



THE GIFT OF
Griffith C. Ellis

5536j
1744j

T H E
Practical Justice
O F
P E A C E :
O R,

A TREATISE shewing the *present*
POWER and AUTHORITY of that OFFICER,
in all the Branches of his Duty.

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roners, Sheriffs, Clerks of Assize, and of the Peace, Commis-
sioners of Sewers, Overseers of the Poor, Surveyors of the High-
ways, Ministers, Church-wardens, Constables, and all Others
who have any Concern in COUNTY or PARISH Business.

By JOSEPH SHAW, of the *Middle Temple*, Esq;

The fourth Edition, corrected and amended, with large
Additions from several adjudged CASES, never before pub-
lished ; and a Continuation of all the Statutes to the End of
the last Session of Parliament.

In Two Volumes.

V O L. II.

In the SAVOY :

Printed by HENRY LINTOT, (Assignee of *Edw. Sayer*, Esq;) ;
for Thomas Osborne in *Gray's Inn*, and Edward
Wichstead in *Newgate-Street* near *Warwick Lane*. 1744

THE
PRACTICAL
Justice of Peace, &c.

V O L. II.

Poor.

1. How provided for before the Reformation.
2. Alms, what a Pauper must do to intitle himself to them.
3. Appeals.
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5. Certificates.
6. Church-wardens, their Duty as Overseers of the Poor.
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10. Penalties and Forfeitures to the Poor.
11. Rates and Assessments.
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14. Work-houses.

1. *How provided for before the Reformation.*

BEFORE the Reformation there was no Occasion for any Law on the Account of the Poor, because such was the Devotion of our Ancestors, that there seemed to be a pious Contention among them who should first bring their Offering to the Church, and the Bishop, to whom the Charge of Souls was committed, was, for that Reason, thought the fittest Person to be intrusted with those Obligations.

Before the Reformation Convents took Care of the Poor.

VOL. II.

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By these and other superabundant Offerings at Altars, Sepulchres and Shrines of Martyrs, the Church became so rich, that several Monasteries, Priors, Religious Houses and Hospitals, were by this Means founded and plentifully endowed, where the Poor were sufficiently relieved, till those Houses were dissolved; out of whose Ruins sprung up in a few Years a numerous Increase of Poor, whose Miseries and Necessities produced the Statute of 43 of Queen Elizabeth, c. 2. being the first Law made for Relief of the Poor; and which being found ineffectual, has since, from Time to Time, set divers great and good Men, whose Ears and Breasts, the Cries of the Poor have pierced, to think on and find out some further Methods for their Relief.

Expedients to
relieve the
Poor.

The best Me-
thod for it.

Will prevent
the Miseries of
the Poor.

My Lord Hale, whose Remembrance is dear to all the Just and Upright, and whose Memory will be venerable and blest to the latest Posterity, has taken the Pains to write a little Treatise on Purpose on this Subject; and Sir Josiah Child has, in his Treatise of Trade, proposed Methods for Relief of the Poor; and both of them agree in this, that the best Way to relieve the Poor, is to put that whole Affair under the sole Care and Management of an incorporate Body of Gentlemen and others, who would make it their Business duly and truly to mind and superintend the same. In order to this, I have seen a Scheme, whereby it is proposed, that his Majesty should, pursuant to an Act of Parliament in that Behalf to be made, issue under the Great Seal his Letters Patent in each County of this Kingdom, thereby incorporating several Gentlemen and others, who should have under their sole Inspection and Management, not only the Relieving all the Poor, but also the Mending all the Roads and Highways in every County: And by this Scheme it does plainly appear, that in a few Years there would not be one poor Person, who was not able to work, unrelieved; nor one poor Person, who was able to work, who would want it; nor one bad Way, capable of being made good, nor one Turnpike left in the whole Kingdom; and this without any greater Tax or Rate than what is now actually raised for the Poor and Highways. This Scheme was on Foot in December, 1735, and may be further enquired into by any Person curious after such Things.

This would prevent the many dismal Objects, who, as so many scandalous Reflections both on Providence and on the publick Laws of the Kingdom, appear now so frequent in our Streets; and who daily tell us, that if he who will not work shall not eat, so he that will labour ought not to starve, as several have often done in our very Streets.

This

This would prevent the Children of our Poor being brought up in Laziness and Beggary, whereby Beggary is entailed from Generation to Generation. This is certainly the greatest Charity; for though he who gives to any in want does well, yet he who employs and educates the Poor, so as to render them useful to the Publick, does better; for that would be many Hundred Thousand Pounds per Ann. Benefit to this Kingdom.

I shall now proceed to treat of the several Statutes now in Force which concern the Poor, who may be divided into two Sorts, *viz.*

1. Those who are able, but are not willing to work.
2. Those who are willing, but are not able to work.

Two Sorts of Poor.

Of the first Sort are idle Vagabonds, Vagrants, sturdy Beggars, lewd Women, and their Bastards, &c.

The Statutes relating to these are 18 *Eliz. c. 3.* 39 *Eliz. c. 4.* 39 *Eliz. c. 17.* 1 *Jac. 1. c. 7.* 7 *Jac. 1. c. 4.* 12 *Ann. c. 23.* 10 *G. 2.* 13 *G. 2.* 14 *G. 2.* Statutes relating to Vagrants.

But these chiefly relating to Vagrants and idle Rogues, I shall defer the Consideration of them till I come to treat of the Title *Vagrants*, and, in the mean Time, proceed to the Consideration of those which more particularly relate to those Poor and Indigent who are willing to work, but cannot, and who are therefore entitled not to Punishment, but our Relief. And

The Statutes relating to these are 32 *c. 7.* & 43 *Eliz. c. 2.* 1 *Jac. 1. c. 25.* 7 *Jac. 1. c. 3.* 3 *Car. 1. c. 4.* 13 & 14 *Car. 2. c. 12.* 1 *Jac. 2. c. 17.* 3 & 4 *W. & M. c. 11.* 8 & 9 *W. 3. c. 30.* 9 & 10 *W. 3. c. 1.* 12 *Ann. c. 18.* 5 *G. 1. c. 8.* 9 *G. 1. c. 7.* 3 *G. 2.* 11 *G. 2.* Statutes relating to the Poor.

2. *Alms, what a Pauper must do to intitle himself to them.*

As to Alms, all Persons may relieve any Poor they think fit by private Alms; but to intitle any to the Relief of the Parish, their Names must be registred once a Year in the Parish-Book, unless authorized by Warrant under the Hand and Seal of a Justice of Peace of the Parish; or, in Case there be none there, by the next Justice, or by Order of Sessions, except in Cases of Pettitional Diseases, the Plague or Small Pox. 3 & 4 *W. & M. c. 11.* Any Person may relieve the Poor privately, but Parish Poor must be registred. 3 & 4 *W. & M. c. 11.*

Every Person receiving Relief, and their Wives and Children, shall upon the right Sleeve of their uppermost Garment, wear the Badge of a Roman P. and the first Letter of the Name of their Parish; and Officer relieving

And wear a Badge.



8 & 9 W. 3.
c. 30.

No Justice to
order Relief
till Oath made.

9 Geo. 1. c. 7.

None may take
Relief at Doors
but by Licence
of the Over-
seers.

any not wearing such Badge forfeits 20 s. 8 & 9 W. 3.
c. 30.

No Justice of Peace shall order Relief to any poor Per-
son, until Oath made before him of reasonable Cause,
and that the Person had applied to the Parishioners at
some Vestry or publick Meeting, or to two of the Over-
seers of the Poor of the Parish, and was by them
refused to be relieved; and until the Justice hath sum-
moned the Overseers to shew Cause why Relief should
not be given. 9 Geo. 1. c. 7.

Persons ordered by Justices to be relieved are to be re-
gistred in the Parish Books, as those who are to receive
Collection, as long as the Cause for Relief continues, and
no longer; and no Officer of any Parish (except upon
emergent Occasions) shall bring to the Parish Account any
Money he shall give to the Poor not registred, on Pain of
forfeiting 5 l. leviable by Distress, by the Warrant of two
Justices, for the Use of the Poor of the Parish, at the Di-
rection of the said Justices.

Parishioners in *Easter Week* yearly, or oftner if neces-
sary, must meet in the Vestry, and make new Lists for
the Poor, and none but those in the List allowed to re-
ceive Alms, but by Authority, under the Hand of one
Justice residing in such Parish, if any, or else near adjoining,
or by Order of Sessions, except in Cases of Plague
and Pestilential Diseases, &c. Parishioners, except Alms-
men, may be Evidence against Church-wardens, &c. of
their mis-spending the Poor's Money.

None may be suffered to take Relief at any Man's Door,
tho' within the same Parish, unless it be by Order of the
Overseers; neither may any be suffered to beg by the
Highway tho' in their own Parish. *Dalt.* 241.

A Pauper that is an Object, and is refused Relief by
the Vestry, may apply himself to a Justice, who may
summon such Officer to shew Cause why he ought not to
be relieved; and if the Officer make Default in shewing
Cause, or the Cause be disallowed, then the Justice may
make an Order on the Parish for Relief, he first examining
the Pauper on Oath, which Examination may be in the
Words following.

The

Middlesex, } The Examination of T. M. aged about 74
to wit. } Years, now residing in the Parish of C.
taken before me one of his Majesty's Ju-
stices of the Peace for the County of
Middlesex.

THIS Examinant on his Oath saith that he is 74
Years of Age, and very infirm in Body, and in no
wise able to take Care of himself, and that the last Place
of his legal Settlement is in the Parish of C. aforesaid, and
not elsewhere.

Signed and Sworn this
31st Day of Decem-
ber 1742.

T. M.
his † Mark.

Whereon the Justice may grant his Warrant or Order
to the Effect following.

A Justice's Warrant to relieve a poor
Person according to the Stat. 9 Geo. 1.
c. 7.

Essex, ss. **W** Hereas A. B. of your Parish hath made
Oath before me J. S. Esq; one of his Ma-
jesty's Justices of the Peace for the County of, &c. that he
is very poor and impotent, and utterly unable to provide for
himself and Family, so that they must inevitable perish, un-
less timely relieved; and that he the said A. B. on, &c.
past, applied himself to the Parishioners of your Parish, at
a publick Meeting, as the Law directs, and was by them
refused Relief; And I having summoned you, the Overseers
of the Poor of the said Parish to shew Cause why Relief
should not be given to the said A. B. but you not having
made any sufficient Cause appear: These are therefore in his
Majesty's Name to command you to pay unto the said A. B.
the Sum of 2 s. per Week for and towards the Support and
Maintenance of the said A. B. and his Family, until such
Time as he the said A. B. shall be able to provide for the
same, or that you shall be otherwise ordered to forbear the
said Allowance. Given, &c.

9 Geo. 1. c. 7.
One Just. cc.

On Pauper's
Oath.

The Case of an Overseer relieving a Person not registered.

A. B. an Overseer of the Poor, (upon sudden and
emergent Occasions, as he thought) having relieved a poor
travelling Woman with three small Children; another
poor Person that came through the Parish with a Pals;
another Woman, an Inhabitant, who fell ill of the Small

Pox, he relieved with two Shillings and Six pence; and one of the Justices who granted the Warrant after-mentioned, being in Company when this latter Affair was talked of, ordered an Apothecary present to attend her, which the Overseer paid, and also her Nurse; and bringing the same in to his Accounts, the Petty Sessions refused to pass the same; and two of the Justices (of whom one is before-mentioned) granted their Warrant to levy the Sum of 5 *l.* (as forfeited by the aforesaid Act) by Distress and Sale of the Overseer's Goods, which was done accordingly: The Overseer thinking himself hardly dealt with, had his Case stated, and took the Opinion of the late learned Mr. Serjeant *Darnell*, deceased: The Case being as above-recited, the *Quare* and Opinion were as follows.

Quare, Whether the Overseer under these Circumstances, in Point of Law, has incurred the Penalty of 5 *l.* by the Statute aforesaid, or may safely prosecute his Action against the Distrainer; be pleased to give your Opinion particularly, and in the general how an Overseer should behave in such Case.

The Opinion.

I do not take it in this Case that the Overseer hath incurred the Penalty of the Statute of the 9th of his late Majesty; but it is a different Consideration, whether an Action will lie against the Distrainer, and I think such Action is not maintainable, for this is a Matter whereof the Justices have Jurisdiction; and therefore the Distrainer is well justified by the Warrant. I think the Words of the Statute (no Officer shall bring to the Account of the Parish any such Money) must be understood to be a Charge upon the Parish, which it is not till his Accounts are passed, and I think the right Way would have been for the Justices to have disallowed his Account as to the Money; for I see no Reason to excuse the Overseer in giving his Money without the Authority of the Justice, and therefore 'tis his own private Charity, and he must lose it: As to the Overseer's paying the Apothecary, I see no Obligation upon him to do so; and if the Justice ordered the Apothecary to assist the Woman, the Justice must pay it himself, or give an Order to the Overseer to pay it, which Order will warrant the Charge in his Account.

15 May 1735.

J. Darnall.

3. *Appeals.*

Appeals may be made to Quarter Sessions.

Appels may be brought to the Quarter Sessions by any grieved with any Rate or Tax, or other Act done by Church-wardens and other Persons, or by Justices of Peace, where by Law the Benefit of an Appeal is given.

In

In Cases of Settlements and Removal of the Poor, the Justices in their General Sessions shall make such Order therein as they shall think convenient, and the same conclude and bind all Parties thereto. 43 Eliz. c. 2.

43 Eliz. c. 2.

Justices, upon any Appeal in their General or Quarter-Sessions concerning the Settlement of any Poor, or upon Proof made of Notice of such Appeal given, though not afterwards prosecuted, shall order to the Party for whom the Appeal shall be determined, or to whom such Notice was given, such Costs and Charges in the Law, as they shall think reasonable. 8 & 9 W. 3. c. 30.

Justices may order Costs on Appeal.

And if the Person ordered to pay such Costs live out of the Jurisdiction of the Court, any Justice of the County, &c. where he lives, on producing a Copy of the said Order, and proving the same by one credible Witness, by Warrant under his Hand and Seal, is to cause the Money mentioned in the Order to be levied by Distress and Sale of the Goods of the Person ordered to pay; and if no Distress can be had, may commit such Person to the common Gaol for twenty Days. *Ibid.*

8 & 9 W. 3. c. 30.

If live in another Country, the Justice, on Copy of the Order, may make a Warrant, &c.

No Appeal from any Order for Removal of a poor Person, shall be proceeded upon at Quarter-Sessions, unless reasonable Notice be given by the Officers of the Parish making the Appeal, to the Officers of the Parish from which such poor Person shall be removed; and if reasonable Time of Notice be not given, Justices may adjourn the Appeal to the next Quarter-Sessions. And if the Sessions determine the Appeal in Favour of the Appellant, they are to order such Appellant so much Money as shall be reasonably expended by the Parish, on whose Behalf the Appeal was made, for the Relief of the poor Person, between the Time of undue Removal and the Determination of the Appeal; to be recovered in like Manner as Costs and Charges upon Appeal. 9 Geo. 1. c. 7.

No Appeal to be proceeded on, till Notice given, &c.

9 Geo. 1. c. 7.

No Appeal lies from the Quarter-Sessions to the Judges of the Assize, &c. 2 Bull. 355.

Where there is a Town Corporate that has a Sessions of their own, if the Parties will appeal from an Order made there, they must appeal to the County Sessions, and not to their own Sessions. *Mich. 11 Ann. the Parish of Malden in Essex, Salk. 458.*

Defendant, being Overseer of *Westbury* in *Wilt.*, and his Accounts being allowed and confirmed; several Years after the Parish appeals against his Accounts; the Statute being silent as to the Time, the Parish may appeal at any Time.

All Appeals must be determined at the Sessions in that County or Place wherein the Parish doth lie, from whence the poor Man is removed, and not elsewhere.

The next Sessions after an Order made, and an Appeal brought, adjourned the Appeal to the next Sessions following, and then they made an Order, and upon a Motion to quash it, for that the Appeal ought to be determined the very next Sessions, and not at an adjourned Sessions, it was adjudged that the Appeal must be lodged at the next Sessions, but may be determined at an adjourned Sessions. *Salk.* 605.

A Determination upon an Appeal to the Sessions, is only binding between the Parties to the Appeal.

The Sessions, in Cases of Removals, have no Jurisdiction but upon an Appeal.

Appeals from Orders of Removal must be heard and determined at the Quarter-Sessions of the County from whence the Pauper was removed.

There is a Proviso for the Justices of the Liberty of *St. Albans*.

Costs on Vexations.
Appeals how recovered.

If the Justices at the Quarter-Sessions, upon Appeal, shall determine in Favour of the Appellant, they are to order the Appellant so much Money as shall be reasonably expended by the Parish, on whose Behalf the Appeal was made, for the Relief of the poor Person, between the Time of undue Removal, and the Determination of the Appeal; to be recovered in like Manner as Costs and Charges upon Appeal are by 8 & 9 *W.* 3. c. 30.

On Appeals to Justices, they must either affirm or discharge the Matter, or they may be compelled thereto by *Mandamus*. *Hill.* 15 *Geo.* 2. B. R.

Q. Whether Appeals from Justices Allowance of Overseers Accounts, ought to be to the next General Quarter-Sessions.

Upon an Appeal from a Poor's Rate, the Justices refuse to hear the Appeal, because it was not at the next Quarter-Sessions; the Justices may not have Power to alter the Rate at their Discretion, but they ought not to refuse to hear the Appeal. 8 *Ann.* B. R. *Queen and Inhabitants of St. Giles's*.

A Notice of Appeal.

To the Church-wardens and Overseers of, &c.

9 *Geo.* 1. c. 7.

THIS is to inform you, and every of you, that we the Church-wardens and Overseers of the Poor of the Parish of, &c. do intend at the next Quarter-Sessions of the

the Peace to be holden for the County of, &c. to commence and prosecute an Appeal against you the Church-wardens and Overseers of the Poor of the Parish of, &c. aforejaid, for and concerning the unjust Removal of A. B. from your said Parish of, &c. to our Parish of, &c. of which you are to take due Notice. Witness, &c.

A Petition of Appeal against an Order of Removal.

To the Right Worshipful his Majesty's Justices of the Peace for the County of *Middlesex*, in their General Quarter-Sessions assembled.

The Humble Petition and Appeal of the Church-wardens and Overseers of the Poor of the Parish of C. C. in the City of London.

Sheweth,

THAT by Virtue of an Order or Pass Warrant under the Hands and Seals of W. H. and R. T. Esqs two of his Majesty's Justices of the Peace for the County of *Middlesex*, (whereof one is of the Quorum) bearing Date the 2d Day of July 1742, J. C. and S. his Wife, and William, aged about seven Years, Katherine, about five, and John about one Year, Children of the said J. C. and Sarah his Wife, were removed from the Parish of St. J. at C. in the County of *Middlesex*, unto the said Parish of C. C. London, alledging the said Parish of *Christy Church* to be the Place of their last legal Settlement.

That your Petitioners conceiving themselves aggrieved by the said Warrant or Order of the said two Justices, do therefore appeal to your Worships therefrom, and humbly pray that you will be pleased to hear them in the Premises, and order that the Church-wardens and Overseers of the Poor of the said Parish of St. James, at C. in the County of *Middlesex*, may appear before you at a certain Day to be appointed, to bear and abide the Judgment and Determination of your Worships touching the Appeal.

C. B. Agent
for the Ap-
pellants.

And your Petitioners shall pray, &c.
Order

Order of Sessions indorsed.

Middlesex. At the General Quarter-Sessions of the Peace of our Sovereign Lord the King, holden for the County of *Middlesex* at *Hick's Hall* in *St. John's-street* in the County aforesaid, on *Monday* the twelfth Day of *July* in the 16th Year of our Sovereign Lord *George* the Second, King of *Great Britain*, &c.

IT is ordered by this Court, that the Churchwardens and Overseers of the Poor of the Parish of *St. James at C.* in this County, have Notice of this Appeal, and that they and all Persons concerned do attend this Court on Thursday next, at Nine o'Clock in the Forenoon, to bear and abide the Judgment and Determination of this Court touching this Appeal.

A Notice to produce the Pauper.

To
Mr. C. B. The Parish of *C. C.* in the City of *London*,
 Agent for Appellants,
 the Appel- against
 lants. The Parish of *St. James at C.* in the Coun-
 ty of *Middlesex*, Respondents.

YOU are hereby desired to produce, at the Hearing of this Appeal, *J. C.* the Elder, the Pauper in the Petition of Appeal mentioned, in order to his being examined at the Hearing of the said Appeal, on Thursday next, Dated 13 July 1742.

R. M. Agent for the Respondents.

4. Poor Apprentices. See Title Apprentice ante.

5. Certificates.

s & 9 W. 3.
30.

By Stat. 8 & 9 W. 3. c. 30. A poor Man has Liberty to remove from one Parish to another for Work and the better Maintenance of his Family, by Certificate under the Hands and Seals of the Church-wardens and Overseers of the Poor, or the Overseers, where there are no Church wardens, acknowledging the Person to be an Inhabitant legally settled in their Parish.

How to be at-
tested.

This Certificate must be attested by two credible Witnesses, and allowed and subscribed by two Justices, and then

then delivered to the Officers of the Parish to which the poor Man removes; and the poor Man shall remain in this Parish until he wants Relief, when the first Parish is obliged to receive and to relieve him.

But by 9 & 10 W. 3. c. 11. Poor Persons coming into any Parish by Certificate, shall not gain any legal Settlement without *bona fide* taking a Lease of a Tenement of 10*l.* per Ann. or legally being put in and executing some annual Parish Office.

9 & 10 W. 3. c. 11. Gain no Settlement, unless rent 10*l.* per Ann. or execute a Parish Office.

And by Stat. 12 Ann. c. 18. If any Person residing in a Parish by Certificate, shall take an Apprentice or hire a Servant, such Apprentice or such Servant shall not be adjudged to gain any Settlement in such Parish, unless the Master hath gained a legal Settlement there.

If a Parish by Mistake give one a Certificate of his being their Parishioner, and afterwards discovers him to be settled at a third Place, they must indemnify the Parish which received him, only on Account of the Certificate; but it does not estop the Parish which gave the Certificate as to other Parishes: And yet it is a strong Evidence of his Settlement there, though not a conclusive one. *Trin. 2 Ann. B. R.*

Parish bound by their Certificate.

By Stat. 8 & 9 W. 3. c. 30. Persons coming to any Parish to inhabit, shall at the same Time bring a Certificate to the Church-wardens or Overseers of the Poor of the Parish where such Person shall come to inhabit, under the Hands and Seals of the Church-wardens, &c. of any other Parish, or the major Part of them, or of Overseers only, if there are no Church-wardens, to be attested by two Witnesses, thereby owning and acknowledging the said Person mentioned in the Certificate to be an Inhabitant legally settled in that Parish, &c. Every Certificate being subscribed and allowed by two Justices, shall oblige the Parish to receive and provide for the Person mentioned in the Certificate, together with the Family, as Inhabitants of that Parish, whenever they shall become chargeable to, or forced to ask Relief of that Parish, &c. to which such Certificate was given; and then, and not before, it shall be lawful for any such Person, and his or her Children, though born in the Parish, (not having otherwise acquired a legal Settlement there) to be removed to the Parish, &c. from whence such Certificate was brought.

8 & 9 W. 3. c. 30.

Persons coming into any Parish by Certificate, and taking Apprentices by Indentures, such Apprenticeship shall not make a legal Settlement in such Parish, (unless such Master had gained a legal Settlement in the said Parish after Certificate given) but such Apprentice shall have his Settlement

Apprentices as Persons coming into a Parish by Certificate gain no Settlement.

ment in such Parish, &c. as if he had not been bound Apprentice.

A Certificate of a Man's being a Parishioner in a Parish.

To the Church-wardens and Overseers of the Poor, &c.

Two Justices.
8 & 9 W. 3.
c. 30.

WE the Church-wardens and Overseers of the Poor of the Parish of, &c. in the County of, &c. hereby certify, that we do own and acknowledge A. B. Labourer, and E. his Wife, to be both Inhabitants, legally settled in our said Parish of, &c. And we do hereby promise for Ourselves and Successors, to receive them into our said Parish whenever they shall become chargeable. In Witness whereof we the said Church-wardens, &c. have hereunto respectively set our Hands and Seals.

Witnesses
Names must
be their own
Hand-writing.

Witness
J. L. Rector.
T. W. &c.

C. D. }
E. F. } Church-wardens.

G. H. }
J. K. } Overseers.

We whose Names are hereunto subscribed, two of his Majesty's Justices of the Peace of and for the County of, &c. do allow of the above Certificate, and do farther certify that the Witnesses were duly sworn to the Execution thereof.

J. S.
P. M.

By an Act 3 Geo. 2. 'tis enacted, That the Witnesses who attest the Execution of Certificates of Settlements by the Church-wardens and Overseers, or one of them, shall make Oath before the Justices, who by the Act 8 & 9 W. 3. c. 30. are directed to allow the same, that such Witness did see the Church-wardens and Overseers severally sign and seal the said Certificates; and that the Names of such Witnesses are of their own Hand-writing; and the Justices shall also certify that such Oath was made before them, and every such Certificate shall be allowed in all Courts, as duly and fully proved, and be taken as Evidence without other Proof.

When any Overseers of the Poor of any Parish shall remove back any Persons and their Families sent thither by Certificate, and becoming chargeable, the Overseers shall
be

Be reimbursed such reasonable Charges as they have been put to in maintaining and removing such Persons, by the Church-wardens or Overseers of the Parish to which such Persons are removed, the Charges being first ascertained by one or more Justices of the County to which such Removal shall be made, which Charges so ascertained shall, in Case of Refusal, be levied by Distress and Sale of the Church-wardens and Overseers Goods, returning the Overplus ; which Warrant the Justices are required to grant.

By 13 & 14 Car. 2. c. 2. Persons in Time of Harvest, or at any Time to get Work, may go into any County, Parish or Place, so as they carry with them Certificates from the Minister of the Parish and one of the Church-wardens and Overseers of the Poor, that they have a Dwelling in their Parish, and are Inhabitants there ; and such Persons are to return to their own Parishes when their Work is finished ; or a Justice of Peace may send them to the House of Correction to be punished as Vagrants. And if such Persons fall sick, &c. two Justices of Peace may order them to be conveyed back to the Place of their Habitations.

Church-wardens or Overseers refusing to receive such Persons, &c. are to be bound over to the Assizes or Sessions, and there be indicted and punished.

Where a poor Man comes into a Parish with a Certificate, he cannot be removed unless he is actually chargeable to that Parish ; for it is not enough to say that he is likely to be chargeable. 2 Salk. 530.

It is now held that where a Parish gives a Certificate duly attested to a poor Man, owning him to be a Parishioner, though he be not really so, yet are they concluded and estopped, not only against the Parish to which the Certificate is given, but also against all other Parishes whatsoever ; for Certificates are solemn Acknowledgments that the Person is legally settled with them ; and as all other Parishes are bound to receive him, so that Parish which certifies is concluded, as to all other Parishes whatsoever ; for it is in Nature of an Adjudication ; it is signed by the proper Officers, and allowed by two Justices who are proper Judges, and who upon less Evidence could have adjudged it a Settlement. 3 Salk. 535.

6. *Church-wardens, their Duty as Overseers of the Poor.*

Church-wardens, and two, three or four Inhabitants of a Parish, to be named in *Easter Week*, or within a Month after, under the Hand and Seal of two or more Justices, (2. 1.) shall be called Overseers of the Poor, and shall, with Consent of the said two Justices, take Oath to set poor Children

43 Eliz. c. 2.
Overseers.

Children to work, and all other Persons not able to maintain themselves, by raising weekly, by Taxation of every Inhabitant, Parson, &c. a convenient Stock to work upon, and also Money for relieving the Aged and the Impotent, and for putting out Apprentices.

Apprentices.

Overseers Meeting.

43 Eliz. c. 2.

20 s. Forfeiture.

Overseers must meet once every Month in the Church on Sunday, after Divine Service, in the Afternoon, (unless hindered by Sickness or other just Excuse, to be allowed by two Justices) to consider of the Poor's Wants, and must, within four Days after their Year is expired, and other Overseers named, yield an Account to two Justices of Monies by them received, or rated and not received, and deliver over what remains to Overseers that succeed them. Forfeiture of 20 s. for not meeting as aforesaid, or being otherwise negligent in their Office. Where a Parish is not able to relieve themselves, two Justices (*Quor. 1.*) may tax other Parishes and Places, and the Hundred, if necessary. Quarter-Sessions may tax the County in Part, or in Whole, at their Discretions. Two Justices, on Refusal of Payment of the Rates assessed and allowed by two Justices, may grant a Warrant to the Officers to make Distress and Sale: For want of Distress, Commitment till paid; and they may send to the House of Correction those who will not work when appointed thereto.

Apprentices.

20 s.

Two Justices (*Quorum unus*) may commit Church-wardens and Overseers refusing to account, there to remain till they will. Church-wardens and Overseers may put out, with the Assent of any two Justices, (*Quor. 1.*) poor Children Apprentices, where they shall see convenient 2 Boys till the Age of 24, Girls till 21, or Time of Marriage. Officers may build (with Consent of the Lord of the Waste) on the Waste Cottages for poor People, and may make Inmates, any Statute notwithstanding, at the the Parish Charge. Those Houses must be employed only for poor and impotent Persons, on Forfeitures contained in 31 *El. c. 7.* Persons aggrieved by Officers Assessment may complain to Quarter-Sessions, who shall take Order therein. Father, Grandfather, Mother, Grandmother and Children of Poor, who cannot work, to be assessed towards their Relief (if of sufficient Ability.) Quarter-Sessions may take Order herein. Persons so rated by Justices shall forfeit 20 s. for every Month they fail of Payment. Officers in Corporations have the Authority as Justices for the County. See the Method where a Parish extends itself into two Counties or Liberties. Justices not naming Overseers forfeit 5 l. Justices Forfeitures to be levied by Quarter-Sessions. All Forfeitures in this Act, for the Use of the Poor, to be levied by Church-warden

or Overseer, by Warrant from two Justices, &c. within 4; *Eliz. c. 4* their Limits, by Distress and Sale, or Imprisonment, till paid.

At *Easter* Sessions yearly, two Justices, or more, shall rate every Parish at a certain Sum to be paid weekly (not more than Sixpence, nor less than a Half-penny) towards Relief of poor Prisoners in *B. R. Marshalsea*, Hospitals and Alms-houses. Every Parish, one with another, to pay not above Two-pence yearly, which Sum so taxed shall be assessed by the Parishioners within themselves; in Default, by the Church-wardens and Constables of every Parish. On Refusal to pay, one Justice may levy by Distress, or for Want, may commit, &c. 20 s. at the least ^{20 s.} shall be gathered out of every County for *B. R. and Marshalsea*, which Sum the Church-wardens shall collect and pay the High Constable quarterly, who must pay it to the Treasurer, and the Treasurer to the Lord Chief Justice. Surplusage of Money remaining in the Stock of any County, shall by the major Part of the Justices be bestowed for the Relief of poor Hospitals of that County, or those that lose by Fire or Water, and other charitable Purposes. Church-warden neglecting his Duty forfeits 10 s. and the High Constable 20 s. to be levied by the Treasurer, and employed to charitable Uses comprised in this Act. Treasurer neglecting his Duty forfeits 3 l. to be levied by any two Justices. ^{19 Eliz. c. 30} ^{c 4 p.}

By Stat. 3 *Car. 1. c. 5*. Churchwardens and Overseers of the Poor may with Consent of two Justices, (*Quor. 1.*) where there are two, if not, with the Assent of one Justice, set up, use and occupy any Trade, Mystery or Occupation, only for setting on Work and better Relief of the Poor of their Parish.

By Stat. 13 & 14 *Car. 2. c. 12*. Church-wardens or Overseers of the Poor complaining to one Justice within 40 Days after any Person's coming into their Parish to settle in any Tenement under 10 l. a Year, may have such Persons removed (if likely to be chargeable) by two Justices (*Quor. 1.*) of the Division, &c. to such Parish where they were last legally settled, either as a Native, Householder, Sojourner, Apprentice or Servant, for the Space of forty Days at the least, unless they give Security for the Indemnity of the said Parish, to be allowed by two Justices. Persons aggrieved may appeal to Quarter-Sessions. Persons carrying with them a Certificate from the Minister, one Church-warden and Overseer, of having a Dwelling-house in their Parish, and of their being Inhabitants there, may go into any other Place to work: And, in such Case, if the Persons do not return again to their Habitations

bitations when their Work is done, or if they fall sick while they are at Work; it shall not be deemed a Settlement, but may be removed by two Justices to their legal Place of Abode. Church-wardens, &c. refusing to receive such Persons, and to provide for them, one Justice may bind over such Officers, for Contempt, to Quarter-Sessions or Assizes. See the Act in respect to Corporations for erecting Work houses in *London and Westminster, &c.* and all other Corporations, and about the Government of them. 13 & 14 Car. 2. c. 12. See also the Clause whereby Townships in *Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, Durham, Cumberland and Westmoreland*, and other Counties, may provide for their Poor as Parishes do. This Statute is made perpetual by

16 Ann. c. 18.

22 & 23 Car. 2.
c. 18.

1 Jac. 2. c. 17.

12 Ann. c. 18. except what relates to Corporations there-mentioned, to which the Act of 22 & 23 Car. 2. c. 18. relating, and being expired, is not here treated of. By Stat. 1 Jac. 2. c. 17. confirmed and explained. And a Clause added, that the forty Days were to be accounted from the Time of the Delivery of Notice in Writing, by the poor Person, of the House of his Abode, and the Number of his Family, if any, to one of the Church-wardens or Overseers, &c.

Church-wardens, &c. refusing to receive any Person sent by Order of two Justices, forfeit 5 *l.* to the Poor of the Parish from which the said Person is removed, Proof by two Witnesses on Oath before any Justice of the County, &c. by Distress and Sale; for want, to be committed for forty Days without Bail, &c. A Book shall be kept in every Parish, wherein the Names of all those that receive Collection shall be registred, with the Day and Year when first admitted to have Relief. Church-warden or Overseer relieving any Person not having and wearing a Badge, being convicted on Oath of one Witness before one Justice, shall forfeit 20 *s.* by Distress, &c. by Warrant from one Justice, to the Poor and Informer. Justices at Quarter-Sessions, on Appeal to them about Settlement of any poor Person, or on Notice of Appeal, &c. though such Appeal is not prosecuted, shall award Costs for whom Appeal is determined, or to whom such Notice did appear to have been given. Proof must be made of Notice to Persons ordered to pay Costs living out of the Jurisdiction, &c. Justice of the County where such Person inhabits, on Request to him made, with a Copy of the Order, and Costs produced, shall cause Money to be levied by Distress, &c. for want, Commitment for twenty Days.

Church-wardens and Overseers of the Poor of any Parish, with the Consent of the major Part of the Inhabitants, may purchase or hire any House or Houses in the Parish or Place, and contract with Persons for the Lodging, keeping and employing of the Poor; and there they are to keep them, and take the Benefit of their Work and Labour, for the better Maintenance and Relief of such Persons: And in Case any Poor shall refuse to be lodged, kept and maintained, in such House or Houses, he shall be struck out of the Parish-Books, and not to be intitled to Relief.

Where Parishes are small, two or more of such Parishes, with the Approbation of a Justice of Peace, may unite in purchasing or hiring Houses for the Purposes aforesaid; and Church-wardens, &c. of one Parish, with the Consent of the major Part of the Parishioners, may contract with the Church-wardens, &c. of any other Parish for the Maintenance and Lodging of the Poor.

7. *The Duty of Overseers.*

By 43 Eliz. c. 2. Overseers of the Poor of Parishes are to be chosen yearly in *Easter Week*, or within one Month afterwards, by Appointment under the Hands and Seals of two Justices of Peace, (one whereof to be of the Parish lieth. Justices neglecting to nominate Overseers, according to the Statute, forfeit 5*l.* leviable on their Goods by Warrant from the General Sessions of the Peace.

Overseers of the Poor.
Appointed by two Justices.

Overseers of the Poor, &c. are to meet once a Month in the Parish Church, on *Sunday*, after Divine Service, unless hindred by some Cause to be allowed by two Justices, at which Meeting they are to consider of proper Methods for providing for the Poor; and if they neglect thus to meet, they forfeit 20*s.*

To meet once a Month.

If an Overseer does not provide for the Poor he is indictable, and if he relieves where there is no Necessity it's a Misdemeanor. *Pasch. 3 Ann. B. R. Tarwney's Case.*

The Penalty of meeting in the Church shall never be inflicted on the Overseers of the Poor of Extraparochial Places, because they have no Church to meet in. *8 Mod. East. 7 Geo. B. R.*

An Appointment of Overseers of the Poor by Justices.

Rex v. Town
of Great Mar-
low, and Rex
v. Clerkenwell.
13 G. 1.
Mod. Cases
77.

WE A. B. and C. D. Esqrs. two of his Majesty's Justices of Peace for the County of, &c. do hereby appoint E. F. and G. H. substantial Householders of, &c. to be Overseers of the Poor of the Parish of, &c. aforesaid, in the said County, for the Year next ensuing the Date hereof, according to the Direction of the Statute in that Case made. Given, &c.

A Woman ought not to be appointed an Overseer.
Pasch. 10 Ann. B. R. Anon.

They are to ac-
count when
their Year is
up.

Within four Days after the Overseers Year is up, and after other Overseers are nominated according to Law, the old ones must yield up to the two next Justices (*Quorum* 1.) a true and perfect Account of all Money by them received, or rated and assessed, but not received; and also of such Stock as shall be in their Hands, or in the Hands of any of the Poor to work, and of all other Things concerning their Offices, and shall pay and deliver over the same to the new Church-wardens and Overseers.

Passing their
Accounts.

When the Overseers Books are passed, it is usual for the two Justices to signify it writ in their Books at the Foot of their Accounts.

And if Money be due to the old Overseers, you write thus, *viz.*

Due to be paid from the new to the old Overseers,
30 l. 9 s. 9 d.

Octob. 11, 1728. Perused and Allowed by us A. B. C. D. two of his Majesty's Justices of the Peace for the said County, whereof one is of the *Quorum*.

And if Money be due to the new Overseers, you may say, Remaining in the old Overseers Hands to be paid to the new ones,
19 l. 9 s. 9 d.

