

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. XVII.

An Act for the more effectual Preſervation of the Peace, by enforcing the Duties of Watching and Warding, until the Firſt Day of *March* One thouſand eight hundred and fourteen, in Places where Diſturbances prevail or are apprehended.

[20th *March* 1812.]

WHEREAS conſiderable Numbers of diſorderly Perſons have for ſome Time paſt aſſembled themſelves together, on different Occaſions, in a riotous and tumultuous Manner, in ſeveral Parts of the County of *Nottingham*, and in the Town and County of the Town of *Nottingham*, and in the adjoining Counties, and have had Recourſe to Meaſures of Force and Violence, and have actually committed various Acts of Outrage in different Parts of the ſaid Counties, whereby the Property of many of His Majeſty's Subjects has in ſeveral Inſtances been wholly deſtroyed, and their Lives and Properties are ſtill endangered: And whereas the giving more prompt Means, and more effectual Powers for enforcing the Duties of Watching in the Night-time, and Warding in the Day-time, will tend to the Preſervation of the Peace, and to the Protection of the Perſons and Properties of the Inhabitants of the ſaid Counties, and of any other Counties in which ſimilar Outrages may be committed: May it therefore pleaſe Your 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

Custos Rotulorum or Sheriff or Justices to convene a Special General Sessions for the Execution of this Act.

this present assembled, and by the Authority of the same, That the Custos Rotulorum, or in his Absence the Sheriff, or any Five Justices of the Peace acting in and for any County in that Part of the United Kingdom called *England*, may, from Time to Time, and as often as Occasion shall require, in case any Disturbances or Offences against the Peace prevailing or being apprehended within the County, shall in his or their Opinion render the Execution of this Act advisable and necessary, by Order under his or their Hands and Seals respectively, direct the Clerk of the Peace acting for the County, or his lawful Deputy, to convene and assemble a Special General Sessions of the Justices of the Peace acting in and for the County, by Notice given in some Newspaper circulating in the County, and put up upon the Church Doors and conspicuous Places of the Market Places, if any, of the several Parishes, Towns, and Places in which such Disturbance shall be or are apprehended, Two Days at the least before the Time fixed for the Meeting, to take into Consideration, and to determine upon the Expediency of carrying into Effect all or any of the Powers and Provisions of this Act; and the Justices so assembled may adjourn the said Special General Sessions, and so from Time to Time as Occasion may require.

Justices in Special General Sessions to adjudge and declare the State of the Peace in the County, and the Expediency of executing this Act.

II. And be it further enacted, That in case it shall appear to the Justices of the Peace at any such Special General Sessions so assembled as aforesaid, that Disturbances prevail or are apprehended in the County, within any Parish, Township or Place, situated within their respective Jurisdictions, and that the ordinary Officers appointed for preserving the Peace are not sufficient for the Protection of the Inhabitants and Security of the Property being or lying in the Parish, Township, or Places where such Disturbances prevail or are apprehended, then and in any such Case it shall be lawful for the said Justices, not being less than Five, and they are hereby empowered to adjudge and declare, that the Officers ordinarily appointed are insufficient for the Preservation of the Peace, and for the Protection of the Inhabitants, and the Security of the Property being or lying in any such Parish, Township, or Place; and that every Man residing within any such Parish, Township, or Place, above the Age of Seventeen Years, and charged or assessed to the Rate for the Relief of the Poor therein, shall be subject and liable to the Duties of Watching by Night and Warding by Day, according to the Provisions of this Act; and thereupon to authorize and order the Powers and Provisions of this Act to be carried into Execution within every or any such Parish, Township or Place, and forthwith to give Notice of such their Adjudication and Orders to His Majesty's Principal Secretary of State for the Home Department, and Notice of such Adjudication shall also be published by the Clerk of the Peace in some one or more Newspaper or Newspapers usually circulating in the County.

Justices to summon Witnesses, and to make Compensation to them.

III. And be it further enacted, That it shall be lawful for any Justice of the Peace acting in and for any such County, by Summons under his Hand and Seal, to cause to come before any such Special General Sessions so assembled as aforesaid, any Person or Persons whomsoever, to give Evidence, and to be examined concerning any Matters relating to the Execution of this Act; and the Justices at every such Special General Sessions, are hereby authorized and empowered to order the Treasurer of the County to pay out of the County Rates to every Person so summoned

or required to give Evidence as aforesaid, such Sum or Sums of Money as by the Justices at their said Special General Sessions, may be adjudged to be a proper and reasonable Compensation for his, her, or their Loss of Time, Trouble, and Expences; and if any Person so summoned as aforesaid, shall neglect or refuse to appear at the Time appointed by such Summons, and no just or reasonable Excuse shall be made, or sufficient Cause assigned for such Absence; or if any Person appearing upon any such Summons shall refuse to be examined upon Oath, it shall be lawful for the Justices present at such Special General Sessions, by Warrant under the Hands and Seals of any Two of them, to commit any such Person so neglecting or refusing to appear, or refusing to be examined, to the Common Gaol or House of Correction of the County, for any Time not exceeding Three Months.

