

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. XXXI.

An Act for consolidating and amending the Laws in *England* relative to Remedies against the Hundred. [21st *June* 1827.]

WHEREAS it is expedient that the several Statutes now in force in that Part of the United Kingdom called *England*, relative to Remedies against the Hundred for the Damage occasioned by Persons riotously and tumultuously assembled, should be amended, and consolidated into One Act; and with that View the said Statutes are, by an Act of the present Session of Parliament, repealed, from and after the last Day of *June* in the present Year, except as to Offences and other Matters committed or done before or upon that Day: Be it therefore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 this Act shall commence on the First Day of *July* in the present Year. Commencement of Act.

II. And be it enacted, That if any Church or Chapel, or any Chapel for the Religious Worship of Persons dissenting from the United Church of *England* and *Ireland*, duly registered or recorded, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malt-house, Hop Oast, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture, or in any Branch thereof, or any Steam Engine The Hundred shall make full Compensation for the Damage done by Rioters in certain Cases.

or other Engine for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, shall be feloniously demolished, pulled down, or destroyed, wholly or in part, by any Persons riotously and tumultuously assembled together, in every such Case the Inhabitants of the Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, by whatever Name it shall be denominated, in which any of the said Offences shall be committed, shall be liable to yield full Compensation to the Person or Persons damnified by the Offence, not only for the Damage so done to any of the Subjects herein-before enumerated, but also for any Damage which may at the same Time be done by any such Offenders to any Fixture, Furniture, or Goods whatever, in any such Church, Chapel, House, or other of the Buildings or Erections aforesaid.

Party damnified to comply with certain Conditions.

III. Provided always, and be it enacted, That no Action or summary Proceeding, as herein-after mentioned, shall be maintainable by virtue of this Act, for the Damage caused by any of the said Offences, unless the Person or Persons damnified, or such of them as shall have Knowledge of the Circumstances of the Offence, or the Servant or Servants who had the Care of the Property damaged, shall within Seven Days after the Commission of the Offence go before some Justice of the Peace residing near and having Jurisdiction over the Place where the Offence shall have been committed, and shall state upon Oath before such Justice the Names of the Offenders if known, and shall submit to the Examination of such Justice touching the Circumstances of the Offence, and become bound by Recognizance before him to prosecute the Offenders when apprehended: Provided also, that no Person shall be enabled to bring any such Action, unless he shall commence the same within Three Calendar Months after the Commission of the Offence.

Limitation of Time for Actions.

Process in the Action against the Hundred to be served on the High Constable, who may defend, or let Judgment go by default, as advised.

IV. And be it enacted, That no Process for Appearance in any Action to be brought by virtue of this Act against any Hundred or other like District shall be served on any Inhabitant thereof, except on the High Constable or some one of the High Constables (if there be more than One), who shall within Seven Days after such Service give Notice thereof to Two Justices of the Peace of the County, Riding, or Division in which such Hundred or District shall be situate, residing in or acting for the Hundred or District; and such High Constable is hereby empowered to cause to be entered an Appearance in the said Action, and also to defend the same on behalf of the Inhabitants of the Hundred or District, as he shall be advised; or, instead of defending the same, it shall be lawful for him, with the Consent and Approbation of such Justices, to suffer Judgment to go by default; and the Person upon whom, as High Constable, the Process in the Action shall be served, shall, notwithstanding the Expiration of his Office, continue to act for all the Purposes of this Act until the Termination of all Proceedings in and consequent upon such Action; but if such Person shall die before such Termination, the succeeding High Constable shall act in his Stead.

Inhabitants of the Hundred competent Witnesses.

V. And be it enacted, That in any Action to be brought by virtue of this Act against the Inhabitants of any Hundred or other like District, or against the Inhabitants of any County of a City or Town, or of any such Liberty, Franchise, City, Town, or Place, as is herein-after mentioned, no Inhabitant thereof shall, by reason of any Interest arising from such Inhabitancy, be exempted or precluded from giving Evidence either for the Plaintiff or for the Defendants.

If Plaintiff recovers, the Sheriff, on Receipt of the Writ of Execution, shall make out a Warrant directing the Treasurer of the County to pay the Amount,

VI. And be it enacted, That wherever the Plaintiff in any such Action shall recover Judgment, whether after Verdict or by Default or otherwise, no Writ of Execution shall be executed on any Inhabitant of the Hundred or other like District, nor on such High Constable; but the Sheriff, upon the Receipt of the Writ of Execution, shall (on Payment of the Fee of Five Shillings and no more) make his Warrant to the Treasurer of the County, Riding, or Division in which such Hundred or other like District shall be situate, commanding him to pay to the Plaintiff the Sum by the said Writ directed to be levied, and such Treasurer is hereby required to pay the same, as also any other Sum ordered to be paid by him by virtue of this Act, out of any Public Money which shall then be in his Hands, or shall come into his Hands before the next General or Quarter Sessions of the Peace for the said County, Riding, or Division; and if there be not sufficient Money for that Purpose before such Sessions, he shall give Notice thereof to the Justices of the Peace at such Sessions, who shall proceed in the Manner herein-after mentioned.