Octob. 11, 1728. Perused and allowed by us A. B. C. D. two of his Majesty's Justices of the Peace for the said County, whereof one is of the *Quorum*.

If they refuse
they are to be
committed.

If the Church-wardens or Overseers refuse to account, then two Justices of the Peace, whereof one is of the *Quorum*, may commit the Person so refusing, to the County Gaol, there to remain without Bail or Mainprize, untill he make a true Account, and shall have satisfied and paid so much, as upon the Account shall appear to be remaining in his Hand; which also by Warrant may be le-

43 Eliz. sect. 4.

ved

vied by Distress. 43 *Elix. c. 2.* they may also be indicted for it at Sessions. 5 *Mod.* 179.

If the Overseers make a false Account, they may be indicted. *Dalt.* 154. They may be also indicted for not collecting a Tax, having Notice of the Persons taxed. 3 *Keb.* 49. If make a false Account may be indicted, &c.

The Substance of the Overseers Account is, what Sums of Money they have received, or rated and not received; what Stock, Wares, &c. they have in their Hands; what poor Apprentices they have put out and bound; whether they have suffered any of their Poor to wander and beg; whether they have met once a Month to consult of these Things; whether they have assessed the Inhabitants and Occupiers of Land, &c. and with Indifferency; whether they have endeavoured to levy such Assessments; if they have relieved the maimed and impotent, and executed their Office, in all Particulars; if they have duly executed Justices Warrants to them directed for levying Forfeitures, &c.

And they must give an Account of the Name and Quality of every Person buried in their Parishes, and of Certificates come to their Hands from the Parson of such Parishes, that the Persons therein mentioned were not buried contrary to Stat. 30 *Car. 2. c. 3.* for burying in Woolien, and of their levying the Penalty on Offenders. Account for all Persons buried in their Parishes.

Church-wardens and Overseers in present Exigences are to provide for the Poor, and they shall be reimbursed by a Rate; and it is discretionary to give them Money weekly, or to provide for them Victuals, &c. *Style* 246. To provide for the Poor upon Exigencies. 12 *G. 2. sect.* 28.

Overseers of the Poor are not obliged to disburse any of their own Money for the Support of the Poor; but if they do, a Rate ought to be made to reimburse them, though that Rate shall be called the Pools Rate, and not the Overseers Rate. But not obliged to disburse their own Money.

A *Mandamus* does not lie to the Church-wardens and Overseers to make a Rate to reimburse the Overseers; but the Overseer may cause a Rate to be made for that Purpose, and, when the Money is levied, pay himself; and if the Justices refuse to sign it, then a *Mandamus* may be directed to them to do it. 1 *Keb.* *Clark versus Church-wardens of Cripplegate.* *Modern Cases* 97. *Regina versus Parochiam de Littleport.* 2 *Keb.* *Rex versus Ogden & al.* *Tawney's Caf.* 2 *Salk.* 531.

Upon a Motion for a *Mandamus* to the new Church-wardens and overseers of the Poor, to make a Rate to reimburse the old ones the several Sums by them expended for the maintaining the Poor the last Year; it was denied, it having already been resolved in *Tawney's Case*, 2 *Salk.* 531. 6 *Mod.* 97. That a *Mandamus* cannot be granted

to the new Overseers to make a Rate, to raise Money to reimburse the old Overseers, but only to raise Money for the Relief of the Poor; for so is the Act of Parliament expressly, and must be pursued; and an Overseer is not bound to lay out Money till he hath it; if he doth, he must make a new Rate for Relief of the Poor, out of which he may retain so much as will pay himself. *The King versus Church-wardens, &c. of Rotherith in Surrey Hill.* 11 G. 1.

May act for their Parish though in two Counties.

When a Parish extends into two Counties or Liberties, the Justices have not Power to act in that Part which lies out of their Jurisdiction, as to the Nomination of Overseers, giving Warrants to raise Assessments. &c. But yet the Overseers of such Parish so extending into several Jurisdictions, may act in the whole Parish; but they must exhibit one Account before the Head Officer of the Town, and one other before the Justices. Stat. 43 *Eliz* c. 2.

If Action brought against them may have treble Damages.

If any Action be brought against Overseers, &c. for any Thing done by Authority of this Act, the Defendant may plead Not guilty, or make Avowry or Justification; to which the Plaintiff shall reply, that the Defendant did it in his own Wrong. Whereupon the Issue shall be tried, and the whole Matter given in Evidence; and if it be found for the Defendant, or the Plaintiff is nonsuited after Appearance, the Defendant is to recover treble Damages and his Costs. The Damages only, but not the Costs, are to be trebled. *Noy* 137. *Okely versus* — *Yelw.* 176. 1 *Rol. Rep.* 272. 2 *Rol. Rep.* 112.

Anonymus 5 Mod. 76.
Gardiner vers. Hobbs. 5 Mod. 71.
Harcourt vers. Weeks.
Sessions must execute their Judgment as two Justices must do.

In Actions brought against Church-wardens or Overseers of the Poor for mis-spending the Parish Money, any Parishioner not receiving Alms, &c. shall be admitted as Evidence in all Courts of Record by Stat. 3 & 4 *W. & M.* c. 11.

An Overseer accounted before two Justices, and his Account was allowed; the Parish appealed to the Quarter-Sessions, and they disallowed the Account, and ordered him to pay so much over, and for not doing it, committed him. In this Case it was held, that they should have levied the Arrears by Distress, and in Default of a Distress, have committed him; for the Sessions must execute their Judgment in the same Manner as the two Justices must do; and the Order was quashed as to that Part. *Queen against Hodges, Mich. 4 Ann. B. R. Salk.* 533.

And if any Stock shall be in the Hands of any Poor to work, and such Poor shall refuse to deliver the same, it seems two such Justices may make the like Warrant to levy, &c. and in Default thereof may commit. *Ut supra.*

If

If any Overseer lays out Money, he may be reimbursed by general Order of Sessions. *Peckham's Case at Maidstone Assizes*; and *per Hide*, it is good within the Stat. 1 *Keb.* 236.

If an Overseer be obstinate, and will not disburse any Thing, this is *casus omiffus*; yet the Justices may compel him, and make a Tax for the Poor of themselves in the same or another Year; *per Windham*.

An Order was made by two Justices, that *W. R.* should take upon himself the Office of Overseer of the Poor; but ill, because it did not appear that *W. R.* was an House-keeper, or an Inhabitant of that Parish; and the Court will not intend him to be one. *Mod. Cases* 77.

An Order to reimburse was grounded only on Account stated by the Oath of the Party, and never allowed by the two next Justices of Peace; whereupon the Majority of the Justices at *Hicks's Hall* refused to grant any new Order. 1 *Keb.* 236, 243. Clerk against the Church-wardens of *Cripplegate*.

It was agreed in *Taverner and Quaterman's Case*, that the Church-wardens ought in present Exigencies to provide for the Poor, and they shall be reimbursed. Order was made by the Judges to the Inhabitants of *B.* to reimburse the Overseers of the Poor for Money expended in Suit against some who refused to pay their Rates; and the Court was moved for an Attachment against them, which at last they did. 2 *Keb.* 461. *Rex versus Ogden, Monk and Lucas*; and the Court conceived that Costs may be allowed upon the *Certiorari*. 2 *Keb.* 500.

The Court of *B. R.* upon Motion, will compel the Justices to sign the Poor's Rates, unless they shew Cause to the contrary. The Case of the Inhabitants of *Peterborough*, *Mich.* 20 *Car.* 2. 1 *Siderfin* 377.

B. R. will compel Justices to sign the Poor's Rates.

An Overseer is not bound to lay out Money till he receives it; but if he does, he may make a new Rate for the Relief of the Poor, and out of that he may retain to pay himself. *Et per Cur'*, The Church-wardens and Overseers may make a Rate themselves. *Towny's Case Hill.* 2 *Ann.* *B. R.* *Salk.* 531.

Overseers of the Poor were indicted before the Justices of the Borough of *Reading*, for gathering several Sums of Money taxed on several Inhabitants, and not ascertaining them; Counsel excepted to it; but the Court ordered the Parties to plead, having Notice of the Persons taxed. 3 *Keble* 49. *Rex ver. Brown*.

Church-warden of *Hadly* was committed by the next Justice as Church-warden, without Bail, for refusing to give an Account of Money received and disbursed by him

him, &c. Upon an *Ha. Cor.* he was discharged; for the Justices in their *Mittimus* ought to have set forth, that he was Overseer of the Poor, and the Justices have no Power over him *quatenus* Church-warden, but *quatenus* Overseer. 1 *Keble* 574. *The King versus Peck.*

Overseer was indicted for not making up his Account; *Holt* said here the Justices are to commit specially according to their Power until the Party do account, and not until delivered by due Course of Law; for if so committed, we should discharge him upon a *Hab. Corp.* *Cumberb.* 374. *Rex versus Hummings.*

Three Justices took the Account of Church-wardens and Overseers; and adjudged, that there was due from them to the Parishioners 69 *l.* and made an Order; to which it was excepted that the Justices had no Power to make such Order, but only to issue Warrants to distrain; but the Court ruled the Order to be well made, and confirmed it. 2 *Salk* 484.

Justices at Sessions upon the Appeal must execute their Judgment in the same Manner as the two Justices must do. 2 *Salk* 533. *Mich.* 4 *Ann.*

The Sessions have no original Power to appoint Overseers; they appoint two of the Inhabitants not said substantial Inhabitants, as the Statute directs, and quashed *per Cur'.* *The King and The Inhabitants of Chilmarton.*

If Overseers won't account may be indicted.

The Defendants were indicted at the Sessions, for that they being Overseers, &c. and having taken upon them the Office *& uterque eorum*, did collect and receive several Sums of Money for the Relief of the Poor, and did refuse to account within four Days after the End of their Year, &c. It was objected that this Indictment would not lie, because this was an Offence created by Act of Parliament; and the Punishment directed by the Statute, *viz.* that the Offender should be committed by two Justices, there to remain, without Bail; that Remedy only must be pursued. 'Tis true, that is a proper Remedy to come at the Right, but the not accounting was a Contempt of the Law, for which an Indictment will lie. 5 *Mod.* 179.

Overseers forfeit 5 *l.* if refuse to receive Poor sent to them.

3 & 4 *W. & M.* c. 11.

If a Man shall be removed by Warrant of two Justices from one Place to another, and the Church-wardens and Overseers refuse to receive him, they shall forfeit 5 *l.* to the Poor of the Parish from whence removed, upon Proof of two credible Witnesses, before one Justice, of, &c. and for want of Distress, to be committed to the Gaol for forty Days without Bail. 3 & 4 *W. & M.* c. 11.

Mandamus to the Justices, &c. on the Stat. 43 *Eliz.* c. 2. to compel the old Overseers to account with the Successors, was quashed; because by the Statute the Account

is to be given to the two Justices, and not to the succeeding Overseers; besides two of the Persons named in the Writ, and who are to account, do not appear to the Overseers. 2 Salk. 525.

A Warrant for the Overseers of the Poor to Account, and name other fit Persons for the Year ensuing.

Essex, ff. **T**HES E are (in his Majesty's Name) to command you to give Notice to the Church-wardens and other the Overseers of the Poor of A. that they are by us required personally to appear before us at the House of D. E. in C. &c. upon Monday the 9th Day of May at Nine of the Clock in the Forenoon of the same Day, to make and yield up unto us a true and perfect Account in Writing of all Sums of Money by them received, or rated, or assessed, and not received, for and towards the Relief of the Poor of A. and also of such Stock (to set the Poor on Work) as is in their Hands, or in the Hands of any of their said Poor to work, and of all Things concerning the said Office; and that hereof they fail not at their Perils. And you are further hereby commanded, to signify unto them, that they do then and there also certify unto us the Names of such other substantial Householders of A. as are thought meet to be Overseers of the Poor there, for the Year ensuing; and fail not at your Perils. Given under our Hands and Seals, &c.

41 Eliz. c. 1
Two Justices,
one of the
Quorum, with-
in one Month
after Ratter.
13 & 14 Car.
2. c. 12. s. 36
5 W. & M.
c. 11.

If there be no Nomination of Overseers of the Poor yearly, every Justice dwelling within the Division shall forfeit to the Poor 5 l.

A Warrant to the Overseers of the Poor to pay Arrears, and continue weekly Relief to poor Persons.

Essex, ff. **W**Hereas Complaint hath been made unto me by A. B. of your said Town, that you R. G. and L. S. the now Overseers of the Poor of your said Parish, formerly paid unto the said A. B. the Sum of 1 s. 6 d. per Week, for and towards the Maintenance of herself and Children, and that you do now suspend the Payment thereof, whereby the said A. B. is utterly disabled to provide for herself and Children: They are therefore (in

41 Eliz. c. 1
One Justice
One Writ.

his Majesty's Name) to charge and command you the said Overseers, that presently upon Sight hereof you, or some of you, pay unto the said A. B. all such Arrears as are accrued since your forbearing the Payment of it, and that you continue the former Allowance of 1 s. 6 d. per Week unto her for the future, or forthwith to shew Cause why you refuse to make the same. And hereof, &c.

A Warrant to levy the Forfeiture of Church-wardens, &c. refusing a poor Person removed by Order of the Justices.

3 & 4 W. & M. c. 11.
One Justice.

W Hereas A. B. who some Time since came from the Parish of, &c. to the Parish of, &c. and there endeavouring to get a Settlement contrary to the Law, was, by Virtue of an Order made and signed by, &c. two of his Majesty's Justices of the Peace for the County aforesaid, lately removed from the said Parish of, &c. to the said Parish of, &c. where I am informed the said A. B. is a legal Parishioner and Inhabitant, and was refused to be received by, &c. the Churchwardens and Overseers of the Poor of the said Parish of, &c. as hath been duly proved, contrary to the Statutes in that Case made and provided, whereby the said Churchwardens, &c. have forfeited the Sum of 5 l. These are therefore, in his Majesty's Name, to command you to levy the said Sum of 5 l. on the Goods and Chattels of the said, &c. the Churchwardens and Overseers aforesaid, &c. Given, &c.

Families left on Parishes.

43 Eliz. c. 2.
13 G. 2. sect. 2.

BY Statute 43 Eliz. c. 2. Where any Person able to labour shall run away from his Parish, and leave his Family behind him, on Information thereof given upon Oath, two Justices of Peace may commit him to Gaol, there to remain, and be punished as an incorrigible Rogue. And if any Man or Woman able to work shall threaten to run away and leave their Families upon the Parish, the same being proved by two Witnesses before two Justices, the Person so threatening shall be sent to the House of Correction, &c. unless sufficient Security be given for the Discharge of the Parish.

12 Ann. c. 3.
13 G. 2. sect. 2.

By Stat. 12 Ann. c. 23. All Persons able in Body, who run away and leave their Families to the Parish, are declared Vagrants, and punishable as such.

By

By Stat. 5 Geo. 1. c. 8. Where any Wife, Child, or Children shall be left upon a Parish, the Church-wardens or Overseers of the Poor, upon Application to, and by Warrant from two Justices of the Peace, may seize so much of the Goods and Chattels, and receive so much of the Rents and Profits of the Lands and Tenements of the Husband, Father or Mother of such Wife or Children, as the Justices shall direct for the Discharge of the Parish in providing for such Wife or Children: Which Warrant being confirmed at the next Quarter-Sessions the Justices at the Quarter-Sessions may make an Order for the Church-wardens or Overseers, to dispose of the Goods or Chattels by Sale, and to receive the said Rents and Profits of the Lands and Tenements, or so much of them as they shall think fit for the Purposes aforesaid. And the Church-wardens, &c. are to be accountable to the Justices in Sessions for all such Money as they receive.

But then it seems but reasonable that the Party, in whose Hands the Money is, should not be bound by this Statute until he has Notice of the Warrant; and such Notice should be given before the Warrant is confirmed by the Sessions, that the Party may there appear, and if he can, shew Cause against it.

Person in whose Hands Money is, should have Notice, &c.

A Commitment of a Person for Running away and leaving his Family on the Parish.

Essex, ss. **W** Hereas A. B. and C. D. Overseers of the Poor of the Parish of, &c. have made Information upon Oath before us E. F. and G. H. Esqrs. two of his Majesty's Justices, &c. That J. K. of, &c. a Person able to work and maintain himself and his Family, did on, &c. last past, run away from the said Parish of, &c. aforesaid, and leave his Family a Charge to the said Parish, contrary to the Acts of Parliament in that Case made: These are therefore in his Majesty's Name to command you the Constable, &c. that you apprehend the said J. K. if he be within your Liberty, and him safely convey to the Gaol of, &c. aforesaid, and deliver him to the Keeper thereof: Hereby also requiring you the said Keeper, to receive the said J. K. into your Gaol, and him there to keep until he shall be from thence delivered by due Course of Law. Given, &c.

This is an Offence against several Statutes.

An

An Order to seize the Goods and Rents of one who has left his Wife and Children on the Parish.

§ G. 1. c. 8.
Two Justices.

Berks, *ff.* **W** Hereas it appeareth unto us, upon the Complaint of you the said Church-wardens and Overseers, that J. S. of your Parish, Carpenter, is departed from his usual Place of Abode, and hath left his Wife and three Children upon the Charge of the said Parish, though he hath a sufficient Estate to discharge and indemnify the same: These are therefore in his Majesty's Name, to require and authorize you to seize and take so much of the Goods and Chattels of the said J. S. and to receive so much of his Rents yearly issuing out his Lands, as will amount to the Sum of which we do hereby appoint you to receive for and towards the Discharge of the said Parish, according to the Form of the Statute in that Case made and provided. Given under our Hands and Seals, &c.

8. Orders of Justices touching the Poor.

If Justices of Peace in Sessions make Orders for Parishes to provide Houses, or to give any Persons Maintenance, who are not impotent, but able to work, or having any Thing to live upon, those Orders are against Law.

Rules for drawing Orders.

I shall here present the Reader with such Rules as I meet with in our Books concerning the Drawing of Orders.

Order must say where last legally settled. Not sufficient to say made on due Notice.

The Order must say last legally settled; for by Law the Place the Poor were last legally settled at, is the Place which is to provide for them. *Trin 5 Ann. B. R.* It is not sufficient to say the Order was made on due Notice without adding (on Complaint of the Church-wardens and Overseers of the Poor of the Parish); and tho' on a *Certiorari*, it was returned to be so, yet the Order is the Record, and the Return cannot make a void Order good. *Mich 9 Ann. inter Paroch' de Northboy & Shugford; & Pasch. 6 Ann. Regina ver. Parochias de Langley & Goring, and Wootton Rivers Inhabitants Case. 5 Mod. 149. Salk. 492. Carth 365. 3 Salk. 254. Sett. and Rem. 18. Cases B. R. 89. Holt 510.*

Must say one of the Justices is of the Quorum.

If by the Order it does not appear that one of the Justices is of the *Quorum*, the Order is nought; for two Justices, unless one is of the *Quorum*, have no Authority to remove a poor Man. *Chittington Parish v. Penhurst, Salk. 474. Sett. and Rem. 271. 5 Mod. 321. Holt 507.*

The Order must contain an Adjudication of the last legal Settlement of the Party. *Pascb. 6 Ann. Regina ver. Parochiam de Langley & Goring.*

Must contain an Adjudication of the last legal Settlement.

An Order for the keeping a poor Woman, though it was alleged that it was uncertain in what Parish she lived, nor said that she was impotent, yet refused to be quashed. *2 Keb. 37. Kilbeck's Case.*

An Order for the removing one because he might become chargeable to the Parish, is ill, because it denotes a bare Possibility, and no Probability. It ought to be because the Party is likely to become chargeable to the Parish. *Farely 54. 6 Mod. Cases 163. Regina ver. Inhabitants of Newbam.*

It must be because the Party is likely to become chargeable.

If the Order does not set forth the Makers to be Justices at the Time of the Making, though the Order be confirmed on Appeal, yet it is naught; because though they might be Justices at the Time mentioned in the Order of Confirmation, they might not be so at the Time the first Order was made. *5 Mod. 322. Parish of Walton ver. Parish of Chesterfield.*

Must say the Justices were Justices at the Time of the making.

An Order for the removing of a poor Person to a Place which the Order rehearses to be, as the Justices are informed, the Place of his last Settlement, is not good, unless it says the Information is on Oath. But if on Appeal the Order is confirmed, it is good. *5 Mod. 325. Salk. 473. Sett. and Rem. 244. Holt 572.*

Must say the Information is on Oath.

An Exception was taken to an Order for settling a poor Man, that he did not rent an House of 10 *l. per Ann.* Chief Justice: That most of the Orders since 13 *Car. 2.* have been so; and though it might have been better if it had been added, that he was likely to become chargeable to the Parish; yet since the Precedents have been so, we will not alter it.

But then another Exception was, that it is not said in the Order there was a Complaint made by the Churchwardens: And that was fatal; for the Justices of Peace cannot remove a Man without it. And though it is said in this Order, that Complaint was made, yet since it is not said by the Inhabitants or Church wardens of the Parish, it is ill. Let the Order be quashed. *Mich. 7 W. 3. in B. R. Rex versus Inhabitants de Marlborough, Salk. 492. Carth. 365. 5 Mod. 149. 3 Salk. 254. Cases B. R. 89.*

Must say on Complaint of Churchwardens.

Where an Order is made for the Settlement of a poor Person, and an Appeal thereupon to the Sessions, the Sessions may affirm or quash that Order, but they cannot send

Sessions on Appeal may quash or affirm the

Order, but cannot send to a third Parish

such

such poor Person to a third Parish, who are no Parties to the Appeal. *Inter Inb'tan. Ofwel & Woking, Pasch. 8 W. 3. B. R. Salk. 472. 3 Salk. 256. Sett. and Rem. 266.*

The Place of his last Settlement ought to be positively affirmed in the Order.

An Order reciting, Whereas we are credibly informed of the Place of his last legal Settlement, &c. is naught, for the Place of his Settlement ought to be positively averred, and adjudged by the Justices. *Salk. 473, 478, 479. Trobridge Parish ver. Weston. 5 Mod. 325. Holt 572. S. C.*

The Removal of a poor Person may be by two Justices of the County, though not of the same Division. *Salk. 480.* but one of them must be of the *Quorum*, and so recited to be, or the Order is naught. *Ibid. & 475.* And they must appear to be Justices of the County in the Order, or it is ill. *Salk. 474, Dobbys's Case.*

Sessions have no Jurisdiction but by Way of Appeal.

An Order made by two Justices, being quashed by the Sessions, the Sessions Order was quashed in *B. R.* because it did not appear the Cause came before them by Way of Appeal, without which they have no Jurisdiction. *Salk. 479.*

Sessions must see their Order obeyed.

A Settlement by Order of Sessions upon an Appeal, binds all Parties; and if a poor Family after such Order return to the Parish from whence they were removed, the Sessions must see their Order obeyed. But if such poor Family go into another Parish, not concerned in the Appeal, then two Justices of Peace ought by an original Order to remove them to the Parish where they were settled by the Sessions Order. *Inter Inb'tan. Downhead and Broadchal, Hill. 9 W. 3. Salk. 481, 489.*

Where two Justices send a poor Man into another County, Parish griev'd must appeal to Sessions of the first County.

Where two Justices of one County send a poor Person to a Parish in another County, two Justices of the County whither such Person is sent, cannot make an Order to remove him back again, or to send him to any other Place. And the Town to which such Person was sent, has no other Remedy than by Appeal to the Sessions of that County from whence the Party was sent. *Inter Inb'tan. King's Norton and Sawolnbill, Hill. 9 W. 3. Salk. 481, 488.*

A general Order to remove a Man and his Family, is not good. *Salk. 482, 485, 488.*

Overseers not to find Houses for Poor.

Order made by two Justices, &c. to Overseers to continue the weekly Payment of 2 s. to R. G. and all the Arrears, till they find him an House, quashed; because the Overseers have no Power to find him an House; that must be done by the Lord of the Manor, or by the Justices.

Where the first Order is naught, no subsequent Order on an Appeal can make it good. *Mich. 10 W. 3. B. R. Anonymous.*

Anonymous. The same Resolution, *Tris 2 Ann. inter Selen & Ripley, Salk. 482.*

An Order drawn up to have the Opinion of the Court, concluding, and if the Court should be of Opinion, &c. was held to be right. *Ibid.*

The Examination of the Person must be recited in the Order to be by both Justices, (because the Adjudication ought to be by both) or the Order is naught. *Inter Ware & Hamstead, 12 W. 3. B. R. Salk. 488.*

Examination of Poor must be said to be by both Justices.

It ought to appear in the Order, that the Person removed is a Person removeable. If it be recited, that whereas Complaint hath been made to us that *A.* is likely to become chargeable, it is naught; but if it be said, whereas it appears to us upon Complaint, &c. that *A.* is likely to become chargeable, it is well enough. *Salk. 491. 6 Mod. 163. Holt 576, Suddlecomb versus Burwash.*

Where an Order is confirmed, or not appealed from, it is conclusive to all the World but where an Order is reversed by the Sessions, such Reversal only determines that the Place the Party was sent to was not the Place of his last legal Settlement. *Inter Swanscomb & Shenfield, Pasch. 1 Ann. B. R. Salk. 492.*

Where an Order is conclusive to all the World.

Where the Sessions make an Order, and in the same Sessions vacate it by a subsequent Order, it is held to be well enough: For the Sessions is all deemed but one Day, and the Justices may alter their Judgments at any Time while it continues. *Inter St. Andrews Holborn & St. Clement Dances, Mich. 3 Ann. B. R. Salk. 494, 606. 6 Mod. 237. Sett. and Rem. 168. Holt 511.*

Sessions may set aside their own Order made the same Sessions.

The Sessions need not set forth the Reason of their Judgment. *Salk. 607.*

An Order reciting a Complaint that a Certificate Man is become chargeable, is not good, unless he is adjudged by the Justices (in the Order) to be actually chargeable. *Salk. 530. Set. and Rem. 172, Cadbury versus Braddon.*

Justices that make Orders must be said in such Orders to be Justices of the County, and to say, residing in the County, is not sufficient. But they need not be of the Division. It must also appear that one of the Justices was of the *Quorum*. *Salk. 474, 480.*

An Order was made at the Sessions, that a Man should maintain his Daughter, and allow her *1 s. 8 d.* a Week for her Subsistence. The Order was quashed, because it did not appear by the same that she was unable to work, or that she was sick, aged or impotent, which the Statute requires. *13 W. 3. B. R. Mendoza's Case, Black. 199.*

At

Distinct Orders must be made on different Statutes.

At the Quarter-Sessions, an Order was made for the Relief of poor Prisoners in Gaol, and providing Materials to set them at Work upon the Statute 14 *Eliz. cap. 5.* and 19 *Car. 2. cap. 4.* whereby a Sum was assessed on the several Parishes, not exceeding what is allowed by both Acts. But the Order was quash'd, because the Justices ought to have made distinct Orders upon the different Statutes. *Salk. 487.*

Quash'd for not saying General Quarter-Sessions.
43 *Eliz. c. 2.*

An Indictment for not obeying an Order made on 43 *Eliz. cap. 2.* was quash'd, because the Order was only said to be made at the Quarter-Sessions, and not at the General Quarter-Sessions. And the 43 *Eliz. c. 2.* appoints Orders in these Cases to be made at the General Quarter-Sessions. *Salk. 474. 5 Mod. 329. Turnock's Case.*

Authority given to Justices of Peace must be exactly pursued; and so it ought to appear in their Orders and Determinations. And Orders of Justices being judicial Acts are not absolutely void in themselves, but voidable, and continue Orders till avoided. 2 *Salk. 475, 674. 5 Mod. 321. Holt 507. Chittinston versus Penburst.*

Sessions may alter their own Order the same Sessions.

The Order of two Justices not appealed from, binds the Parish, upon which it is made, till a new Settlement is gain'd. An Order reversed is final only between the Parties; but an Order confirmed, or not appealed from, is final to all the World. The Sessions may alter their own Orders the same Sessions: And the Sessions hath Power to affirm or quash, and not supersede or suspend an original Order of two Justices, relating to the Removal of a poor Person, &c. *Salk. 472, 492. 3 Salk. 256. Ofwell versus Woking.*

It is a standing Rule in the Court of King's Bench, that if upon an Appeal the Order of two Justices is either affirmed or quashed upon the Merits of the Case, in Relation to Settlements, it shall be conclusive between the two Parishes. *Pasch. 10 Ann. Bishop Walbham versus Foram, Black. 193.*

B. R. will not enter into the Merits, unless Error in the Proceedings.

Term *Pasch. 29 Car. 2.* A Motion was made in *B. R.* to set aside an Order of Sessions for the settling a poor Person in a Parish sent thither by Warrant of two Justices, and confirmed in the Sessions upon an Appeal. And the Court refused to enter into the Merits of the Cause; the Order of Sessions being in this Case final, unless it be made appear that there is an Error in the Form of Proceeding. 1 *Vent. 310.*

Order must be made on Complaint of Parish Officers.

An Order of two Justices, &c. was quash'd, because it did not appear that it was made upon the Complaint of the Church-wardens or Overseers of the Poor; besides there was no Adjudication.

It

It was held by the Court for a General Rule, in Cases of Orders for Removal, that if the Parish to which a poor Person is removed, doth not appeal in Time, such Order is conclusive to the contending Parishes, and indeed to all Parishes except where an After-Settlement can be fixed.

Upon Complaint to the Sessions, that the Parents did not relieve a poor Child, they appointed two Justices to examine the Matter, &c. who made an Order for the Parents to relieve it; but it was quash'd, because the Sessions could not delegate their Power to other Justices; therefore they should have made the original Order. *Style* 154.

Sessions cannot delegate their Power to other Justices.

The Order of two Justices set forth, that the Person removed, was lately settled in the Parish of C. &c. it should have been last legally settled, &c. And for that Reason it was quash'd. *9 Ann.*

Order must say last legally settled.

The Order of two Justices recites, that they were credibly informed, that A. B. was last legally settled in the Parish of C. for which Reason it was quash'd; for it must positively be adjudg'd to be the last Place of legal Settlement. *2 Salk. 473. 5 Mod. 325. Holt 572. Sett. and Rem. 244. Trobridge versus Weston.*

And so must be adjudg'd.

It was settled in the Order, that the two Justices were residing in the County of S. for which Reason it was quash'd; for it must appear they were Justices in and for the County, &c.

Must be by Justices in and for the County.

Every Order of Removal ought to be directed to the Parish Officers removing, and to the Parish Officers to whom removed, and not to the Officers of that Parish alone to which the Person is removed; and for that Reason the Order was quash'd. *3 Salk. 256. Sett. and Rem. 80. Olave Parish's Case.*

How Order of Removal must be directed.

The Return of the *Certiorari* in a Schedule annexed to the Writ, was not made by two Justices, but by the Clerk of the Peace; but he not being the Person to whom the Writ was directed, it was quash'd, and a new *Certiorari* granted; which being returned and filed, it was objected, that it did not appear by the Order that it was made by two Justices of the Division, &c. pursuant to the Stat. 13 & 14 Car. 2. but adjudged that as to this Matter the Stat. was only directory, and not restrictive, as the Words (*Quor. 1.*) &c. are. *3 Salk. 258. 2 Salk. 479. Cases B. R. 138. Sett. and Rem. 259. Abley's Case.*

Certiorari must be returned by the Person to whom directed.

Upon an Appeal from an Order of two Justices, the Sessions sent the poor Man by an Order to a third Parish, for which Reason it was quash'd; for the Sessions have only

Sessions have only Power to affirm or reverse an Order.

only Power to affirm or reverse the Order of the two Justices, and they cannot make an Original Order.

An Order was quash'd upon an Appeal, but that Sessions Order was likewise quash'd, because it did not appear that it came before them by Way of Appeal; and they have no Jurisdiction but upon an Appeal. 2 *Salk.* 475. *Sett. and Rem.* 268. *Amner Parish's Case.*

Difference as to the Place of Settlement, where Order is confirmed, and where revers'd.

There is a Difference as to the Place of Settlement, where the Order of two Justices is confirmed, and where it is reversed upon an Appeal, or not appealed from; for where it is confirmed or not appealed from, there that Parish, to which the poor Man was removed by the original Order, shall never say that it was not the last Place of his legal Settlement, because the Affirmance of the Order upon an Appeal is conclusive to all Parishes; but where the original Order is discharged upon an Appeal, there the Matter is at large again, as to all Parishes, except that to which the poor Man was removed; which upon the Appeal was determined not to be the last Place of his lawful Settlement. 2 *Salk.* 492. 3 *Salk.* 260, 261. *Swascomb versus Shensfield.*

* 3 *Salk.* contra

An Appeal from the Order of two Justices ought to be to the next Sessions; that is, it ought to be lodged then, but there is no Necessity that it should be determined at that Time, because the Sessions may * adjourn it to another. 2 *Salk.* 605. *Langly Parish's Case.*

Village taken as a Parish.

Adjudg'd that where a Village in a Parish had a Church, before 43 *Eliz.* and that such a Village had been used and reputed as a Parish, and had all Parochial Rights, and Church-wardens, &c. that this is a Parish, and chargeable to maintain its own Poor. *Cro. Car.* 92. *Lit. Rep.* 73. *Hutt.* 93. *Hitton versus Parwn.* *Cro. Car.* 394. *W. Jones* 355. *Nichols versus Walker.*

Order not to be made on Wife, but Husband.

The Sessions made an Order for a Feme Covert to keep and relieve her Grand-child; but it was quash'd because her Husband ought to be charged by the Order, and not the Wife. *Style* 285.

Order to pay for an indefinite Time good.

It was ordered by the Sessions, that the Son should pay 2 s. per Week towards the Relief of his Father, till the Court should order otherwise. Adjudged a good Order, though it was indefinite, and no certain Time limited how long he should pay the said 2 s. But it had been otherwise if a certain Time had been limited. 2 *Salk.* 534. *Jenkin's Case.*

An Order of Removal was confirmed upon an Appeal, and the next Sessions after there was an Order of Review made, and the Sessions Order was quash'd, because obtained by Surprise; but adjudg'd that the Order of Review

view should be quash'd, because after the first Sessions when the original Order was made, the Sessions have no farther Authority.

A poor Infant was left in *Christ-Church Hospital*, and upon Complaint of the Governors of the Hospital, two Justices made an Order that the Overseers of the Poor of that Parish should receive and maintain it; quash'd, because it is not set forth, that the Parents were not known, or that the Child was likely to be chargeable to the Parish.

Whereas Complaint hath been made, not said by whom, quash'd.

Whereas J. S. hath intruded into the Parish of A. and is likely to become chargeable; These are to remove him, with three Children; quash'd as to the Children, for they have remov'd more than is complain'd of: The Parish of Newington said to be the Place of his legal Settlement; per Cur', is well; for how can it be said he was legally settled there, unless he was last settled there. The Parish of Uppotterce versus Dunjavel in Devon. Sett. and Rem. 66.

An Order of Sessions to pay *W. G. and Mary* his Wife three Shillings *per Week*, is ill, because not said they are impotent and unable to maintain themselves. *1 Keb. 489. 2 Keb. 537, 643, 744. 5 Mod. 197.*

An Order by the Justices of the Borough of *Marlborough*, for the Parish of *St. Peter* to pay the Officers of *St. Mary's*, the Sum of twenty Shillings weekly, until we the said Justices shall see fit to order to the contrary, is ill; for the Statute never gave the Justices such an Authority; 'tis in Effect making a perpetual Order: For if one of Justices die, or be removed, no other Justice can alter it till we the said Justices shall see fit to alter; quash'd.

Whereas J. S. is likely to become chargeable, not say to what Parish; quash'd. Trin. 11 Ann.

If an Order say he was settled at *W.* he having lived there for two Years as an hired Servant, 'tis well enough. *Trin. 11 Ann.*

Order was to the Church-wardens of *Clypton*, to repair to the Parish of *Ravistock*, and to relieve them, being so sick that they cannot be removed: *Curia*; the Justices have no Authority to send for Officers out of another Parish, but are bound to maintain the Poor as long as they continue with them. And *per Powel*, no Parishioners to be relieved till they are carried to the Parish; quash'd. *Pasch. 1712. Clypton, St. Mary's and Ravistock, in Devon. Sett. and Rem. 31.*

Two Justices made an Order to compel the present Church-wardens of *Ely* to pay to the two precedent Ones, or their Executors, 40*l.* quash'd: *Per Cur'*, have no such Authority *Hill.* 1712.

The Order says, Place of his legal Settlement, not said last legal Settlement: *Cur'*, it is well, for legal Settlement does import as much.

An Order of Sessions to pay *R. G.* and *E.* his Wife, three Shillings *per Week*; objected, not said they are impotent and unable to maintain themselves; quash'd. 1 *Keb.* 489. 2 *Keb.* 537, 643, 744. *Pasch.* 1 *Geo.* 1. 5 *Mod.* 197.

A Complaint is made by the Officers of *Westwoodbay*, to one Justice of Peace, and then two Justices adjudge and remove, and held well; otherwise where one Justice sets his Hand to the Order in the Absence of the other.

It does not appear in the Order, that *Shellingham* was in the County of *Norfolk*, but *Norfolk* was in the Margent; the Court held the Objection fatal; the Difference is between civil and criminal Prosecution: It must appear the Parish is in the County from whence the Person is removed.

An Order of Sessions for a Father to maintain his Daughter.

Cumberland, } At the General Quarter-Sessions of the Peace
to wit. } held at *P.* in and for the said County, &c.

Complaint having been made unto this Court by *A. B. C. D.* &c. Church-wardens and Overseers of the Poor of the Parish, &c. that *E. F.* of the said Parish is a very poor impotent Person, and wholly unable to do any Work or Service to get her Livelibood, or otherwise to maintain herself: And it having been proved by the Oaths of the said *A. B. C. D.* &c. that *T. F.* Father of the said *E. F.* of the said Parish of, &c. is a Man of Substance and Ability to provide for his said Daughter, but he refuses to do the same; whereby the said *E. F.* is become chargeable to the said Parish of, &c. It is therefore ordered by this Court that the said *T. F.* do pay or cause to be paid unto the said *E. F.* his Daughter, or to the Church-wardens, &c. for her Use, the Sum of 2*s.* weekly, and every Week for the Relief and Maintenance of the said *E. F.* until she be better able to provide for herself, and for the Discharge of the Parish aforesaid, of and from the same.