Justices in Special General Sessions to order Chief Constables to require Lists to be made by Petty Constables, of all Men above the Age of 17 Years paying Poor Rates, to be returned to Petty Sessions

IV. And be it further enacted, That the said Justices in such Special General Sessions shall order Notice of such their Adjudication to be given by the respective Chief Constables to the several Constables of every Parish, Township, or Place in which the Powers and Provisions of this Act are required to be enforced by any such Adjudication as aforesaid, and to the Special Constables, if any shall have been appointed under this Act, and to issue Precepts requiring from the said Constables, within such Time as shall be required by the Justices, not exceeding Three Days after such Notice, a fair and true List of the Names, Occupations, and Ages of all the Men usually and at that Time dwelling within their respective Parishes, Townships, or Places, above the Age of Seventeen Years, and who are charged or assessed to the Rates made for the Relief of the Poor therein, and to return the same to the said Justices, or to any Two of them, assembled in such Special or Petty Sessions as shall or may be appointed to be held for receiving the same.

Constables to demand Copies of Assessments.

V. And be it further enacted, That it shall be lawful for every Constable required to return or assist in the making out any such List as aforesaid, to demand from the respective Overseer or Overseers of the Poor of every such respective Parish, Township, or Place, a true Copy of the Assessment last made for the Relief of the Poor therein, or the Inspection and Use of such Assessment, for making a Copy or Copies of the same, or any Part thereof, or Extracts thereof; and in case any such Overseer or Overseers shall neglect or refuse, by the Space of Twenty-four Hours, to deliver such Copy of the said Assessment, if the same shall be demanded, or shall refuse the Inspection and Use of such Assessment, he or they shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Overseers neglecting to deliver same to forfeit 10 l.

Constables to return Lists of Persons liable, and to give Notice to the Parties specifying Time and Place of Appeal.

VI. And be it further enacted, That every such Constable shall, and he is hereby required, within such Time as shall be prescribed by the said Justices, to make out a true List of every Man within the Parish, Township, or Place, or any Part thereof, for which he shall be required to make out such List, above the Age of Seventeen Years, and rated as aforesaid, and shall to every such Person deliver a Notice according to the Form contained in the Schedule hereto annexed, marked (A.), specifying that his Name is contained in such List; and mentioning the Time and Place appointed by the Justices for hearing Appeals by Persons claiming to be exempt from the Duties required or enjoined by this Act.

Juſtices may require Attendance of Conſtables, and a Return of Liſts.

Penalty for Non-attendance or Miſconduct.

VII. And be it further enacted, That the ſaid Juſtices of the Peace, or any Two of them, may from Time to Time iſſue their Order under their Hands and Seals, requiring the Attendance of any Conſtable or other Officer of any ſuch Pariſh, Townſhip, or Place, at ſuch Time and Place within the ſaid County, as ſhall in ſuch Order be expreſſed; and if any ſuch Conſtable or Officer ſhall without ſufficient Excuſe neglect to appear according to ſuch Order, or to return any Liſt which ſhall have been taken by him under this Act, or ſhall in making ſuch Return be guilty of any Fraud or wilful Partiality or groſs Neglect, he ſhall for every ſuch Offence be liable to forfeit a Sum not exceeding Twenty Pounds, nor leſs than Forty Shillings.

Juſtices may require new Liſts if the Originals are loſt or deſtroyed.

VIII. And be it enacted, That if any ſuch Liſt of any Pariſh, Townſhip, or Place be loſt or deſtroyed, any Two Juſtices of the Peace for the County within which any ſuch Pariſh, Townſhip, or Place is ſituated, may at any Special or Petty Seſſions, order and cauſe a new Liſt to be made and returned to them as aforeſaid, at ſuch Time as they may appoint.

Conſtable to verify Returns on Oath.

Juſtices to amend Liſts and arrange the order of Watching and Warding,

IX. And be it enacted, That the Conſtables who ſhall have made any ſuch Liſts, ſhall ſeverally attend and verify the ſaid Returns on Oath, on ſuch Day and at ſuch Place as may be appointed; and the ſaid Juſtices at any Special or Petty Seſſions held for carrying this Act into Execution, or any Two or more of them, ſhall, after hearing any Appeals or Claims of Exemption, direct ſuch Liſts to be amended as the Caſe may require, and ſhall alſo direct the Names of all Perſons omitted to be inſerted; and after amending the ſaid Liſts, ſhall appoint ſuch Number of Inhabitants ſo liable to undertake and execute the ſaid Duties of Watching and Warding, as the ſaid Juſtices ſhall think neceſſary to keep Watch in every ſuch Pariſh, Townſhip, or Place, every Night from Sun-ſet until Sun-riſe, and alſo to keep Ward during the Day-time, if need in their Judgment ſhall require (reaſonable Regard being had to the Extent and Population of the ſaid Pariſh, Townſhip, or Place); and ſhall alſo determine, ſettle, and arrange, the Order, Rotation, and Time, in which every Perſon ſo liable to the Duty of Watching and Warding, ſhall undertake and perform the ſame, and regulate the Manner in which the ſaid Duty ſhall be performed.

Where it ſhall appear that the Number of Perſons rated to the Poor Rate in any Place are not ſufficient for Watching and Warding, Juſtices to require other Liſts.