Mode of reimbursing the High Constable for his Expences in defending the Action, &c.

VII. And, for the Purpose of indemnifying the High Constable and the County Treasurer, be it enacted, That if such High Constable of the Hundred or other District sued shall produce and prove before any Two Justices of the Peace of the County, Riding, or Division, residing in or acting for such Hundred or District, an Account of the just and necessary Expences which he shall have incurred in consequence of any such Action as aforesaid, such Justices shall make an Order for the Payment thereof upon the Treasurer of the County, Riding, or Division in which such Hundred or District shall be situate; and if in any such Action Judgment shall be given against the Plaintiff, the High Constable shall in like Manner be reimbursed for the just and necessary Expences by him incurred in consequence of such Action, over and above the taxed Costs to be paid by the Plaintiff in such Case; and if it shall be proved to any Two such Justices that the Plaintiff in the Action is insolvent, so that the High Constable can have no Relief as to such taxed Costs, such Justices shall make an Order upon the Treasurer of the County, Riding, or Division as aforesaid, for the Payment of the Amount of such taxed Costs; and the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for any such County, Riding, or Division, or any Adjournment thereof, shall direct such Sum or Sums of Money as shall have been paid or ordered to be paid by the Treasurer by virtue of any such Warrant or Order as herein-before mentioned, to be raised on the Hundred or other like District against the Inhabitants of which any such Action shall have been brought, over and above the general Rate to be paid by such Hundred or District in common with the rest of the County, Riding,

Reimbursing the County Treasurer.

Riding, or Division, under the Acts relating to County Rates; and such Sum or Sums shall be raised in the Manner directed by those Acts, and shall be forthwith paid over to the Treasurer.

Mode of Proceeding in Cases where the Damage does not exceed 30*l.*

VIII. And whereas it is expedient to provide a summary Mode of Proceeding where the Damage is of small Amount; be it therefore enacted, That it shall not be lawful for any Person to commence any Action against the Inhabitants of any Hundred or other like District, where the Damage alleged to have been sustained by reason of any of the Offences in this Act mentioned shall not exceed the Sum of Thirty Pounds, but the Party damnified shall, within Seven Days after the Commission of the Offence, give a Notice in Writing of his Claim for Compensation, according to the Form in the Schedule hereunto annexed, to the High Constable or some one of the High Constables (if there be more than One) of the Hundred or other like District in which the Offence shall have been committed; and such High Constable shall, within Seven Days after the Receipt of the Notice, exhibit the same to some Two Justices of the Peace of the County, Riding, or Division in which such Hundred or District shall be situate, residing in or acting for such Hundred or District, and they shall thereupon appoint a Special Petty Session of all the Justices of the Peace of the County, Riding, or Division, acting for such Hundred or District, to be holden within not less than Twenty nor more than Thirty Days next after the Exhibition of such Notice, for the Purpose of hearing and determining any Claim which may be then and there brought before them on account of any such Damage; and such High Constable shall, within Three Days after such Appointment, give Notice in Writing to the Claimant, of the Day and Hour and Place appointed for holding such Petty Session, and shall within Ten Days give the like Notice to all the Justices acting for such Hundred or District; and the Claimant is hereby required to cause a Notice in Writing, in the Form in the Schedule hereunto annexed, to be placed on the Church or Chapel Door, or other conspicuous Part of the Parish, Township, or Place in which such Damage shall have been sustained, on Two *Sundays* preceding the Day of holding such Petty Session.

Such Cases to be settled by the Justices at a Special Petty Sessions.

IX. And be it enacted, That it shall be lawful for the Justices, not being less than Two, at such Petty Session or any Adjournment thereof, to hear and examine upon Oath or Affirmation the Claimant, and any of the Inhabitants of the Hundred or other like District, and their several Witnesses, concerning any such Offence, and the Damage sustained thereby; and thereupon the said Justices, or the major Part of them, if they shall find that the Claimant has sustained any Damage by means of any such Offence, shall make an Order for Payment of the Amount of such Damage to him, together with his reasonable Costs and Charges, and also an Order for Payment of the Costs and Charges (if any) of the High Constable or Inhabitants, and shall direct such Order or Orders to the Treasurer of the County, Riding, or Division in which such Hundred or District shall be situate, who shall pay the same to the Party or Parties therein named, and shall be reimbursed for the same in the Manner hereinbefore directed.