9. *Parishes and Parishioners.*

The Statute 43 *Eliz. cap. 2.* provides, that there shall be Overseers of the Poor in every Parish; but because several Parishes which are large, and had many Villages in the same, could not reap the Benefit of that Act, therefore by 13 & 14 *Car. 2. cap. 12.* it is enacted, That in every Township and Village of *Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, Durham, Cumberland, and Westmorland,* and other Counties in *England and Wales,* where (by Reason of the Largeness of the Parishes) they are not within the 43 *Eliz. cap. 2.* there shall be yearly chosen and appointed, according to the Rules of that Act, two or more Overseers of the Poor within every of the said Townships and Villages, who shall from Time to Time do, perform and execute all and every the Acts, Powers and Authorities, for the necessary Relief of the Poor within the said Townships or Villages, and shall be liable to such Pains and Penalties for Non-performance thereof, as is limited by 43 *Eliz. cap. 2.*

Villages to be rated as Parishes.

A Parish contained two Members, *A. and B.* and *B.* had a Chapel of Ease and a Burying-place, being a long Time reputed a Parish, (though only a Member of *A.*) and had used to chuse Overseers: It was resolved that Parishes only in Reputation are within the Statute 43 *Eliz. cap. 2.* as other Parishes are, if the Usage of such Parish to chuse Overseers had been constant and without Interruption. 2 *Roll. Rep.* 160. *Lit.* 73. *Gre. Car.* 92. *Hutt.* 93. *Hilton versus Paul.*

A Village rated as a Parish, it, &c.

A Parish must have Parochial Rights. 4 *Mod.* 157.

An Order was made by Justices for sending a Person to the Precinct of *Bridewell,* as his last legal Settlement, he having served seven Years Apprenticeship there; which Order set forth *Bridewell* to be an extraparochial Place. *Per Holt C. J.* If a Place be extraparochial, and has not the Face of a Parish, the Justices have no Authority to send any Man thither. Possibly a Place extraparochial may be taxed in Aid of a Parish; but a Parish shall not be taxed in Aid of that. *Salk.* 486. *Cartb.* 515. *Holt* 575, 509. *Bridewell versus Clerkenwell.*

Bridewell Precinct no Parish.

By Virtue of the Stat. 13 & 14 *Car. 2. cap. 12.* the Justices may exercise the Powers given by 43 *Eliz. cap. 2.* and that in all extraparochial Places containing more Houses than one, so as to come under the Denomination of a Vill or Town. *Salk. ibid.*

A Parishioner is where a Person serves an Apprenticeship to a Parishioner, unless by Certificate, lives a Year as a hired Servant, unless to one come into the Parish by Certificate.

Qualifications of a Parishioner.

tificate, executes any Parochial Office in his own Right, pays his Share of Parochial Taxes, unless to the Scavenger or Highways, rents 10*l.* per Ann. &c. in a Parish.

Hatfield was a Parish, and *Totteridge* a Village within the Parish of *Hatfield*, and paid their Tithes to the Parson of *Hatfield*; but *Totteridge* for above sixty Years, and at the Time of making the Stat. 43 *Eliz.* cap. 2. was a reputed Parish, and had a Constable and Overseers of the Poor, and they provided for the Poor of *Totteridge*, and never contributed to the Poor of *Hatfield*. The Church-wardens, &c. of *Hatfield* make a Taxation for the Poor, and tax *Nichols* Plaintiff, who had Land, and was an Inhabitant in *Totteridge*; which was affirmed by two Justices according to the Statute. *Nichols* refusing to pay it, they distrain upon him by Warrant of the Justices of Peace; upon which *Nichols* brought Trespass against the Defendants, the Church-warden and Overseer of *Hatfield*; and adjudged by the Court that the Action lies; for a Precinct of a Parish is within the Stat. 43 *Eliz.* cap. 2. and is to be assessed by itself, and not with the Mother-Church. *Hill.* 10. cap. 1. *Jones Rep.* 355. *Cro. Car.* 394. 2 *Ro. Ab.* 560. p. 1. *Nichols* versus *Walker*.

A Parish in Reputation is within 43 *Eliz.* c. 2. if, &c.

A Parish in Reputation, though really no Parish, is within Stat. 43 *Eliz.* cap. 2. if it were a Parish in Reputation when the Act was made; and the Overseers of such Parishes in Reputation may make Rates for their Poor, and distrain for the Non-payment of them. *Hilton* versus *Paul*, *Cro. Car.* 92. *Hutt* 93. *Litt.* 73.

And in such Case, the Inhabitants of the Village which hath parochial Rights, and was a Parish in Reputation, shall not be taxed to the Poor of the Rectory. *Nichols* versus *Walker*, 1 *Jon.* 355. *Cro. Car.* 394. 2 *Ro. Ab.* 560. p. 1. *Weedon* versus *Walker*, 2 *Ro. Rep.* 160.

But the making of Rates in a Village which hath no parochial Rights, will not exempt the Inhabitants from paying to the Poor of the Rectory, for 'tis not so much as a Parish in Reputation. 4 *Mod.* 157. *Salk.* 501. *Rudd* versus *Foster*.

Mandamus to the Justices to appoint Overseers of the Poor in the Town of *Rufford*; they return, that *Rufford* is an extraparochial Place, and in the Forest of *Sberwood*, and therefore they are not to provide for their Poor. But the Court was of Opinion, that Places extraparochial are within the Statute; for by the general Words, the Justices have Power to name Overseers in all Parishes which must extend to extraparochial Places, as well as to Parishes in General; and most of the Forests in *England* are extraparochial,

rochial, but yet they ought to maintain their own Poor.

1 *Mod. Cases* 39. *Rufford Inhabitants Case*.

Where a Parish, as *St. Botolph without Aldgate*, has but one Church-warden and several Overseers of the Poor, some for that Part of which is in *London*, and others for that Part which is in *Middlesex*, and the Parish Rates are several; it was resolved, that, without any particular Usage to the contrary, each Part must equally contribute towards the Relief of Children whose Mothers died in either County, because the Statute 43 *Eliz. cap. 2.* names Parishes; but because they had distinct Officers and distinct Rates, and used to make distinct Accounts to the Justices of each County; therefore they shall be taken as distinct Parishes. *Raymond* 477. *Sett. and Rem.* 125.

Some Parishes are so very extensive, and the several Parts lying at a great Distance, it was impossible for the Poor effectually to be relieved by the ordinary Methods of taxing the whole Parish, and the Justices of Peace have no Power to dismember Parishes; no, though they had been dismember'd formerly; and this was the Reason of the Clause inserted in Stat. 43 *Eliz. cap. 2.* relating to the Isle of *Fowles*, and also of making the Stat. of 13 & 14 *Car. 2. cap. 12.* afore-mentioned, and which has been adjudged to extend to no County that is not therein expressly mentioned. *Ratcliffe Inhabitants Case*, 2 *Kebl.* 56, 96. 1 *Sid.* 292. *Skillington versus Norton*, 2 *Lev.* 142. 3 *Kebl.* 422, 460, 494, 539.

These Clauses do not extend to Bastards, for they are provided for by the 18 of *Eliz. cap. 3.* But if a Bastard become poor and impotent, then *quatenus* such he may be relieved by Virtue of this Act. *Budworth Parish versus Dumbley*, *Salk.* 123. *Black.* 238. *Sett. and Rem.* 157.

10. Penalties and Forfeitures to the Poor.

Besides the Method of relieving the Poor by Parish-Rates, the Penalties and Forfeitures imposed by several Statutes are applied to the Use of the Poor, a compleat List of which here follows, *viz.*

Justices of Peace not appointing Overseers of the Poor yearly, incur a Penalty of 5 *l.* and Overseers not meeting once a Month to do their Duty, forfeit 20 *s.* for the Use of the Poor of the Parish, by 43 *Eliz. cap. 2.*

Constables, &c. not levying the Penalties on Alehouse Keepers suffering People to tittle in their Houses, forfeit 40 *s.* Alehouse-Keepers permitting Tippling 10 *s.* and Persons tippling 3 *s.* 4 *d.* to the Use of the Poor. 1 *Jac. 1. cap. 9.*

D 3

A Per-

- enacted of
Drunkennels. 21 Jac. 1. c. 7.
- Swearing and
Cursing. 3 Jac. 1. c. 20.
6 & 7 W. 3.
c. 11.
- A Person Convict of Drunkennels forfeits 5 s. to the Poor. And one keeping an Alehouse without License, 20 s. Officers not presenting him, 40 s. 21 Jac. 1. cap. 7.
- Persons forbearing to go to Church forfeit 1 s. for every Offence. 3 Jac. 1. cap. 4. And prophane Cursing and Swearing, if a Servant, &c. is liable to 1 s. and every other Person 2 s. second Offence double, and for the third Offence treble. 21 Jac. 1. cap. 20. 6 & 7 W. 3. cap. 11.
- All Persons at any Games or publick Sports on *Sundays*, forfeit 2 s. 4 d. to the Poor. Butchers killing, or selling Victuals on *Sundays*, forfeit 6 s. 8 d. and Carriers, &c. travelling on that Day, forfeit 20 s. Stat. 3 Car. 1. cap. 1.
- 3 Car. 1. c. 1.
- Forfeitures to
the Poor. 16 Car. 1. c. 19.
- Keeping false Weights and Measures is 5 s. Penalty, and Clerks of Markets sealing false Weights or Measures or taking more than they ought for sealing, in the first Case forfeit 5 l. and the latter 10 l. Stat. 16 Car. 1. cap. 19.
- Persons erecting Wears along the Sea-shore, or in any Haven, &c. and wilfully destroying Spawn of Fish, forfeit 10 l. Half to the Poor. 3 Jac. 1. cap. 12. Those who take Fish in any Water without the Owners Consent, forfeit not exceeding 10 l. And Destroyers of Conies in the Night on the Borders of Warrens, &c. forfeit the same Sum, for the Use of the Poor. 13 Car. 2. cap. 25.
- 13 Jac. 1. c. 12.
- 13 Car. 2. c. 25.
- Importing Cattle, dead or alive, except for Provision to forfeit one Moiety to the Poor. 18 Car. 2. cap. 2. Cattle imported from *Ireland*, are liable to Forfeiture and Seizure for the Poor, &c. And Parish Officers neglecting their Duty, forfeit 40 s. for every Bullock, Cow, &c. and 10 s. for every Sheep, &c. Half to the Poor. 32 Car. 2. cap. 2.
- 18 Car. 2. c. 2.
- 32 Car. 2. c. 2.
- Persons suspected of stealing Wood, if they cannot give a good Account how they came by it, to forfeit not exceeding 10 s. to the Poor. 15 Car. 2. cap. 2.
- 15 Car. 2. c. 2.
- Those who do any thing besides Works of Charity and Necessity on a *Sunday*, forfeit 5 s. Crying or Exposing to Sale any Wares (except Milk, and, by a late Act, Mackarel) to forfeit the same for the Poor. Drovers, Waggoners, Higlars, &c. travelling on that Day, forfeit 20 s. and others using Boats and Wherries without License from a Justice, forfeit 5 s. Stat. 29 Car. 2. cap. 7.
- 29 Car. 2. c. 7.
- Where a Person is not buried in Woollen, and Affidavit not made that he is so buried, a Penalty is incurred of 5 l. one Moiety to the Poor. 30 Car. 2. cap. 3.
- 30 Car. 2. c. 3.

Persons laying Dirt, Ashes, &c. before their Doors, forfeit 5 s. Laying rough Stones, Timber, &c. in the Streets, 20 s. Not sweeping the Streets before their Doors on *Wednesdays* and *Saturdays*, 10 s. Scavengers not bringing their Carts, 40 s. Persons not repairing their Pavements, 20 s. and 20 s. per Week 'till repaired. Every one not hanging out Lights in the Winter 2 s. per Night. Persons suffering Carts to stand in the Hay-market, with Hay and Straw to be sold, in the Winter after Two, and in the Summer after Three a Clock, 5 l. One Moiety of all which Forfeitures to the Poor. 2 *W. & M. cap. 8.* 2 *W. & M. c. 3.*

If any Person unlawfully hunt or wound, &c. any Deer in any Forest or Park, he forfeits 20 l. and taking or killing Deer 30 l. one third to the Poor. 3 *& 4 W.* ; &c 4 *W. & M. cap. 10.* c. 10.

Persons unqualified having Game found on them, and not able to give a good Account of it, forfeit not under 5 s. nor exceeding 20 s. Apprentices Hunting, &c. are liable to the same Penalty ; Half to the Poor.

Sellers of Butter committing Frauds, forfeits 20 s. for every Firkin. Warehouse-keepers, Weighers, &c. in any Port, refusing to receive and take Care of Butter and Cheese, forfeit 10 s. for every Firkin of Butter, and 5 s. for every Weigh of Cheese. And Masters of Ships that come to lade Butter, &c. refusing to do it, forfeit 2 s. 6 d. for every Firkin of Butter and Weigh of Cheese ; one Half to the Poor, by 4 *& 5 W. & M. cap. 7.* Forfeitures to the Poor.

Hawkers, Pedlars, &c. trading without License forfeit 12 l. Refusing to produce their License, 12 l. Penalty ; and Constables, &c. not putting the Laws in Execution, forfeit 40 s. one Moiety to the Poor. 8 *& 9 W. 3. cap. 25.* 4 &c 5 *W. & M. c. 7.*

Persons selling Squibs forfeit 5 l. and throwing, or aiding those who do throw, or suffering them to be thrown out of Houses, forfeit 20 s. one Half to the Poor. 9 *& 10 W. 3. cap. 7.* 8 &c 9 *W. 3. c. 25.* 9 &c 10 *W. 3. c. 7.*

Selling Ale or Beer in Vessels less than Measure, incurs a Forfeiture not above 40 s. nor under 10 s. one Moiety to the Poor. Head Officers of Towns, &c. refusing to stamp Measures, forfeit 5 l. one Half to the Poor. Brewers keeping private Houses, or altering Vessels without Notice, forfeit 50 l. one third to the Poor. Gaugers taking a Bribe to make a false Return forfeit 10 l. Distillers refusing to permit Gaugers to enter their Distilling-Houses forfeit double Value, &c. 1 *W. & M. cap. 24.* 11 *& 12 W. 3. c. 15.* 1 *W. & M. c. 24.* 12 *W. 3. c. 15.*

Masters, refusing poor Apprentices placed out according to the Statute, forfeit 10 l. leviabie by Distress and Sale

of Goods, for the Use of the Poor. 8 & 9 W. 3. cap. 30.

4 W. & M.
c. 11.

If a Church-warden or Overseer of the Poor refuse to receive a poor Person removed by Order of two Justices, they forfeit 5 *l.* for the Use of the Poor, from whence the Person was removed. 3 & 4 W. & M. cap. 11.

6 Ann. c. 31.

Church-wardens within the weekly Bills of Mortality, not making Stop-blocks, Fire-pipes, and not keeping in Repair a large Engine, &c. forfeit 10 *l.* And Head-builders or Workmen, not building Houses with Party-Walls, and the Walls of the Thickness prescribed by the Act, forfeit 50 *l.* one Moiety to the Poor. 6 Ann. cap. 31.

5 Ann. c. 14.
9 Ann. c. 25.

Higlers, Chapmen, Inn-keepers, &c. having in their Custody Hare or other Game, forfeit for every Hare, &c. 5 *l.* And unlicens'd Game-keepers killing Hares, &c. or exposing them to Sale, incur the like Penalty, one Moiety to the Poor. 5 Ann. cap. 14. 9 Ann. cap. 25.

1 Geo. 1. c. 18.

Fishmongers, &c. selling Fish under the Size and Lengths appointed by the Statute, incur a Forfeiture of 20 *s.* to the Poor, and all the Fish. 1 Geo. 1. cap. 18.

4 Geo. 1. c. 7.

Tailors making, selling or setting upon Clothes Buttons or Button-holes of Cloth, Stuff, &c. forfeit 40 *s.* per Dozen, a Moiety to the Poor. 4 Geo. 1. cap. 7.

7 Geo. 1. c. 13.

Tailors giving greater Wages than allowed to Journeymen, forfeit 5 *l.* Half to the Poor. 7 Geo. 1. cap. 13.

8 Geo. 1. c. 18.

Persons receiving or buying Goods clandestinely run without paying the Customs, to forfeit 20 *l.* one Moiety to the Poor. 8 Geo. 1. cap. 18.

Constables neglecting, &c. to execute Warrants for providing Carriages, or Persons appointed by them, refusing to provide Carriages and Men, or hindring the Executing of the Act, forfeit not more than 40 *s.* nor less than 10 *s.* to the Poor, to be levied by Distress and Sale of Goods. 4 Geo. 2.

1900. Prisoners. Vide Stock of the Shire.

11. Rates and Assessments.

43 Eliz. c. 2.
Rates and Assessments.
All Lands,
Tithes, &c.
to be rated to
the Poor.

By 43 Eliz. cap. 2. Every Inhabitant and Occupier of Houses, Lands, Tithes, Coal-mines or Underwoods, is to be taxed weekly or otherwise, for the Relief of the Poor, according to the visible Estate he hath in the Parish where taxed. This Tax may be made upon Lands or Goods, though one Person is not to be charged for both.

When

When charged on Goods, they are rated according to the usual Value of Land, viz. 100 *l.* Stock of Goods at 5 *l.* per Ann.

The Church-wardens and Overseers of the Poor, by Warrant from any two Justices of Peace (*Quor.* 1.) may levy the Tax by Distress and Sale of Goods, where any Person refuses Payment of the Sum he is assessed. And if there be no Distress, whereby the same may be levied, he shall be committed to the common County Gaol, there to remain till Payment.

Church wardens, &c. to levy the Tax, &c.

In Case a Parish is not able to maintain its own Poor, two Justices may tax any other Parish within the Hundred towards their own Relief: And if the Hundred be not of Ability to relieve their Parishes, the Justices in their Sessions may tax any other Parish or Parishes within the County.

If any Person or Persons find themselves aggrieved with any Rate or Tax, the Justices in their general Quarter-Sessions are to take such Order as they shall think fit.

Any grieved may appeal to Sessions.

The Overseers of the Poor are to make the Rate which is usually approved by the Inhabitants, and to be allowed by the Justices.

A Preamble to the Poor's Rate.

IN Pursuance, and by Authority of an Act of Parliament made in the 43d Year of the Reign of Queen Elizabeth, intituled, An Act for the Relief of the Poor,

This Book contains a Rate or Assessment made upon the Inhabitants, Possessors and Occupiers of Lands and Houses within the Parish of St J. at C. in the County of M. by a Pound-Rate of two Shillings in the Pound, for the Relief of the Poor of the said Parish, for this present Year 1742, to be collected and paid in Manner following; that is to say, one fourth Part on the 25th of March Instant, one fourth Part on the 24th Day of June next, one fourth Part thereof on the 29th Day of September, and the other fourth Part on the 25th Day of December next ensuing the Date hereof. Dated this 25th Day of March 1742.

E. M. }
J. R. } Church-wardens.

R. E. }
E. S. } Overseers of the
R. M. } Poor.
J. P. }

The

The Confirmation of the above Rate by the Justices.

Middlesex, **W**E, two of his Majesty's Justices of the Peace for the County of Middlesex, (whereof one is of the Quorum) do allow the foregoing Rate or Assessment, dated 25 March 1742, the same being signed by the Church-wardens and Overseers of the Poor of the said Parish of St. J. at C. in the County of Middlesex aforesaid. Given under our Hands and Seals this 10th Day of April 1742.

R. T. }
W. H. } Justices.

Note; It is not necessary for the Inhabitants to sign this Rate.

Also the Overseers alone may do it, as where there are four Overseers and two Church-wardens, they being the major Part.

Overseers fined for making an unequal Rate. If the Overseers make an unequal Rate, they may be indicted and fined for it. 1 *Keb.* 173.

It has been adjudged, that the Justices may tax particular Persons, and need not assess the whole Parish, which is to contribute to the Poor of another Parish; or they may tax the whole Parish. 2 *Bull.* 352.

A Parish in Reputation may make Rates for its Poor.

A Parish in Reputation may make Rates for their Poor, and distrain for Nonpayment of them. And the Inhabitants of a Village which hath parochial Rights, and is a Parish in Reputation, shall not be taxed to the Poor of the Rectory: But the making of Rates in a Village, which hath no parochial Rights, will not exempt the Inhabitants from paying to the Poor of the Rectory. *Cra. Car.* 92. *Roll. Rep.* 160. 4 *Mod.* 157. *Salk.* 501. *Rudd versus Foster.*

Grandfather &c. if able, shall relieve poor Relations.

The Father, Grandfather, Mother and Grandmother, and also the Children of poor old impotent Persons, (being of Ability) shall at their own Charges, and without any Taxation, Rate, Relief, or Assistance from the Parish, maintain and relieve such poor Persons in such Manner, and according to that Rate, as by Justices of Peace in their General Quarter-Sessions shall be assessed, upon Pain of forfeiting 20 s. per Month. *Stat.* 43 *Eliz.* c. 2.

43 *Eliz.* c. 2.

A Husband marrying a Grandmother, having an Estate with her sufficient, shall be chargeable to the Relief and Maintenance of a poor Grandchild, during the Life of

of the Grandmother; but where a Grandmother is unable to relieve her Grandchild, and marries with a Man of Ability, he is not to be charged. Also if the Husband after Marriage becomes to be of Ability, the Grandmother at the Time of Marriage having nothing, he shall not be bound to keep the Child. 2 *Bull.* 345, 347.

A Father was ordered to allow Maintenance to the Son's Wife, he being beyond Sea. And a Father-in-Law has been adjudged within the Meaning of the Act. 43 *Eliz. c. 2. Style* 283.

All Persons, the Clergy themselves not excepted, must contribute to the Relief of the Poor, 2 *Keb.* 251. And all Things that bring an annual Profit may be taxed, and Tolls are taxable. 3 *Keb.* 594. Clergy must pay Poor's Rate.

The Tax is to be in Proportion to the yearly Value, and not the Quantity of Land; and as it arises by Reason of the Land in the Parish, the Farmer or Renter is to pay it, and not the Landlord for his Rent. It may be laid either upon Lands or Goods, but a Farmer being assessed for the Land he occupieth shall not be assessed for his Stock on that Land necessary for Manure, nor the Profits for which he has been already taxed; but for other Stock he is taxable. May be laid either on Land or Goods.

And a Clothier, &c. having an Estate in Lands, and a great Stock of Wares, may be taxed for both. In the Place where they are, &c.

Goods of 100 *l.* Value should be rated at 5 *l.* per *Ann.* or as Lands are, and Persons must be charged only in that Place where the Goods are at the Time of Assessment as in Case of Lands. And if a Man hath no Goods where assessed, and is distrained, he may have an Action of Trespass, &c.

When the Cause of Taxation made either by two Justices or Quarter-Sessions, of other Parishes, for Inability of those wherein the Poor are resident, ceases, the Tax shall cease also, and the Contribution lessen as there shall be less Occasion. *Mod.* 437. *Littl.* 73. Where the Tax shall cease.

The Inhabitants of *Limehouse* and *Overseers*, &c. were convicted for not making an equal Rate for the Poor, and their Fine was set. It was moved that they might be bailed, on Error brought; but the Court refused, and would not supersede the Execution. 2 *Keb.* 173. *Sid.* 320.

The Court of *K. B.* upon Motion will grant a *Mandamus*, and compel the Justices to sign the Poor's Rates, unless they shew Cause to the contrary. The Case of the Inhabitants of *Peterborough*. *Mich.* 20 *Car.* 2. 1 *Sid.* 377. 2 *Keb.* 421, 435. K. B. will grant a Mandamus to force Justices to sign Poor's Rates.

The

Where they may apply to the Sessions originally, and where not. 43 Eliz. c. 2.

The Court refused to confirm an Order of Sessions made to charge another Parish to contribute to the Poor of *Hinckley*, because the two next Justices, who by the Stat. 43 Eliz. c. 2. are made Judges within the Hundred, had not made any Order, and the Sessions cannot meddle originally, because then the Appeal is taken away; and therefore the next Justices ought at least to certify there is no Parish sufficient in the Hundred. So wherever any Statute appoints the two next Justices, none can go to the Sessions originally; *contra* where it appoints any two Justices, there the Sessions may originally determine it; & *per Cur'* the Order was quashed. 1 *Keb.* 685.

Justices may quash the whole Rate, and make a new Rate.

The Justices may quash the whole Rate where it is unequal, and may make a new one themselves, or order the Inhabitants to make a new one. The Case of the Parish of *Sboreditch*. Mich. 10 W. 3. B. R. Salk. 524. Carth. 464. Holt 508, 573.

Upon setting aside a Poor's Rate upon an Appeal it was objected, That the Sessions had not Power to vacate whole Rates, but only to relieve particular Persons whom they find to be aggrieved; but adjudged that they may vacate whole Rates, and refer it to the Church-wardens to make new Rates, or they may make Rates themselves. 2 *Salk.* 485, 524. *Carth.* 464. *Holt* 508, 573, *Sboreditch Parish's Case*.

P. took Part of a House in the Parish of *B.* on the third Day of *December*, and was rated and distrained for a Quarter's Rate due at *Christmas* following; which Distress was taken on a general Warrant made for the whole Year; adjudged that he could not be rated for a whole Quarter, because by the Statute the Poor's Rates are to be assessed monthly; for otherwise a Man cannot remove in the Middle of a Quarter, but he will be twice rated; neither can a Distress be taken by a general Warrant made at the Time of the Rate; but there ought to be a special Warrant; neither can it be taken for a Quarter before it is ended, if the Custom is to rate quarterly. 2 *Salk.* 532.

Adjudged that Hospital Lands are ratable to the Poor, because no Man by appropriating his Lands to an Hospital can exempt them from such Rates to which they were subject before, and by that Means lay a greater Burthen on the Parish. 2 *Salk.* 527. p. 10.

Adjudged that all Rates ought to be equal as near as may be, therefore a standing Rate cannot be good because Lands may be improved every Year, and therefore a Rate should be altered as Circumstances alter.

It was held in the Case of *St. Leonard's Sboreditch*, that the Justices in Sessions upon an Appeal from a Poor's Rate by

by particular Persons grieved, may if they see Cause set aside the Rate, and may make a new Rate themselves, or order the Church-wardens and Overseers to make a new Rate. 2 Salk. 483, 524. Carib. 464. Holt 508, 573. *Swedish Inhabitants Case*.

An Order of Sessions was returned upon Stat. 43 *Elix.* c. 2. for taxing the Parishes adjacent, &c. for Relief of a poor Parish. Exception was taken, that by the Statute this ought to have been done by the two next Justices; whereas this Order was made at Sessions; quashed, because the Statute was not pursued, and thereby an Appeal is prevented. *Camberbach* 25. *Sess. and Rem.* 218. *Grieffy's Case*.

Resolved by all the Judges of *England* upon a Reference to them, that the Assessments for the Poor ought to be made according to their visible Estates, Real and Personal, which they have and enjoy in the Town or Place where they inhabit, and not with any Regard to any other Estate which they have in any other Place; and also to tax the Occupiers of Land within the Town or Parish only, and not the Lessors or Owners of the Lands. 2 *Bull.* 154.

A Farmer is not taxable to the Poor's Rate for his Stock. 2 *Raym.* 1280.

Mandamus to the Justices to make a Rate for the Support of the Poor of the Parish of *St. Mary*, &c. which was opposed because the Parish Officers ought to make the Rate, and the Justices are only to sign it; to which it was answered, that this Motion was grounded on that Clause in the Stat. of 43 *Elix.* c. 2. by which it is enacted, That where the Inhabitants of any Parish are not able to relieve themselves, two Justices may tax other Parishes, &c. thereupon a *Mandamus* was granted, directed to the Justices; and as this is a Matter of Right, they ought to make a Return. *The King* *vers.* *The Officers of St. Mary's Parish in Marlborough*, *Hill.* 11 *Geo.* 1.

An Overseer is not bound to lay out Money till he receives it; but if he does, he may make a new Rate for the Relief of the Poor, and out of that he may retain to pay himself, *Et per Cur'*, The Church-wardens and Overseers may make a Rate themselves. *Tawny's Case*, *Hill.* 2 *A. B. R.* Salk. 531. 3 Salk. 32. *Cases* L. E. 104. *Holt* 579.

A Person cannot be rated for a whole Quarter to the Poor's Rates; for by the Statute they are to be assessed monthly. *Tracy* *vers.* *Talbot*, *Trin.* 3 *Ann.* Salk. 532. 6 *Mod.* 214. 3 Salk. 260. *Sess. and Rem.* 235. *Holt* 581.

Persons ought not to be rated quarterly, but monthly.

Note

Note by *Kelynge*, whereas the Stat. 14 Car. 2. c. 12. is that in great Parishes there should be distinct Overseers in the several Townships in the County of Cumberland, and other Counties therein named; yet this Statute does not extend to other Counties not named in the said Stat. 2 Keb. 469. *Rex ver. Quarles & Thursby*. 2 Lev. 142. 3 Keb. 539, 422, 460, 494.

None can be distrained by a Warrant made before the Rate.

Resolved *Trin. 3 Ann.* that a Man cannot be distrained upon for the Poor's Rate, by a Warrant made before the Rate, but there ought to be a Special Warrant for this particular Purpose.

The following Queries were answered by Knightly D'Anvers of the Inner Temple, Esq;

A. hath lived a Lodger by the Week in the Parish of *B.* near 20 Years, rented no House or Land, exercised no Trade, no visible personal Estate, further than three Horses for Pleasure, and Wearing Apparel, and has no Real Estate within the said Parish; and during the said 20 Years was not assessed to the Poor, or had Notice thereof till the Year 1721, when he was assessed 3 *d.* per Week by weekly Assessments through the Year; and many other assessable were omitted out of that Assessment; and last *Easter* Eve the Church-wardens and Overseers of the Poor demanded of the said *A.* the whole Year's Assessment, tho' the said *A.* was absent and lived out of the said Parish for seven entire Weeks in that Year, which *A.* refusing to pay, the said Officers distrained for the same, *A.* at the same Time telling them he would replevy such Distress, and immediately applied to the Sheriffs to grant such Replevin, which the Sheriffs took Time to consider of, and gave *A.* no positive Answer till the next ensuing General Sessions of the Peace held after *Easter* was over, when they refused to grant such Replevin, and pretended the Distress was sold; whereupon the said *A.* gave Notice he would appeal against that Assessment at the following *Trinity* Sessions to the then Church-wardens and Overseers, and that they should bring in Court the several Books of Assessment for that Year, and in the mean Time give or let *A.* take or have Copies thereof at his own Expence; which was not done, pretending such Books of Assessment were in the Hands of the Justices, and the said *A.* was denied Relief upon his Appeal, several of the Justices living within the said Parish, then sitting as Judges upon the Bench.

Q. 1.

Whether *A.* being a Lodger only, having no Estate in the Parish, is an Inhabitant assessable to the Poor of the Parish.

Tho' *A.* is only a Lodger, yet if he hath any Personal 1st *A.* Estate within the Parish, I think he may be assessed, otherwise not; tho' the Statute of 43 *Eliz.* is general as to the Taxation of Inhabitants, yet I think the Construction and Usage hath been only to Tax such as have something within the Parish; but then as to the Right of being Taxed, or not, I apprehend the Value of the Personal Estate is not material; for though they may and ought to be taxed higher or lower according to the Value thereof, yet I think they are taxable if they have any, as *A.* had three Horses, and therefore taxable.

Whether a Replevin lies upon a Distress taken for the 2d *Q.* Poor's Levy, and if refused, whether any, and what Remedy against the Sheriffs or Person refusing.

I think a Replevin does lie, and that appears by the 3d *A.* very Statute of 43 *Eliz.* which gives Direction in such Case how the Officers shall plead thereto; and I think the Sheriff indictable for a Neglect in his Office, in refusing to make out such Replevin, and perhaps an Action may be upon the Statute of *Marlebridge* against him by *A.* but then perhaps it may be material to bring it within the Act, to make out the Goods distrained were taken and unjustly detained according to the Act.

Whether *A.* was regular in his Appeal, the 43 *Eliz.* 3d *Q.* giving Liberty of appealing generally without laying at the next Sessions.

I conceive the Appeal was regular, and that there was 3d *A.* no Necessity that it should be at the next Sessions.

Whether *A.* (not being relieved on his Appeal at the 4th *Q.* Sessions, nor the Books of Assessment brought in, nor Copies thereof given or suffered to be taken according to Notice, and several of the Justices who sat as Judges upon the said Appeal living within the said Parish) hath any, and what Remedy?

Admitting *A.* taxable, I apprehend he is without Re- 4th *A.* medy, for the Sessions having the final Determination of this Matter, and they having received his Appeal, and determined it against him, I don't see how he can apply for Relief elsewhere; though had they refused to receive his Appeal, I think a *Mandamus* might have laid to command them to receive it; but admitting he is not taxable, I think he may maintain Trespass or Trover for his Goods against those who took, distrained and sold them.

Many Persons being unequally charged, and many 5th *Q.* others chargeable for their Estates in the said Parish, not assessed at all in the said Assessment, and *A.* being therein assessed for a whole Year, tho' absent for seven Weeks, and after distrained for the same, Whether such Assessment and
Distress

Distress be good and lawful, and what Remedy may be had when denied Relief upon Appeal at the Sessions.

5th A.

As to some Persons being unequally charged, and others not charged at all; tho' this might be a good Reason for relieving *A.* in some Measure at the Sessions, yet I apprehend this cannot in an Action be examined into, but whether *A.* was taxable or not I think may now, the Assessment being by weekly Payments. I must confess I don't see how he could be assessed for those Weeks he was not an Inhabitant, unless it shall be taken the Assessment being made while he was an Inhabitant, that was only a Measure or Direction of the Quantity he was to pay, and cannot be said an Assessment of him when no Inhabitant; or perhaps, if his Rooms were preferred or kept for him till his Return, and he had Goods there, he may be esteemed an Inhabitant for this Purpose; but, however, I think it will be difficult to maintain the Legality of the Distress as to the Charge of the seven Weeks he was absent; and if he was not taxable for those Weeks, I incline to think an Action of Trespass or Trover may lie.

12. Removals.

13 & 14 Car. 2.
c. 12.
Where
Church wardens, &c. may remove new Comers into a Parish.

The Stat. 13 & 14 Car. 2. c. 12. Enacts, that where any poor Person shall remove from one Parish to another, and in the Parish to which he removes shall rent a Tenement under 10 *l. per Ann.* the Church-wardens and Overseers of the Poor within forty Days, by Warrant from two Justices, on Complaint made by such Church-wardens, may remove him to the Place where he was settled for forty Days, unless he give Security to discharge the Parish.

3 & 4 W. & M.
c. 11.
From what Time the 40 Days are to be accounted.

And by Stat. 3 & 4 W. & M. c. 11. the 40 Days Continuance is to be accounted from the Time of publishing Notice in Writing, of the House of Abode, and Number of the Person's Family. And this Notice is to be read in the Church by the Overseer, &c. the next Lord's Day after Divine Service, on Pain of forfeiting 40 *s.* leviable by Distress, or Commitment for a Month.

18 Eliz. c. 3.

Bastard Children gaining a Settlement by their Birth, by Construction of the Stat. 18 Eliz. cap. 3. it has been usual with the Justices of Peace, (for preventing any Charge to the Parish) if a single Woman with Child come into a Parish, by Warrant to remove her to the Place of her last legal Settlement.

9 G. 1. c. 7.

But let a Man be settled where he will, he cannot, though likely to become chargeable to the Parish he goes to reside in, be removed from thence, if he have any Estate. 5 Mod. Rep. 416. But by 9 Geo. cap. 7. No Person

Person shall be adjudged to gain a Settlement in a Parish by Virtue of any Purchase therein, for which the Consideration doth not amount *bona fide* to 30 *l.* for any longer Time than such Person shall inhabit in the Estate purchased, and shall then be liable to Removal to the Place where last legally settled.

If a Man be removed by Warrant of two Justices from one Parish to another, and the Church-wardens or Overseers refuse to receive him, they shall forfeit 5 *l.* to be levied by Distress and Sale of Goods, for the Use of the Poor of the Parish from whence such Person shall be removed; and for want of Distress, be committed for forty Days 3 & 4 *W. & M. c. 11.* But the Party grieved may appeal to the Quarter Sessions of the County from whence the Party was removed.

A Woman big with Child was by an Order of two Justices removed from one Parish to another, and there she was brought to Bed. The Parish to which she was removed appealed at the next Sessions, and the Order was reversed. Afterwards an Order was obtained from two Justices, to send the Child back: And that Parish appealed, but the Order was confirmed. At last it was removed into *B. R.* and *C. J. Holt* gave his Opinion, that the Birth at the last Parish did not settle the Child there, by Reason the Mother was there under an illegal Order; which Order being reversed, the Matter is no more than that they procured the Woman to go thither. *Trin. 3 Ann. Corsham versus Westbury.*

An Order of two Justices to remove the Father and Mother, and *John, Elizabeth* and *Sarah* their Children, from the Parish of, &c. to the Parish of, &c. quashed, because it did not set forth the respective Ages of the Children; for they might be Apprentices, or serve for a Year, and so gain a Settlement elsewhere; and for this Reason it was quashed as to the Children, but it was good as to the Father and Mother. *The King ver. Trinity Parish in Chester, Mich. 11 G. 1. 1 Mod. Cases 337.*

If a Woman near her Time be by Practice clandestinely removed from one Parish to another, and there delivered, she and her Child are to be removed to the Parish from whence she was so clandestinely conveyed. 2 *Bull.* 349. *Villa de Tewksbury ver. Villam de Twining.* Per *Holt*, Chief Justice, the most regular Way for Justices to proceed upon 14 *Car. 2. c. 2. 12.* in removing a poor Person, is to make a Record of the Complaint and Adjudication, and upon that to make a Warrant under their Hands and Seals to the Church-wardens, to convey the Persons to the Parish to which they ought to be sent, and deliver

No Person shall gain a Settlement by any Purchase under 30 *l.*

If Parish Officers refuse to receive a Man removed, they forfeit 5 *l.*

3 & 4 *W. & M. c. 11.*

An illegal Order not good for Removal.

Nor a Removal by Practice.

The regular Way for Justices to proceed on 14 *Car. 2. c. 12.*

deliver in the Record *per proprias manus* into Court, the next Sessions, to be kept there among the Records, to charge the Parish; and that Record may be well removed by a general *Certiorari* to the Justices of Peace. *Hill. 4 Ann. B. R. Salk. 406.*

Where a Man marries a Widow with Children how they shall be settled.