X. Provided always, and be it further enacted, That it ſhall be lawful for the Juſtices of the Peace, in any Caſe in which it ſhall appear to them that the Number of Perſons rated to the Poor Rates in any Pariſh, Townſhip, or Place, is not ſufficient for the Duty of Watching and Warding under this Act, to require any other Liſts, and appoint any ſuch Number of other Perſons as may appear to them to be neceſſary to perform the Duty of Watching and Warding under the Proviſions of this Act; who ſhall be thereupon liable to perform ſuch Duty, and ſubject to all the Proviſions, Powers, Authorities, Forfeitures, Penalties, and Proviſions of this Act, as if they had been returned in the Liſts of the Perſons rated to the Poor; and it ſhall be lawful for the ſaid Juſtices to allow to ſuch Perſons ſuch Compenſation for their Services as may appear to them to be reaſonable and proper, to be paid in like Manner as any Compenſation to Perſons Watching and Warding is directed by this Act to be paid.

XI. And

XI. And be it further enacted, That if any Perſon whoſe Name ſhall be inſerted in any ſuch Liſt or Liſts as aforeſaid, ſhall think himſelf aggrieved thereby, or by the Omiſſion of any other Names, or ſhall claim to be exempted from ſerving, he may make Appeal to the Special or Petty Seſſions appointed for hearing ſuch Appeals; and that the Juſtices of the Peace then and there preſent, or any Two or more of them, may hear and determine the ſame; and in caſe the ſame Appeals cannot be heard on the Day appointed, they may adjourn to any other Day or Days. Perſons aggrieved may appeal to the Petty Seſſions.

XII. And be it enacted, That it ſhall be lawful for the ſaid Juſtices, at any Special or Petty Seſſions, to appoint ſuch Number, and of ſuch Perſons, whether rated or reſident in the Pariſh or Place, or not, as to them ſhall appear fit and proper, to be denominated Special Conſtables, who (in conjunction with or independent of the Conſtables for the Time being), or One or more of them, according to the Order of the ſaid Juſtices, ſhall direct, regulate and manage, from Time to Time, all Perſons engaged or employed in keeping Watch or Ward: Provided always, that the ſaid Special Conſtables, and all the ſaid Perſons ſo engaged or employed in Watching or in Warding, ſhall be ſubject to the general Superintendence and Controul of the Chief Conſtable in and for the Hundred or Diviſion in which each of the ſaid Pariſhes, Townſhips or Places is reſpectively ſituated; provided that no Perſon, not reſident in the Pariſh or Place for which he ſhall be ſo appointed a Special Conſtable, ſhall be obliged to ſerve as ſuch againſt his Conſent. Special Seſſions to appoint Special Conſtables, to regulate Watch and Ward.

XIII. Provided always, and be it further enacted, That if it ſhall appear to the Cuſtos Rotulorum, or Sheriff or Juſtices aforeſaid, who ſhall direct the convening and aſſembling of any Special General Seſſions as aforeſaid, that the Circumſtances under which they convene ſuch Seſſions, make it adviſeable that Watching and Warding ſhould be enforced with as little Delay as poſſible, if the Juſtices aſſembled at the Special General Seſſions ſhould deem the Execution of the Act neceſſary, it ſhall be lawful for ſuch Cuſtos Rotulorum, or Sheriff, or Juſtices, to give Notice to the Conſtables, and appoint other Special Conſtables, and require Liſts and hear Appeals, and do all ſuch Acts, Matters, and Things, and uſe and exerciſe all Powers and Authorities for the completing of every Act, Matter, and Thing neceſſary, for the more ſpeedy Execution of the Act, if the Special General Seſſions ſhall upon aſſembling deem it neceſſary to put the Proviſions thereof in force; and all the Penalties, Forfeitures and Regulations in this Act, ſhall be applied for the enforcing ſuch Directions of the Cuſtos Rotulorum, Sheriff, or Juſtices aforeſaid, as if the Special General Seſſions had adjudged the Act to be carried into Execution; and in the mean Time, it ſhall be lawful for any Two of the ſaid Juſtices to appoint Special Conſtables for the Purpoſe of Watching and Warding; and alſo to appoint any other Perſons who may be willing to undertake the ſaid Duty, until the Determination of the Special General Seſſion ſhall be known; and to direct the Payment to ſuch Conſtables and Perſons reſpectively, of Compenſation in Manner directed by this Act, as if the Proviſions thereof were in force under the Adjudication of the Special General Seſſions. The Cuſtos Rotulorum, or Sheriff, may direct the Act to be put in Execution before the Special General Seſſions are met.

XIV. And be it further enacted, That the Chief Conſtable of every Hundred or Diviſion ſhall, once at leaſt in every Week, or as often as the ſaid Juſtices ſhall direct, viſit every Pariſh, Townſhip, or Place, in which Chief Conſtables to viſit and to report to Special Seſſions.

which Watch and Ward shall be carried on under the Provisions of this Act; and shall diligently inquire respecting the Manner in which the said Duties of Watching and Warding have been carried into Effect within the said several Parishes, Townships, or Places, and shall make and deliver a faithful Report of the same, and of all Matters relating to the Preservation of the Peace, in Writing, to the Justices at their respective Special or Petty Sessions.

Persons refusing to Watch or Ward liable to Penalty.

