Act after the passing thereof: Provided always, that nothing herein contained shall extend to discharge any Person in Custody at the passing of this Act, or who having been in Custody shall have been discharged on Bail or Recognizance, from any Prosecution which might have been had against such Person if this Act had not been made.

Persons in Custody or on Bail at passing this Act still liable to Prosecution.

Penalty for permitting unlawful Meetings.

XVI. And be it further enacted, That if any Person shall knowingly permit any Meeting of any Assembly or Meeting hereby declared to be unlawful, or of any Division, Branch, or Committee of such Assembly or Meeting, to be held in his or her House or Apartment, such Person shall for the First Offence forfeit the Sum of Ten Pounds, and shall for any such Offence committed after the Date of his or her Conviction for such First Offence, be deemed guilty of a Misdemeanor.

Justices on Oath of an unlawful Meeting being held, may declare the Licence of the House forfeited.

XVII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting for any County, Riding, Division, City, Town, or Place, upon Evidence on Oath that any Meeting of any Assembly, Meeting, or Association by this Act declared to be unlawful, or any Meeting for any unlawful Purpose mentioned in this Act, hath been held after the passing of this Act at any House, Room, or Place, licensed for the Sale of Ale, Beer, Wine, or Spirituous Liquors, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors granted to the Person or Persons keeping such House, Room or Place, to have been forfeited; and the Person or Persons so keeping such House, Room or Place, shall from and after the Notice of such Adjudication as aforesaid, be subject and liable to all and every the Penalties and Forfeitures for any Act done after that Day, which such Person or Persons would be subject and liable to if such Licence or Licences had expired or otherwise determined on that Day.

XVIII. And

Act to extend to certain Counties, and others by Proclamation.

XVIII. And be it further enacted, That this Act, and all the Provisions thereof, shall extend to the several Counties of *Chester* and *Lancaster*, and the West Riding of *Yorkshire*, and such other Counties or Ridings in *England* as His Majesty shall from Time to Time, upon the Representation made by any General Meeting of the Lieutenancy of any County or Riding in consequence of any Disturbance therein, by any Proclamation made by and with the Advice of His Privy Council, declare to be so disturbed as to make it necessary that the Provisions of this Act should be enforced therein; and then and in such Case this Act shall be in full Force as to any such County or Counties or Ridings, from the Day specified in any such Proclamation, as if such County or Riding had been mentioned in this Act.

His Majesty may alter Provisions of Act.

XIX. Provided always, and be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by Proclamation, to declare that this Act shall be no longer in force in any Counties specified in this Act, or in any County to which the Provisions of this Act shall have been extended by Proclamation as aforesaid, and from and after the Period specified in any such Proclamation, the Powers of this Act shall no longer be in force in such County: Provided always, that nothing herein contained shall prevent or be construed to extend to prevent His Majesty upon such Representation, and by such Advice as aforesaid, declaring by Proclamation any such County to be again within the Powers of this Act.

Continuance of Act.

XX. And be it further enacted, That this Act shall continue in force until the Twenty-fifth Day of *March* One thousand eight hundred and thirteen, and no longer.

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