If a poor Man settled at *A.* marries a poor Woman who is settled at *B.* and has Children by a former Husband, the Wife shall be removed with him to *A.* but the Children, such of them as are above seven Years old, shall not be removed, and those under seven shall be removed only for Nurture; so that they shall be kept at the Charge of the Parish from whence they are removed. *Mich. 10 W. 3. B. R. Salk. 482. p. 35.*

An Order to remove one to the Place of his last legal Settlement, who has been warned out, and has refused or neglected so to do.

Two Justices.
Quo:um unus.

Essex, ff. **W** Hereas Complaint hath been made unto us two of his Majesty's Justices of Peace for the said County, whereof one is of the Quorum, by the Church-wardens (or Overseers of the Poor) of the Parish of *St. M.* That *A. B.* in May last, being legally settled as a Native (Householder, Sojourner, Apprentice or Servant, as the Case is) in the Parish of *H.* in the County aforesaid, is now come into the Parish of *St. M.* endeavouring to settle himself as an Inhabitant thereof, and doth not rent the Value of 10 l. per Ann. there, nor hath within 40 Days last past given or delivered either to the Church-wardens or Overseers of the Poor of the said Parish, any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the said Parish, contrary to the Form of the Statutes in that Case made and provided [* And being required, by a Warrant under the Hands and Seals of two of his Majesty's Justices of Peace for the said County, to depart out of and from the said Parish of *St. M.* or otherwise to give sufficient Security not to become chargeable to the said Parish, or shew good Cause to the contrary, hath refused or neglected so to do] These are therefore (in his Majesty's Name) to charge and command you, that you, some or one of you, do forthwith remove and convey the said *A. B.* from the said Parish of *St. M.* unto the said Parish of *H.* which, on Examination, we do adjudge to be the Place of his last legal Settlement, and to deliver him to the Church-wardens and Overseers of the Poor there, or to some or one of them (together

* This is when he had been warned out before.

(together with this Precept, or a true Copy thereof) who are hereby required to receive and provide for him as a settled Inhabitant there, until they shall otherwise be discharged thereof, according to the Law. Hereof fail not at your Perils. Given under our Hands and Seals the, &c.

An Order of two Justices for the Removal of a Person from one Parish to another.

To the Church-wardens and Overseers of the Poor of the Parish of F. in the said County, and to the Church-wardens and Overseers of the Poor of the Parish of L. in the County of Surrey, and to each of them.

Two Justices,
One whereof
must be of the
Quorum.

Suffex, ff. **U**PON the Complaint of the Church-wardens and Overseers of the Poor of the Parish of F. unto us whose Names are subscribed, two of his Majesty's Justices of the Peace for the County of, &c. and one of us of the Quorum, That A. R. came lately to dwell in the said Parish of F. not having gained a legal Settlement there, according to the Laws in that Case made and provided, nor produced a Certificate to them, owning him to be settled elsewhere; and that the said A. R. is now chargeable to the said Parish of F. and likely to continue chargeable so long as he dwells there: We therefore, upon due Proof made thereof, as well upon the Examination of the said A. R. on Oath, as otherwise, and likewise upon due Consideration had of the Premises, do adjudge the same to be true; and we do likewise adjudge that the last Place of the lawful Settlement of him the said A. R. was in the Parish of L. &c. We do therefore require you to convey the said A. R. from F. to the Parish of L. And we do also hereby require you the said Church-wardens and Overseers of the Poor of the Parish of L. to receive and provide for him as an Inhabitant of your Parish. Given under our Hands and Seals, &c.

16 Geo. 2.
Justices have
Power to act
in thir own
Parishes.

Church-wardens and Overseers refusing to receive Persons thus removed, and to provide for them, may be bound over to the Sessions, and indicted for a Contempt. 14 Car. 2. cap. 12.

A Warrant to apprehend a Person returning into a Parish from whence she was removed.

13 & 14 Car.
2. c. 12.
One Justice.

Suffex, ff. **W** Hereas A. R. being in August last lawfully settled in the Parish of L. &c. did come into the Parish of F. in the County of, &c. not having given Notice to the Church-wardens and Overseers of the Poor of the Parish of F. of the Place of her Abode, the Number of her Family, nor otherwise acquired a lawful Settlement there; and upon Complaint made by the Officers of the said Parish of F. that the said A. R. was likely to be chargeable to their Parish; they obtained a Warrant to remove her, and accordingly did convey and remove her to the said Parish of L. since which the said A. R. did of her own Accord return to the Parish of F. from which she was removed, &c.

A Mittimus for Returning.

One Justice.

Suffex, ff. **A**S in the former Warrant to the Word (removed:) These are therefore to require you, that you, or some, or one of you, do forthwith convey the said A. R. to the House of Correction, and there to deliver her to the Keeper thereof: Requiring you also, the said Keeper, to receive her into your Custody, and punish her as a Vagrant. Given under my Hand and Seal, &c.

13. Settlements.

Settlements
gained three
Ways.

Settlements are gained three Ways: First, by Inheritance, as when a Child claims a Settlement in a Parish, because his Father was there settled. Secondly, by Birth; and Thirdly, by Commorancy.

By Father's
Settlement.

As to the first of these, if the Father has a legal Settlement, the Child is settled where the Father is: And if the Father has no legal Settlement, then the Child regularly gains a Settlement in the Parish where born. 2 *Bulst.* 351.

By Birth.

But this Settlement by Birth may be defeated several Ways. 1. If the Parent is removed by an illegal Order, and from the Order an Appeal is duly made, pending which the Child is born, and then the Order is quash'd, the Child is to be sent back with the Mother. 2. By Practice; as if a Person near her Time is clandestinely sent

sent to another Parish, and there delivered. 3. If a Woman with Child be sent to the House of Correction, and is there delivered, the Child shall not gain a Settlement by its Birth in the Parish where the House of Correction is, but in the Parish where the Mother dwelt when sent to the House of Correction, as the Place where she had probably been otherwise delivered. *Salk.* 121. 2 *Bullstrode* 358, 381.

If by Practice and Design a Child is born in a Parish, the Parish where the Practice was shall keep the Child. 2 *Bullst.* 342. *Smith's Case.*

And Persons, whose Interest in Houses or Lands is determined, cannot be put out of the Town where they were legally settled; nor can they be sent to the Place of their Birth or last Habitation, but, according as they are able or impotent, shall be relieved or set to work in the Town where so settled; but if they wander and beg, then they may be taken up and sent to the Place of their Birth. *Dalt.* 158.

Settlement by Commorancy is where a Person continues in some other Place than where he was before legally settled; and such Continuation makes a Settlement.

Formerly every one who was settled as a Native, Householder, Apprentice or Servant, for a Month, without a just Complaint made to remove them, were held to be lawfully settled. But now this Month has been alter'd to forty Days, where a Person shall come into a Parish and rent a Tenement under 10 *l.* per Ann. and several other Alterations are made by the Stat. 3 & 4 *W. & M.* cap. 11.

By which Stat. the Renting 10 *l.* a Year, or a Man's executing on his Account any publick annual Office or Charge for one Year, or his paying any Share of Taxes, Rates or Assessments of the Parish, (but Scavenger's Rates and to the Highways are since excepted by Stat. 9 *Geo.* 1. cap. 7.) or a Person's Serving an Apprenticeship, and inhabiting in a Town; or an unmarried Person, not having a Child, being hired for a Year, and continuing in the Service for a Year; any of these will make a legal Settlement.

Where a Man hath any Estate, he is adjudged settled: But by 9 *Geo.* 1. cap. 7. no Person shall be adjudged to gain a Settlement in a Parish by Virtue of any Purchase therein, for which the Consideration doth not amount, *bona fide*, to 30 *l.* for any longer Time than such Person shall inhabit in the Estate purchased, and shall then be liable to be removed to the Place where he was last legally settled.

Persons who so
live out of the
town, don't
be settled.

Settlement by
Commorancy.

3 & 4 *W. & M.*
c. 11.

Renting 10 *l.*
per Ann. or
executing a
Parish Office,
&c.

No Purchase
under 30 *l.*
makes a Set-
tlement.
9 *Geo.* 1. c. 7.

Renting a Mill of 10 l. per Ann. makes a Settlement. No Settlement where the Party is disturb'd by Parish Officers. 3 & 4 W. & M. c. 11.

The Renting a Water-Mill of 10 l. per Ann. gains a Settlement, as above. *Salk.* 536. But no Settlement can be legal in any Parish, when the Residence of the Party is obicure and uncertain; as coming now and then, and lying in Barns, Outhouses, &c. And no Settlement can be where the Party is under Disturbance from the Parish-Officers. 3 & 4 W. & M. cap. 11.

The Law unsettles none who are duly settled, &c.

The Law unsettles none who are lawfully settled, nor permits it to be done by Compulsion or Practice. If one be retained in Service only, or had but hired a House, the Law does not unsettle such Person. If any shall, by indirect Means, hinder a poor Man from hiring a House, he may for such Disturbance be indicted. And it is finable to remove or put any out of the Parish, who ought not to be put out; and the Persons so removed may be sent back. *Dalt.* 98.

None to be unfettered by Compulsion.

If a Man born in *A.* be settled in *B.* and he is there thrust and kept out of his House, so that he is forced to wander and beg in *D.* and thence he is sent to *A.* he is to be settled in *B.* for this was by Compulsion. And if a Parish will have a Man born in *A.* but settled with them, to go and wander and beg in *B.* that he may be sent to *A.* and he doth so, this being by Practice, he must be sent back to the Parish from whence he came.

Wife to be sent to the Husband. and Children to their Parents.

Regularly a Wife is to be sent to and settled with the Husband, though he be but an Inmate or Servant; and generally all Children are to be sent to and settled with the Parents. But if a Man hires an House in *A.* and being there with his Wife and Children, he shall afterwards bind himself a Servant to one in *B.* in this Case his Wife and Children are not to be sent to *B.* but are to remain still at *A.* where they were once settled; but it is otherwise if the Husband had hired an House in *B.* *Dalt.* 166.

Where Wife to be sent to her Husband.

If the Husband hath an House in *A.* and live there by Night, but is under Covenant to serve a Master in *B.* and he is there all the Day; yet the Wife is to continue in *A.* but if he takes a House in *B.* she must be settled with him.

Till eight Years old Children are Nurse-Children.

Till eight Years of Age Children are counted Nurse-Children, yet afterwards they must have Maintenance from the Parishes where they themselves were settled. And if an Order is made on the Parish where the Parents were settled, it must appear upon the Face thereof that the Child had gained no new Settlement. *Salk.* 470. *Dumbleton versus Beckford.*

If

If a poor Man settled at *A.* marries a poor Woman who is settled at *B.* and has Children by a former Husband, the Wife shall be removed with him to *A.* but the Children above seven Years old shall not be removed, and those under seven shall be removed only for Nurture; so that they shall be kept at the Charge of the Parish from whence they were removed. *Salk.* 482. p. 35.

An Order for the Removal of a poor Person was quash'd, because there was no Judgment of the Justices concerning the last legal Settlement, but only the Oath of a Woman. *Salk.* 485.

A general Order to remove a Man and his Family is not good. *Salk.* 479, 482. General Order not good.

An unmarried Person hired for a Year, married before the Year was expired; it was held that he could not be removed, and that upon performing his Service at the End of the Year he would gain a Settlement. *Salk.* 527.

A Man hired a Servant for a Year, but she falling sick, her Master turn'd her out of his Service. The Servant, in her Passage to the Place of her Nativity, begg'd for Relief, and she was sent as a Vagrant to the Place where she was born. Whereupon she was sent back by that Parish to the Place where she was a hired Servant; but by Order of Sessions she was settled at the Place of her Birth. This was removed by *Certiorari*, and the Court determined the Settlement to be at the Place where she was an hired Servant, and not where she was born. *Style* 168. Sickness does not hinder a Servant's Settlement.

Justices at Sessions are the proper Judges, whether it is fit to oblige any Person to take an Apprentice, or not. But a Covenant between the Master and a third Person, the Servant not being Party, makes no Apprenticeship; such Person has been adjudg'd no more than a Boarder for his Education, which is no Service to make a Settlement. *Salk.* 479, 491. *Skin.* 671. *5 Med.* 328. *Cartb.* 400. *Comb.* 445. *Cases B. R.* 132. *Chesterfield's Case.* Covenant with a third Person does not make one an Apprentice.

If the Dispute of Settlement of a poor Child be between two Parishes, the Court of *B. R.* usually refers it to the Judges of Assize; but if between two Counties, this Court will determine it. 3 *Keble* 644.

The Place which the Poor was last legally settled at, is the Place which by Law is to provide for them. *Trin.* 5 *Ann. B. R.*

If the Parents of poor Children die *in transitu*, the Children are to be provided for by the Parish where they were born; for the Place of Birth is a certain Settlement, and Parents wandering with them afterwards will not alter the Case. *Bull. Rep.* 351.

The Parish where a Bastard is born, whose father cannot be found, shall maintain it.

A Bastard Child is generally to be settled where it is born; in the Parish to which the Mother is removed by an Order that is illegal, it will gain no Settlement there. *Westbury Parish versus Colham Inhabitants.* 6 Mod. 213. Salk. 121, 532. Black. 235. Sett. and Rem. 146. Holt 580.

All Children are to be sent to and settled with the Parents, and Children above seven Years of Age, found begging and vagrant with the Parents, are to be sent to *Bridewell* with them; if under, to the Place where they last passed thro' without Correction.

Illegally turn'd out of Possession does not destroy a Settlement.

A Man having a Wife and Children takes a House in the Parish of *B.* for a Year, and in that Year is wrongfully turned out of Possession; whereupon he takes a House in another Parish, and is there turned out; and then gets into a Barn in another Parish, and there his Wife is delivered of another Child: In this Case they are all to be sent to the Parish of *B.* out of which they were first illegally forced.

10 & 11 W. 3. c. 11.

If Mother hang'd for Felony, Child to be sent to the place of its Birth.

Disbanded Soldiers may settle in any Town of the County where born, and set up any Trade without serving an Apprenticeship, &c. by 10 & 11 W. 3. c. 11.

If a travelling Woman, having a small Child suckling on her, is apprehended for Felony, and is tried and condemned and executed, this Child is to be sent to the Place of its Birth, if that can be known; if not, to the Place where the Mother was taken; for the Child being no Malefactor, ought not to be sent to Gaol. 2 Bulst. 351. 3 Car. 1. per Hyde Chief Justice at Cambridge Assises, Dalt. 958.

Apprentice settled with the Master to whom he is bound by Indenture.

An Apprentice, though bound to one in one Parish, and by his Master assign'd to one in another, if the Indenture is not cancell'd, is settled in the Parish where the first Master lived. 3 Annæ, the Case of the Parish of *Thursley* in *Surrey*. But then it must be by Indenture. 6 Mod. 190.

Where Order is conclusive.

If the Order of the two Justices is, on the Merits, affirm'd or quash'd, 'tis conclusive betwixt the Parties. Pasch. 1 Annæ, *Walton versus Chesterfield Parish*, 5 Mod. 322.

If the Places concerned do not appeal from the Order of the two Justices, 'tis conclusive to all Places, unless an After-Settlement can be found. Mich. 5 Ann. the Case of *Great Sanke Barton* and *Clifton* Parishes.

No Appeal lies from the Sessions to the Judge of Assise. 2 Bulst. 355.

Being

Being rated to Parish Duties, but not paying them, this will not make a Settlement. For the Statute says, shall execute any Office, or Charge, or pay his Share.

Inhabitancy and Publication of Notice, if no Disturbance be for forty Days after the Publication, will make a Settlement, by Stat. 3 & 4 W. & M. cap. 11.

J. S. came from the Parish of K. with a Certificate, being legally settled there, and went to the Parish of M. and because he was likely to be chargeable, they sent him back again to K. by an Order; but it was quash'd, because by Stat. 8 & 9 W. 3. cap. 30. he is not removable who comes with a Certificate, unless he is actually chargeable; and the Sessions have no Jurisdiction but by Way of Appeal upon such an Order. 2 Salk. 436.

A Man rents a House of 10 l. a Year, the House lies in two Parishes, he is a Parishioner where his Bed is, and where he lodges; but where a Man has a Shop in one Parish, and lodges in another, he is a Parishioner where he drives his Trade. Paying the County Bridge gains no Settlement. Trin. 1710.

A Servant must be hired a Year, and serve that Year to gain a Settlement; the Original Contract must be for a Year; and yet if a Man hires a Servant, and bargains with him that he shall come within a Day of Michaelmas, and then says he agreed not for a Year, yet this Contract shall be taken for a Year; for it is apparent Fraud to evade the Statute. Mich. 1710. The Parish of Rudwick and Cheddington, Sett. and Rem. 2.

A Person rents two Tenements of 5 l. per Ann. each, he thereby gains a Settlement.

A Man has a Child married and settled elsewhere; he hires himself for a Year, and serves the Year; and held the Man, notwithstanding he had a Child, gained a Settlement by Virtue of his Service; he is a single Person within the Meaning of the Act, though not expressly within the Letter of it. The Parish of Anthony and Cardigan, Sett. and Rem. 5, 29.

Two Justices have Power to inquire into the Boundaries of a Parish concerning Settlements. Hill. 1712.

A Servant is hired at A. for a Year, his Master lives there Half a Year, then lives at B. another Half Year; heid the Servant is settled in the last Place, for the Identity of the Service is the same, and the Statute does not tie it down to one Place; if the Master had removed to several Places, the last Place where he lives forty Days gains him a Settlement, agreeable to the Stat. of King Charles II. cap. 12.

A Wo-

A Woman marries a *Scotchman* who had gained no Settlement in *England*, the Settlement which she had in her own Right does still continue, notwithstanding the Inter-marriage. *Mich.* 1713. The Parish of *Dunsfold* and *Wimborough Green*, *Sett. and Rem.* 22.

A Person that is a Lodger gains no Settlement, yet his Servant gains a Settlement.

In *Hill.* 1713. in the Case of *Stokelane* and *Dolfin*, it was doubted whether the Statute 13 & 14 of King *Charles II. cap.* 12. shall be taken generally, or only to those particular Places mentioned in the Statute; and held it extends to all generally, or else all *Wales* would be excluded. *Sett. and Rem.* 43.

A poor Person hires himself for a Year, and before the Year expires, he marries. A Servant is not restrained from marrying; and *per Curiam* it gained a Settlement. *Pascb.* 1722. Parish of *Ordenbam* and *Hendon* in *Middlesex*, *Sett. and Rem.* 45.

J. S. being chosen a Parish Clerk by the Parson, and served for several Years, and receives his Fees and Duties; *per Cur'*, 'tis a Parish Office, and has the Care and Custody of the Ornaments of the Church. 1 *Lev.* 80. 'Tis true, if he is poor, and has a Family, they may remove him; but if they let him continue a Year, none can remove him; for, although he came in by the Parson only, yet the Parish paying him, 'tis a Consent and Approbation; and by this subsequent Act of theirs, the Law adjudges him in by the Concurrence of the Parish. *Mich.* 1711. Parish of *Gayton* and *Milwich* in *Staffordshire*, *Salk.* 536. *Sett. and Rem.* 46, 158.

An hired Servant marries within the Year, and continues the Year; held a good Service within the Statute; *per Cur'*. Marrying within the Year a good Cause to turn him away; but if he continues he gains a Settlement. Parish of *St. Saviour* and *St. Dionis Backburch*, *Sett. and Rem.* 52.

A poor Man is hired to one *Knight*, who rented a Farm, and lived Half a Year, the Master assigns the Farm over to another, the Servant lives the Residue of the Year with the other Person in the Farm, and at the End of the Year receives the Wages of the second Master; this shall be deemed the same Service; here is no new Contract; so it is a Service to the first Master, and gains a Settlement, *tota Curia accordante*. Parish of *Ivinghoe* and *Solbury* in *Bucks*, *Sett. and Rem.* 81.

J. S. was bound an Apprentice to *A. B.* of *St. Brides*, who was a Lodger, and had no Settlement there; *per Cur'*, the Apprentice is well settled there, notwithstanding the

the Master is not, nor does his Settlement depend upon his Master, as that of a Wife on her Husband; but he gains a Settlement for himself within 13 & 14 Car. 2. cap. 12. by forty Days Inhabitation.

A. H. comes with a Certificate into the Parish of E. ^{13 & 14 Car.} and afterwards marries one S. S. and had several Children ^{2. c. 12.} by her; her Father surrenders a Copyhold Estate to her of 20 s. per Ann. and so the Husband had it in her Right; per Cur', the Man has gained a Settlement in E. for a Man cannot be turned out of his own, let it be never so small. Pasch. 1710. Parish of *Burcliar* and *Eastwoodbay*, Sett. and Rem. 88.

A Son-in-Law is oblig'd by an Order to maintain his Wife's Mother, having an Estate with her at the Intermarriage; per Cur', he is not within the Words of Statute, nor within the Meaning of it. Vide 2 Bull. at the End.

A Person is hired for a Year, and three or four Days before his Service expired, he desired Leave of his Master to go to a Fair to get another Service, who refus'd him; the Servant went notwithstanding: This is a Settlement, for the Request being reasonable, the Service in Point of Law continues. Pasch. 1721.

A Person rents a Mill of 10 l. per Ann. who assigns the Lease over to the Person who is now removed, during his Will, as long as he paid him his Rent; he continued two Years, and punctually paid the Rent, and the whole Court were of Opinion it was a Settlement. If a Person rents a Tenement of 10 l. per Ann. and continues forty Days, he gains a Settlement within the Meaning of 13 & 14 Car. 2. cap. 12.

A Certificate Person rents 14 l. a Year, but it lies in 13 & 14 Car. two Parishes: Cur', it gains a Settlement, and in the Pa- ^{2. c. 12.} rish where he resides. Parish of *St. John* in *Hartford* and *Amptbill*, Sett. and Rem. 106, 110.

A Master takes an Apprentice, the Master runs away, See page 62. the Apprentice hires himself for a Year, and serves the ^{Post.} Year; per Cur', he gains no Settlement, not being *Sai juris*, nor of a Capacity to hire himself; otherwise, had it been by Consent of his Master, or had his Indenture been cancelled.

Coming into a Parish publickly, and taking a House, and being rated to the Poor, and so observed by the Officers of the Parish, is sufficient Notice, though no Notice in Writing was given to the Church-wardens. Pasch. 1 W. & M. B. R. 1 Shower 12. *Queen versus Paine*.

A poor

A poor Person is bound to a Master at *B.* his Master assigns him over to one at *C.* he gains a Settlement at *C.* for the Assignment amounted to a Contract between the two Masters: One cannot be bound Apprentic without Deed, nor discharged without a Deed. 1 *Salk.* 68. *Paroch. Castor & Aicles. Mich 13 W. 3. B. R.*

Where a Person is bound Apprentic by Indenture, wherever this Apprentic continues forty Days in the Service of his Master or Mistres, there such Apprentic gains a Settlement; and where any Person serves the last forty Days of his Apprenticeship, that is the Place of his last legal Settlement; and so it is likewise of an hired Servant. *Hill. 4 Ann. B. R.*

Note; The forty Days Continuance gives a Settlement in all Cases where the Person cannot be removed by the Justices, as in Case of renting 10 *l.* a Year, or living in his own, except where the Purchase of an Habitation is under the Value of thirty Pounds.

One *Facy* was settled at *H.* and afterwards went into the Parish of *M.* where he rented an House at 7 *l.* per *Ann.* and there he lived a Year, and paid the Rates and Taxes due for that House, which were not charged on his Person, but on the House: Adjudg'd, that this Payment of the Parish Taxes made a Settlement; and it was held, that paying Taxes as Occupier of a Tenement, and naming him Farmer thereof, is a sufficient Designation of the Person. *Pasch. 1721.*

3 & 4 W. & M. c. 11.

Adjudg'd, that where a Man is taxed to the Parish Rates, and stays in the Prrish forty Days after such Taxation, and without giving Notice, this is no Settlement within the Statute 3 & 4 *W. 3. cap. 11.* unless he pays; for taxing alone is not equivalent to Notice, but taxing and paying is. 2 *Salk.* 523. *Sett. and Rem. 179. Talborn versus Boston.*

3 & 4 W. & M. c. 11.

One who hired a House of 3 *l.* per *Ann.* in a Corporation, was made a Freemen, and voted as such at the Election of Bailiffs there, was held to be no Inhabitant notwithstanding; for at this Day nothing shall create a Settlement that does not come within the Words of the Statute of 3 & 4 *W. & M. cap. 11. Rex versus Inb'tan. de Buckingham, Pasch. 5 Ann. B. R. Salk. 534. Sett. and Rem. 143.*

Resolved by the whole Court, that the Renting of a Water-Mill of 10 *l.* per *Ann.* gains a Settlement. *Inter Ewelin & Rentcomb, Hill. 10 Ann. B. R. Salk. 386, 336.*

A Ser-

A Servant was hired to live at *R.* for Half a Year, and after that was ended he was hired again by the same Master for another Half-Year, and in the same Parish, and so continued in the same Service for a whole Year; but, upon two Contracts; adjudged no Settlement, for it ought to be a Service for a whole Year upon one Agreement, because the Statute requires that the Contract should be intire as well as the Service; for otherwise one who is hired and serves by the Quarter, or Month, or Week, or Day, if he continue in Service for a Year, will gain a Settlement; and thus the Statutes will be eluded. 2 *Salk.* 535.

W. R. was bound Apprentice for four Years to *R. R.* and served out his Time in the Parish of *B.* but his said Master *R. R.* was only a Lodger, and had no Settlement in the Parish of *B.* but adjudg'd *W. R.* had gained a Settlement in *B.* because his Settlement does not depend on his Master, but he hath gained a Settlement for himself within the Statute 13 & 14 *Car. 2. cap. 12.* by dwelling in the Parish of *B.* forty Days; and the Case is the same of an hired Servant, though his Master had no Settlement in the Parish. 2 *Salk.* 533.

'Tis the Service, not the Hiring, which makes the Settlement; for if a Man hath Lands in two Parishes, and keeps House and lives in one Parish, and hath a Stock of Cattle in another Parish, and Servants there to look after them, they shall be settled in the Parish where they serve, and not in the Parish where they were hired, and where their Master lives. *Rex versus Difney, Mich. 8 Geo. 1. 1 Mod. Cases* 60.

Children gain a Settlement by Birth in no Case, but where the Settlement of their Father or Mother is not known (except only in Cases of Bastardy) and there it gains a Settlement *prima facie*, 'till the legal Settlement is known, and no longer; and the Reason is because the Children should not be Vagrants, *Trin. 9 Geo. 1. St. Giles's Parish in Reading versus Parish of Everfly, 1 Mod. Cases* 169. *Sett. and Rem.* 110.

The Husband work'd at a Silk-Throwster's in *Spittle-Fields* for five Years, but never lay where he work'd, but at a Lodging elsewhere; after his Death, by Order of two Justices confirm'd at Sessions, his Widow was removed to *Spittle Fields*; but both these Orders were quash'd in *B. R.* and it was resolv'd in the Case of a Cobler who worked in a Stall in the Parish of *St. Giles's*, and had an Apprentice who worked with him in that Stall, and both lay in another Parish; it was adjudg'd, that the Working in the Stall did not gain a Settlement, for that was in the

A Servant must serve a whole Year upon one Hiring to gain a Settlement

Where an Apprentice gains a Settlement in a Parish tho' the Master had none.

13 & 14 *Car. 2. c. 12.*

Foley's poor Law. 214. accordingly.

Parish where he lay. *Rex versus Hamlet of Spittle Fields; Mich. 11 Geo. 1. 1 Mod. Cases 308.*

An Apprentice served two Years in one Parish, and was by a verbal Agreement turn'd over to a Master in another Parish, and there serv'd out his Time; and this was adjudg'd a good Settlement in that other Parish where he last served; for it shall be still intended that he served his first Master upon that Agreement, and that it was but a Continuance of his Apprenticeship: *Parish of St. Olave versus Parish of All-hallows on the Wall, Trin. 9 Geo. 1. Parish of Shoreditch versus Trinity Parish, 3 Geo. 1. 5 Mod Cases 168. Sett. and Rem. 114.*

A poor Man was hired for five Years to work at a Glas-house at *Ratcliffe*, from Six in the Morning till Eight at Night, but lodg'd every Night in the Parish of *White-Chapel*; this Man was remov'd by Order of two Justices from *White-Chapel* to *Ratcliffe*; and upon Appeal to the Sessions the Order was quash'd. Now both these Orders being removed by *Certiorari*, the Court held that where a Man served and had Board-wages, and lay out of his Master's House in another Parish, he certainly gains a Settlement in the Parish where he lived and served, and not in the Parish where he lay; so the Order of the two Justices was affirmed. *Pasch. 11 Geo. 1. The Case of the Parish of White-Chapel, 1 Mod. Cases 369:*

Where one was bound Apprentice by Indenture, and his Master within two Years afterwards broke, and then the Apprentice by and with the Leave of his Master was hired in another Parish for a Year, and served for a whole Year there, he is settled in the first Parish, for the Indenture cannot be discharged but by Deed, or by the Sessions; and the Hiring after he is bound, or any Consequences arising upon such Hiring are intirely void while the Indenture subsists; for when an Apprentice serves forty Days, by Virtue of the Indenture, he cannot gain another Settlement, though his Master consents, because he had a Settlement by the Service under the Indenture. *Pasch. 10 Geo. 1. Parish of Buckingham versus Parish of Lewington, 1 Mod. Cases 235.*

Children must be settled where their Father was last legally settled.

A poor Man lawfully settled in a Parish had several Children born there, and afterwards he and his Wife and Children went into another Parish, and gained a Settlement there; and being likely to be chargeable, it was disputed where the Children should be provided for; and held that the Children must be settled in the second Parish, and not as Nurse-Children, but as Part of his Family.

It is true, if the Father had been dead, and the Mother had married a second Husband, settled in a third Parish,

rish, in such Case her Children by her first Husband must go with her as Nurse-Children, and not as Part of her Family : For this accidental Settlement of their Mother by marrying a second Husband shall not gain a Settlement of her Children by her first Husband. *Salk.* 259.

An Order of two Justices to remove a Child from the Parish of *Richmersworth* to the Parish of *St. Giles*, as being the Place of his Birth, the Place of his Father's last legal Settlement being unknown, was held good; for where the Place of the Father's last legal Settlement of a legitimate Child is not known, there the Child may be sent to the Place of its Birth as well as an illegitimate one : And poor Children ought to be kept and provided for by the Parish where they were born, and not where the Parents die *in transitu*; for the Place of their Birth (where the Place of their last Habitation cannot be known) is in Judgment of Law the Place of Settling. *2 Bulst.* 351, 352, 357.

Child sent to the Place of its Birth where its last Settlement cannot be known.

Poley's Law of the Poor 205.

The Age of a Nurse Child, so as to go along with its Mother, is until seven. Agreed by all the Court in *Criplegate* and *St. Saviour Southwark*. *8 Ann. B. R.*

The Sessions may not, as it seems, send the Child to the Grandfather or Grandmother to be kept, but it may set a Rate only. *2 Bulst.* 245, 246, 247.

By *3 & 4 W. & M. c. 11*. No Soldier, Seaman, Shipwright, or other Artificer or Workman, employed in his Majesty's Service, shall have any Settling in any Parish, Port, &c. by Delivery and Publication of a Notice in Writing, as aforesaid, unless he be dismissed out of his Majesty's Service.

3 & 4 W. & M. c. 11. No Soldier &c. shall gain a Settlement unless dismissed the Service

14. Work Houses.

By Work-houses I do not mean the *Bridewells*, or Houses of Correction established in each County by *39 Eliz. c. 4.* *39 Eliz. c. 4.* and *7 Jac. 1. c. 4.* because the Treating of them will come more properly under the Title *Vagrants*; but those established pursuant to the Stat. *43 Eliz. c. 2.* *3 Car. 1. c. 4.* *13 & 14 Car. 2. c. 12.* *8 & 9 W. 3. c. 30.* *2 Ann. c. 8.* and *9 Geo. 1. c. 7.*

By *43 Eliz. c. 2.* The Overseers of the Poor are to take Order with Consent of two Justices, at all Times to set to work such Children whose Parents are not able to maintain them; and also such Persons as are out of Employment, and have no visible daily Trade of Life to get their Living by; and also to raise weekly, or otherwise, (by Taxation of every Inhabitant of the Parish, &c. in such Sums as they shall think fit) a convenient Stock of Flax,

Flax, Hemp, Wool, Thread, Iron, &c. to set the Poor to work.

May set up any Trade, &c.

By Stat. 3 *Car.* 1. c. 4. One Justice of Peace may give his Consent to the Church-wardens and Overseers of the Poor, for their erecting, using, and carrying on any Trade, Mystery or Occupation, for the employing, setting to Work, and better Relief of the Poor of their Parish. And any one Justice may send to the House of Correction or Common Gaol, such as shall not employ themselves in Work, being appointed thereto by the Church-wardens and Overseers of the Poor of the Parish. *Dalt.* 148.

Corporation for setting the Poor to Work established.

But these Statutes having been found ineffectual, as to the employing the Poor and setting them on Work, in the 13 and 14 Years of *K. Charles 2.* another very good Law was made for erecting of Corporations within the Bills of Mortality, whose sole Business it should be to take care of, and to employ the Poor; pursuant to which there was a Corporation erected in the City of *London*, who rightly observing that the Poor could neither be so well taken care of, nor set to Work, while they remained dispersed in a thousand By-holes and Corners where they lived, as they might be, in Case they were all to inhabit together in some proper Place to be provided for them, purchased a large House in *Bishopsgate-street* for that Purpose, where a great Number of Poor, but especially Children, are maintained and religiously educated, and employed in Spinning of Wool, Knitting, or Sewing, &c. They are Dieted and Cloathed, and taught to read, write, and cast Account, whereby they are qualified for Services and Employments; and are accordingly put forth Apprentices, and to Services.

London Work-house.

By this Act Power is granted for the President and Governors of this Corporation to purchase or take any Lands, Tenements and Hereditaments, not exceeding 3000 *l* per *Ann.* and any Goods or Chattels whatsoever, of the Gift, Alienation, or Devise of any Person or Persons.

Bristol Work-house.
7 & 8 *W.* 3.

This Corporation in *London*, having met with such good Success, a Stat. was made 7 & 8 *W.* 3. for the erecting such a Corporation in the City of *Bristol*, by the Name of the Governor, Deputy-Governor, Assistants, and Guardians of the Poor. This Corporation hath the Care of, and Providing for all the Poor of the said City, except such as are provided for by charitable Gifts, or in Hospitals, or Alms-houses; and may purchase, take, or receive any Lands, &c. and of causing Rogues, Vagrants, Beggars, &c. to be apprehended, and set at Work in their Work houses.

This

This produced another Act, in the 2d and 3d Year of Q. Anne, for erecting a Corporation for providing for the Poor in the City of *Worcester*, called by the Name of the Guardians of the Poor of the City of *Worcester*, and is impowered to hold Courts, summon Persons, &c. and also to provide Materials for setting the Poor to Work, compel idle Persons, and Poor receiving Alms, and poor Children, to dwell and work in Work-houses, &c.

Worcester
Work-houses.

And they have Authority to contract with any Parish in the County of *Worcester*, for the receiving, employing and setting to Work, Poor in their Work-houses, &c. This Act was enforced and continued for ever by another Act made 3 G. 2.

3 G. 2.

These Corporations and Work-houses being thus set up and established in particular Places with good Success, at length produced the general good Statute made 9 Geo. 1. c. 7. whereby it is enacted, that the Church-wardens and Overseers of the Poor of any Parish (with the Consent of the major Part of the Parishioners) may purchase or hire any House or Houses in the Parish or Place, and contract with Persons for the Lodging, Keeping, and Employing of poor Persons; and there they are to keep them and take the Benefit of their Work and Labour for the better Maintenance and Relief of such poor Persons. And in Case any poor Person shall refuse to be lodged, kept and maintained in such House or Houses, he shall be struck out of the Parish Books, and not be intitled to Relief.

The Parish
Work-houses.
9 G. 1. c. 7.

Where Parishes are small, two or more of such Parishes, with the Approbation of a Justice of Peace, may unite in purchasing or hiring Houses for the Purposes aforesaid. And Church-wardens, &c. of one Parish (with the Consent of the major Part of the Parishioners) may contract with the Church-wardens, &c. of any other Parish, for the Lodging and Maintenance of Poor.

But no poor Persons, or their Apprentices, Children, &c. shall acquire any Settlement in the Parish, Town or Place to which they shall be removed, by Virtue of this Act.

No Poor there:
in to gain a
Settlement.

This Statute has had such excellent Effect, that I have now by me a true and full Account of no less than One Hundred and Thirty Work-houses, already set up and established in *England*; and more are setting up every Day; whereby the Poor's Rates are decreased one Third, if not one Half, in most of the Places where such Work-houses have been set up.

A Contract for Lodging and Maintenance of Poor by Virtue of the Stat. 9 GEO. 1. cap. 7.

o G. 1. c. 7.
Church warden
and Overseers,
with the
Consent of the
major Part of
the Parishioners.

Memorandum, *It is contracted this Day, &c. in the Year, &c. between A. B. and C. D. Church-wardens, and E. F. and G. H. Overseers of the Poor of the Parish, &c. and J. K. and L. M. of, &c. Yeomen, that they the said J. K. and L. M. or one of them, shall and will, during the Space of, &c. next coming, at their, or one of their own proper Costs and Charges, in the House of, &c. find, provide, and allow, or cause to be found, provided, and allowed unto, and for N. O. P. Q. R. S. &c. poor Persons of the Parish of, &c. aforesaid, sufficient Lodging, Meat, Drink, and all other Things necessary for their and every of their Keeping and Maintenance; they the said J. K. and L. M. being paid and allowed by them the said A. B. C. D. E. F. &c. the Church-wardens and Overseers of, &c. aforesaid, the weekly Sum of, &c. for the same; which they the said A. B. C. D. E. F. &c. do hereby covenant for themselves and their Successors, well and truly to pay or cause to be paid to the said J. K. and L. M. as the same shall become due: Or they the said J. K. and L. M. being allowed the Work, Labour and Service of them the said N. O. P. Q. R. S. &c. from Time to Time, in such Work and Labour as they the said J. K. and L. M. shall think fit to employ them about. In Witness, &c.*

I shall now conclude this Title of the *Poor* with some material Cases which have been adjudged on this Head.