XV. And be it enacted, That if any Person so appointed to Watch or to Ward, shall neglect or refuse to appear at such Time and Place as shall be appointed by the Constable or Special Constable or Constables of the Parish, Township, or Place, for the Performance of the said Duties, or either of them, or shall neglect or refuse to proceed according to the Directions and Orders of the Constable, or of the Special Constable or Constables of any such Parish, Township, or Place, in the regular and punctual Performance of the said Duty, every such Person so neglecting or refusing, who shall not prove to the Satisfaction of the Magistrate that he was prevented by Illness, or such other unavoidable Accident as shall in the Judgement of the Justices be a sufficient Excuse, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Neglect or Refusal: Provided nevertheless, that the said Justices of the Peace, or any Two of them, at the said Special or Petty Sessions, may exempt and discharge from the Duty of Watching or Warding any Man exceeding the Age of Fifty Years, and not occupying Lands or Tenements of the yearly Value of Twenty Pounds.

Justices may exempt Persons above Fifty Years of Age, not occupying 20l. a Year.

Persons to provide Substitutes, approved by Petty Sessions or Chief Constables.

XVI. Provided also, and be it further enacted, That no Person, who shall have found a sufficient Substitute, to be approved by the said Justices in the said Special or Petty Sessions, or by the Chief Constable of the Hundred or Division in which the said Parish, Township, or Place shall be situate, and who shall have inrolled the Name, Age, Occupation, and Place of Abode of such Substitute in the Book of the Constable or his lawful Deputy, within the said Parish, Township, or Place, shall be liable to any such Forfeiture; but that every such Substitute, so appearing and so being inrolled, shall be subject to the same Duties and Authorities, and also to the same Penalties for neglecting or refusing to execute the same, or obey such Authorities, as if he had been personally subject to keep Watch and Ward; unless he shall give Notice in Writing of his Intention to withdraw his Services as a Substitute, both to the said Constable and his said Employer, at least Two Days before the Time when the Services of the said Substitute would become necessary, according to the Rotation or Succession established within the said Parish, Township, or Place.

Constables, at the Expence of Parishes, to provide necessary Arms, &c. by the Direction of Special Sessions.

XVII. And be it further enacted, That the Constables of Parishes, Townships, or Places, shall, at the Expence of the same, provide Rattles, Staves, Lanthorns, and such Weapons, Arms, and Accoutrements, as the said Justices shall at their said Special or Petty Sessions direct, for the Use of every Person so keeping Watch or Ward; such Arms and Articles to be delivered to every Person who shall undertake the said Duty of Watching or Warding, and to be returned by every such Person to the Special or other Constable of the Watch, as soon as any such Person shall cease to be engaged or employed in the said Duties of Watching or Warding; and shall also provide, at the like Expence of the said Parishes, Townships, or

Places,

Places, such Watch House or Watch Houses, or other Accommodations and Conveniencies as the said Justices shall in like Manner adjudge necessary or expedient; and all such Expences shall be paid out of the Poor Rates of each Parish or Township, or if more Parishes or Townships than One, out of the Poor Rates of the several Parishes or Townships, and shall be raised and contributed in such Proportions as shall be settled by the Justices at Special or Petty Sessions; subject nevertheless to Revision, and any such Alteration as may appear to be proper by the Justices assembled at the next or any subsequent Special General Sessions, in case any Parish shall think the Proportions are not properly regulated by the Justices at such Special or Petty Sessions.

Duties of Persons engaged to Watch and Ward.

XVIII. And be it enacted, That every Person so appointed to Watch or to Ward, shall, during his respective Time of Watching or Warding, to the utmost of his Power, endeavour to prevent all Murders, Burglaries, Robberies, Affrays, and all Felonies, Outrages, and Disorders; and for that End, each and every of them is hereby authorized and empowered to arrest and apprehend all Nightwalkers, Malefactors, Rogues, Vagabonds, and other loose, idle, disorderly, and suspicious Persons, who shall be found within the Precincts or any Part of his said Parish, Township, or Place, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable, or to some One of the Special Constables for the said Parish, Township, or Place, at the Watch House, or if there be no Watch House, at such other House or Place of Security as may be appointed for the Reception and Detention of such suspicious Persons or Offenders by the Constable of the said Parish, Township, or Place, until he, she, or they can be conveniently carried before some or one of His Majesty's Justices of the Peace acting for the County in which such Parish, Township, or Place is situated.

Watchmen to assist those in neighbouring Districts.

XIX. And be it further enacted, That in case any One or more of the Persons keeping Watch or Ward within any Parish, Township, or Place, shall want any Assistance to enable him or them to perform any Part of the Duty hereby required to be done by him or them, then and in every such Case any other of the Persons keeping Watch or Ward in the same or any adjoining Parish, Township, or Place, having Knowledge or Notice thereof by the Rattle, or by other Signal, Outcry, or otherwise, shall and may, and is hereby required immediately to repair to and assist, by the best Ways and Means in his or their Power, and as the Case may require; but that no Person, during the Time of keeping Watch or Ward as aforesaid, shall absent himself from his particular Stand or Walk, without the Consent and Direction either of the Constable or the Special Constable of the Night, unless on some such Occasion or Occasions as is or are above expressed, or for the Suppression of some Disorder of which he shall be an Eye or Ear Witness on some adjoining Stand or Walk, in the Absence of the Persons keeping Watch or Ward on the said adjoining Walk or Stand, nor longer on any of the said Occasions than the Necessity of the Case may require.