X. And

X. And be it enacted, That if any High Constable shall refuse or neglect to exhibit or give such Notice as is required in any of the Cases aforesaid, it shall be lawful for the Party damnified to sue him for the Amount of the Damage sustained, such Amount to be recovered by an Action on the Case, together with full Costs of Suit. Penalty on High Constable for Neglect.

XI. And be it enacted, That every Action or summary Claim to recover Compensation for the Damage caused to any Church or Chapel by any of the Offences in this Act mentioned, shall be brought in the Name of the Rector, Vicar, or Curate of such Church or Chapel, or in case there be no Rector, Vicar, or Curate, then in the Names of the Church or Chapelwardens, if there be any such, and if not, in the Name or Names of any One or more of the Persons in whom the Property of such Chapel may be vested; and the Amount recovered in any such Case shall be applied in the rebuilding or repairing such Church or Chapel; and where any of the Offences in this Act mentioned shall be committed on any Property belonging to a Body Corporate, such Body may recover Compensation against the Hundred or other like District, in the same Manner and subject to the same Conditions as any Person damnified is by this Act enabled to do: Provided always, that the several Conditions which are herein-before required to be performed by or on behalf of any Person damnified, may, in the case of a Body Corporate, be performed by any Officer of such Body on behalf thereof. Proceeding in case of Damage to a Church or Chapel. In case of Damage to Property belonging to a Corporation.

XII. And whereas the Offences for which Compensation is granted by virtue of this Act may be committed in Counties of Cities and Towns, or in such Liberties, Franchises, Cities, Towns, and Places, as either do not contribute at all to the Payment of any County Rate, or contribute thereto, but not as being Part of any Hundred or other like District; and it is expedient to provide for all such Cases; be it therefore enacted, That where any of the Offences in this Act mentioned shall be committed in a County of a City or Town, or in any such Liberty, Franchise, City, Town, or Place, the Inhabitants thereof shall be liable to yield Compensation in the same Manner, and under the same Conditions and Restrictions in all respects, as the Inhabitants of the Hundred; and every thing in this Act in anywise relating to a Hundred, or to the Inhabitants thereof, shall equally apply to every County of a City or Town, and to every such Liberty, Franchise, City, Town, and Place, and to the Inhabitants thereof; and where the Justices of the Peace of the County, Riding, or Division are excluded from holding Jurisdiction in any such Liberty, Franchise, City, Town, or Place, in every such Case all the Powers, Authorities, and Duties by this Act given to or imposed on such Justices, shall be exercised and performed by the Justices of the Peace of the Liberty, Franchise, City, Town, or Place in which the Offence shall be committed; and where the Offence shall be committed in a County of a City or Town, all the like Powers, Authorities, and Duties shall be exercised and performed by the Justices of the Peace of such County of a City or Town; and in every Action to be brought or summary Claim to be preferred under this Act against the Inhabitants of a County of a City or Town, or of any such Liberty, Franchise, City, Town, or Place, the Process for Appearance in the Action, and the Notice required in the Case of the Claim, shall Where the Damage is committed in any County of a City, &c., or in any Liberty, &c. which is not within any Hundred, or does not contribute to the County Rate, such County, Liberty, &c. shall be liable like the Hundred.

shall be served upon some one Peace Officer of such County, Liberty, Franchise, City, Town, or Place; and all Matters which by this Act the High Constable of a Hundred is authorized or required to do in either of such Cases, shall be done by the Peace Officer so served, who shall have the same Powers, Rights, and Remedies as such High Constable has by virtue of this Act, and shall be subject to the same Liabilities; and shall, notwithstanding the Expiration of his Office, continue to act for all the Purposes of this Act until the Termination of all Proceedings in and consequent upon such Action or Claim; but if he shall die before such Termination, his Successor shall act in his Stead.

Provision for executing Writs in certain Places.

XIII. And, for securing the due Execution of Writs in the Cinque Ports, and in Places where Writs are directed to other Officers than the Sheriff, and in Liberties where the Sheriff is not warranted in executing Writs, be it enacted, That all other such Officers to whom any Writ of Execution under this Act shall be directed, by whatsoever Name they shall be known, shall have the same Power of granting a Warrant for Payment of the Sum by such Writ directed to be levied as is hereby given to the Sheriff in case of a Writ of Execution directed to him; and that every Sheriff and other such Officer as aforesaid shall have Authority to grant his Warrant under this Act, notwithstanding the Offence shall have been committed in, or the Treasurer or other Person to whom such Warrant shall be directed shall reside or be in, any Liberty where the Sheriff or Officer is not warranted in executing Writs.

Mode of Reimbursement in Liberties, Cities, and Towns not within any Hundred, but contributing to the County Rate.