Three Justices took the Account of the Overseers of a Parish for the Year 1697, and adjudged by them that there was 69 *l.* 8 *s.* 10 *d.* due to the Parish, and they made an Order for the Payment thereof to the succeeding Overseers for the Year 1698. It was objected that the Justices had not Power to make such an Order, but only to grant Warrants to distrain on the last Overseers; but adjudged that it was a good Order, and it was confirmed. 2 *Salk.* 485.

Sessions cannot
commit but
where there is
no Distress.

An Overseer accounted before two Justices, and his Account was allowed; the Parish appealed to the Sessions, and there his Account was disallowed, and he was ordered to pay so much to the new Overseers, which they adjudged to be in his Hands; which he not doing, they committed him: But this Order was quashed, and the Person

Person was discharged from the Commitment; because the Sessions should have ordered the Money to be levied by Distress in the same Manner as the Justices should do; and upon Return of their Warrant, that no Distress was to be had, then to commit. 2 *Salk.* 533.

In all Actions to be brought in Courts of Record at *Westminster*, for Money mispent by Parish Officers, the Evidence of any of the Parishioners not receiving Alms, shall be taken and admitted into the Courts aforesaid. 3 & 4 *W. & M.* c. 11.

See an Act made the 15th of his present Majesty, for reviving an Act made the 9 & 10 *W.* 3. relating to the Work-houses within the Town of *Colchester* in the County of *Essex*, and for the better maintaining the Poor there.

Vide post 705.

Parishioners may be Evidence in Actions brought against Parish Officers, &c. 3 & 4 *W. & M.* c. 11. 15 G. 2.

Pope and Popish Books. Vide also Recusants.

TO extol the Power of the Pope, or Bishop of *Rome*, or of his See, heretofore claimed in this Realm, by writing, printing, preaching, speaking, or any open Act advisedly done; or to abet, counsel, &c. such Persons as do so, is for the first Offence a *Premunire*, for the second High Treason. 5 *Eliz.* c. 1. *Dalt.* 231.

To extol the Power of the Pope, &c. first Offence is *Premunire*, second Treason.

It must be certified by the Sessions, before whom the Presentment was taken within forty Days after, into *B. R.* if in Term-time; if not, then the first Day of the next Term; otherwise every Justice, before whom it was taken, forfeits 100 *l.*

Printer, Buyer, Seller or Bringer from beyond Sea, of any Popish Primers, Lady's Psalters, in any Language, or other superstitious Books in *English*, forfeits 40 *s.* for each Book, one Third to the King, one Third to the Informer, and one Third to the Poor where the Book is found.

Buyer or Seller of Popish Books forfeits 40 *s.*

Two Justices of Peace may search the House or Lodgings of a Popish Recusant for Popish Books and Relicks, and finding any unfit for them to use, may deface and burn them, but being of Value, may deface them, and restore them to the Owner. 3 *Jac.* 1. c. 5.

Two Justices may search Popish Houses, &c. 3 *Jac.* 1. c. 5.

Posse Comitatus.

One Justice,
&c. Sheriff,
&c. may raise
the Posse Co-
mitatus.

IN all Cases where the Justices of Peace, Sheriff, or other Officer is enabled to take the Power of the County, he may command the Attendance of all Persons in the County above the Age of Fifteen, who are able to travel. *Dalt. cap. 130.*

All Persons re-
quired must as-
sist them.

But Women, Ecclesiastical Persons, and decrepit or diseased Persons, shall not be compelled to attend them; and, in such Cases, it is in the Discretion of the Justice, &c. what Number he will have, and after what Manner they shall be armed; and all Persons required ought to assist them, and one Justice alone may take the Power of the County for suppressing a Riot, without waiting for another Justice. So in Cases of Forcible Entry.

Sheriff may
raise the Posse
to execute Pro-
cess.

So may the Sheriff or other Officer, to apprehend a Popish Recufant standing out excommunicate.

Refusers to as-
sist may be
fined.

See also the Sheriff, Under-Sheriff, or Bailiff, &c. if Need be, may, by the Common Law, take the *Posse Comitatus* to execute the King's Process, or Writ, whether it be of Execution, Replevin, &c. *5 Co. Rep. 185.*

Those who will not assist, being lawfully required, may be bound to their good Behaviour, and shall be fined to the King.

Writ of Assist-
ance.

If a Supplicavit be directed to a Justice, he may, upon Resistance, either by himself, or by his Warrant, take the *Posse Comitatus* to arrest the Party, though he be a Peer. *5 Co. 115. b.*

Besides this, the Sheriff's Writ of Assistance, which is under the Great Seal, commands all Archbishops, Bishops, Dukes, Earls, Barons, and other Subjects within the same County, to be aiding to him in whatsoever concerns his Office.

Constable may
require the Aid
of Neighbours.

A Constable, in the Execution of his Office, may require the Aid of his Neighbours, or of others present, to assist him; and if they refuse to assist him, they may be indicted and fined.

And indeed, so every Conservator of the Peace at Common Law, and every Judge of any Court of Record, may require Help of others to arrest all such as shall go about in their Presence to break the Peace.

Any one may
assemble his
Neighbours in
his own De-
fence.

Every Person may assemble his Friends and Neighbours to defend his Person, &c. being in his House, against Violence, &c. but not to go abroad with them to Fair or Market, &c. *1 R. Co. f. 82. 21 H. 7. 39.*

Information of a Riot is a sufficient Cause to raise the Power of the County, though indeed there were none.

Dalt. 473.

Sheriff, upon a Writ of Execution, returned, that he could not execute it for Resistance, and was amerced twenty Marks, because he took not the Power of the County. *Dalt.* 314.

Sheriff fined for not raising the County, &c.

Postage of Letters.

SOON after the Restoration of King Charles the Second, an Act of Parliament passed for erecting a General Post-Office in *England*; and in the first Year of King *W. 3.* an Act of Parliament passed in *Scotland* for erecting a Post-Office in that Kingdom; but in the ninth of Queen *Anne*, after the Union, an Act of Parliament passed for repealing both those Statutes, and for uniting both the said Post-Offices, and for erecting and settling one General Post-Office throughout all her Majesty's Dominions; by which it is enacted, That there shall be one General Post-Office in *London*, and one Post-Master General, who shall have the sole Receiving and Dispatching all Letters within this united Realm, and without, &c. except Letters which concern Goods sent by common Carriers, and which shall be delivered with the Goods, without any Profit for receiving or delivering them; and except Merchants Letters, and those of Masters of Ships; so as such Letters be delivered to the Persons to whom they are directed, without receiving any Profit for them; and except Commissions, Affidavits, Writs, &c. and any Letters sent by private Friends in their Journey, or by any Messenger about private Affairs or Business.

12 Car. 2. c. 15.

9 Ann

An Act for settling the Post-Office.

None but Post to carry Letters except, &c.

Provido, that Carriers do not receive Letters which do not concern Goods then in carrying, nor Drivers of Stage-Coaches, nor Masters of Passage Boats, nor Passengers therein, nor Watermen or Bargemen, though without Hire or Reward.

The Post-Master General, and his Deputies, and no other Person, shall provide Horses and Furniture for any Person riding Post, where any Post Roads shall be settled, at the Rate of 3 *d.* per Mile for every Post-Horse, and 4 *d.* for the Guide, and shall not charge any Thing for carrying a Bundle, so as it does not exceed eight Pounds.

Not to provide Post-Horses.

And for Letters he shall take, *viz.*

For every single Letter not coming from or directed on Ship board, and to and from any Place in *England* not

The Rate of Letters.

Postage of Letters.

distant above eighty Miles from *London*, 3 *d.* and for every double Letter, 6 *d.* and for Packets of Writs, Deeds or other Things, 12 *d.* per Ounce; for every single Letter above eighty Miles from *London*, 4 *d.* and for a double Letter 8 *d.* and for other Things 1 *s.* 4 *d.* per Ounce; for every single Letter from *London* to *Edinburgh*, or *vice versa*, 6 *d.* and a double Letter 12 *d.* and for other Parcels 2 *s.* per Ounce; for every single Letter from *Edinburgh* to any Place not exceeding fifty Miles in *Scotland*, 2 *d.* and for a double Letter 4 *d.* and for other Parcels 8 *d.* per Ounce; and if above fifty Miles, 3 *d.* and for a double Letter 6 *d.* and for other Parcels 12 *d.* per Ounce; if above eighty Miles, then for every single Letter 4 *d.* and for a double Letter 8 *d.* for other Parcels 1 *s.* 4 *d.* per Ounce; for the Postage of Letters and Packets directed on Board or brought from any Vessel riding or stopping in any Port in *England*, 1 *d.* over and above the said Rates; and for the Postage of all Letters and Packets passing and repassing by the Penny Post, and to be received and delivered within ten Miles distant from the General Post-Office, 1 *d.*

Post-Master
may erect
Cross Stages.

The Post-Master may erect Cross Stages, and he or his Deputy may demand and receive the same Rates, in any such Cross Stages, in Proportion to the Distances of Places, as Letters to and from *London* are rated.

And may get
the Roads
measured.

He may appoint one to measure the Roads by the Wheel, except such Roads where the Stages are already settled; and he who makes such Survey shall make Oath before some Justice, &c. in each Kingdom respectively, to perform the same according to the best of his Skill, and the Justice, &c. shall certify the same in Writing, to be kept and entered in the General Post-Office without Fee.

Proviso about
Merchants Ac-
counts.

Proviso, that Merchants Accounts not exceeding one Sheet, and all Bills of Exchange and Invoices, and Bills of Lading, shall be allowed to pass without Rate in the Price of Letters, and likewise the Covers of Letters not exceeding one fourth Part of a Sheet, sent by the Way of *Vienna*, *Marseilles*, *Venice* or *Leghorn*, to be sent to or from *Turky*.

Penalty of set-
ting up any
other Post, &c.

None other than the Post-Master General, or his Deputies, shall receive, take or carry Letters, either by Land or Sea, or provide Horses for riding Post, or collect any Letters, or set up any Foot-Post, Horse-Post or Packet-Boat, or other Conveyance for the carrying or delivering Letters, under the Penalty of 5 *l.* for every Offence, and also 100 *l.* for every Week that the Offender shall continue the said Offences.

And of Post-
Master not pro-
viding Post-
Horses.

If through the Default or Neglect of the Post-Master, any Person riding Post shall fail of being provided with sufficient

sufficient Horses after Demand, the Party offending shall forfeit 5 *l.* one Moiety to the Crown, the other to the Prosecutor, to be recovered in any Court of Record.

Provido, that if the Mail be carried out of *England* in any Vessel which is not a free Ship, and navigated by Seamen, as by the Law is required, that then the Post-Master General shall forfeit 100 *l.* one Moiety to the Crown, the other to him who will sue, to be recovered by Bill, Plaint or Information.

Mail must be carried in English Ships.

All Money due for Letters not exceeding 5 *l.* shall be recovered in the same Manner, and under the same Rules, as small Tithes, by Complaint in Writing before two Justices, who may summon the Party complained of, and, on Default of Appearance, determine the Cause, and give Allowance and Costs not exceeding 10 *s.*

How the Postage of Letters is to be recovered.

If the Party refuse to pay in ten Days after Notice, the Constables, &c. are to distrain, by Warrant from the Justices, and the Distress is to be sold in three Days.

All inland Letters must pay at the Stage where last delivered, unless they are directed to any Ship or Vessel, or to any Person in the Army, or sent by the Penny Post, and unless Letters going out of *Great Britain*, which have usually paid Rates in *England*.

Where the Postage is to be paid.

After the first of *June* 1743, the old Rates shall be taken for Letters again.

Persons opening, detaining, or delaying any Letter after the same is delivered into the General Post-Office, except by Warrant in Writing under the Hand of a Secretary of State, or unless the Person to whom directed refuses to pay the Postage, or where the Letter shall be returned for want of true or due Direction; Person so offending, or imbezilling a Letter, forfeits 20 *l.* to be recovered in the Courts at *Westminster*, if in *England*; if in *Scotland*, in the Court of Sessions or Exchequer, by such Person who will sue, with full Costs; and Offender is disabled and incapable of any Employment in the Post-Office.

Penalty of opening or stopping Letters, &c.

Post-Master General, and all in any Employment relating to the Post-Office, must take the Oath following, before one Justice of the Peace of the County where such Person resides.

I A. B. do swear, that I will not wittingly, willingly or knowingly open, detain or delay, or cause, procure, permit or suffer to be opened, detained or delayed, any Letter or Letters, Packet or Packets, which shall come into my Hands, Power or Custody, by Reason of my Employment in or relating to the Post-Office, except by Consent of the Person or Persons

The Post-Master's Oath.

Except, &c.

Postage of Letters.

Persons to whom the same is or shall be directed, or by any express Warrant in Writing under the Hand of one of the Principal Secretaries of State for that Purpose; or except in such Cases where the Party or Parties to whom such Letter or Letters, Packet or Packets shall be directed, or who is or are hereby chargeable with the Payment of the Post or Posts thereof, shall refuse or neglect to pay the same; and except such Letters or Packets as shall be returned for want of due Directions; or when the Party or Parties, to whom the same is or shall be directed, cannot be found; and that I will not any Way imbezil any such Letter or Letters, Packet or Packets, as aforesaid.

6 Geo. 1. c. 21.
When Letters
are to pay double.

It is enacted by Stat. 6 Geo. 1. cap. 21. that when Bills of Exchange are sent wrote on one and the same Piece of Paper with a Letter, as also several Letters to several and distinct Persons, are sent wrote on one and the same Piece of Paper, that every such Bill, and every such Letter, should be rated and paid for as so many several and distinct Letters, according to the Rates 9 Ann. cap. 19.

9 Ann. c. 19.

And whereas by the Act 9 Ann. cap. 19. it is provided, that all Bills of Exchange, Invoices, and Bills of Lading, shall be understood to be allowed without Rate in the Price of the Letter; and some Doubts having been made touching the said Proviso, it is by the said 6th of K. Geo. 1. cap. 21. declared and enacted, That it was and is the Intent and Meaning of the said Act, that the said Proviso and Allowance shall extend only to such Merchants Accounts, Bills of Exchange, Invoices, and Bills of Lading, as shall be sent to or from the General Post-Office in London, to any Parts beyond the Seas not within his Majesty's Dominions: And that all other Merchants Accounts, Bills of Exchange, Invoices, and Bills of Lading, shall be rated and paid for as so many several Letters, according to the Rates mentioned in the said Act 9 Ann. cap. 19.

4 Geo. 2.

By Stat. 4 Geo. 2. It shall be lawful for any Penny Post-man to demand for every Letter originally sent by the Penny Post, which shall be delivered to, or for any Person, at any Place out of London, Westminster, or Southwark, and their respective Suburbs, one Penny, besides the Penny paid on putting the Letter into the said Office; and no Penny Post-man shall incur any Penalty for detaining such Letter until the Payment thereof.

Letters opened.

A Letter, in which there were Bills of Exchange, was delivered at the General Post-Office in London, to one who was appointed by the Post-Master to receive Letters, and there it was opened, and the Bills taken out; and in

an Action brought against the Post-Master, three Judges, against *Holt* Chief Justice, held, that it would not lie, because this was an Office of Intelligence, and not of Insurance, or of Conveyance of Treasure; but the Chief Justice held, that the Action would lie, because the Post-Master hath a Reward; which is the Reason that Inkeepers and Carriers are to keep Goods safely.

A Warrant to take a Distress for Money ordered to be paid by two Justices, for Postage.

Essex, ff. **W** Hereas on Complaint this Day exhibited by *9 Ann. c. 19.*
A. B. of, &c. unto us W. B. and J. S. Two Justices,
Esqrs; two of his Majesty's Justices of Peace for the County aforesaid, That L. M. of, &c. has refused to pay the Sum of, &c. by him justly due for Postage of Letters, and the Sum of, &c. which we awarded for Costs on his Refusal, as aforesaid, upon examining into and determining the Cause of Complaint, according to the Direction of the Statute in that Case made: These are therefore to require you to levy the said several Sums of, &c. on the Goods of the said L. M. by Distress and Sale, if not redeemed in three Days; and for your so doing, this shall be your sufficient Warrant. Given, &c.
the Party must be first summoned.

Premunire.

THE Stat. of 16 *Rich. 2. cap. 5.* is commonly called the Statute of *Premunire*, and by it the Offender shall be put out of the King's Protection, and shall forfeit his Lands and Tenements in Fee for ever, in Tail during Life, and his Goods and Chattels to the King, be committed during the King's Pleasure. *3 Inst. 211.* And if he be not in Prison, then *quod capiatur.* *2 Saund. 389, 390, 391, 392. Raym. 212, 374. 1 Vent. 171. 2 Kob. 825, 830. Green's Case.*

The Punishment in a *Premunire.*
16 Rich. 2. c. 5.

The Form of an Indictment and Judgment.
1 Vent. 171.

There are several other Statutes made, by offending against which a Man incurreth a *Premunire*, and thereby is always intended that he shall have such Punishment as is to be inflicted on those who offend against the said Statute.

To

Presentment.

To sue in the Ecclesiastical Courts for a Thing merely temporal, or to sue in the Admiralty for any thing not done *super altum mare*, hath been adjudged to be a *Premunire*.

5 Eliz. c. 1. The Statute of 5 *Eliz. cap. 1.* makes it Felony to kill one attainted by a *Premunire*; for before that Time as being out of the King's Protection, he might have been killed by any Person whatsoever, without any Danger of Punishment by the Law.

Presentment.

Wherein Presentment differs from an Indictment.

THIS is an Accusation in Writing, formed and drawn up by the Jurors themselves, without any Bill brought before them; and it differs from an Indictment which is always the Verdict of a Grand Jury, upon a Bill drawn up in Writing, and laid before them.

There is another Sort of Presentment, and that is of the Copyholders in Court of a Surrender of a Copyhold out of Court, and sometimes of a Freehold by particular Custom. 4 *Co. 9. b.*

A Presentment for false Weights must have in it, that the Offence is within the Jurisdiction, if in a Court-Leet; at least, it is the better Way. *Hob. 129.*

A Justice of Peace, upon his own Knowledge, may present Offences against the Statute of 2 & 3 *P. & M. cap. 8.* and 5 *Eliz. cap. 13.* and the other Statutes about the Highways. *Dalt. 99. 1 Cro. 125. b. 195. a.*

Vide Title Churchwardens.

Pretended privileged Places.

All pretended Privileges taken away in the Savoy, White-Friars, &c.

8 & 9 *W. 3. c. 27.*

Sheriff may raise the Peace Comitatus.

THE Savoy, White Friars, Salisbury Court, Ram-Alley, Mitre Court, Fullers Rents, Baldwin's Gardens, Montague Close, the Mint, the Clink, and Dead-man's Place, having set up several Pretences to be privileged Places, and that no Writ or Process ought to be executed in any of them, an Act of Parliament passed 8 & 9 *W. 3. cap. 27.* whereby it was enacted, That all Persons having Money owing from any Person in any of the said pretended privileged Places, may, upon a legal Process taken out, require the Sheriffs of London and Middlesex, the Head Bailiff of the Duchy Liberty, or the High Sheriff

Sheriff of *Surrey*, or Bailiff of *Southwark*, or their Deputies or Officers, to take the *Posse Comitatus*, and arrest such Person, or seize their Goods upon Execution or Extent; and such Sheriffs or Officers neglecting or refusing, are to forfeit to the Plaintiff 100 *l.* And every Person opposing or resisting such Officers, shall forfeit 50 *l.* and be by any one Justice committed to the County Gaol, without Bail or Mainprize, 'till the next Assizes, Sessions of *Oyer and Terminer*, or general Gaol-Delivery, and be set in the Pillory, and suffer such Imprisonment as the Court shall think fit.

And if any *Rescous* be made of any such Prisoners, the Persons aiding therein shall respectively forfeit to the Plaintiff 500 *l.* which Forfeiture, with Costs of Suit, not being paid within one Month after Judgment, for the Recovery thereof, the Person so refusing or neglecting, shall be transported to some of the Plantations for seven Years, and returning again within the seven Years, shall be guilty of Felony, without Benefit of Clergy.

The Forfeiture in Case of Rescue.

And the Persons inhabiting within any such pretended privileged Places, harbouring any Person who shall have made such *Rescous*, shall be transported as aforesaid, unless they pay the Plaintiff the whole Debt and Costs, within one Month after Conviction.

Or harbouring a Rescuer.

Which Law had its due Effect for some short Time; but after a few Years, several lawless and disorderly Persons having again, by degrees, sheltered themselves and settled again in the *Mint*, and several Disorders and Violences having been again committed there: By a Statute made 9 *Geo. 1. cap. 21.* it was enacted, That whoever knowingly and willingly shall obstruct or oppose any Person to execute any legal Process, or any Warrant of Justice in the *Mint* or *Suffolk Place*; or shall assault or abuse another in executing the same, or for having so done, whereby he shall receive any Damage or bodily Hurt; being convicted thereof, shall be guilty of Felony, and be transported.

Act 9 Geo. 1. c. 21. for suppressing the Mint.

On Complaint to three Justices of *Surrey* by a Creditor of any Person in the *Mint*, and who hath taken out a legal Process against such *Minter*, and making Oath before the said Justices, that a Debt exceeding 50 *l.* at least, is due to him, and that he believes such Person resides in the *Mint*; the said Justices may grant a Warrant to the Sheriff of *Surrey* and his Bailiffs, requiring them to raise the *Posse Comitatus*, or such Force as they think fit, and enter the *Mint*, and, upon Resistance, to break open the Doors, upon *mesne Process* to arrest the Person, and to seize the Goods upon an Execution, &c. the Sheriff refusing,

Sheriff of Surrey may raise the Posse, &c.

saving, &c. shall forfeit 200 *l.* to the Plaintiff, to be recovered by Action of Debt, &c. resisting an Officer or rescuing a Prisoner, or concealing him or any of the Rescuers, and being thereof convicted within six Months after the Offence, shall be guilty of Felony and be transported.

Penalty of wearing a Vizard, or going disguised.

If any Person wearing a Vizard, Mask, or disguised Habit, or having his Face or Body disguised, shall, within the said Place, &c. join in or aid, or abet any Riot or Tumult there, or shall in any Vizard or Disguise knowingly oppose the Execution of any legal Process, &c. or assault or abuse any Person serving such Process, &c. or for having so done, being lawfully convicted thereof, shall be guilty of Felony, and shall be transported, &c.

Forty Pounds Reward for apprehending such an Offender.

Every Person who shall apprehend such an Offender shall be intitled to a Reward of 40 *l.* and if kill'd in the endeavouring to apprehend such an Offender, his Executors, &c. shall be intitled to the same Reward.

If any such Apprehender or Profecutor is guilty of any the said Offences, not being in Prison for the same, and convicting two or more of any of the said Offences, he shall not only have the Reward of 40 *l.* but shall also be intitled to a Pardon.

Act 11 Geo. 1. for suppressing the new Mint.

This Statute immediately drove those disorderly People out of the *Mint*, and dispersed them; yet not so but they gathered themselves together again, and settled themselves in the Hamlet of *Wapping, Stepney*; but upon passing such another Act of Parliament, *Anno undecimo Georgii 1.* they again utterly dispersed themselves, and have not since been heard of.

11 Geo. 1.

Prison. Vide also Arrest and Gaol.

What the Law calls a Prison. Cro. Car. 152.

A Prison is a Place where a Person is restrained from his Liberty, and is in the Custody of the Law 'till he be thence discharged; and a Man is said to be in Prison so long as he is in Sight of his Gaoler, though he break away. *Dalt.* 679. *Dyer* 440.

The Commitment ought to be by a Judge of Record, and by a lawful Warrant.

Which are Prisons, &c.

The Common Gaol is the Place to which Justices of Peace must commit Murderers and Felons, and not elsewhere.

Though the Stocks and the Prisons of a Lord of a Franchise, nay, the bare Custody by any who hath lawfully taken

taken the Offender, or the House of a Constable, or other Person, where a Prisoner is lawfully detained, are looked on as Prisons in the Eye of the Law; and a Felon escaping from any of these Places is guilty of a Breach of Prison; but then there must be an actual Force; for if he go out, the Doors being open, it is not Felony.

If the Prisoner is of Ability, he must bear his own Charges, and of those who are appointed to carry him to Gaol; and if he refuse, then it may be levied by the Headborough of the Parish, by Warrant from the Justice who committed him, by Distress and Sale of his Goods, after an Appraisalment by four of the Inhabitants.

Prisoner must bear the Charges of carrying him to Gaol.

If he is not of Ability, then the Charges must be born by the Parish where he was taken, by a Tax made by the Constables, Church-wardens, and two or three of the Inhabitants, to be allowed by a Justice of Peace. 3 Jac. 1. cap. 10.

3 Jac. 1. c. 10.

Constable having one suspected of Felony in his Custody, may lock the Stocks and put Irons on him, and in conveying him to the Justice or Gaol, may imprison him, or otherwise secure him, that he cannot escape. *Dalt.* 473.

Constable may imprison a Felon, &c.

Constable cannot imprison in his House, or in the Stocks, but only till he can get convenient Aid to convey him to a Justice of Peace, or to the Gaol. *Dalt.* 470. *Lamb.* 133.

Constable may imprison a Felon.

Three Justices of Peace shall settle Fees for Commitments, Discharges, and Chamber-Rent, one being of the Quorum. By 22 & 23 Car. 2. cap. 20. and 2 Geo. 2.

22 & 23 Car. 2. c. 20.

Justices of Peace shall examine and find out Legacies and Gifts to poor Prisoners, and with the Circuit Judges confirm the Fees, &c. writ in a Table, and hung up in the Prison. *Ibid.*

Infant may find Sureties for the Peace, or be committed till he do.

Infant must find Sureties.

If a Constable voluntarily suffereth a Thief to drown himself, it is Felony in the Constable; but if the Thief privately kill, hang, or drown himself, it is a negligent Escape. *Dalt.* 379.

What is Felony in the Constable.

Defendant in any Action for a Distress taken by Force of the Statute 3 Jac. 1. cap. 10. may plead Not guilty, and give the Special Matter in Evidence, and upon Recovery or Nonsuit shall have treble Damages. 3 Jac. 1. cap. 10.

3 Jac. 1. c. 10.

A Man outlawed for Felony is imprisoned among Traitors, and breaking Prison setteth them loose, this is *Rescous* of a Traitor, and Treason. 1 Cro. 35. m. 5 & 6.

Setting Traitors at Liberty is Treason.

Persons,

Criminal not to be removed to other Prisons without a Writ.
C. o. Car. 335.

Persons, Subjects of this Realm, committed for any Crime, shall not be removed into Custody of any other Officer, unless by some legal Writ, unless in Case of Fire, Infection, or Necessity. And Persons signing any Warrant for Removal, contrary hereunto, or countersigning the same, and Officer or Officers obeying or executing such Warrant, shall for first Offence forfeit to the Party grieved 100 *l.* and for the second Offence 200 *l.* and be incapable to hold his Place, to be recovered in any of the Courts at *Westminster*, by 31 Car. 2. cap. 2.

31 Car. 2. c. 2.
Where a Felon is to be committed.

If a Man commit Felony in one County, and be arrested for the same in another County, he shall be imprisoned in that County where he is taken. *Dalt.* 585.

Justice of Peace, Constable, or other Officer, pursuing a Felon, into another County, takes him there, the Felon shall be committed to the Gaol of the County where he was taken.

Where if a Felon has escaped from the Constable.

But if the Constable hath arrested one upon a Warrant of a Justice of Peace, and he escapes from the Constable, and flieth into another County, the Constable may pursue and take him in the other County, by fresh Suit, and bring him before the Justice on whose Warrant he was first arrested.

When no Time of Imprisonment is limited.
1 Raym. 1:0.

When a Statute appoints Imprisonment, but limits no Time when the Offender shall be imprisoned, then he is to be imprisoned presently. And when a Statute doth appoint Imprisonment, but limits no Time how long, in such Case the Prisoner must remain at the Discretion of the Court.

7 H. 4. c. 4.

If a Gaoler license his Prisoner to go abroad for a Time, and then to come again, or to go abroad with a Keeper, though he come again, yet these are Escapes, and fineable; and if the Prisoner were in Execution, the Gaoler shall be charged with the Debt. *Dalt.* 586. *Co.* 3, 44. 1 *Rich.* 2. cap. 12. 7 *H.* 4. cap. 4.

Justices of the Peace ought not to commit to New Prison for Felonies. 1 *Raym.* 66.

Privilege of Parliament. Vide Parliament.

Process. See Indictment.

Accused to be heard.

IT is but consonant to Justice and to right Reason and Equity, that the Accused should be as well heard to clear himself, as others are to accuse him.

Therefore, if he be present and confess the Indictment, he shall be forthwith committed till he make Fine, or give Sureties.

IF

If he be absent, Process shall be awarded against him, to come and make his Answer.

The Warrant of a Justice is only to attach and convene the Party before Indictment, and may be either in the Name of the King or of the Justice. Process is always in the Name of the King, and after an Indictment found, or other Proceedings.

Warrant may be either in the Name of the King or the Justice.

The Authority of making Process upon Indictment is given by express Words in the Commission; but where a Man is indicted in one County, who liveth in another, there must be an *Alias* after the first *Capias* before he can be outlawed, and there must be three Months between the *Teste* and Return thereof. 8 H. 6. cap. 10. In other Cases, by some Statutes, and sometimes to two Justices out of their Sessions, sometimes to one single Judge. See Title *Forcible Entry*, and Title *Sheriffs*.

How the Authority of making Process is given.

It is likewise in other Cases implied necessarily in the Words *hear* and *determine*, as where Power is given to the Justices out of Sessions to hear and determine; for otherwise the Justices cannot proceed, unless the Party come in *gratis*.

If the Party be absent; first a *Venire* is usually awarded by the Justices under their own *Teste*; and if thereupon he be returned sufficient, and makes Default, a *Distingas* infinite is to be awarded till he come in; but if a *Nil habet, &c.* be returned at first, then after a *Venire Facias*, a *Capias*, and then an *Alias*, and after a *Pluries* shall go forth, and after that an *Exigent*, till the Party yield himself, be taken, or outlawed. *Dalt. cap. 143.*

The Course of Process in Trespas, &c.

These are the ordinary Processes upon Indictments of Trespas against the Penal Statutes, not being Felony, or greater Offence.

These Processes are to be directed to the Sheriff, except himself or his Officers be Parties, and then it seemeth such Process shall be directed to the Coroners of the County.

To whom directed.

The King's Process must be with a *Non omittas propter aliquam libertatem, &c.* but the *Teste* may be under the Name of a Justice.

If the Party be outlawed the Justices can make no *Capias Utlagatum*, but must certify the Outlawry to the King's Bench.

Justices cannot make out Capias Utlagatum.

Process (as well of *Capias, &c.* as of Outlawry) may be stayed by a *Superfedeas* from other Justices, testifying that the Party hath found Sureties to answer or to pay his Fine.

The Authority of Justices in sending these *Processes* out of Sessions, is beyond the Bounds of their Commission, and

Process. Propheties.

and therefore they must have the Authority of some Statute, either express or at least by Implication.

Not discontinued by a new Commission of the Peace.
1 Ed. 6. c. 6.

By Stat. 11 H. cap. 6. it is provided that no Plea, Suit, or Process, taken before Justices, shall be discontinued by a new Commission of the Peace. 1 Ed. 6. cap. 6.

One indicted of Treason or Trespas in one County is imprisoned in another, the Justices may award an *Habeas Corpus* to remove him before themselves. Lamb. 526.

5 E. 3. c. 11.

Process upon Indictment of Felony may be sent into any Foreign County. 5 Ed. 3. cap. 11.

Process in Felony.

Process upon Indictment of Felony, is two *Capias's* and an *Exigent*. 13 Ed. 3. cap. 14.

13 E. 3. c. 14.

Process upon Informations must be such as the Statutes whereupon they are grounded doth appoint. Lamb. 528.

If the Sheriff's Name is not indorsed upon the *Venire Facias* or *Disfringas*, it is erroneous. 2 Cro. 188.

Process against an Alehouse-keeper.

Information is made in the Sessions, that an Alehouse-keeper hath done any thing whereby he hath forfeited his Recognizance, the Justices of Peace may award Process against him, to shew Cause why he should not forfeit his Recognizance. Lamb. 524. but *Quær.* what Process.

Justices cannot award Process on forfeited Recognizance.

Process cannot be awarded by the Justices of Peace upon any forfeited Recognizance, except Ale-houses, but they must certify them to the higher Courts.

If a Man is indicted for Murder, there shall be but one *Capias*, and then an *Exigent*.

25 Ed. 3. c. 14.

But by 25 Ed. 3. cap. 14. if for Robbery, there shall be two *Capias's* before the Outlawry.

Where Justice can send Process into another County.

A Justice of the County or Town Corporate may award as many Writs of *Capias* as are necessary, to any Sheriff or Officer in another County, where a Servant or Apprentice in Husbandry, &c. resides, who hath departed from his Master, contrary to 5 Eliz. cap. 4. and these may be made returnable before himself, what Time he pleaseth.

5 Eliz. c. 4.

Justices in a County where a Person is indicted of Treason, Felony, or Trespas, may award Process to the Sheriff of another County, where the Party is abiding, to apprehend him. See Title *Indictment*.

Propheties.

Penalty, &c. of seditious Propheties.

IF any one shall publish by Writing, Speech, or Deed, &c. any phantastical or false Prophecy, upon or by Occasion of Arms; Fields, Beasts, &c. or by Reason of any

any Time, Year, Day, &c. he shall for the first Offence be imprisoned a Year without Bail, and forfeit 10 l. for the second Offence be imprisoned for Life, and forfeit all his Goods to the King and Prosecutor. § *Eliz. cap. 15.* § *Eliz. c. 19.*

All and every Justice of Assise, Justice of Oyer and Terminer, and Justices of the Peace, have Authority to hear and determine these Offences, so as the Party be accused within six Months. *Ibid.*

Purveyance.

BY Stat. 12 *Car. 2. cap. 24.* it is provided that no Purveyance of Victuals, or Carriages for the King, Queen, or their Children, shall be in the old Way, without the Owner's Consent. And if there be any Justice of Peace near the Place, the Constable of the Place, upon Complaint of the Party grieved, may commit the Offender to the Gaol till the next Quarter-Sessions, and then to be proceeded against for it; and the Party grieved may have his Action against the Offender, and recover treble Damages, and treble Costs. And if any, in such a Case, procure, delay, or unduly hinder Judgment and Execution, he shall incur a *Premunire*.

12 *Car. 2. c. 24.*
Penalty of making illegal Purveyance.

And no Preemption is now allowed to the King or his Family, in or out of Market; but it is free to the Subjects to dispose of their Goods as they please.

King has no Preemption but Tin.

A Clause for saving the King's Right to Preemption of Tin, and also of his Prizage and Butlerage.

Purveyor or Badger, &c. bargaining for any Victual or Grain in the Markets of *Oxford* or *Cambridge*, or within five Miles of them, forfeits quadruple the Value thereof, and to be imprisoned three Months without Bail, except when the King is there, or within seven Miles Distance.

No Badger to be within five Miles of *Oxford* or *Cambridge*.

Indictment for unlawful Purveyance.

Essex, ss. **T**HE Jurors, &c. do present, that on the 9th Day of July in the eighth Year of the Reign, &c. one A. B. late of D. in the said County, Labourer, at K. in the said County, by Colour of a Purveyance for our said Sovereign Lord the King, unjustly and illegally took and drove away two Cows of the Price of 8 l. of the Goods and Chattels of one C. D. (of such a Place) Husbandman, then and there being, against the Will of the

Vob II.

G

said

said C. D. and against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and the Form of the Statute in such Case made and provided, &c.

Quakers.

13 & 14 Car.
2. c. 1.
Penalty of
Quakers meet-
ing, &c.

BY a Statute made 13 & 14 Car. 2. cap. 1. Persons called Quakers, were not to assemble above five in Number, of the Age of sixteen Years or more, under Pretence of religious Worship, not established by Law, under Penalty of 5*l.* for the first Offence, and for want of Distress and Nonpayment within one Week after Conviction, three Months Imprisonment in Gaol or House of Correction. For the second Offence 10*l.* and six Months Imprisonment. The third Offence the Offender shall abjure the Realm, or the King may order the Offender to be transported to any of the Plantations beyond Sea.

1 W. & M.
c. 18.
7 & 8 W. 3.
c. 34.
8 Geo. 1. c. 6.

But they were exempted from these Penalties by the 1 W. & M. cap. 18. and by 7 & 8 W. 3. cap. 34. every Quaker, where an Oath is lawfully required, should, instead of the Oath, make a solemn Declaration in the Form in that Act prescrib'd. But by the 8 Geo. 1. cap. 6. instead of the solemn Affirmation or Declaration prescribed by that Act, they are to make the solemn Declaration or Affirmation following :

The Form of
their solemn
Affirmation,
&c.
1 W. & M.
c. 18.
8 Geo. 1. c. 6.
And of their
Declaration.
8 Geo. 1. c. 6.

I. A. B. *do solemnly, sincerely, and truly declare and affirm, &c.*

And instead of the Declaration of Fidelity, appointed to be made and subscribed by Quakers, by 1 W. & M. cap. 18. they are to make and subscribe the Declaration of Fidelity mentioned in 8 Geo. 1. cap. 6.

7 & 8 W. 3.
c. 34.
Quakers not
to serve on Ju-
ries, &c.

And instead of the Form prescribed by 1 W. & M. cap. 18. for the Effect of the Abjuration Oath, they are to take that mentioned 8 Geo. 1. cap. 6. and the Quakers subscribing the Declaration of Fidelity and the Christian Belief before two Justices, shall be intitled to the Benefit of that Act.

By 7 & 8 W. 3. cap. 34. made perpetual by 1 Geo. 1. cap. 7. no Quaker shall be a Witness in Criminal Causes, or serve on Juries, or bear any Office or Place of Profit in the Government, and the abovesaid Declaration shall be taken to be of the same Force in all Courts of Justice as an Oath, and shall in like manner incur the same Penalties as if Guilty of Perjury : and all Persons authoriz'd to administer an Oath, are required to tender the abovesaid Declaration,

claration, &c. to Quakers in the Words appointed by
8 Geo. 1. cap. 6.