Constables to report the Conduct of Persons watching or warding.

XX. And be it further enacted, That every Constable or Special Constable so intrusted as aforesaid with the Direction, Regulation and Management of such Persons as may be required to perform the Duties of Watching or Warding shall respectively on every Night of such Watching, and on every Day of such Warding, diligently observe and examine the Behaviour and Conduct of every Person so engaged or employed under him.

him in Watching or Warding; and shall enter in a Book to be kept for this Purpose the Name of every such Person, with the Hours of his Attendance, and with Remarks upon his Conduct, specifying whether he has been attentive and diligent, or disobedient and remiss in the Duty of Watching or Warding; and such Constable or Special Constable shall, once in every Week, or oftener if required, deliver such Book, containing such Report, and such other Observations as may arise in the Discharge of his Duty, to the Chief Constable of the Hundred or Division in which such Parish, Township, or Place is situated, or to such Person as the said Justices in such Special or Petty Sessions shall appoint to receive the same.

Magistrates in Cities, &c. having exclusive Jurisdiction to execute the Act within their respective Jurisdictions.

XXI. And be it further enacted, That the Magistrates of any City, Borough, Town, or Place, having exclusive Jurisdiction as Justices of the Peace for the Preservation thereof within their respective Cities, Boroughs, Town, and Place, shall have full Power and Authority to carry this Act into Execution within the Limits of their respective Jurisdictions; and it shall be lawful for any Two Magistrates to make any Adjudication or Order, or do any Act, Matter, or Thing for which any greater Number of Justices is required by the Provisions of this Act, as to any County; and it shall be lawful for the Town Clerk of any such City, Borough, Town, or Place, if there shall be any such Officer therein, or if there shall be no such Officer, for any Person appointed by the Magistrates in that Behalf, to give any Notice required to be given by the Clerk of the Peace, for assembling any Special General Sessions; and all the Clauses, Provisions, Powers, Authorities, Penalties, and Forfeitures in this Act contained and enacted as to any Counties, and Justices acting in any Counties, and as to carrying this Act into Execution within any County, shall extend and be construed to extend to all Cities, Boroughs, Towns, and Places, the Magistrates whereof have exclusive Jurisdiction as Justices of the Peace, as fully and effectually as if all such Clauses, Provisions, Powers, Authorities, Penalties, and Forfeitures were severally and separately re-enacted as to such Cities, Boroughs, Towns, and Places.

Cities, &c. having separate Rate for Police may continue to execute the Act on those Rates, and shall not be liable to a County Rate.

XXII. Provided always, and be it further enacted, That in every Case in which the Expences attending the Police or Preservation of the Peace in any City, Borough, Town, or Place within any County, shall have been paid out of any Rate or Assessment made in such City, Borough, Town, or Place, distinct from any Rate levied on the County, although the Magistrates in such City, Borough, Town, or Place, shall not have any exclusive Jurisdiction as Justices of the Peace, it shall be lawful for the Magistrates and Justices of the Peace within such City, Borough, Town, or Place, to carry this Act into Execution within such City, Borough, Town, or Place, and to regulate the Payment of all Expences arising therefrom, separate and distinct from the County within which such City, Borough, Town, or Place shall be situate; and no City, Borough, Town, or Place, or Parish therein, in which any such Rate or Assessment shall have been raised or levied for the carrying this Act into Execution, or in which the Expence of carrying this Act into Execution shall have been paid out of the Poor or other Rates raised in the Parishes of such City, Borough, Town, or Place, shall be liable to contribute to the raising of any Rate for the County at large, for the carrying this Act into Execution, nor shall any such Rates be levied in any Parish or Part of any such City, Borough, Town, or Place, beyond the local Limits wherein the Duties

of

of Watch and Ward ſhall be performed under the Proviſions of this Act, any Thing in this Act, or in any other Act or Acts of Parliament to the contrary notwithſtanding.

Powers, &c. given to Conſtables, extended to Headboroughs, Tythingmen, &c

XXIII. And be it further enacted, That all Powers, Authorities, and Duties, Proviſions, Clauſes, Regulations, Forfeitures, and Penalties in this Act contained, in relation to Conſtables, ſhall extend and be conſtrued to extend to every Headborough, Borſholder, Tythingman, or other Officer performing the Duty of Conſtable, by whatever Name ſuch Officer may be called, as fully as if every ſuch Officer was repeated in the ſeveral Clauſes relating to Conſtables in this Act.

Proviſions of this Act to extend to Diviſions of Places.