XIV. And as to the Mode of Payment and Reimbursement under this Act in such Liberties, Franchises, Cities, Towns, and Places as contribute to the Payment of the County Rate, but not as being Part of any Hundred, be it enacted, That the Warrant of the Sheriff or other Officer upon any Writ of Execution against the Inhabitants of any such Liberty, Franchise, City, Town, or Place, and every Order of Justices for Payment to the Party damnified therein, or to the Peace Officer or Inhabitants thereof, by virtue of this Act, shall be directed to the Treasurer of the County, Riding, or Division in which such Liberty, Franchise, City, Town, or Place shall be situate, who is hereby required to pay the same; and the Justices of the Peace of such County, Riding, or Division, at their next General or Quarter Sessions of the Peace, or any Adjournment thereof, shall direct such Sum or Sums of Money as shall have been so paid or ordered to be paid by the Treasurer to be raised on such Liberty, Franchise, City, Town, or Place, over and above the general Rate to be paid by the same in common with the rest of the County, Riding, or Division, under the Acts relating to County Rates, and such Sum or Sums shall be raised in the Manner directed by those Acts, and shall be forthwith paid over to the Treasurer.

Mode of Reimbursement in Counties of Cities, and in Liberties, Cities, and Towns not contributing to any County Rate.

XV. And as to the Mode of Payment and Reimbursement under this Act in Counties of Cities and Towns, and in such Liberties, Franchises, Cities, Towns, and Places as do not contribute to the Payment of the general County Rate, be it enacted, That all Sums of Money payable either by virtue of any Warrant of the Sheriff or other Officer, or of any Order or Orders arising out of any Action or summary Claim against the Inhabitants of any County of a City or

Town, or of any such Liberty, Franchise, City, Town, or Place, shall be paid out of the Rate (if any) in the Nature of a County Rate, or out of any Fund applicable to similar Purposes, where there is such a Rate or Fund therein, by the Treasurer or other Officer having the Collection or Disbursement of such Rate or Fund; and where there is no such Rate or Fund in such County, Liberty, Franchise, City, Town, or Place, the same shall be paid out of the Rate or Fund for the Relief of the Poor of the particular Parish, Township, District, or Precinct therein, where the Offence was committed, by the Overseers or other Officers having the Collection or Disbursement of such last-mentioned Rate or Fund; and in every such Case the Warrant and Orders shall be directed and delivered to such Treasurer, Overseers, or other Officers respectively, instead of the Treasurer of the County, Riding, or Division, as the Case may require.

This Act not to extend to Scotland or Ireland.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to *Scotland* or *Ireland*.

SCHEDULE.

FORM of NOTICE to the High Constable of a Hundred or other like District, or to the Peace Officer of a County of a City or Town, or of a Liberty, Franchise, City, Town, or Place.

To the High Constable [*or* to One of the High Constables]
of, &c. [*or* to a Peace Officer of, &c.]

I HEREBY give you Notice, That I intend to claim Compensation from the Inhabitants of [*here specify the Hundred or other like District, or County of a City, &c., or Liberty, Franchise, &c., as the Case may be*], on account of the Damage which I have sustained by means of [*here state the Offence, the Time and Place where it was committed, and the Nature and Amount of the Damage*]; and I hereby require you, within Seven Days after your Receipt of this Notice, to exhibit the same to some Two Justices of the Peace of the County [Riding *or* Division] of residing in or acting for the said Hundred, &c. [*or if in a Liberty, Franchise, &c. where the Justices of the County, Riding, or Division have no Jurisdiction, then say,* to some Two Justices of the Peace of, *naming the Liberty, Franchise, &c.*], [*or if in a County of a City, &c. then say,* to some Two Justices of the Peace of, *naming the County of the City, &c.*], in order that they may appoint a Time and Place for holding a Special Petty Session to hear and determine my Claim for Compensation by virtue of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Remedies against the Hundred;* and you are required to give me Notice of the Day, Hour, and Place appointed for holding such Petty Session within Three Days after the Justices shall have appointed the same. Given under my Hand this Day of in the Year of our Lord

(Signed) *A. B.*

FORM of NOTICE to be placed on the Church or Chapel Door or other conspicuous Part of the Parish, Township, or Place, (*as the Case may be*).

I HEREBY give Notice, That I shall apply for Compensation to the Justices of the Peace at a Special Petty Sessions to be holden at on the Day of next, at the Hour of in the Forenoon, on account of the Damage which I have sustained by means of [*here state the Offence, the Time and Place where it was committed, and the Nature and Amount of the Damage, in the same Manner as in the preceding Form.*] Given under my Hand this Day of in the Year of our Lord .

(Signed) *A. B.*

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