Quaker refusing to pay Tithes or Church-Rates, two
next Justices uninterested, on Complaint of any Person, &c.
may, by Warrant, convene such Person refusing, and may
examine (on Oath, or in such Manner as by this Act is
provided) the Merits of the Cause, and determine accord-
ingly, by Order under Hand and Seal; provided the Sum
does not exceed 10 *l.* On Refusal of Payment, one Justice
may by Warrant levy it by Distress and Sale, rendering
the Overplus after Charges allowed. Appeal to Quarter-
Sessions, who may confirm or reverse the Decree of two
Justices. On confirming, Costs shall be given to the Ap-
pellant, to be levied by Distress and Sale: Not to be re-
moved by *Certiorari*, unless the Title of such Tithes be
in Question. In Case of Appeal, no Warrant of Distress
to be granted till Appeal be determined. Justice may
give Costs, not exceeding 10 *l.* by 1 Geo. 1. cap. 7.

8 Geo. 1. c. 6.
Method of find-
ing a Quaker,
for Tithes, &c.

1 Geo. 1. c. 7.

Quarentine.

BY Stat. 7 Geo. 1. cap. 3. the 9 Ann. cap. 2. is re-
pealed, and by it 'tis enacted, that Ships coming
from Places infected shall perform their Quarentine in
such Places, Time and Manner, as the King shall ap-
point; and till they are discharged thereof, no Person or
Goods therein, shall come on Shore, or into any other
Ship, &c. nor shall any go on Board such Ship, without
License in Writing under the Hand of such Person who
shall be appointed to see the Quarentine performed. And
all Ships, Persons, and Goods, &c. during such Quarent-
ine, shall be subject to such Orders and Directions there-
in as shall be made by the King, and notified by Procla-
mation. And if any Master or Commander shall offend
against this Act, such Ship with her Tackle, Apparel,
and Furniture, shall be forfeited to the King; and if any
other Person shall offend, those appointed to see the Qu-
arentine performed, may compel him in Case of Resistance,
by Force, to return on Board, there to remain, &c. And
after Quarentine, shall by Oath of one Witness, before
one Justice, be liable to pay not exceeding 20 *l.* to be
forthwith paid into the Hands of the Justice, who may
give the Informer a third Part, and the rest to the Poor.
In Default of Payment, to be sent to the House of Cor-
rection to hard Labour for a Month. Justices adjoining
to Counties or Places, where Quarentine is performed,

7 Geo. 1. c. 3.
Method of estab-
lishing a Qua-
rentine.

are required to keep Watches Day and Night, at most convenient Places in their Parishes, with Orders not to permit any Person to come on Shore, or go on Board any Ships under Quarentine, except such as have the Charge of seeing Quarentine duly performed.

When Quarentine is performed, Ship, &c. is at Liberty.

After the Quarentine performed, and Oath made by the Master or Persons having Charge of the Ship, and two of the Persons belonging thereto, before the Customier, Comptroller, or Collector of the Port, or their Deputies, or any Justice of Peace near adjoining, that such Ship or Vessel, and all and every the Person and Persons therein have duly performed the Quarentine; and that the said Ship or Vessel, and all the Persons on Board, are free from Infection; the said Customer and two Justices are to give a Certificate thereof, and thereupon the said Ship, &c. to be liable to no further Restraint, &c. and the Officer, &c. before whom the Oath is made, and by whom the Certificate is given, shall demand no more than 1 s. for each, besides the Stamp-Duties: And after Quarentine the Goods imported are to be opened and aired, &c.

Ship not to come from Place infected.

By the said Stat. it is enacted, that if any Ship shall come from any Place infected, or have any infected Person on Board, and the Master, &c. shall not discover the same, he shall be adjudged guilty of Felony without Benefit of Clergy.

Persons going on Board, must perform their Quarentine.

Persons not infected, nor liable to Quarentine, who shall enter any Ship, &c. so appointed, *ut supra*, whilst any Person infected, or under Quarentine, shall be therein, are not to return without a proper License, but must perform their Quarentine; and if such Person shall actually escape before they have fully performed their Quarentine, they shall be guilty of Felony, without Benefit of Clergy.

The King may provide Lazarets.

His Majesty is impowered to order Ships to be provided, or Lazarets, for entertaining Persons infected with the Plague, or obliged to perform Quarentine, and Sheds and Tents, &c. for opening and airing of Goods in convenient Places on waste Grounds, &c. allowed by two Justices of Peace, under their Hands and Seals, paying a Consideration, &c.

Two Justices to appoint Watches, &c.

Any two Justices next the Place where any Ship shall be performing Quarentine, or wherein any infected Place shall be situate, may order the Inhabitants to keep sufficient Watches by Day and Night, who are not to permit any Persons or Goods to depart out of the Lines, &c. Inhabitants refusing to keep such Watch, and Persons refusing to serve as Watchmen, being convicted by the Oaths.

Oaths of two Witnesses, shall forfeit, not exceeding 100*l.* nor less than 10*l.* at the Discretion of the Justices; one Moiety to the Informer, and the other to the Poor, le-
viable by Distress and Sale, and be committed to Prison for two Months, and till the Penalty is paid. The Charge of Watches is to be maintained by the County in such manner as for County Gaols and Bridges.

If any Officer of the Customs, or other Officer, or Person whatsoever, who is to see Quarentine performed, &c. shall be guilty of any wilful Breach or Neglect of his Duty on that Behalf, he shall forfeit his Office, and be incapacitated, and shall also forfeit 100*l.* one Moiety to the King, the other to the Prosecutor, to be recovered by Action of Debt, &c.

Penalty of Officers not doing their Duty, &c.

All small Boats and Vessels, under the Burden of twenty Tons, may be prohibited by his Majesty's Proclamation from sailing or passing out of any Port or Place of *Great Britain*, &c. in Time of Infection, till Security be given in 500*l.* with Sureties as directed by this Act, by Bond, with Condition, *viz.* That if such Boat or Vessel shall not go to or touch at any Country, Place, or Port, to be mentioned for that Purpose, in such Proclamation; and if the Master or other Person, having Charge of such Boat, &c. or any Mariner or Passenger, shall, during the Time of Infection, go on Board any other Ship or Vessel at Sea, or permit or suffer any Person to come on Board such Boat or Vessel at Sea, or shall receive any Goods or Merchandise whatsoever, out of any other Ship or Vessel; and if such Boat, &c. shall sail before such Security given, 'tis forfeited, together with Tackle, Apparel, &c. to the King, and may be seiz'd, sued for, and recovered, in his Majesty's Exchequer.

Small Vessels not giving Security, to be forfeited.

The Master and Mariner of such Boat or Vessel, being thereof convicted on the Oath of one or more credible Witnesses, forfeits 50*l.* one Moiety to the Informer, the other to the Poor of the Parish, where such Offender shall be found. To be levied by Distress; and for want of sufficient Distress, to be committed to Prison without Bail, for three Months.

Master of such Boat not giving Security, &c. forfeits 50*l.*

If any Officer appointed to see Quarentine performed, or any Watchman shall knowingly suffer any Person or Ship to depart, or Goods to be convey'd out of any Place infected, unless with License, he shall be guilty of Felony.

When Officer is guilty of Felony.

All Goods, after Quarentine, are to be opened and aired at the Places appointed for such Time as his Majesty shall order; and in Case of Infection, his Majesty may make Orders concerning Quarentine, &c. and notify the same

All Goods to be open'd and aired.

by Proclamation, to which all Persons Civil and Military are to render Obedience.

8 Geo. 1. c. 25.
Master not to
quit his Ship
till Quarentine
performed.

By 8 Geo. 1. cap. 25. If any Master shall quit his Ship, or suffer any other so to do, &c. before Quarentine performed, or shall not cause the Ship or Loading to be convey'd to the Place appointed for Quarentine, then every such Ship shall be forfeited to his Majesty, and the Master forfeits 200*l*. Other Persons quitting the Ship are liable to the same Penalty, and six Months Imprisonment.

Forts, &c. to
resist Ships en-
tering, &c.

Officers of Ships of War, Forts, Garrisons, &c. are to resist the Entrance into Ports, of Ships infected, and may use any Kind of Force and Violence; and if any Ship shall come from any Place visited with the Plague, or have Persons or Goods infected on Board, and the Master, &c. shall not discover it, he is to suffer as a Felon.

Ships coming from infected Places, or loaded with Car-goes taken on Board at any infected Place, or from Ships infected, such Ships, Goods, &c. may be burnt.

Persons griev'd
may appeal to
Q. Sessions.

Persons aggrieved by any Judgment of any Justice or Justices for any Offence against the Act 7 Geo. 1. cap. 3. may appeal to the next Quarter-Sessions, who are finally to determine the same, and to give reasonable Costs, in case Judgment go against the Apellant.

Sessions to set-
tle Rent, &c.

Quarter-Sessions is to determine, assess, and settle Differences concerning such Rate, Rent or Consideration between Persons interested, and the Persons appointed by his Majesty, for Grounds, where the Waste or Common is not sufficient; and their Judgment and Determination is final.

8 Geo. 1. c. 8.

By 8 Geo. 1. cap. 8. It is enacted, that the above recited Act of 7 Geo. 1. cap. 3. shall not continue in Force any longer than till *March 25th, 1723.* and further that it should be lawful for the King, by Proclamation to be issued before *Dec. 12th, 1722.* to prohibit all Persons to go to, or to export any Goods or Commodities whatever, to any Place infected before *March 25th, 1723.* and at the same Time in like Manner to prohibit all Persons whatsoever to come from any Country or Place infected, into *Great Britain or Ireland,* or the Dominions thereunto belonging, and to import any Goods or Commodities.

King may pro-
hibit Persons
going or com-
ing from Pla-
ces infected.

Goods and
Ship. &c. for-
feited, if act
against such
Prohibition.

All Goods exported contrary to the Meaning of such Proclamation, and the Vessels in which exported, shall be forfeited; and Persons going contrary to such Proclamation, are guilty of a *Premunire*: And it shall be lawful for any Person by Force to hinder any such Ship from entering any Port; and if such Ship shall enter notwithstanding, it shall be forfeited, and every Person so offending shall be guilty of Felony, without Clergy: And all Goods imported,

imported, and all Persons procuring such Goods to be imported, shall forfeit treble the Value thereof; two Thirds to the Crown, the rest to the Informer.

By Stat. 1 Geo. 2. 'tis enacted, That when any Place is infected with the Plague, and an Order is made by his Majesty concerning Quarentine, and notified as often as any Ship shall attempt to enter into any Port: The Principal Officer of the Customs, or such Person as shall be authorized to see Quarentine performed, shall go off to such Ship, and at a convenient Distance demand of the Commander the following Particulars, *viz.* The Ship's Name, and the Commander's Name, at what Place the Cargo was taken on Board; what Places the Ship touched at; whether such Places were infected, and which of them; how long the Ship was in her Passage; how many were on Board when the Ship set sail; whether any during the Voyage had been infected; how many died in the Voyage, and of what Ditemper; what Ships he, or his Ship's Company, with his Privity, went on Board, or had any of their Company come on board his Ship, and to what Place such Ship belonged; and also the Contents of his Lading, to the best of his Knowledge. And if the Ship ought to perform Quarentine, the Officers of the Ships of War, or of any Forts or Garrisons, and all other Officers on Notice to them given, are to oblige such Ship to repair to the Place appointed for Quarentine, and may use all necessary means for that Purpose, whether by firing of Guns upon such Ship, or any other Violence whatever: And if any Ship shall come from a Place visited with the Plague, or have any Person on Board actually infected, and the Commander conceal it, he shall be guilty of Felony without Benefit of Clergy; and if he do not make a true Discovery in any other of the Particulars, he shall forfeit 200 *l.* Moiety to the King, Moiety to the Profecutor.

1 Geo. 2.
Officers shall
ask Questions
of Ship coming
into Port, &c.

If any Commander shall quit the Ship, or permit others so to do, unless by proper License; or if he shall not, within convenient Time after Notice, cause the Ship and Lading to be convey'd to the Place appointed for Quarentine, he shall forfeit 500 *l.* Moiety to the King, Moiety to the Profecutor; and if any Person shall quit the Ship by going on Shore, or on Board any other Ship, all Persons by Force and Violence may compel him to return on Board, and he shall suffer six Months Imprisonment, and forfeit 200 *l.*

Penalty of quitting the Ship, &c.

The proper Officers are to compel all Persons obliged to perform Quarentine, and all Merchandizes comprised within any Order made and notified, to be convey'd to some of the Ships or Lazarets.

Officers to compel Quarentine to be kept, &c.

Persons refusing or neglecting to repair, within convenient Time after Notice, to the Places appointed, or attempting to escape out of the same before Quarentine fully performed, the Watchmen and other Persons appointed may, by any kind of Violence the Case shall require, compel them to return to such Ship, &c. And every such Person shall be guilty of Felony without Benefit of Clergy.

The Penalty of not doing so. All Officers to whom it doth appertain to execute any Orders, guilty of any wilful Breach or Neglect of their Duty, shall forfeit their Office and 100*l.* and be incapable to take a new Grant.

All Merchandizes to be opened and aired, &c. All Merchandizes imported in any Ship coming from a Place infected, or on Board which any Person shall be found infected, shall, after Quarentine performed, be opened and aired in such Place as shall be directed by Order; and, after such Orders shall be duly complied with, and Proof made thereof on Certificate and Return of such Writ to the Commissioners of the Customs, or to the Commander in Chief, being on the Place in the Isles of *Guernsey*, *Jersey*, &c. shall be forthwith discharged from any Restraint; for which Oath, Certificate, and Order, no Fee shall be demanded.

Proclamations about Quarentine to be read in Churches, &c. As often as his Majesty shall make any Order concerning Quarentine, and notify it by Proclamation, it shall be read upon the next *Sunday* after Receipt, and the first *Sunday* in every Month afterwards (during the Time such Order shall be in Force) immediately after the Prayers in all Parish Churches, and other Places set apart for Divine Service, as shall be specified in such Proclamation.

His Majesty may prohibit Persons to go or come from Places infected His Majesty, by one or more Proclamations to be issued before the 24th of *June* 1729. may prohibit all Persons to go unto any Country infected, to be specified in such Proclamation; and also may forbid all Persons to ship from *Great Britain*, &c. to any Place infected, any Commodities whatsoever before the 25th of *December* 1729. under the Penalties herein after mentioned, and under such Regulations as by such Proclamations shall be prescribed.

His Majesty may forbid all Persons whatsoever to come from any Kingdom infected, or to import any Commodities from thence before the 25th of *December* 1729.

Penalty of disobeying it. Exporters of Goods, contrary to the true Meaning of such Proclamation, shall forfeit double the Value, to be ascertained and recovered as the Value of any uncustomed or prohibited Goods is by Law.

If any Person shall go to any Place infected, he shall forfeit 500*l.* Moiety to his Majesty, Moiety to the Prosecutor;

secutor; and if any Ship or Person coming from any Place infected shall enter into, or any Goods shall be landed out of such Ship into any of our Ports, every Person offending shall be adjudged guilty of Felony without Benefit of Clergy, and the Ship and Goods shall be forfeited; and every Person who after such Proclamation shall cause any Goods to be imported, contrary to such Proclamation, shall forfeit treble the Value; two Thirds to his Majesty, the Charge of Prosecution to be born by him, and the other to the Prosecutor.

In all Proclamations prohibiting Commerce, a reasonable Time shall be allowed before the Prohibition shall commence, Regard being had to the Distance of the Place, and to the Time within which Notice may arrive at such infected Place.

A reasonable Time to be allowed, &c.

If any Action shall be commenced against any Person for any Thing done in Pursuance of this Act, the Defendant may plead the General Issue, and on a Verdict, &c. recover treble Costs.

Defendant may plead the General Issue, and have treble Costs, &c.

No Attainder of Felony shall work any Corruption of Blood, &c.

This Act shall commence from the 1st of June 1728. and the same (except so much as enables his Majesty to prohibit Commerce between his Subjects and those of another Country) shall continue in Force for two Years, and from thence to the End of the then next Session of Parliament, and no longer.

Act to be in Force but two Years, &c.

But by 6 Geo. 2. this Act is continued from June 2, 1733. for two Years and from thence to the End of the next Sessions.

6 Geo. 2.

A Certificate that a Ship hath performed Quarentine, and is free from Infection.

WE A. B. Customer of the Port of, &c. and C. D. and E. F. Esqrs. two of his Majesty's Justices, &c. do hereby certify, that the Ship called, &c. lately arrived in the said Port, and the Cargo thereof, have duly performed Quarentine, of which due Proof has been made before us by the Oaths of, &c. as the Law requires: We do therefore certify the same as the Statute directs, that all Persons may take Notice thereof, and permit the said Ship and Persons to pass, &c. without further Restraint or Molestation. Given, &c.

Quarter-Sessions. Vice Sessions.

Races.

Races. Vide Horse Racing.

Rape. Vide Felony.

Rates for Counties. Vide Bridges.

Recognizance. Vide also Behaviour and Breach of Peace.

What a Recognizance is, and when it is good.

Recognizance, what.

A Recognizance is a Bond of Record, taken usually by a Judge or Officer of Record, testifying the Recognisor to owe a certain Sum of Money to some other. *Dalt. cap. 127.*

A Recognizance is a Record presently, before it be made up in Form.

Where Justice may keep it uncertified.

A Recognizance to keep the Peace towards the King and all his People, or towards *A.* only, or towards *A.* and his Servants, is good. A Justice who takes Recognizances by Virtue of a *Supplicavit*, may keep it uncertified till he receive a *Certiorari*.

Where Recognizance is void.

If a Justice bind one for his Life, he cannot afterwards release him. If the Recognizance be general, and no Time limited, it shall be intended for Life. If no Mention be made in the Recognizance, or in the Condition of it, that it is for the Preservation of the Peace, such Recognizance seems to be void. So it is if the Party be bound not to beat or maim *J. S.* for it ought to be to keep the Peace in general; but it is good, though no Time of Appearance be contained in it.

A Recognizance being Matter of Record, an Indictment will not lie for Breach of it, tu: a *Scire Facias*. Raym. 196.

The Method of taking a Recognizance.

When you take a Recognizance, it must be made in *English*, but the Condition, the Name, the Place of Abode, and the Trade or Calling, both of the Pincipal and Sureties, are to be punctually set down, and the Pincipal is to be bound in double the Sum which the Sureties are bound in.

When it is entered or made up, you read the Condition to the Parties bound, calling them by their Names thus:

You acknowledge to owe unto our Sovereign Lord the King, the Sum of a-piece, to be levied on your respective Goods and Chattels, Lands and Tenements for the Use

Use of our Sovereign Lord the King, his Heirs and Successors, if Defaults shall be made in the Condition under-written.

The Condition, &c.

Are you contented?

The Recognisances are to be ingrossed on Parchment, to which the Justice subscribes his Name; but the Persons bound need not set their Names to it.

It is expedient for the Justice to keep a Book, in which he ought to enter his Recognisance thus:

A. B. of the Parish of C. in the County of D. E. to appear at the next Assizes (or Sessions of the Peace, as the Case is) to answer.

Sureties $\left. \begin{array}{l} R. N. \text{ of } B. \\ B. W. \text{ of } L. \end{array} \right\} 10 l.$

Every Recognisance must have these Things in it; the Time of making it, the Justice's Name before whom, the Names of the Persons bound, with the Additions of their Places of Habitation, Trade, &c. the Sum they are bound in. It must be made to the King, and in his own Name; if for the Peace, to appear at the next Sessions of the Peace; if for Felony, at the next Gaol-Delivery; and it should be in *Latin*, and wrote on Parchment, but being on Paper it is good in Law.

What a Recognisance must contain.

The Condition usually is, to keep the Peace or Good Behaviour against all Men, and especially *T. W.* till the next Sessions, and then to appear, &c. this is the best Form. But if against all Men only, or against *J. S.* only, it be to keep the Peace, &c. and not to appear, or say not when or before whom to appear; or if it be to appear at another, not the next Sessions, or to keep the Peace, and set down no Time, or for a Year, or for Life; these are good. *Lamb. J. P.* 103, 104.

How the Condition of it runs.

N. B. The Recognisance runs *de terris & tenementis bonis & catallis, &c. feri levari, &c.* and yet the King may be at his Election to take the Execution of the Bodies of the Recognisors, (as well of the Principal as of the Sureties) or of their Lands and Chattels, for the Sum in the Recognisance contained; *per Cur.* 7 *Hen. 4.* 34. *a.*

And it seemeth by the Common Law, before the Stat. of 33 *H. 8. cap. 39.* in all these Cases where a Man is Debtor to the King, as well his Body as his Lands and Goods are liable to the King's Execution. *Co. 3 Rep.* 12. *b.* *Co. 11 Rep.* 93. *a.*

The Body of a Debtor to the King, is liable as well as his Lands.

A Recognisance should be *quod conservaret pacem, but was garderet pacem*; and yet adjudged good. 1 *Cro.* 390.

W'bo

Who may take a Recognizance, to whom made, and how certified.

A Justice of Peace by his general Authority may deliver a Recognizance into the King's Bench, with his own Hand. *Palmer* 311.

The Notes that are taken in Paper, are good Records. 2 *Roll. Rep.* 259.

The Justice may take a Recognizance of 1000 *l.* for the Peace, if the Person be dangerous. *Style* 322.

Must be made to the King.

All Recognizances taken by Justices of Peace must be made to the King, by the Words (*Dom' Regi*) upon Pain of Imprisonment, and such Recognizances are in Nature of a Statute Staple. 33 *H. 8. cap.* 59.

33 *H. 8. c.* 39.

In some Cases Justices of Peace are enabled to take Recognizances by express Statutes; in other Cases, it is rather by Congruity, than either by their Commission or Statute; as where a Statute gives them Power to bind any Man to appear at the Assises, &c. to take Sureties for any Matter, or but to cause a Person to do any Thing; in all these Cases they have (in Congruity) Power given them to bind the Party by Recognizance to do it, or commit him.

If Party refuse to be bound, he may be committed.

In Case where a Justice has Power to take a Recognizance, if the Party refuse to be bound, the Justice, &c. may send him to Gaol. 11 *Rep.* 52.

4 & 5 *W. & M. c.* 18.

Person procuring Information, to be bound, &c.

By 4 & 5 *W. & M. cap.* 18. Every Justice of Peace may take Recognizances from Persons procuring Informations in *B. R.* to be entered to the Person against whom such Informations are to be exhibited, in the Penalty of 20 *l.* that he, she, or they, will effectually prosecute such Informations, and abide by and observe such Rules and Orders as the Court shall direct.

The like upon removing Indictments by *Certiorari*. See before *Tit. Certiorari*.

Where one Justice may take Recognizance.

Justices may take Recognizances out of Sessions. One Justice may take Recognizance for the Peace or Good Behaviour, by their Commission, upon Complaint made to him, or upon a Supplicavit delivered to them.

One Justice may bind, by Recognizance, those who can give Evidence against a Felon, to appear at the Assises, &c.

Justice can take Recognizance only for what concerns his Office.

A Justice can take no Recognizance, but only for such Matters as concern his Office; and if he take a Recognizance where he hath no Power, it is absolutely void.

These Recognizances are to be certified by the Justices to the next Quarter-Sessions, except such as are to inform against Felons, and upon Bailment of Felons, which by Statutes

Statutes they are to do at the next general Gaol-Delivery.

3 H. 7. cap. 1.

If a Recognizance for the Peace be taken by a Justice *ex officio*, the Number and Sufficiency of the Sureties, the Sum wherein, &c. and the Time how long, is wholly left to his Discretion. But if it be taken upon a *Supplicavit*, &c. it must be done as the Writ prescribes; yet if no Sum be expressed therein, &c. the Justice as to such Matter, is left to his Liberty.

3 H. 7. c. 1.
Sum is left to Justice's Discretion.

N. B. If the Sureties die, the Principal is not compellable to find new Ones.

The Justice must certify the Recognizance to the Sessions, though released.

Justice must certify it, tho' released.
How Recognizance is to be certified.

These are to be certified notwithstanding the Death of the King, or the Death of the Cognisor, or of the Party at whose Suit they are taken; nay, though they are released, on Pain of 10 l.

If they concern the Evidence against Felons, they must be certified to the next Gaol-Delivery. 2 & 3 P. & M. c. 10.

2 & 3 P. & M. c. 10.

Any Recognizance that may be taken by one or two Justices out of the Sessions, may be taken by all the Justices in the Sessions.

The King cannot take a Recognizance, for he cannot be a Judge; but ought to have Judges under him. None can take a Recognizance but a Judge of Record, or by Commission, as Judges of both Benches, Justices of Peace, and the like; Conservators of the Peace by the Common Law, could not take Surety of the Peace by Recognizance, but by Obligation; the same Law of a Constable. *Br. Abr. Tit. Recognizance. N^o. 14. Br. New Cases, f. 112. a. Pl. 511.*

The Justices cannot award any Process upon a Recognizance forfeited, but they must certify the same, with the Cause of Forfeiture, into some of the Courts at *Westminster*.

Justices cannot award Process, &c.

Who may be bound, and for what, and in what Sum, and of his Appearance.

He may bind such as keep common Alehouses, &c. or unlawful Games, that they keep them no longer; and such as play at unlawful Games, that they use the same no more. 33 H. 8. cap. 9.

Whom Justice may bind in Recognizance. 33 H. 8. c. 9. 2 Gea 1.

May bind Takers of Partridges, &c. and Hawkers in Corn, to appear at the next Sessions.

May bind those convicted for destroying Pheasants, &c. that they offend not hereafter.

May bind a Master abusing his Apprentice, &c. to appear at the next Sessions.

May

May bind Witnesses to appear and give Evidence against a Felon, and Prosecute to appear and prefer his Bill and give Evidence.

Where two Justices may.

Two Justices may take Recognisances of Alehouse-keepers for keeping good Orders.

May bind an Alehouse-keeper (committed for Victualing without License) that he keep an Alehouse no more.

May bind Prisoners to find Sureties for their Appearance, &c.

May bind the Defendant in a Suit of Tithes, to obey the Sentence of the Judge.

May bind an Offender of a Penal Statute to appear at the Sessions.

And albeit the King, or any of the Parties should die before the Sessions, yet these things are to be certified to the Sessions; yet though the Recognisance be not certified the Party must appear.

The Sum is Discretionary in the Justice.

The Sum is discretionary in the Justice, and when once taken, if he is deceived in the Ability of the Sureties, he may compel the Party to put in more; but this is when the Recognisance is taken *ex officio*, and not by Virtue of a *Supplicavit*.

If no Time be set down, it shall be taken for his Life that is bound.

If no Time be set down when to appear, the Obligor may appear at any Time; but it is safe to appear the next Sessions. It may be not set down before whom, he may appear before any Justice of Peace. *Dalt.* 393.

A Corporation cannot enter into a Recognisance. *1 Raym.* 79.

What is a Forfeiture of it, and what not, how discharged or released.

What is a Forfeiture.

Generally whatever is a Breach of the Peace, is a Forfeiture of the Recognisance entered into for the keeping it. Menacing Words to the Person himself, at whose Suit he was bound to the Peace, is a Breach of it; otherwise it is in the Absence of such Party, unless he lies in wait to put in Execution his Menaces. Every Assault, Battery, going with Armour, or unusual Attendance in Terror of of the People; commanding another to break the Peace, if it be afterwards done; false Imprisoning, thrusting another into the Water, whereby he is in Danger of drowning, Rape, Burglary, Robbery, Murder or Manslaughter, or procuring the same, Treason against the Kings Person, assembling riotously, wounding one another at Backsword, &c.

&c. tho' they play by Consent; all these are Forfeitures of the Recognizance. *Dalt. c. 84.*

But if the Parent chastise his Child within Age, the Master his Servant or Apprentice, the Schoolmaster his Scholars, the Gaoler his unruly Prisoners, a Person confining his mad Relations, a Constable, &c. striking a Person that will not yield to his Arrest; Beating another in Defence of his own Person or the Person of his Wife, Father, Mother, Master, Child within Age (not able to defend himself) or of his Goods or Possession, his lawful way, or antient Water-Course, the executing the Law, as whipping, &c. by an Officer authorized; and also unlawful entring into Lands, &c. (though with Force) so that it be without Violence to the Person of any one, or Terrour to the People; or taking away another Man's Goods wrongfully or feloniously, so it be not from his Person; all these are no Forfeitures of the Recognizance. *Ibid.*

What not a Forfeiture.

If a Person be to appear at a certain Day, his Appearance must be recorded to have been on that very Day.

Appearance must be Recorded.

One bound generally to the King and all his People, may, upon his Appearance at the Sessions, be discharged by Proclamation.

The Conusor must appear, and his Appearance be recorded, though his Recognizance be not certified by the Justice.

Though Recognizance be not certified.

If the Recognizance be removed by *Certiorari*, the Conusor need not appear at the Sessions, for the Justices cannot call him, having nothing before them.

Neither the Justice or Party can release, or otherwise discharge one bound to the Peace for his Life.

One bound for Life cannot be discharged.

A Recognizance to keep the Peace toward *A.* only, may be released by *A.* alone; so it is of a Recognizance *versus cunctum populum & precipue versus A.* it seems *A.* may release it.

The Justice ought to certify the Recognizance to the Sessions, though released.

Justice must certify it, tho' released
What a Discharge of a Recognizance.

The Demise of the King, the Death of the Conusor, or of him at whose Suit the Peace was granted (whether the same were to be kept towards himself alone, or *versus cunctum populum & precipue versus* himself) if the Recognizance be not forfeited, shall discharge it. *Lamb. 116.*

A Man bound in a Recognizance for his Good Behaviour, and being afterwards taken by a Constable, upon a Suspicion of Felony, he escaped. Adjudged, that tho' no Felony was committed, and though the Constable took him wrongfully, yet his Escape is Misbehaviour, and by Consequence his Recognizance is forfeited. *Ge. 1b. 221. 2 Leon. 166.*

But

But a Recognisance is not forfeited for opprobrious Words, for though such Words may be Provocations to break the Peace, yet they do not immediately tend to it, as Assaulting and Threatning do. *Cro. El.* 89. 4 *Inst.* 180, 181.

Neither is it forfeited for beating in Defence of his Wife, Child, Father, Mother, Master, Goods or Possessions, nor in the Defence of his Way, if ancient, &c. as aforesaid.

If the Recognisance is not already forfeited, it is discharged by the Demise of the King, or Death of the Cognisor, or by a Release of the Party *ore tenus*, or by the Justice himself, to be written under the Recognisance. The Form thereof see in Release, *Tit. Behaviour.*

If any Release be made of the Recognisance or *Superjedeas*, so that it be discharged, the Recognisance must be certified with the Release, and the *Superjedeas* annexed.

If a Man be bound to appear at the Assises or Sessions, and the Recognisance be before that Time removed by *Certiorari* into the Chancery or King's Bench, this will discharge his Appearance. *Dalt.* 395.

The Justices of Peace at Sessions are to call the Party Conusor; and if he do appear, and the Prosecutor appear also, and he be willing to discharge the Conusor, (if it be of the Peace) they do usually discharge him; but if he desire he may be continued, and shew Cause, they do continue him. If the Prosecutor do not appear, they do usually bind him over two or three Sessions.

If the Condition be general against all Men, and not against any Person in Particular, they do usually make Proclamation, and then discharge them. *Dalt.* 214.

Although it hath been holden that the Justice of Peace, or the Party who first demanded the Peace, might release the same before the same Justice of Peace that took the Recognisance, or before any other Justice of Peace: As also that he might release such Surety of Peace by Deed under his Hand and Seal, so as to discharge his Appearance on the Recognisance.

Note; Neither Justice or Party can release a Recognisance out of Sessions.

Yet it is now holden, that neither the Justice of Peace nor the Party can discharge the Recognisance of the Peace, by their Release out of the Sessions.

Because first the Recognisance is made to the King, and therefore none but the King can release or discharge the same. Secondly, the Recognisance is taken for the Appearance of the Party, &c. as well as for his keeping the Peace, and the Release of the Justice, or of the Party, cannot discharge the Appearance of the Party bound. And therefore notwithstanding that the Justice of Peace out of Sessions shall make or take any Release of the Peace, yet

It shall be safe, for the Party bound, to appear, to save his Recognizance; and upon the Certificate made by the Justice of Peace to the Sessions of such Release, the Conusor shall be there discharged (at least) against the Party - who craved the Peace. *Dalt.* 397, 398. Though the common Usage is otherwise. *1 Co* 139. *Nu.* 15.

Nor can the King in any Case release or pardon the Surety of the Peace, nor such Recognizance, till it be forfeited; but being forfeited, then the King and no other may release and pardon the Forfeiture.

Nor the King before it is forfeited.

The Death of the King, and the Death of the Recognisor, and also the Death of the Party, at whose Suit the Peace was taken, discharge the Recognizance, if it were to keep the Peace against him alone.

Where the Death of, &c. discharges the Recognizance.

But yet in these three former Cases, such Death shall not discharge the Recognizance, if it were forfeited before.

The Death of the Sureties shall not discharge the Recognizance, neither shall the Party principal be compelled to find new Sureties after their Death; for if the Peace be broken after their Deaths, their Executors shall be charged therewith; yet others are of Opinion that the Principal shall be compelled to find new Sureties. *Dalt.* 398. *Style* 322.

Where the Executors shall be charged with Recognizance.

Also such Surety for the Peace may be discharged by a *Superfedeas* made by another Justice of Peace of that County, or by a *Superfedeas* out of the Chancery or King's Bench.

Where it is discharged by *Superfedeas*.

Whatsoever Act is a Breach of the Peace, the doing, threatening, or intending thereof, against the Person of another being present, is a Forfeiture of his Recognizance.

N. B. If a Man be bound in a Recognizance for himself and his Servants, if any one of them break the Peace, the whole Recognizance is forfeited, & *sic in similibus*.

Case of Recognizance.

The Form of the Release of the Party is thus:

Essex, *ss.* **B**E it remembred, that on the 27th Day of August in the Year of our Lord 1728. J. M. came before me J. S. Esq; one of the Justices of our Sovereign Lord the King, assigned to keep the Peace in the said County, and freely remised and released, as much as in him lay, the said Security of the Peace by him claimed against the said A. B. In Witness whereof I the said J. S. have set my Seal to this Release, dated, &c.

This is most usually and properly done in open Sessions, the Release being attested to be duly executed, and the Act of the Party releasing.

which is most usually done by Affidavit, annexed to the Release.

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H

A Re-

A Recognizance at large, which may be taken without Sureties, it being Discretionary.

Essex, ss. **B**E it remembered, *That on the 9th Day of August in the eighth Year of the Reign of our Sovereign Lord George the Second, &c. R. G. of F. in the County aforesaid, Yeoman, and J. C. of P. Husbandman, and J. W. of P. aforesaid, Husbandman, personally came before me J. S. Esq; one of the Justices of our said Sovereign Lord the King, assigned to keep the Peace in the said County, and acknowledged themselves to owe to our said Sovereign Lord the King; that is to say, the said R. G. and J. C. Ten Pounds separately, and the said J. W. Twenty Pounds of good and lawful Money of Great Britain, to be made and levied of their Goods and Chattels, Lands and Tenements respectively, to the Use and Beboof of our said Sovereign Lord the King, his Heirs and Successors, if the said J. W. shall make Default in the Condition hereon indorsed, or here-under written, as the Case is.*

A Condition for Breach of the Peace.

THE Condition of this Recognizance is such, that if the above bound J. W. shall personally appear in Court at the next General Quarter-Sessions of the Peace, to be held, &c. to answer unto such Matters as shall be then and there objected against him by J. S. of, &c. concerning an Assault and Battery lately made upon the said J. S. by the above-bound J. W. and concerning some other Misdemeanors, tending to the Breach of the Peace; and that if he do not depart without Leave of the Court, then this Recognizance to be void; otherwise to be and remain in Force and Virtue.

If the Condition is upon a Recognizance for the Good Behaviour, say,

To do and receive what shall be then and there enjoined you by the Court, and in the mean-while to be of the Good Behaviour towards our said Sovereign Lord the King, and all other people of this Kingdom; That then, &c.

Condi-

Condition to prefer a Bill, and give Evidence.

THE Condition of this Recognisance is such, that if the within-bounden T. C. do personally appear before his Majesty's Justices of Gaol-Delivery, at the next General Assizes, to be held for the within named County of E. and do then and there prefer, or cause to be preferred, a Bill of Indictment against R. G. for the Matters wherewith he is charged, before C. D. and E. F. his Majesty's Justices within named; and do also then and there give Evidence concerning the same, as well to the Jurors, as shall inquire thereof, on Behalf of our Sovereign Lord the King, as alio to the Jurors who shall pass upon Trial of the said R. G. for the same; Then this Recognisance to be void, or, &c.

* If at the Sessions, then instead of Gaol-Delivery, say Sessions of the Peace, or as the Case is.

If it be only to give Evidence, then after *then and there*, and give such Evidence as he knoweth against R. G. concerning the Matters wherewith he is charged, as well to the Jurors, &c.

The Condition may be on the Back of the Recognisance, or subscribed underneath, or contained within the Recognisance.

Recusants. Vide also Pope.

IN the 24th Year of H. 8. all Appeals to the Court of Rome were taken away by Act of Parliament, and the next Year it was appointed that Convocations should be assembled by his Writ, and that no Canons or Constitutions should be executed, which were contrary to his Prerogative, or to the Laws of the Land.

The Method of restoring the King's Supremacy, and suppressing the Monasteries.

In the 26th H. 8. an Act passed to restrain the Payment of the First Fruits to the Court of Rome, and giving them to the King.

In the same Year an Act passed prohibiting Investitures of Archbishops or Bishops by the Pope, and that upon a Vacancy the King should send his Letters Missive to the Prior or Convent, Dean, or Chapter, to chuse another.

In the same Year all Licenses and Dispensations from Rome were prohibited, under Pain of *Premunire*; and that Religious Houses should be under the Visitation of the King, by Commissioners to be appointed under the Great Seal.

H 2

In

In the 26th Year of *H. 8.* he was by his Parliament declared Supreme Head of the Church.

In the 27th Year of his Reign all the lesser Monasteries, under the Revenue of 200 *l. per Ann.* and under the Number of twelve Persons were by Act of Parliament given to the King.