XXIV. And be it further enacted, That all the Proviſions in this Act contained, in relation to any County, ſhall extend to any Riding or Diviſion within or for which ſeparate General or Quarter Seſſions are held, and it ſhall be lawful for the Juſtices of the Peace in any County, City, Borough, Town, or Place, to add any Extra-parochial Place to any Pariſh for the Purpoſes of this Act; and all the Proviſions in this Act contained in relation to Pariſhes ſhall extend to all Townſhips or other Diviſions of Pariſhes, and to all extra-parochial Places added to any Pariſhes for the Purpoſes of this Act, as fully and effectually as if all the Proviſions, Clauſes, Powers, Authorities, Regulations, Penalties, and Forfeitures in this Act contained had been ſeverally and ſeparately enacted, as to ſuch Townſhips, Diviſion of Pariſhes, or extra-parochial Places; and all Conſtables and Special Conſtables, and other Officers performing the Duties and having the Authority of Conſtables, ſhall have full Power and Authority in any ſuch Extra-parochial Place; and where there ſhall be no Rates levied in any ſuch Extra-parochial Places, either for the Payment of any Expences of Police, or Preſervation of the Peace, or for the Relief of the Poor, out of which any of the Expences of putting this Act into Execution can be paid, it ſhall be lawful for the ſaid Juſtices to cauſe Rates to be made and levied in ſuch Extra-parochial Places for the Payment of ſuch Expences, ſo that ſuch Extra-parochial Places ſhall bear their fair Proportion of Expence with the Pariſh or Pariſhes to which they ſhall be added; and all Conſtables and others required to make and collect ſuch Rates ſhall have ſuch and the like Powers and Authorities for the aſſeſſing, rating, levying, and collecting the ſame as any Overſeers of the Poor have by Law for the making and levying any Rate for the Relief of the Poor, as if all ſuch Powers and Authorities, and Penalties and Forfeitures for any Neglect, were ſpecially enacted in this Act as to ſuch Rates.

Rates may be levied in Extra-parochial Places.

Conſtables to apprehend Offenders out of their Juriſdiction.

XXV. And be it further enacted, That it ſhall be lawful for any Conſtable or Special Conſtable, in any Caſe in which any Perſon offending againſt this Act ſhall upon Purſuit eſcape out of the Juriſdiction of ſuch Conſtable upon ſuch Purſuit, to apprehend ſuch Offender at any Place, although out of his Juriſdiction, and do all Acts, Matters, and Things, and exerciſe all ſuch Authorities, and enjoy all ſuch Privileges in relation to the Apprehenſion and Arreſt of any ſuch Offender, as if he had been taken and apprehended within the Juriſdiction of ſuch Conſtable.

Compenſation to be made out of the Poor Rates to Special Conſtables

XXVI. And be it further enacted, That every Perſon watching or warding in the Capacity of ſuch Special Conſtable, ſhall, for every Night and for every Day during which he ſhall be ſo engaged, be entitled to receive

and other Persons watching and warding.

such Compensations or Allowances as the Justices of the Peace, at any Special General Sessions so held as before mentioned, shall direct, for every Night and for every Day; and every other Person engaged in so watching or warding, shall (if his Behaviour shall have been satisfactory to the Constable or Special Constable of the Watch of that Parish in which he resides) be entitled to receive such Sum as the Justices at the said Special General Sessions shall direct, for every Night and for every Day which he shall be so employed; to be paid forthwith by the Constable of the said Parish, and repaid to the said Constable by the Overseer of the Poor of the said Parish, on being entered in a Book by such Constable, and delivered to such Overseer of the Poor, after having been verified upon Oath before any One Justice of the Peace for the said respective Counties, and certified in Writing by such Justice, as having been so verified upon Oath, and as having been examined and allowed by the said Justice: Provided always, that any Person from whom any such Compensation for watching or warding shall have been so withheld by any Constable, may appeal to any Justice of the Peace for the County in which such Complaint arose, whose Decision concerning the same shall be conclusive on all Parties.

Magistrates in Towns may allow Compensation out of Police or Poor Rates to Persons voluntarily associating to watch and ward.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the Magistrates or Justices of the Peace in any County, City, Borough, Town, or Place, in which any Disturbances against the Peace shall prevail or be apprehended, and in which any Number of Persons shall, with the Approbation of the Majority of such Magistrates assembled at any Special General Session of the Peace within such County, City, Borough, Town, or Place, have voluntarily assembled for the Purpose of Watching and Warding, and shall watch and ward under such Regulations as shall be approved of by such Magistrates as aforesaid, to allow to the Persons so watching and warding, (although such Watch and Ward shall not be carried on under the Provisions of this Act) such Compensation for their Time as shall appear to such Magistrates to be reasonable and proper, out of any Rate or Assessment levied on such County, City, Borough, Town, or Place, for the Police thereof, or out of the Poor or other Rates of the several or any of the Parishes thereof, in such Proportions as shall appear to them under all the Circumstances to be proper; and in any such Case it shall be lawful for the Persons authorized to assess and levy such Rates, to raise any Sum or Sums of Money necessary for paying such Compensation as aforesaid, by all such Powers, Authorities, and Provisions, and under such Forfeitures and Penalties for Neglect or Refusal to pay any such additional Rate or Assessment, as they are by any Act or Acts of Parliament, or Law or Laws, authorized to use, exercise, and put in force for raising the Rates out of which such Compensations are by this Act made payable; any Thing in any Act or Acts of Parliament, or Law or Laws to the contrary notwithstanding.

Penalty for assaulting Persons watching.

XXVIII. And be it further enacted, That if any Person or Persons shall assault or resist any Person watching or warding, whilst in the Execution of his Office, or shall promote or encourage the same, every such Person, for every such Offence shall, upon Conviction before a Magistrate, forfeit and pay any Sum not exceeding Twenty Pounds; and shall be also liable to such other Punishment upon Conviction, on any Indictment or Information, for such Offence, as any Persons are liable to for assaulting any Constable in the Execution of the Duties of his Office.

XXIX. And

XXIX. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain or permit any Person so engaged in watching or warding, to abide or remain in his House drinking or tippling during the Hours and Times directed for watching or warding, every such Victualler or Keeper of a Public House, shall for the First Offence forfeit and pay the Sum of Forty Shillings; and for the Second Offence the Sum of Five Pounds; and for the Third and every subsequent Offence the Sum of Ten Pounds. Victuallers liable to Penalty for harbouring Watchmen.

XXX. And whereas divers ill-disposed and suspected Persons resort to Towns and Villages, and frequent Places in which they have no fixed or permanent Residence, with Intention to seduce others to join in Disturbances against the Peace, or to aid and abet such Disturbances in other Counties and Places; and although their evil Purposes are sufficiently manifested, Justices of the Peace have no effectual Means of removing them; be it therefore enacted, That it shall be lawful for any Two Justices of the Peace, upon Information upon Oath by any Constable, or other credible Witness, that any Person not being an Householder in the Place, and not being legally settled therein, or a Native thereof, is in the Belief of such Constable, or other credible Witness, upon his Oath, dangerous to the Peace of the Place where he is resorting, or that he is endeavouring to seduce others to aid and abet Disturbances therein, or in other Places, to issue a Warrant to apprehend such Person, and to cause such Person to come before them, and to examine such Person upon Oath as to the Parish or Place where he was last legally settled, and the Place or Places where he has resided for some Time past, and as to his Means of Livelihood, and his Occupation and Employment, and Mode of living, and Reason for resorting to the Place where he is so found; and the Substance of such Examination shall be reduced to Writing, and signed by such Justices, and by the Person so examined, and shall be transmitted to the next General or Quarter Sessions of the Peace for the County, there to be filed and kept of Record; and if such Person shall not be able to give a satisfactory account of himself, and of his Way of living, and of his Reasons for resorting to the Place where he shall have been at the Time of such Information of such Constable, or other credible Witness as aforesaid, and it shall appear to the Satisfaction of the said Justices, upon any such Examination, or upon the Examination upon Oath of the Constable or other credible Witness (which Oaths the said Justices are hereby authorized to administer), that there is just Ground to believe that the Person so apprehended is engaged in Practices dangerous to the public Peace, then and in such Case it shall be lawful for the said Justices to order such Person forthwith to return, or if he shall refuse to obey such Order, to remove such Person to the Place of his legal Settlement, if the same can be ascertained, or if not to the Place where he shall have last resided, in like Manner as any Vagrants may now by Law be removed; and if such Person shall, after any such Order to return to his Place of Settlement or Residence, or Removal to such Place as aforesaid, return to the Place from which he shall have been so sent or removed as aforesaid, without shewing sufficient Cause, to be approved of by the said Justices; or if such Person shall, upon his Examination, refuse to answer; or if the Account which he has given of himself shall prove to be false, it shall be lawful for any Two Justices to adjudge such Person to be a Rogue and Vagabond, within the Intent and Meaning of the Statute made in the Seven- Justices may remove Persons suspected to be dangerous, &c.

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teenth Year of the Reign of His Majesty King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other ill-disposed and disorderly Persons, and the Houses of Correction.*

Constables to make out Lists of Persons above the Age of 14.

XXXI. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, to require the Constables in any Parish or Place to make out and deliver to them, within such Time as shall be required by such Justices, and as often as the said Justices shall deem the same to be necessary, just and true Lists of all Persons usually residing or then being within the Parish in which the List shall be required, above the Age of Fourteen; and for the Purpose of making such Lists, it shall be lawful for any such Constable to demand from each Householder within the Parish a true List or Account of the Christian and Surname of every Person then in the House of such Householder above the Age of Fourteen Years; and every Person who shall neglect or refuse, on the same being demanded, to give such List or Account to the Constable, or who shall knowingly give any false Account, shall forfeit for every such Offence any Sum not exceeding Five Pounds; and every Constable who shall neglect or refuse to make out and deliver such List to the Justices who shall demand the same, shall forfeit for any such Offence any Sum not exceeding Ten Pounds.

Persons thinking themselves aggrieved may appeal to the Quarter Sessions.

XXXII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by the Judgment of such Justices as aforesaid, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall have arisen, such Person, at the Time of such Judgment, entering into a Recognizance personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled: Provided always, that such Appeal shall not have the Effect of preventing in the meantime the Execution of the Judgment of the said Justices, unless the Party appealing shall produce Two sufficient Sureties, being Householders of the Parish in which he was apprehended, who shall enter into a Recognizance in such Amount as the said Magistrates shall approve to prosecute such Appeal, and for the good Behaviour of such Person until the Time of hearing the said Appeal.

Offenders to be convicted before One or more Justices.