And several other Religious Houses having made Surrenders to the King in the 31 *H. 8.* all the rest of those Houses were given to the King. And *Anno 32 H. 8.* the Lands of the Hospitallers of *St. John of Jerusalem* were given to him also.

And *Anno 37 H. 8.* all the rest of the Convents and Chanteries, &c. were given to the King, his Heirs and Successors, by Act of Parliament.

Thus in the Compass of a few Years, the Power and Authority of the See of *Rome* was expelled this Kingdom; and to prevent its Return, as well as for the suppressing several other Sectaries, several Laws have been from Time to Time made; the Chief of which are these which follow, *viz.*

statutes.

1 *Eliz. cap. 1 & 2.* 5 *Eliz. cap. 1.* 8 *Eliz. cap. 1.*
 13 *Eliz. cap. 1 & 2.* 23 *Eliz. cap. 1.* 27 *Eliz. cap. 2.*
 29 *cap. 6.* 35 *Eliz. cap. 1 & cap. 2.* 1 *Jac. 1. cap. 4.*
 3 *Jac. 1. cap. 4 & 5.* 7 *Jac. 1. cap. 2 & 6.* 3 *Car. 1.*
cap. 2. 16 *Car. 2. cap. 4.* 25 *Car. 2. cap. 2.* 30 *Car.*
2. cap. 1. 1 *W. & M. cap. 9 & 15, & 17 & 26.*
 11 & 12 *W. 3. cap. 4.* 12 *Ann. cap. 14.* 1 *Geo. 1.*
cap. 55. 3 *Geo. 1. cap. 18.* 9 *Geo. cap. 18.* 10 *Geo.*
 1. *cap. 4.* 11 *Geo. 2. c. 17.* 12 *Geo. 2.*

The Substance of all which I shall run through in Alphabetical Order: And first of

Abjuration.

A Recusant Convict above sixteen must go to his Place of Abode, and not remove five Miles without License, or else, not being a Feme Covert, and not having Lands worth 30 Marks *per Ann.* or Goods worth 40 *l.* and not making the Submission mentioned in the Statute, being required by a Justice of the Peace, must abjure the Realm before two Justices, &c. by 35 *Eliz. cap. 2.*

Not departing within the Time limited by the Justices, or returning without the King's License, is Felony without Clergy. *Ibid.*

Persons suspected to be dangerous or disaffected to the Government, two Justices are to tender the Oath of Abjuration;

ration ; and upon Refusal to certify it at the next Quarter-Sessions ; and if he doth not take it the next Term or Sessions after, is a Popish Recufant convict. 6 *Ann. c. 14. feft. 7.*

One Justice on Complaint of the Minister, Constable or Churchwarden or any two (Peers excepted) must tender the Oath. 7 *Jac. 1. c. 6. feft. 26.*

By the 12 of *Geo. 2.* It is enacted, That every Deed and Will made since 29 *Sept. 1717.* in order to pass or alter any Lands or Tenements, or Interest therein, from any Papist, though not inrolled, or not inrolled in due time, shall be effectual in Law, provided they be inrolled by 28 *November 1739.* according to the Act 3 *Geo. 1.*

Provided, That this shall not extend to make good any such Deed or Will, of the want of Inrolment whereof Advantage hath been taken on or before 2 *Feb. 1738.*

No Purchase made for full and valuable Considerations of any Lands or Tenements, or any Interest therein, by any Protestant, for the Benefit of Protestants only, shall be impeached or avoided, because any Deed or Will, through which the Title thereto is derived, hath not been inrolled ; so as no Advantage was taken of the Want of Inrolment thereof before the Purchase ; and the Purchaser had not Notice before-hand that the Person who made such Deed or Will was a Papist ; and so as no Decree or Judgment hath been obtained for want of such Inrolment.

Abode.

IF a Recufant Convict do not go to his Home, and does remove above five Miles without License, he forfeits his Goods for ever, and his Lands during Life, though Copyhold ; but in this last Case, the Lord of the Manor, if no Recufant, or Trustee for him, shall have the Forfeiture ; if the Lord be a Recufant, the King shall have it. *Ibid.*

If no Abode, must go to the Place of his Birth, or where his Parents live ; and within twenty Days give his Name to the Minister or Constable, &c. who is to enter it in a Book, and certify it to next Sessions. *Ibid.*

But he may travel further with License from the four next Justices, under their Hands and Seals, with the Assent of the Bishop, or Deputy-Lieutenant, first making Oath of the true Reason of his Journey, by 3 *Jac. 1. 3 Jac. 1. c. 1. cap. 1.*

But this License will not be good unless it be given by four Justices, besides the Bishop, or Deputy-Lieutenant,
H 3
and

Recufants.

and his Assent ought to be by itself without the other four, and it must be under their Hands as well as Seals, and it must shew the Business in particular. *Cro. Jac. 352. Maxfield's Case, Moor 836. Mansfield's Case, 1 Roll. Rep. 108.*

Absolve.

TO Absolve or be Absolved by Bulls from the B. of Rome is High Treason, and Accessories before the Fact are guilty of the same Offence, by 13 *Eliz. cap. 2.* And by 23 *Eliz. cap. 1.* the bare pretending to have Power to absolve any within the King's Dominions from their natural Obedience, &c. is High Treason.

13 *Eliz. c. 2.*
23 *Eliz. c. 1.*

'Tis Treason for any to pretend to have Power to absolve or perswade any of his Majesty's Subjects from their Obedience, &c. although they did not move any to decline from their Obedience; and on the other Side, if any Person does move another to decline from their Obedience, or to promise Obedience to any pretended Authority, &c. although he does not pretend to have Power from Rome, yet it was Treason within the Statute 22 *Eliz. cap. 1. Savil's Rep. 3.*

22 *Eliz. c. 1.*

Advowson.

ADvowson shall not be granted by a Popish Recusant Convict, whilst under Conviction. 3 *Jac. 1. cap. 5.* And if such Recusant grant the Advowson for Years to a Friend in Trust, the Grant is void.

3 *Jac. 1. c. 5.*

Every Popish Recusant Convict, by 3 *Jac. 1. cap. 5.* whose Name, Surname, and usual Place of Abode is certified and recorded at the general Quarter-Sessions, as disabled by refusing or neglecting to repeat and subscribe the Declaration in Stat. 30 *Car. 2. cap. 1.* when tendered by two Justices of Peace, or forbearing to appear before them, on Notice given or left at the usual Place of his Abode, by one who hath Authority so to do, by Warrant under the Hands and Seals of the said two Justices, shall be disabled to grant an Advowson, by 1 *W. & M. cap. 26.*

Person seiz'd in Trust for such Offender shall be likewise disabled to make such Grant. 1 *W. & M. cap. 26.*

1 *W. & M. c. 26.*

Trustee or Mortgagee, presenting or causing to be presented to any Living, the Trust whereof shall be for a Recusant Convict, or disabled, as aforesaid, without giving

ving Notice in Writing to the Chancellors of *Oxford* or *Cambridge*, &c. within three Months after the Avoidance, forfeits 500 *l.* to the respective Chancellors. 1 *W. & M.* 1 *W. & M. c. 30.* cap. 20.

By 12 *Ann. cap. 14.* Every Papist or Child, not being 12 *Ann. c. 14.* a Protestant, under twenty-one; and every Mortgagee, Trustee, &c. for any such Papist or Child, is disabled and incapable to present to any Benefice, &c. and every such Presentation shall be void, and the Chancellors and Scholars of *Oxford* and *Cambridge*, shall have the Presentation, &c.

And as often as any Presentation shall be brought to an Archbishop, Bishop, &c. from any whom he shall suspect to be a Papist, or Trustee for any profest Papist, the Bishop may tender him, if present, the Declaration against Transubstantiation of 25 *Car. 2. cap. 2.* to be subscribed; and if absent, he may by Notice in Writing to be left at the Abode of such Person, convene him to appear before him or his Official, &c. and if he refuse to make such Declaration, or does not appear, then the Presentation shall be void, and the Bishop shall within ten Days give a Certificate thereof to the Vice-Chancellor of that University to whom such Presentation would of Right belong, if such Person so offending had been a Popish Recusant Convict; and the Vice-Chancellor and Scholars of such University shall present a Person qualified to such Benefice; and the Presentation for that Turn only is thereby vested in them for that Purpose.

And the Chancellor and Scholars of the said University may exhibit their Bills in Equity, for the Discovery of fraudulent Trusts in such Cases.

By the 11 *Geo. 2. c. 17.* It is enacted, That every 11 *Geo. 2. c. 17.* Grant made after 6 *May* 1738. of any Advowson, or Right of Presentation to any Ecclesiastical Benefice, School, or Hospital, or Grant of Avoidance thereof by any Papist, or Person any ways intrusted by or for him, shall be void; unless made for a valuable Consideration to a Protestant Purchaser, for the Benefit of a Protestant only; and every Person claiming under such Grant, shall be deemed to be a Trustee for a Papist; and they, and their Presentees, shall be compelled to make Discovery relating to such Grants and Presentations thereon, as is directed by the Act 12 *Annæ*; and the Devise of any such Advowson, or Avoidance, made after 6 *May* 1738. by any Papist, with Intent to secure the Benefit thereof to his Heirs or Family, shall be void; and such Devisees, and their Presentees, shall, in like manner be compelled to discover, to

the best of their Knowledge and Belief, whether such Devices were not made with that Intent.

Agnus Dei.

B Ringing an *Agnus Dei* into this Realm, or offering it to any Person to be used, both he and the Receiver 13 Eliz. c. 2. incurs a *Premunire*, by 13 Eliz. cap. 2.

Armour.

A Armour of Popish Recusant Convict shall be taken from him, by Warrant of four Justices of the County, &c. at General Sessions, &c. and kept where they think fit, and shewed at every Muster.

Refusing to deliver them forfeits them to the King, and by Warrant from one Justice, &c. may be committed 7 Jac. 1. c. 6. for three Months. 7 Jac. 1. cap. 6.

No Papist or reputed Papist, refusing or neglecting to 30 Car. 2. c. 1. subscribe the Declaration of 30 Car. 2. cap. 1. shall keep any Arms, Weapons, Gunpowder, or Ammunition, other than such which shall be allowed him by Order of Sessions, for the Defence of his House and Person.

Two Justices, &c. may by Warrant, give Power to Persons in the Day-Time to search for Arms, with the Assistance of the Constable, &c. in the Possession of any reputed Papist, and seize them to the Use of the King, and must deliver them the next Quarter-Sessions in open Court.

Papist, &c. not discovering his Arms to some Justice of Peace, within ten Days after Refusal or not subscribing the Declaration, or hindering Persons authorized to search, shall be committed by Warrant from two Justices, &c. for three Months, without Bail, and shall forfeit the Arms, and pay treble the Value to the Use of the King, to be appointed by the next Quarter-Sessions,

Persons concealing them, or hindering the Search may be committed (*ut prius*) and forfeit treble the Value.

Persons discovering Arms, &c. so as they may be seized, Sessions shall allow the full Value of the Arms being there delivered to be assessed by Justices in Sessions, and be levied by Distress and Sale of Goods of the Offender.

1 W. & M.
c. 26.

1 W. & M. cap. 26.

Beads.

Beads.

B Ringing them over, or offering them to any Person to be used, both he and the Receiver incur a *Premunire*.

But if Person to whom offered apprehends the Offender, and brings him before a Justice of Peace, or acquaints him with his Name, within three Days after the Offence, or delivers the Beads the next Day after Receipt, to a Justice, he shall not incur the Penalty of 13 *Eliz. cap. 2.* 13 *Eliz. c. 2.*

Books.

S elling, Printing, or Importing any superstitious Books, forfeits 40 s. per Book, between the King, Prosecutor, and Poor, &c. 3 *Jac. 1. cap. 5.* 3 *Jac. 1. c. 5.*

Two Justices, &c. may search Houses, &c. for such Books and Relicks, and burn them; but such which are of Value must be defaced in open Sessions, and returned. 7 *Jac. 1. cap. 6.* 7 *Jac. 1. c. 6.*

Bulls.

T O obtain Bulls of Absolution from *Rome*, is High Treason, or to comfort and maintain those who obtain them, is a *Premunire*. 13 *Eliz. cap. 2.* *Dyer* 13 *Eliz. c. 2.* 365.

About seven Years after the making this Statute, one was indicted for aiding another, knowing him to be a Maintainer of the Jurisdiction of the See of *Rome*, *contra formam Statut. præd.*, but notwithstanding this Conclusion, the Indictment was quashed, because it did not set forth that he aided the Person to the Intent to set forth, uphold, or allow the Power of the See of *Rome*.

Burials.

E VERY Popish Recusant must be buried in Church, or Church-yard, according to the Ecclesiastical Laws, or the Executor or Administrator forfeits 20 l. 3 *Jac. 1.* 3 *Jac. 1. c. 5. cap. 5.*

Catechisms. See **Books**; the same Penalty.

Children

Children of Recusants.

Children of Recusants must within a Month after their Birth be baptiz'd by a lawful Minister, or the Parent forfeits 100 *l.* if he out live a Month; if not, then the Mother to pay the Forfeiture; to be divided between
 3 Jac. 1. c. 5. King, Prosecutor, and Poor. 3 Jac. 1. cap. 5.

Protestant Children of Popish Parents not allowing them a fitting Maintenance suitable to the Ability of such Parents, shall have such Allowance as the Lord Chancellor, &c. shall order. 11 & 12 W. 3. c. 4.

Children shall not be sent beyond Sea, without License from the King, or six of his Privy Council, whereof the principal Secretary of State to be one; and the Person sent is made incapable of enjoying his Lands, by Descent or Grant, until (being of the Age of Eighteen Years) he take the Oath of Allegiance, before some Justice of Peace of the County where his Parents do or did well; in the mean Time his next of Kin (not being Popish Recusants) shall have his Lands and Goods.

He that goes out of the Kingdom forfeits 100 *l.* between the King, Prosecutor, and Poor. 3 Jac. 1. cap. 5.

He who enjoys the Lands of such a Child, &c. shall be accountable to him when he conforms. *Ibid.*

Going beyond Sea, or being sent thither to be brought up in the Popish Religion, and being convicted thereof, shall be disabled to sue, or to be Executor or Administrator, or capable of a Legacy or Gift, or to bear any Office, and forfeits all his Goods and Chattels, as also his Lands and Offices during Life.

But conforming within six Weeks after his Return, shall not be punished. 3 Car. 1. cap. 2.

A Popish Recusant may conform at the Sessions of the Peace. *Style's 26. Earl of Arundel's Case.*

Conforming.

Vide also Declaration under this Title.

Conforming before Judgment, except in Cases of Treason and Misprision, shall be discharged of Penalties.
 21 Eliz. c. 1. 21 Eliz. cap. 1.

The Son and Heir, being no Recusant, or conforming and taking the Oaths, his Lands are discharged from the Penalty incurred by his Ancestor, 1 Jac. 1. cap. 4. but not conforming after Sixteen, his Lands are not discharged till he conform.

Con-

Conforming after Conviction must be within a Year afterwards; and every Year he must receive the Sacrament, or forfeit 20*l.* for the first Year: For the second Year 40*l.* and 60*l.* for every Default afterwards; and if once he hath received, and afterwards makes Default, he forfeits 60*l.* between the King and Prosecutor. 3 Jac. 1. cap. 4. Cro. Jac. 365. *Syredale versus Lentball.*

3 Jac. 1. c. 4.

By the 11 Geo. 2. c. 17. It is enacted, That the reputed Owners, or Persons in Possession of the Profits of any Estate, having been, or reputed to have been Papists, on conforming to the Protestant Religion, and taking the Oaths, and subscribing the Declarations expressed in the Act 30 Car. 2. to be by them repeated and subscribed in the Courts of Chancery, or King's Bench, or Quarter-Sessions of the County where they reside (the same to be recorded) and all Protestants claiming under them, for the Benefit of Protestants only, shall possess such Estates, freed of the Disabilities incurred by such Owners; unless the Persons intitled to take Advantage of such Disability, have recovered or shall recover such Estates by Judgment in some Action already commenced, or to be commenced within 6 Calendar Months before the making such Record.

11 Geo. 2. c. 17.

Provided, that this Act shall not prejudice the Right of any Person intitled to take the said Advantage, who now is, or shall have been in Possession of such Estate 2 Calendar Months precedent to such Record.

Persons conforming as aforesaid, and afterwards returning to the Popish Religion, shall be ever after incapable of the Benefit of this Act.

This Act shall not prejudice the Right of any Person intitled to any Reversion, if pursued by Action, or Suit commenced within 12 Months after Determination of the precedent Estate; or within 12 Months after 29 Sept. 1738. if the same be determined by the Death of any Person, which has been concealed from him.

Every Grant made, after 6 May 1738. of any Advowson, or Right of Presentation to any Ecclesiastical Benefice, School, or Hospital, or Grant of Avoidance thereof by any Papist, or Person any ways intrusted by or for him, shall be void; unless made for a valuable Consideration to a Protestant Purchaser, for the Benefit of a Protestant only; and every Person claiming under such Grant, shall be deemed to be a Trustee for a Papist; and they, and their Presentees, shall be compelled to make Discovery relating to such Grants and Presentations thereon, as is directed by the Act 12 Annæ; and the Devise of any such Advowson, or Avoidance, made after 6 May 1738.

Recusants.

1738. by any Papist, with Intent to secure the Benefit thereof to his Heirs or Family, shall be void; and such Devisees, and their Presentees, shall, in like manner be compelled to discover, to the best of their Knowledge and Belief, whether such Devises were not made with that Intent.

Court.

Recusant Convict coming to Court without the King's Leave, forfeits 100 *l.* between the King and Professor, and must not come within ten Miles of *London*.
 3 Jac. 1. c. 5. 3 Jac. 1. cap. 5.

Crosses. See **Beads.**

Declaration.

TWO Justices may tender the Declaration mentioned in the Act 30 Car. 2. cap. 1. to any Papist; and if he doth not make and subscribe it, or shall refuse to appear upon Notice, shall be liable to the Penalties in the Act
 30 Car. 2. c. 1. 1 W. & M. c. 2. 1 W. & M. cap. 2.

Excommunicated.

Popish Recusant shall be reputed duly excommunicated; and if he sue any Person, the Defendant may plead it in Disability; but he must aver the Plaintiff to be *Papalis Recusans*. 3 Leon. 11.

Executor.

Popish Recusant shall not be Executor or Administrator, or Guardian, but the next of Kin, to whom the Land cannot descend, shall have the Guardianship. 3 Jac. 1. cap. 5.

Feme Covert.

THE Husband is not chargeable with the Forfeiture of the Wife for not receiving the Sacrament, as enjoined by 3 Jac. 1. cap. 4. nor the Wife after his Death. 3 Jac. 1. cap. 4.

Feme

Feme Covert being a Popish Recusant Convict, and her Husband none, she not conforming by the Space of one whole Year after his Death forfeits two Thirds of her Jointure or Dower, and shall not be Executrix or Administratrix to her Husband, and shall be taken as a Person excommunicated. 3 Jac. 1. cap. 5.

3 Jac. 1. c. 5.

Feme Covert not conforming within three Months after Conviction, may be committed by two Justices till she conforms, unless her Husband shall pay to the King 10*l.* per Month, or a third Part of his Lands. 7 Jac. 1. cap. 6.

7 Jac. 1. c. 6.

She shall not abjure the Kingdom. 35 Eliz. cap. 2.

35 Eliz. c. 2.

Guardian. See Executors.

Horses.

NO Papist, or reputed Papist, refusing or making Default to sign the Declaration of 30 Car. 2. cap. 1. shall keep in his Possession, or to his Use, any Horse worth above 5*l.* to be sold; and any two Justices of the Peace may, from Time to Time, by Warrant under their Hands and Seals, with the Assistance of the Constable, or other Peace-Officer, authorize any Persons to search for and seize such Horses as aforesaid to his Majesty's Use.

30 Car. 2. c. 1.

Persons concealing, or aiding in the Concealing any such Horses, shall be committed by Warrant as aforesaid, for three Months, without Bail or Mainprize, and shall forfeit treble the Value of such Horses to be settled as aforesaid.

Recusants. See Horses.

Indictment.

INDICTMENT against Jesuit, Priest, or other Ecclesiastical Person, is good, though he is not in the Kingdom; which Indictment being found, and he not returning after Proclamation, &c. it is as good as if a Verdict had passed against him. 27 Eliz. cap. 2.

27 Eliz. c. 2.

Jurisdiction Ecclesiastical.

JURISDICTION Ecclesiastical is annexed to the Crown; and he who maintains the Power of any Foreign Prelate, &c. forfeits his Goods and Chattels; and if not worth 20*l.* at the Time of his Conviction, shall be committed for a Year without Bail.

Second

Second Offence is a *Premunire*.

1 Eliz. c. 2. Third Offence is High Treason. 1 Eliz. cap. 2.

The two first of these Offences are inquirable by Justices in Sessions within a Year and a Day after they are committed. 5 Eliz. cap. 1.

5 Eliz. c. 1.

Maintaining the Jurisdiction of the Pope is a *Premunire*, and Justices in Sessions may hear and determine it. 5 Eliz. cap. 1.

5 Eliz. c. 1.

One of the King's Subjects was indicted for importing and selling Books, affirming the Jurisdiction of the See of Rome. The Importer was guilty within the Statute, but not the Buyer, though he knew what was contained in the Books: But if a Man buy such Books, and reads them, and, in Dispute, maintains the Books to be good, this is an Affirming the Jurisdiction, &c.

Justices of the Peace.

13 Eliz. c. 2.

Justice of Peace must acquaint a Privy Counsellor within fourteen Days after he shall have Notice of the Offender's bringing hither Crosses, Beads, &c. or offering them to be used, or incurs a *Premunire*. 13 Eliz. cap. 2.

23 Eliz. c. 2.

And not acquainting a Privy Counsellor within twenty-eight Days after a Jesuit or Priest, &c. shall be discovered to him, forfeits 200 Marks. 23 Eliz. cap. 2.

Ladies Psalters, Legends, Manuals. See Books.

Marriage.

3 Jac. 1. c. 2. 1. cap. 2.

Popish Recusant convicted of marrying otherwise than according to the Form of the Church of England, shall not be Tenant by the Courtesy; and if there is no Land of which he can be Tenant, &c. shall forfeit 100*l.* to the King and Prosecutor; if a Woman, she shall not have her Dower or Jointure, or Widow's Estate. 3 Jac.

Mass.

See Indictment for this Offence, Dyer 203. a. 331. b. Three Indictments against

Saying Mass forfeits 200 Marks, hearing it 100 Marks, and may be committed for a Year, not to be enlarged till the Fine is paid; one third of the Forfeiture is to the King, another to the Prosecutor, the other to the poor, &c.
a Man for hearing three Masses on several Days; he shall pay but 100 Marks and not so many for every Offence. Dyer 281.

Prosecu-

Profecution may be before Juftices in Sessions, but it
 muft be within a Year and a Day after the Offence.
 35 *Eliz. c. 1.*

35 *Eliz. c. 1.*

Discovering a Priest or Perfons at Mafs, within three
 Days after the Offence, fo as any be taken and convicted,
 or attainted, fhall have a third Part of the Forfeiture.
 35 *Eliz. cap. 5.*

35 *Eliz. c. 5.*

Quifals, Primers. See Books.

Oaths of Papifts. Vide the Subheads, Confozm-
 ing and Regiftring.

Papifts.

BY 11 & 12 *W. 3.* a Perfon educated in the Popifh
 Religion, and not taking the Oaths of Allegiance,
&c. made 30 *Car. 2. cap. 1.* within fix Months after
 eighteen Years of Age, he fhall be incapable (as to him-
 felf only) to inherit or take Lands by Devife, Deicent or
 Limitation, and that during his Life, or until he fhall take
 the Oaths, the next of Kin, who fhall be a Proteftant,
 fhall enjoy the Lands, and not be accountable for the Pro-
 fits, but for Waite only.

11 & 12 *W. 3.*

30 *Car. 2. c. 1.*

Every Papift is made incapable of purchafing Lands,
&c. either in his own Name, or in the Name of any
 Perfon, to his Ufe, or in Truft for him. And all Eftates,
 Terms, and other Interests or Profits whatsoever, out of
 Lands to or for the Ufe of, or in Truft for fuch Perfon,
 fhall be void.

By 1 *W. & M. cap. 9.* Papifts, or reputed Papifts,
 are to be removed ten Miles from *London*, and the Lord
 Mayor and Juftices have Power to convene them before
 them, *&c.*

1 *W. & M. c. 9.*

Papifts, or Perfons marrying Papifts, fhall be incapaci-
 tated from inheriting the Crown of *Great Britain*, by
 5 *Ann. cap. 8.*

5 *Ann. c. 8.*

In the Cafe *Roper verfus Radcliffe*, 2 *Mod. Cafes* 167,
 181. *Cafes L. E.* 230, 329. A Devife of Lands to a
 Papift, is a Purchase within the Statute 11 & 12 *W. 3.*
c. 4. But where he is Tenant in Tail, and fuffers a Com-
 mon Recovery, declaring the Ufe to himfelf and his
 Heirs, is not a Purchase within that Statute. *Derwent-*
water's Cafe, 2 *Mod. Cafes* 172.

Pardon.

Pardon.

THE King pardoned the Conviction : The Question was, Whether the Person pardoned should be disabled during the Time he remains a Recusant, but doth not say a Convict? But it was adjudged, that the Word Convict should go through the whole Sentence. 3 *Lev.* 333.

Priest.

Jesuits, Seminary Priests, &c. and other Ecclesiastical Persons born within the King's Dominions, and made such by the Bishop of *Rome*, coming in or remaining in the said Dominions, are guilty of Treason; and the Receivers, Aiders and Maintainers of them, knowing them to be such, Felons. 27 *Eliz. cap. 2.*

Any knowing a Priest or Jesuit to be here, and not within twelve Days afterwards discovering him to a Justice of Peace, shall be committed and fined. 27 *Eliz. cap. 2.*

A Jesuit must make such Submission as is mentioned in the Act of 35 *Eliz. cap. 2.* and if he refuse to answer, shall be committed till he comply. But making Confession (as in the Act) shall be discharged; but relapsing afterwards, takes no Benefit of that Law. 35 *Eliz. cap. 2.*

The Person, who within three Days after Notice of the Offence, shall discover to a Justice of Peace a Recusant, or him who doth entertain a Popish Priest, Jesuit, &c. shall be pardoned, and shall have a third Part of the Forfeiture, so that the Whole forfeited doth not exceed 150 *l.* and if above that Sum, then shall have 50 *l.* which, after Conviction of the Offender by a Certificate from the Court where he was tried, directed to the Sheriff or other Officer, shall be paid out of the Money levied.

If any Person shall take a Popish Bishop, Jesuit, or Priest, and prosecute him to Conviction, then the Person taking him shall have a Certificate under the Hand of the Judge or Justices, before whom the Party is convicted, certifying such Conviction, and that he was taken by the Party, &c.

This Certificate must be carried to the Sheriff of the County, who must pay the Party taking 100 *l.* and the Judge must settle any Dispute happening about the Right to the Reward.

Sheriff not paying, forfeits 200 *l.* to be recovered in any Court of Record; and if the Sheriff die, or is removed, the succeeding Sheriff is to pay it.

If any Popish Bishop, Priest or Jesuit, shall be convicted of saying Mass, &c. or any Papist shall keep School, &c. and be convicted, &c. he shall be adjudged to perpetual Imprisonment, in such Place where the King by the Advice of his Council shall think fit.

But Foreign Priests, not Natives, or naturalized, officiating in Dwelling-houses of Foreign Ministers, are exempted, so as they enter their Names in the Office of the Principal Secretary of State, and the Place of their Birth, and to whom they belong. 11 & 12 W. 3. cap. 4.

11 & 12 W. 3. cap. 4.

Reconciled. See Absolved.

BY Stat. 3 Jac. cap. 4. to move any one to promise Obedience to the See of Rome, or other Prince, is High Treason in the Mover, and him that promiseth Obedience. 3 Jac. c. 4.

Recusant Convict.

Recusant Convict must not remove five Miles from his Abode. Vide *Abode*.
Must not come to Court. Vide *Court*.

Must not practise the Art of	{ Apothecary, Civil Law, Common Law, Phyick;	{ Or be an Officer in any Court, or among Soldiers, or in a Castle, Fort- trefs or Ship.

The Penalty is 100 *l.* to be divided between the King and Prosecutor. 3 Jac. 1. cap. 5.

3 Jac. 1. c. 5.

Registering Lands, &c.

A Papist having an Estate in Lands, &c. or one educated in the Popish Religion, or whose Parents shall be Papists, and he of full Age, and not taking the Oaths appointed by 1 Geo. 1. cap. 55. and repeating and subscribing the Declaration in Stat. 30 Car. 2. cap. 1. as that Act directs; or in Default thereof, he or his Trustee not registering his Name and Lands, &c. and not subscribing such Registry, either by himself in the Presence of

1 Geo. 1. c. 55; sect. 1.

Recufants.

two Juftices in open Seflions, or by fome other Perfon authorized by Warrant of Attorney, under his Hand and Seal, attested by two Witnefles, who muft prove the Execution thereof an Oath, at the Quarter-Seflions, and two Juftices then prefent fhall fubfcribe their Names, as Witnefles to fuch Entry, fhall forfeit as follows, *viz.* the Fee-fimple of his Lands not regiftered, or fraudulently regiftered, and the full Value of the Inheritance of the Lands, whereof he hath not the Fee-fimple, two thirds to the Crown, and the other to any Proteftant who will fue for it in any Court of Record at *Weflminfter*; and he may bring an Ejeftment on his own Demife, or he may exhibit a Bill in Chancery, &c.

Perfons beyond Sea, regiftring within fix Months after their coming over, fhall fave the Penalties.

But if any Perfon, after Default or Fraud in regiftring, and before Conviction or Ejeftment, or Suit brought, for fuch forfeited Lands, fhall for a valuable Confideration, really convey, Leafe, or Mortgage them, the Purchafes, Leffee or Mortgagee, fhall not be prejudiced, but fuch Seller fhall forfeit the Value of the Inheritance, to be diftributed and recovered as aforefaid.

Perfons in the *East* or *West-Indies*, or *America*, fhall have twelve Months longer than the fix Months afore-mentioned.

The Clerk of the Peace fhall keep a Parchment-Book to register the Names of thofe regiftring, and he fhall have 3 *d.* for every two hundred Words, and he muft keep Alphabetical Tables of the Surnames of thofe regiftring, and muft file the Warrants of Attorney, and enter them on Record, and fhall have 3 *d.* for entering two hundred Words, and 4 *d.* for a Search, and fhall, if defired, give Copies of fuch Regiftries fubfcribed by himfelf, or Deputy taking 3 *d.* for every two hundred Words of fuch Copy: The Clerk of the Peace neglecting or refufing, &c. and being thereof convicted, forfeits his Office. 1 *Geo. 1. cap. 55.* and by 10 *Geo. 1. cap. 4.* 100 *l.* befides.

3 *Geo. 1. c. 18.* By 3 *Geo. 1. cap. 18.* the Time of regiftring Eftates is enlarged to the 20th of *October* 1717.

No Action fhall be brought for any Penalty or Forfeiture for neglecting or fraudulently regiftring, after two Years after the Offence committed.

3 *Geo. 1. c. 18.* No Sale of Lands, for a valuable Confideration, fhall be impeached, which fhall be made to a Proteftant Purchafes, by any Perfon in the Poffeffion thereof, for any Difability incurred by the Perfon joining in fuch Sale, or by any Perfon from whom the Title is derived, unlefs before fuch Sale, the Perfon who is to take Advantage of fuch

such Disability, shall have recovered the Land, or have given Notice of his Claim to the Purchaser; or shall have entered his Claim in open Court in the Quarter-Sessions of that County where the Lands lie, and hath *bona fide* pursued his Remedy in a proper Court of Justice, to recover the same.

No Lands shall pass from any Papist, either by Deed or Will, unless the Deed shall within six Months after its Date, and the Will within six Months after the Death of the Testator, be inrolled in some Court at *Westminster*, or else by the *Custos Rotularum* of the County where the Lands lie, and two Justices, and the Clerk of the Peace, or two of them at least, whereof the Clerk of the Peace to be one. 3 Geo. 1. c. 18.

3 Geo. 1. c. 18.

By the 11 Geo. 2. c. 11. It is enacted, That every Deed and Will made since 29 September 1717. in order to pass or alter any Lands, Tenements, or Hereditaments, or any Interest therein, from any Papist, though not inrolled, shall be as valid in the Law, as if they had been inrolled within the Times limited by Acts of Parliament, provided they be inrolled by 29 September 1738. in the Manner directed by a Clause in the Act 3 Geo. 1.

11 Geo. 2. c. 11.

Provided, That nothing herein shall extend to make good any such Deed or Will, of the Want of Inrolment whereof Advantage hath been taken before 2 February 1737.

No Purchase made for full Considerations of any Lands, Tenements, or Hereditaments, or Interest therein, by Protestants, for their own Benefit only, shall be avoided, by reason that any Deed or Will, through which the Title thereto is derived, hath not been inrolled; so as no Advantage was taken thereof before such Purchase, and such Purchaser had not Notice that the Person making the Deed or Will was a Papist; and so as no Decree or Judgment hath been obtained for Want of such Inrolment.

By 10 Geo. 1. cap. 4. it is enacted and declared, that no Woman shall be obliged to take the Oaths, nor to register her Name, or real Estate.

10 Geo. 1. c. 4.

Persons not taking the Oaths, and neglecting to register, &c. shall forfeit the full Value of one Year's Rents, and Profits of all Lands, &c. not registred; two Thirds to the Crown, and one third to the Prosecutor; and shall not lose the Fee-simple or Inheritance of any Estate, or Interest in Lands, &c. as by the Act aforesaid was enjoined.

If any Officer shall knowingly sign a false Certificate of any Person's having taken the Oaths, &c. or if any Person shall forge, raze, alter, or counterfeit any such Certificate,

ificate, or fhall perfonate any other Perfon, or procure it to be done, every fuch Officer fhall forfeit his Place, and 100 *l.* Moiety to the Crown, the other to the Profecutor, and liable to the Penalties of wilful Perjury.

All Leases made by Papifts to any Proteftant, whereon the full yearly Value thereof, or the ancient or moft accustomed yearly Rent or more, have been or fhall be reserved, fhall be as good and effectual in the Law, though the fame have not been or fhall not be hereafter inrolled, as the fame would have been, if the Acts of Parliament for regiftring, &c. had never been made. 10 *Geo.* 1. *cap.* 4.

Rofaries. See **Books.**
Sacrament. See **Confozming.**

Seminaries, and fending beyond Sea.
Vide alfo *Priest.*

Sending Relief to any brought up there, not in Orders and not returning within fix Months after Proclamation made for that Purpose, and fubmitting themfelves to the King within two Days after their Return, either before the Bifhop of the Diocefe, &c. or two Juftices, &c. and taking the Oath of Supremacy, &c. are Traitors by 27 *Eliz.* *cap.* 4.

27 *Eliz.* c. 4.

* But per 11 & 12 *W.* 3. c. 4. the Forfeiture is to the Discoverer and the Perfon convicting.

1 *Jac.* 1. c. 4.
1 *Eliz.* c. 2.

Sending Perfons beyond Sea to be instructed in the Popifh Religion forfeits 100 *l.* and the Perfons fent are made incapable to take any Grant of Inheritance, either to themfelves, or to any in Truft for them. * The Forfeiture is to be divided between the King and the Profecutor.

1 *Jac.* 1. *cap.* 4.

In an Indictment upon 1 *Eliz.* *cap.* 2. it need not be averred that the Offender is an Inhabitant, but it fhall come on the other Side. *Mannock's Cafe*, *Mich.* 3 *Jac.* 1. *Godb.* 148.

The Words in 23 *Eliz.* *cap.* 1. (being thereof convicted) fhall be intended in the fame Action. *Doctor Fofter's Cafe.*

The Word *exiftens*, *viz. etatis* 16 *annorum*, in an Indictment upon 23 *Eliz.* *cap.* 2. fhall go to the Time of the Offence, not Indictment. *Talbot's Cafe*, *Moor* 606.

Feme Coverts are within 1 *Eliz.* c. 2. 23 *Eliz.* c. 1.

Feme Coverts are within 1 *Eliz.* *cap.* 2. and 23 *Eliz.* *cap.* 1. as to the Penalties for Abfence from Church; and Information lies againft the Husband. *Law's Cafe*, *P.* 13 *Jac.* 1. 1 *Ro. Rep.* 233, 234. 3 *Bulft.* 37.

Going

Going to Church every *Sunday* must be as well to Evening, as Morning Prayers.

Which are Holidays, *vid.* 5 & 6 *Edw.* 6. c. 3. and the Rubrick confirmed by 14 *Car.* 2. cap. 4.

5 E. 6. c. 3.
14 Car. 2. c. 4.

Wilfully absenting themselves from Church twelve Months, contrary to 1 *Elix.* cap. 2. and convicted, being sixteen Years of Age, are to be bound to the Good Behaviour, upon Certificate of one Justice of Peace to *B. R.* 1 *Elix.* cap. 2.

1 Elix. c. 2.

Every Justice of Peace may give Notice to any Person to forbear to receive or keep such as shall obstinately refuse to come to the Church by the Space of a Month together. 35 *Elix.* cap. 1.

35 Elix. c. 1.

Offences upon any Statute for not going to Church, or receiving the Sacrament, may be heard and determined by Justices of Peace at their Quarter-Sessions, as Justices of Assise might before. 3 *Jac.* 1. cap. 4.

3 Jac. 1. c. 4.

Convictions of Recusancy shall be in *B. R.* Assises, or Gaol-Delivery, and not elsewhere, from whence they shall be estreated into the Exchequer the next Term. 29 *Elix.* cap. 6. But see *Hob.* 204. That Debt or Information lies in the Common Pleas, Indictments in the *K. B.* Persons convicted shall pay their Forfeitures into the Exchequer twice a Year, without further Conviction, or else Process shall issue to seise their Goods, and two Parts of their Lands. 39 *Ed.* cap. 6.

Convictions of Recusancy shall be in *B. R.* Assises or Gaol-Delivery.
29 Elix. c. 6.

If any Person shall relieve, keep, &c. in his House any Servant, Sojourner, &c. who shall forbear Divine Service for a Month together, &c. shall forfeit 10 *l.* *per Menssem*, but he may keep his Father, Mother, &c.