XXXIII. And be it further enacted, That any Person or Persons guilty of any Offence for which any pecuniary Penalty or Forfeiture shall or may be incurred by this Act, shall and may be convicted thereof by Information upon the Oath of any One credible Witness, by any One or more Justices of the Peace acting in and for the County wherein such Offence shall be committed; and that all and every the pecuniary Penalties or Forfeitures which shall be incurred or become payable for any Offence or Offences against this Act, shall and may be levied by Distress under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County in which any such Offence or Offences was or were committed, or where the Forfeiture or Forfeitures was or were incurred; and shall, when levied, be paid, one Moiety to the Informer, and the other Moiety to the Poor of the Parish in which the Offence was committed; and in case of no sufficient Distress whereby to levy the Penalties, or any or either

Forfeitures to be levied by Distress.

either of them, imposed by this Act, it shall and may be lawful for any such Justice or Justices respectively, before whom the Offender or Offenders shall be convicted, to commit such Offender to the Common Gaol or House of Correction, to hard Labour, for such Time, not exceeding Three Months, as the said Justice or Justices in his or their Discretion shall think fit.

Form of Conviction.

XXXIV. And be it further enacted, That the Justice or Justices before whom any Person or Persons shall be convicted in Manner prescribed by this Act, shall cause every such respective Conviction to be drawn up in the Form or to the Effect specified in the Schedule to this Act, and marked (B); and the said Justice or Justices, before whom such Conviction shall be had or made, shall cause the same so drawn up in Form aforesaid, to be fairly written on Parchment, and transmitted to the next General Quarter Sessions, to be kept among the Records of the said Court; And in case any Person or Persons who shall hereafter be convicted of any of the Offences punishable by this Act, shall conceive him, her, or themselves to be aggrieved by such Conviction, then and in every such Case, it shall and may be lawful for such Person or Persons respectively, and he, she, or they shall or may appeal to any General Quarter Sessions of the Peace next holden after such Conviction in and for the said respective Counties, giving unto the Justice or Justices, before whom such Conviction shall be made, Notice in Writing, within Eight Days after any such Conviction of his, her, or their Intention to prefer such Appeal; and the said Justices, in their said General Quarter Sessions, shall and may, and they are hereby authorized and empowered to proceed to the Hearing and final Determination of the Matter of such Appeal, and to make such Order therein, and to award such Costs, to be paid by and to either Party, not exceeding Forty Shillings, as they in their Discretion shall think fit; which said Order shall be binding and conclusive on all Parties; and such Appeal, or the Subject Matter thereof, or any Order therein, shall not be removed by Writ or Writs of *Certiorari* or otherwise.

Appeal after Conviction to General Quarter Sessions.

General Special Sessions to suspend or discontinue the Execution of the Act.

XXXV. And be it further enacted, That the Justices of the Peace, at any Adjournment of their said Special General Sessions, or at any future General Special Sessions convened or assembled in like Manner as is hereinbefore mentioned, shall and may, according to their Discretion, suspend or discontinue the Powers and Provisions of this Act, in any or every of the Parishes, Townships, or Places, within their respective Jurisdictions; whenever it shall appear to them, upon sufficient Evidence, that the Disturbance of the Peace within any or every of the said Parishes, Townships or Places shall have effectually subsided or been suppressed, and that the Officers ordinarily appointed for the Preservation of the Peace are sufficient for that Purpose, as well as for the Protection of the Inhabitants therein, and the Security of the Property lying or being in any or every of the said Parishes, Townships, or Places; and shall thereupon give Notice thereof to His Majesty's Secretary of State for the Home Department.

Special Constables or Watchmen not to gain Settlement.

XXXVI. And be it further enacted, That no Person who shall be engaged or employed as a Special Constable or Watchman, for the Purposes of this Act, shall thereby gain or acquire a legal Settlement in any Parish, Township, or Place; any Law to the contrary notwithstanding.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or in any Manner to affect any Jurisdiction, Right, or Privilege, Claim or Custom, of either of the Two Universities of *Oxford* or *Cambridge*, but that the several Jurisdictions, Rights, Privileges, Claims, and Customs respectively, shall remain in full Force and Effect, any Thing in this Act contained to the contrary notwithstanding.

Limitation of Actions.

XXXVIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, that every such Action or Suit shall be commenced within Three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County wherein the Cause or alledged Cause of Action shall have accrued, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence on any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or shall be brought in any other County, City, or Place, that then and in such Case the Jury shall find for such Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become non-suited, 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 have 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.

General Issue.

Treble Costs.

Publick Act.

XXXIX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without specially pleading the same.

Act may be altered.

XL. And be it further enacted, That this Act may be altered, amended, or repealed, by any Act or Acts to be passed in this Session of Parliament.

Continuance of the Act.

XLI. And be it further enacted, That this Act shall remain and continue in force until the First Day of *March* One thousand eight hundred and fourteen, and no longer.

SCHEDULES

SCHEDULES to which this Act refers.

SCHEDULE (A.)

WATCHING and WARDING.

TAKE Notice, That your Name is inserted in the List; and Appeals will be heard on the Day of at

A. B.
Constable.

SCHEDULE (B.)

BE it remembered, That on this Day of in the Year of the Reign of His present Majesty, *A. B.* of is duly convicted before me [*or*, us] One of the Justices [*or*, Two of the Justices] of the Peace for the under an Act passed in the Fifty-second Year of the Reign of His present Majesty, intituled, *An Act* [*here insert the Title of this Act*] for that the said *A. B.* on at did contrary to the said Act: Wherefore, I [*or*, we] the said do adjudge that

Given under

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