A Recusant in pleading that he hath a License from four Justices to travel, &c. must shew that he hath taken the Oath, that the Cause of it is true, and that it was granted with the Assent of the Bishop, or Lieutenant, &c.

How Recusant must plead a License, &c.

And if the same Person be Justice and Lieutenant, it will not serve. *Maxfield's Case*, *Cro. Salk.* 352.

The Penalty of 12 *d.* a *Sunday*, by 1 *Elix.* cap. 2. and 3 *Jac.* 1. c. 4. and of 20 *l.* *per Menssem*, by 23 *Elix.* cap. 1. shall be both paid.

1 Elix. c. 2.
3 Jac. 1. c. 4.
23 Elix. c. 1.

The Stat. 1 *Elix.* cap. 2. extends to Holidays as well as *Sundays*; but the Stat. of 23 *Elix.* cap. 1. & 3 *Jac.* 1. cap. 4. extends only to *Sundays*. *Dalt.* 272.

The King may refuse the 20 *l.* *per Menssem*, and take to the two Parts of the Lands, and all the Goods, &c. and the King shall have two Parts only of the Recusant's Estate, to satisfy the 20 *l.* *per Menssem*, but not the third Part, either in the Hand of the Ancestor or Heir; but af-

King may refuse 20 *l.* *per Menssem*, and take to the Lands.

ter the Death of the Ancestor, two Parts shall remain liable to the Arrears of 20 *l. per Mensem*.

An Indictment for perswading and endeavouring to withdraw one from his Allegiance.

2 Jac. 1. c. 4. Essex, *ff.* **T**HE Jurors, &c. do present, That A. B. of L. in the County aforesaid, Gent. on the 9th Day of September in such a Year, &c. at L. aforesaid in the County aforesaid, wilfully and traitersonly endeavoured and practised to absolve, persuade and seduce one T. P. of L. in the County aforesaid, a Subject of our said Sovereign Lord the King, from the natural Obedience which he the said T. P. ought to bear towards our Sovereign Lord the King, to the Obedience of the pretended Authority of the See of Rome, speaking to the said T. P. these English Words following: (Here recite the Words) against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in such Case made and provided.

Against one withdrawn from his Allegiance, &c.

1 Jac. 1. c. 4. Essex, *ff.* **T**HE Jurors, &c. do present, That J. B. late of C. in the County aforesaid, Gent. born at D. in the said County, not having the Fear of God before his Eyes, but seduced by the Instigation of the Devil, on the 9th Day of August in the eighth Year of the Reign, &c. not regarding his due Allegiance towards our said Sovereign Lord the King, at D. aforesaid in the County aforesaid, wilfully and traitersonly was absolved, reconciled and withdrawn from his natural Obedience which he ought to bear towards our said Sovereign Lord the King, contrary to the Duty of his Allegiance, and in Contempt of our said Sovereign Lord the King, and his Laws; and against the Peace of our said Sovereign Lord the King, his Crown, and Dignity; and contrary to the Form of the Statute in such Case made and provided.

A War-

A Warrant to make Search after and seize Arms in the Possession of Papists.

Essex, J. **F**Orasmuch as we are given to understand by the Bearer hereof, that divers Quantities of Arms, Weapons, Gunpowder, and Ammunition are concealed in the Houses, Outhouses, and other Places of several Papists, reputed Papists, or other Persons within your said Parish, that are disaffected to the Government, whereof the said Bearer will more particularly inform you: These are therefore (in his Majesty's Name) to will and require you that you do forthwith, upon Receipt hereof, make diligent Search, in the Day-time, in all and every the Houses, Out-houses and other Places of all Papists, reputed Papists, or other Persons whom you shall suspect, or be informed to be disaffected to the Government, and to have any Arms, Weapons, Gunpowder, or Ammunition; and if upon your said Search, you shall find any such, to seize the same to his Majesty's Use, and bring them unto us, or some other of his Majesty's Justices of the Peace for this County, to the Intent they may be delivered in open Court, at the next general Quarter-Sessions of the Peace for the said County, to his Majesty's Use: Whereof fail not, &c. Given under our Hands and Seals, &c.

Regretors. Vide *Corn.*
 Release. Vide *Recognizance.*
 Religion. Vide *Blasphemy.*

Rescous.

THIS is the Taking away or Procuring the Escape of a Prisoner who is imprisoned by lawful Authority. And if the Prisoner be detained for Felony, then it is Felony in the Rescuer. What is Rescous.

Rescous of a Felon, before Arrest, is no Felony, otherwise after Arrest. *Lamb. 230.*

Rescuing a Prisoner going to the Gallows is Felony.

If a Stranger take one out of Prison with the Prisoner's Assent, if he be in for Felony, it is Felony, by the Common Law, in the Rescuer, and he is a Principal, by the Statute *de Frangentibus Prisonam.* 1 Cro. 38.

To rescue a Felon is Felony, though he be not indicted.

One is in the Stocks for Suspicion of Felony, and is let out by a Stranger; it is Felony, altho' the Party who escaped, is not indicted. 1 Cro. 35. N. 3.

If the Person rescued hath committed Felony, and was arrested for it, then rescuing him is Felony; but if he was not arrested, then the opposing or hindering any Person to apprehend him is a Misdemeanor, but not Felony.

Rescuer not to be arraigned till Principal is attainted.

But the Rescuer shall not be arraigned of the Felony 'till the Principal is attainted; and if the Principal die before Attainder, the Felony is discharged; but the Rescuer shall be indicted, fined, and committed for rescuing him. *Hale's Pl. Coron.* 116. *Sid.* 352.

Indictment quashed.

Indictment for a Rescous was *quod arrestavit*, without saying *et in custodia sua habuit*; and for this Reason it was quashed, though in the same Indictment it was alleged that the Defendant rescued him out of the Possession of the Bailiff. *Dyer* 352. b.

Rescuer of a Prisoner, taken in a pretended privileged Place, forfeits to the Plaintiff 500 *l.* and if not paid within a Month after Recovery, then to be transported for seven Years; and if he return within that Time, it is

8 & 9 W. c. 27. Felony without Benefit of Clergy. 8 & 9 W. 3. cap. 27.

Indictment for rescuing a Felon from a Constable.

Essex, *ff.* **T**HE Jurors, &c. do present, That whereas A. B. of L. in the County aforesaid, Gent. on the 10th Day of August in the 8th Year of the Reign, &c. being one of the Justices of our said Sovereign Lord the King, assigned to keep the Peace in the same County; And also to bear and determine divers Felonies, Trespases, Treasons, and other Offences committed in the said County, on the said 10th Day of August in the Year aforesaid, at L. aforesaid in the County aforesaid, made, directed, and delivered a certain Warrant, or Precept in Writing, to one D. E. of K. in the County aforesaid, Yeoman, then being a Constable of the Parish of K. aforesaid in the County aforesaid, by which said Warrant, he, the said D. F. so being Constable as aforesaid, was commanded that he should take the Body of one L. L. of M. in the County aforesaid Gent. and bring and have the said L. L. before the said A. B. or one other Justice of the Peace for the County aforesaid, to examine the said L. L. for a Felony, and taking five Cows of the Goods and Chattels of one R. C. which said D. F. Constable aforesaid, afterwards, that is to say

on

on the 11th Day of September in the Year aforesaid, at K. aforesaid in the County aforesaid, by Virtue of the said Warrant, took and arrested the said L. L. for the Cause aforesaid, and then and there had the same L. L. in Custody of him the said D. F. And that one R. G. of K. aforesaid in the County aforesaid, Gent. knowing the said L. L. so to be arrested as aforesaid, by D. F. Constable as aforesaid, afterwards, that is to say, on the 10th of August in the Year aforesaid, at K. aforesaid in the said County, with Force and Arms, &c. then and there feloniously took and rescued the said L. L. out of the Hands of the said D. F. and permitted him to go at large, whereforever he would, in great Contempt of our said Sovereign Lord the King, and to the ill Example of others, Delinquents in such Cases; And also against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

Restitution of Stolen Goods.

THE Owner of Goods stolen could not have Restitution upon an Indictment against the Felon, tho' he was freshly pursued, at the Common Law, because the Prosecution was at the Suit of the King, tho' he might upon an Appeal, because that was at his own Suit.

But by the Stat. of 21 H. 8. cap. 11. this was remedied; for now if the Felon be found Guilty, or attainted at the Prosecution of the Party robbed, or Owner of the Goods, or by his Procurement, the Justices have Power to award Restitution of the Goods stolen.

21 H. 8. c. 11.
Owner to have his Goods again on Conviction of the Felon, &c.

The same Law is, if the Felon be outlawed upon an Indictment by means of the Party robbed, &c. then the Justices before whom such Felony shall be found, have Power to award Restitution.

The Executors of the Party robbed, &c. are within this Law, if, by the Evidence they shall give, or procure to be given, the Felon be attainted. *Co. 1 Rep. f. 8.*

A Man shall have Restitution of Money stolen, though it can't be exactly known. *Br. Restitution 12.*

A Man killing a Thief in his own Defence shall not forfeit his Goods. *24 H. 8. cap. 5.*

24 H. 8. c. 5.

A Man stole Cattle, and sold them at C. in open Market, and presently after he was apprehended by the Sheriffs of C. and they seized the Money, and afterwards he was arraigned and hanged at the Prosecution of the Owner of the Cattle. Agreed by the Court, that the Owner shall

Restitution of stolen Goods.

shall have Restitution of the Money. *Noy's Rep.* 298. *Harris's Case.* For though the Statute gives Power to the Justice to award Restitution, &c. of the Goods stolen; and though the Money in this Case was not stolen, yet because it did arise by stealing, it shall be within the Equity, though not in the very Words of the Statute; and it hath been held to extend to Executors or Administrators of the Party, though they are not mentioned in the Statute. 3 *Inst.* 242.

Formerly, in some Cases, there could be no Restitution; as where the Felon had sold the Goods in Market-Overt, though he was afterwards convicted, yet the Property was altered by the Sale; or if he had waved them, and escaped, and it was not known who he was, the Lord having seized, the Owner could not have Restitution, because the Felon could not be indicted or attainted.

Owner shall have his Goods, though sold in Market-Overt.

But the Practice hath been otherwise since 4 *Ed* 5 *C.* 1. for if the Criminal is convicted at the Prosecution of the Party who lost the Goods, he shall have Restitution, tho' they were sold in Market-Overt; and if the Party who bought them, pleads it to a Writ of Restitution brought, the other upon a Demurrer to such Plea, will have Judgment.

The Justice of it.

This Resolution tends to the Advancement of Justice, to make Men vigilant in prosecuting Offenders, and it will discourage Persons from buying Goods for a small Value in a Market, of such whom they have Reason to suspect. *Kelynge* 48. *Co. Magna Charta* 714.

Vide Kelynge's Rep. 35, 48. and 50. where Restitution of stolen Goods shall be awarded to the Prosecutor, notwithstanding a Sale in Market-Overt.

If a Thief rob or steal Goods from three Men severally, and he be indicted for the robbing or stealing from one of them, and arraigned thereupon, in this Case, though the other two would give Evidence against the Offender, yet shall not they have Restitution of their Goods, by the Meaning of that Statute; for the Felon is not attainted of any other Felony, saving of that whereof he was indicted.

Where a Felon is indicted of three Robberies.

But if he be indicted of all the three Robberies, or Felonies severally, and arraigned upon one of them, and found Guilty by the Evidence given by one of the Parties robbed, &c. yet shall he be after arraigned upon the other two Indictments, to the Intent he also may be found Guilty by the Evidence of the other two Persons robbed, that so they may have Restitution of their Goods stolen, according to the Meaning of the said Statute.

And

And if a Man steal Goods at divers Times from several Men, and is after attainted at the Suit of one of them only, for the Goods stolen from him, but is not attainted at the Suit of the other, by this Attainder, the Felon shall forfeit to the King, not only his own Goods, but also the Goods stolen from those others, at whose Suit he was not attainted, though the Felon had no Property, but only a Possession of those Goods; and the Property of the Goods which remaineth in the right Owner, in this Case is forfeited by the Owner to the King, for Default of the Owner pursuing the Felon.

Only the Prosecutor shall have his Goods again.

Also if there be divers Thieves, and but one of them attainted, yet the Party robbed shall have Restitution.
Dalt. 543.

If any Goods, of what Nature soever they be, be stolen purloined, &c. and be sold, exchanged, or pawned, to any Broker, &c. in *London, Westminster, Southwark,* or within two Miles of *London*, the same shall alter no Property. * And if a Broker, having received Goods, shall not, upon Request of the Owner, truly discover them, he shall forfeit double the Value thereof to the Owner, by Stat. 1 Jac. 1. cap. 21. So that by this Statute, if any stolen Goods be bought by them, the Party may have his Action against them for the Goods, whether he prosecute the Felon or no, for the Property remains to the Owner notwithstanding such Sale. *Kelynge p. 50. Vid. Stat. 1 Jac. 1. cap. 21.*

* Quer. if he may be indicted.

If a Man hath Goods stolen from him, and knoweth not by whom, if the Felon waiveth the Goods, and the King's Officer, or Lord of the Manor seize them, the Party robbed shall have no Restitution, for that he cannot indict and attain the Felon. And yet if the Felon had not the Goods in his Possession at the Time when he fled, but had formerly left them elsewhere, *viz.* in his own House or in the House or Custody of any other, or had hid them; then they are no waived Goods, nor forfeited, but the Owner may take them again wheresoever he findeth them, without any Restitution awarded. *Co. 5. 109. Dalt.* 544.

1 Jac. 1. c. 21. Owner may take his Goods if not seized or waived.

Riot, Rout and unlawful Assembly.

1. What is a Riot, and what not.
 2. How the Justices are to proceed and punish.
 3. Concerning Records and Inquisitions on Riots.
 4. What are unlawful Assemblies and how punished.
1. What

1. *What is a Riot, and what not.*

What is an unlawful Assembly.

AN unlawful Assembly is, when three or more do meet to do an unlawful Act against the Peace, as to pull down a House, &c. or to do a lawful Thing in an unlawful Manner, as to distrain for Rent, &c. with Force and Violence, but they do nothing.

What a Rout.

A Rout is when they move forward, after they are thus met, in a turbulent Way to effect it, but do not perform it.

What a Riot.

A Riot is when they do not only meet and go on, but also perform it.

Must be three or more to make a Riot.

And to make a Riot, there must first be three or more Persons: Secondly their Intent must be to do an unlawful Act, or a lawful Act with Violence, &c.

But this Offence may be committed, though some of the Company stand by and do nothing; for if they stand by and countenance it, it is as bad as if they did it; but if they come by chance and intend nothing, *contra*.

For as a Man may do an unlawful Thing, so as it may not be a Riot, so he may do a lawful Thing, so as to make a Riot.

Statutes about Riots.

The Chief Statutes which relate to Riots, are 2 *Ed.* 3. *cap.* 3. 13 *H.* 4. *cap.* 7. 2 *H.* 5. *cap.* 7, & 8. 19 *H.* 7. *cap.* 13. & 21 *Jac.* 1. *cap.* 15. 1 *Geo.* 1. *cap.* 6.

Two were found Guilty, and the rest acquitted, but the Verdict was set aside, because two could not be Guilty of a Riot, and by Consequence all are acquitted. 2 *Salk.* 593. *Heap's Case*.

Case of a Town in Devonshire.

A Town in *Devonshire* was indicted for suffering idle Persons to meet and hold Assises in Mockery of a Court of Justice. So where one *Gladman* took upon him to be a Mock King, and went to the Priory of *Norwich*, with a Crown of Paper on his Head, with a riotous Assembly, the Liberty was seiz'd. 1 *Cro.* 507. 252. *Cro. Car.* 306.

Case of Rioters at Charing-Cross.

Several were indicted for a Riot in Rescuing a Person from an Arrest near *Charing-Cross*, and were fined 500 *l.* the chief of them being a Cobbler, with a Sword in his Hand, and a Kettle on his Head, and so he stood in the Pillory, and the rest likewise.

Case of a Riot in a Borough.

Information against the Defendants, for that they *vi & armis clamoribus & vociferationibus illicite riotose & routose* did hinder the Bailiffs and Burgesses of *B.* who were assembled on such a Day, &c. to choose a Bailiff for the said Borough, &c. to proceed to the Election, &c. The Defendants were found Guilty, but the Verdict was set aside, because the Information did not set forth that the

Defen-

Defendants were unlawfully assembled, nor that the Bailiffs and Burgeffes had any Right to assemble to choose a Bailiff. For to make a Riot, there must be an unlawful Assembling of more than two Persons; and not only so, but there must be an unlawful Act done by them; and by this Information it did not appear but that the Bailiffs and Burgeffes might meet to do an unlawful Act themselves, and then it is not unlawful to disturb them.

Where People are lawfully assembled, an Affray happening will not be a Riot. *Raym.* 965.

2. How the Justices are to proceed and punish.

In Case of a Riot; 1. The Justices of Peace may proceed upon the Statute of *Northampton*: Or 2dly, The Party grieved may have a Commission out of the Chancery to inquire of it, and of the Neglect of the Justices of Peace in punishing it: Or 3dly, He may have a Writ out of the Chancery to inquire of it, and of the Neglect of the Justices of Peace in punishing it: Or 4thly, He may have a Writ out of Chancery to command the Justices of Peace to execute the Stat. 13 H. 4. cap. 7. But the ordinary Remedy is by Address to the Justices of Peace; every one of which must do his best to prevent and stay them in doing it; for one Justice of the Peace alone may do somewhat to prevent a Riot before it be done, and for the Stay of it, whilst it is in doing, though he can do but little when the Riot is done and over. 13 H. 4. c. 7.

And therefore upon the first Notice of it, he ought to go to the Place, if he can conveniently, and he may take with him (especially if it be great) the *Posse Comitatus*, and suppress it: 2dly, If he find any of the Rioters, to take and imprison them, and bind them to the Good Behaviour: 3dly, If he cannot go, or stay when he is there himself, he may command his Servants to go or stay, and suppress it, and not bring the Rioters before him, to find Sureties for the Good Behaviour: 4thly, The Riot being done, the Justice of Peace can neither record it, make Enquiry, set a Fine, award Process, or meddle with it but as a Trespass, or upon the Statute of *Northampton*, if it be a forcible Entry. And yet if a Justice of Peace, sitting judicially, see a Riot done before his Face, he may record this, and command the Party to be arrested; but if it be in another Place, the Party may traverse it: 5thly, Every Justice of Peace is to see the Statute of 13 H. 4. cap. 7. 13 H. 4. c. 7. executed; for though the two next Justices only are in Danger of the Fine of one hundred Pounds, yet all the rest may be punished. And in the Execution of the Statute he is to do in this wise: 1. Get the Assistance of the Sheriff,

What two Ju-
stices are to do
on 13 H. 4. c. 7.

Sheriff, or any other Justice of Peace, if he can. 2. Go to the Place, if he can. 3. If he find any Rioters or unlawful Assembly, commit them to Gaol. 4. Compel them to give Sureties of the Peace or Good Behaviour. 5. Upon Refusal, to commit them. 6. Take away their Weapons. And further he cannot go till Inquiry, which must be made by two Justices of Peace. And any two Justices of Peace may do this, and they must proceed upon the Statute of 13 H. 4. cap. 7.

My Lord Hale in his *Historia Placitorum Coronæ*, Vol. 1. fol. 496. observes that the Statute 17 R. 2. c. 8. which gives power to the King's Ministers in general to imprison Rioters is not repealed by 13 H. 4. c. 7. which gives the same Power unto Sheriffs and Justices of the Peace.

And by it they are to send for the Sheriff, or his Under-Sheriff; for it cannot be done without one of them, if the Riot doth continue; for in this Case he is one of the Judges. And if they both come not, he that does come is excused; but the Enquiry after when it is past, may be by two Justices of Peace without the Sheriff, save only as a Minister. And if any Justices of Peace do it, the two next are excused of the hundred Pounds. 2. They must likewise, as when one Justice doth it, go to the Place. 3. Take, if need be, the *Posse Comitatus*. 4. Arrest the Offenders, remove the Force, commit the Rioters, and take away their Weapons; and so they may do to all that are with them, and all that they meet coming from them in a riotous Manner; and, if they resist, beat, wound, or kill them, but may not record a Riot done by them. 5. If the Rioters are escaped, they cannot arrest them, or award Procefs to arrest them at another Time or Place; but the Record must be sent into the *K. B.* there to be proceeded upon, but no Traverse lieth to this; yet they may send their Warrant to bind them to their Good Behaviour. 6. After Arrest the Justices and Sheriff must formally, in the Nature of an Inquisition, record the Riot in Writing, as the Case is; for if they commit, and do not record, they lose an hundred Pounds. And they must take Care they do the Party no Wrong, for he cannot traverse it, but is remediless. 7. If another Riot be made upon or before them, they are to record that also. 8. They are then to send them to Gaol, which the Sheriff is to execute with the *Posse Comitatus*; and if they record, and do not send to Gaol, they lose an hundred Pounds. The same Justices, and none other, are to fine them, which Fine must be of good Value, that the Charges may be born by it. And this Fine they may either estreat into

the Exchequer, or keep the Offender in Prison till he pay it to the Justices or Sheriff, by 1 H. 5. cap. 8.

1 H. 5. c. 8.

And this Record they may certify, if they will, to the K. B. or Quarter-Sessions, or keep by themselves. And in all this the Sheriff must joia with them. But if the Riot be past, the two Justices must within a Month, at a private Sessions, inquire by Jury of the Riot, and being found, record it there, and end the Matter, set the Fine, make out Process, commit till Payment, or upon Payment or Surety to pay, deliver the Prisoner, receive and try the Traverse, and dismis the Party, if they see Cause. But after Traverse, the usual Course in this Case is, to transmit the Record into the King's Bench or Sessions, there to be tried. And if there be any undue Practice, that the Jury will not find it, it is to be certified by the Sheriff, and the two Justices into B. R.

By Stat. 13 H. 4. cap. 7. the Sheriff or his Deputy seem to have a Concurrent Jurisdiction with them in fining the Offenders, and therefore upon a Writ of Error brought, the Judgment was reversed, where a Fine was set by the two Justices, without the Sheriff. *Rayn.* 386.

13 H. 4. c. 7. Sheriff seems to have a concurrent Jurisdiction with the two Justices.

The two Justices must have Notice of the Riot, or else they are not punishable. *Dyer* 210.

Adjudged that where Rioters are convicted upon View of two Justices, the Sheriff must be a Party to the Inquisition, and this is by Virtue of the Statute; but if they disperse themselves, before Conviction, the Sheriff need not be a Party; for in such Case the two Justices may make Inquisition without him, for this is *pro Domino Rege*. But if the Justices make no Inquisition, within a Month after the Riot, they are punishable, but the Lapse of a Month doth not determine their Authority to make Inquisition, it only subjects them to a Penalty for not inquiring before.

Indictment against the Defendants, for that they *riotose routose & illicite se assemblerunt & sic assemblati insultum fecerunt, &c.*

Two Justices may record what is done in their View, which being a Conviction, they may fine the Offenders, and commit them till paid; but Mr. *Dalton* says the best Way is to certify the Record into B. R. that they may be fined there.

Best way to send the Record into B. R.

If they escape being taken by the Justices, this Record being certified, as aforesaid, Process shall issue out against them out of B. R.

3. *Concerning Records and Inquisitions on Riots.*

Record must
be certain.

The Record must be certain as to the Time, Place, Number, Weapons, Manner, and other Circumstances, because it is a Judgment, and not traversable; for if upon Examination it appears to be no Riot, or that the Justices did not see it, yet the Parties are concluded. But for committing without recording, or making a Record without committing, the Justices forfeit 100 *l*.

Information against two Justices for not inquiring into a Riot, and found against one of them, is good. *Roll's Rep.* 109.

Case of the City of London, when Dr Lamb was murdered.

In the City of London, there was a great Mob and a Riot, wherein Doctor Lamb was murdered in the Streets, for which the City of London was fined 1000 *l*. *Pascb.* 8 *Car.* 1.

After a Riot is committed, (if not within the View of the Justices) and the Rioters are gone, the two Justices within a Month may make a Precept to the Sheriff to summon a Jury to inquire of it; and if it is found, then they may commit the Offenders, and certify the Inquisition into *B. R.* that they may be fined, which should not be less than 10 *l*. for the Principal. *Style* 303.

Enquiry within the Month must be intended of great Riots.

The Inquiry within the Month must be intended of great Riots; for by Virtue of their Commission the Justices may inquire into small Riots at any Time afterwards, so that the Limitation of a Month seems to prevent the Forfeiture of 100 *l*. by the two next Justices, in Cases of great and notorious Riots, they neglecting to make Inquiry within that Time.

But if they inquire afterwards, the Indictment shall not be quashed, for that Reason, because a Riot is an Offence at Common Law, and the Statute is not Penal, but only directory to the Punishment. *Sid.* 186.

After an Indictment found, Justices may award Process. And so to the Outlawry.

After the Riot is found upon this Inquisition, the Justices may award a *Venire facias* directed to the Sheriff of the County, under their own *Teste*, commanding him to cause the Offenders to appear before them.

This is only where the Offenders cannot be taken; and so if the Sheriff return *Non est inventus*, you may proceed to the Outlawry.

But if they appear, the Justices may fine them, and commit till paid, or may take Sureties by Recognizance to pay the Fine, or may accept a Traverse, which Inquisition and Traverse must be sent to the next Sessions, or into *B. R.* there to be tried.

An Indictment for a Riot must shew what the unlawful Act was, that they assembled to do. *Raym.* 1210.

The Charges of the Justices and Jury are to be paid by the Sheriff out of these Fines; and therefore by the Statute of 2 H. 5. cap. 8. the Fines may be increased, and an Indenture being made between the Justices and the Sheriff, he is to be allowed it in passing his Account in the Exchequer. 2 H. 5. c. 8.

If the Truth of the Riot cannot be found by this Inquisition, then within a Month afterwards, the same Justices and Sheriff must certify into B. R. so much of the Fact as appears to them, together with the Names of the principal Offenders, and the Circumstances and Impediments why the Truth was not found, under the Penalty of 20 l. Justices to certify to B. R. in a Month.

This Certificate may be in English, by Way of a Letter, comprehending the whole Truth, with the Time, Place, &c. and if any material Thing be left out of the Inquisition, it may be supplied in the Certificate. Certificate may be in English.

But if the Sheriff die, or the Justices are put out of Commission, before the Certificate is made, it cannot be done afterwards. Cannot be made after Death of Sheriff or Justices.

N. B. If divers Persons be lawfully assembled, and fall out of a sudden among themselves, this is no Riot, only an Affray.

By Statute 2 H. 5. cap. 8. Persons guilty of heinous Riots shall suffer one Year's Imprisonment, without Bail. 2 H. 5. c. 8.

A Record of a Riot upon View by two Justices of the Peace returned into B. R. is sufficient to convict the Rioters, whereupon they shall be fined. 13 H. 4. cap. 7. Record of a Riot upon View by two Justices, is a Conviction.

Riots, &c. shall be suppress'd and inquir'd of at the King's Charge, which the Sheriff is to disburse by Indenture between the Justices and him, by Stat. 2 H. 5. c. 8. 13 H. 4. c. 7. 2 H. 5. c. 8.

In Default of the two next Justices not executing the Stat. 13 H. 4. cap. 7. respectively as to them is appointed, the other Justices of and within the County (upon Notice of such Riot) ought to do Execution thereof, every one, upon Danger to be fined; but the Penalty of 100 l. is only to be laid upon the two next Justices. In Default of two next Justices, the other Justices ought to do Execution, &c.

But no Justice of Peace who dwelleth in another County is bound upon the said Penalty of 100 l. to execute the said Stat. of 13 H. 4. cap. 7. although he dwelleth next to the Place where the Riot is; and although he be in Commission of the Peace for the County where the Riot is. But not of another County. 13 H. 4. c. 7.

If two Justices of Peace shall see any making a Riot, they may command others to arrest the Rioters, and then make their Record thereof, and the Offenders shall be concluded thereby.

If Justices do not see the Riot, cannot record it.

But if the Justices of Peace do not themselves see the Riot, they cannot make a Record thereof, but then they must inquire thereof.

And if the Justices of Peace shall record a Riot, and upon Examination of the Matter after, it shall appear to be no Riot, or that they saw it not, or that there was no Riot at all; yet the Parties shall be concluded thereby, and have no Remedy; and therefore the Justices shall do well to be advised what they Record.

Record must be formal and certain.

And, for that this Record of the Justices and Sheriff is a sufficient Conviction in itself against the Offenders, therefore it ought to be formal and certain, as well for the Time and Place, as also for the Number, Weapons, Manner, and other Circumstances; because the Parties are concluded thereby, and shall not be received to traverse, or deny it in any Point.

It must remain with one of the Justices, and not among the Records of the Sessions.

This Record ought to remain with one of the said Justices of Peace, and shall not be left among the Records of the Sessions of the Peace, it being made out of the Sessions, and not appointed to be certified thither.

And the said Justices of Peace (and no other) shall assess the Fines upon the said Offenders.

Fines must not be unreasonable or excessive; Not imposed jointly.

And such Fines must be reasonable and just, and not unreasonable and excessive.

Note also, that the Fine assessed in this and such like Cases must not be imposed upon all the Offenders jointly, but must be assessed upon every Offender severally. *Co.*

11, 43, 44.

It is not necessary that one of the Justices of Peace, which shall make Inquiry of a Riot, be of the *Quorum*.

Although the Words of the Statute are *the same Justices (ff. which came to see the Riot) shall inquire*; yet if any other two Justices of Peace of that County shall do it, that will suffice.

Also the Justices of Peace, although they go not to see the Riot, yet they may inquire thereof within the Month after.

All Indictments, &c. taken before Justices may be removed into B. R.

N. B. That all Indictments, Inquisitions or Presentments, taken and found before Justices of Peace, of any Riot, Forcible Entry, and other Thing against the Peace, may be delivered into the King's Bench by the Hands of the same Justices of Peace, before whom the same was found, or otherwise may be removed from the said Justices of Peace before the Justices of the King's Bench, by a *Certiorari*; in both which Cases the Justices of the King's Bench may proceed to hear and determine the same.

N. B.

N. B. For Riots in Cities and Corporations, which are armed with Power of Government within themselves, the Franchises may be seized, or the Corporation fined; as it happened in the Case of the Riot where Dr. Lamb was murdered, the City of London was fined 1000 Marks. *Pasch. 1 Car. 1.*

For Riots in Cities, Franchises may be seized.

Information against two Justices for not inquiring of a Riot found against either of them, good. *Style 245.*

A Fine upon Rioters cannot be less than ten Pounds for the Principal, and four Marks apiece for the Rest. *Style 303.*

The Month within the Stat. 13 H. 4. cap. 7. is not to be confined to twenty-eight Days, but to the Almanack Month. *1 Siderfin 186. Pasch. 16 Car. 2. B. R. The King versus Cousins & al'. 1 R. 1695. S. C.*

13 H. 4. c. 7. How the Month is to be computed.

J. S. and others were convicted in the County of Durham, upon the View of J. M. and W. B. Esq; two Justices of the Peace, and N. C. Esq; the Sheriff of the same County, of a Riot *contra formam Statuti de 13 H. 4. cap. 7.* and they were fined by the Justices, *viz.* J. S. 20*l.* and the rest 5*l.* a-piece; but the Sheriff did not join in setting the Fine. A Writ of Error was brought, and two Errors assigned, 1. It doth not appear that the Defendants were convicted by the View of the Justices. 2. The Sheriff did not join in the fining them. And the Statute saith, that the Sheriff is to be joined in the whole Proceedings. And for these Errors the Judgment was reversed. *Trin. 32 Car. 2. B. R. Raym. Rep. 386. Rex versus Tempest & al'.*

Judgment in County of Durham reversed. 13 H. 4. c. 7.

Two Justices of Peace (without the Sheriff) are finable if they do not all, which by the Statute of 13 H. 4. c. 7. ought to be done. *Dalt. 197. Lamb. 327.*

After Inquiry had, and the Riot found, the Justices have Power to hear and determine the same. *viz.* 1. To make out Process against the Offender under their own Teste. 2. To assess the Fine. 3. To commit till they have paid the Fine. 4. To deliver them after Payment of their Fine, or Sureties taken by Recognizance, or otherwise they may receive their Traverse, if the Matter will serve, and dismiss them. *Dalt. 203. Lamb. 323.*

But the Justices should send such Indictment or Inquisition to the next Quarter-Sessions, or into the K. B. together with the said Traverse, there to be tried. *Dalt. 203.*

Justices should send the Indictment to Quarter-Sessions or K. B.

Indictment of a Riot is not good, unless it say *contra formam Stat. inde editi & provisi.* *Cro. 102. a. Nu. 19.*

Rioters on a Rescue from a Bailiff, fined 500*l.* *Cro. Car. 506. Evans versus Cottingham.*

The Form of the Record of a Riot upon View.

Essex, ss. **B**E it remember'd, That on the 20th Day of August in the 8th Year of the Reign, &c.

* Or one Justice may make a Record, but not upon this Statute. The Record of one Justice is traversable, but not of two, because it is pursuant to the Statute.

* We A. B. and C. D. Esqs; two Justices of our said Sovereign Lord the King, assign'd to keep the Peace in the said County, and G. H. Bart. then Sheriff of the same County, upon the grievous Complaint and humble Supplication of I. P. of S. in the County aforesaid, Yeoman, We went in Person to the Dwelling-House of the said I. P. in the Parish of S. in the County aforesaid, and then and there saw T. B. of S. aforesaid, Labourer, and H. P. of H. in the said County, Yeoman, and other Malefactors and Disturbers of the Peace of our said Sovereign Lord the King, unknown to us, to the Number of seven Persons, with Swords, Staves, Bludgeons, Guns, and armed Clubs, and unlawfully, and riotously gathered together, at the same House, threatening many Evils upon the said I. P. to the great Disturbance of the Peace of our said Sovereign Lord the King, and the Terror of his People, and against the Form of the Statute in such Case made and provided: And moreover we the said A. B. and C. D. then and there caused the said T. B. and H. P. convicted by our View and Record of the unlawful assembling together, Tumult and Riot aforesaid, to be arrested and carried to the next Gaol of our said Sovereign Lord the King, in the County aforesaid, there to abide until they shall pay a Fine to our said Sovereign Lord the King for the same. In Witness whereof we have set our Seals to this our present Record. Dated at S. aforesaid, the Day and Year above-mentioned.

The Form of the Precept for summoning a Jury.

Two Justices within a Month after the Riot done. 23 H. 4. c. 7.

Essex, ss. **A**. B. and C. D. Esq; two Justices of our Sovereign Lord the King, assigned to keep the Peace in the said County, to the Sheriff of the said County Greeting: On the Behalf of our said Sovereign Lord the King, We command you, that you cause twenty-four honest and lawful Men of the County, every of which having Lands and Tenements within the said County, of Freehold, to the yearly Value of twenty Shillings, or to the yearly Value of twenty-six and eight-pence by Copy of Court-Rolls, besides all Rerisals, to inquire for our said Sovereign Lord the King, and for

For our Indemnity in this Particular, upon their Oath, of certain unlawful Disturbances and Riots lately committed, as it is said at M. aforesaid in the County aforesaid, and that you return upon every Person impannelled twenty Shillings in Issues to be by them forfeited, if they shall not appear that they may be sworn to inquire of the Premises at that Day: And this do you in no wise omit, under the Penalty of twenty Pounds: And have you there the Names of those Jurors, and this Precept. Dated under our Seals at M. aforesaid, on the 20th Day of August in the eighth Year of the Reign, &c.

The Form of the Inquisition.

Essex, ff. AN Inquisition taken for our Sovereign Lord the King at N. in the County aforesaid, on the 29th Day of October in the eighth Year of the Reign, &c. on the Oath of the Jury (naming them) honest and lawful Men of the County aforesaid, before A. B. and C. D. Esqs; two Justices of our said Sovereign Lord the King, assign'd to keep the Peace in the said County, and also to bear and determine divers Felonies, Trespasses, and other Offences in the said County; which said Jurors do upon their said Oath declare, That H. P. of S. in the County aforesaid, Yeoman, and other Malefactors Disturbers of the Peace of our said Sovereign Lord the King, unknown to the said Jurors, on the 20th Day of October last past, with Force and Arms, (that is to say) with Swords, Staves, Bludgeons, Guns, Clubs, and other offensive Weapons, unlawfully and riotously entered into the Messuage of D. H. in the Parish of H. aforesaid, between the Hours of Ten and Eleven in the Forenoon of the same Day, and made an Assault upon, beat and wounded the said D. H. to the great Disturbance of the Peace of our said Sovereign Lord the King, and Terror of his People, and against the Form of the Statute in such Case made and provided.

The Form of the Traverse, and the whole Record.

Essex, ff. ALSO (to wit) at the Sessions of the Peace, held at C. in the County aforesaid, on Thursday the 10th Day of October in the eighth Year of the Reign, &c. before H. D. and P. R. Esqs; and others their Associates, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said County, and also to bear and determine divers Felonies, Trespasses, and other Offences

Here receive the
Venire Facias.
The Clerk of
the Peace.

done and committed in the said County, by the Oath of twelve honest and lawful Men sworn, it is presented, that R. O. of H. in the County aforesaid, and T. P. of B. in the same County, with divers other Malefactors unknown, with Force and Arms, to wit, with Swords, Staves, &c. on the 10th Day of October, between the Hour of Ten and Eleven in the Forenoon of the same Day at H. aforesaid, riotously broke and entered the Close and House of one P. D. and then and there beat the said P. D. against the Peace of our said Sovereign Lord the King, and against the Form of the Statute in such Case made and provided; whereby the Sheriff was commanded that he should not omit, &c. and afterwards, that is to say, on the 19th Day of the said Month of October in the Year aforesaid, they the said R. O. and T. P. came before the said Justices in their proper Persons; and having heard the Indictment aforesaid, severally plead that they are not guilty thereof; and thereof they put themselves upon the Country; and W. W. who prosecutes for our Sovereign Lord the King in this Particular doth likewise the same; therefore let a Jury thereof come before the Justices of our said Sovereign Lord the King, assigned to keep the Peace in the said County, at the Sessions of the Peace at L. held on Thursday (such a Day) and who neither, &c. to recognize, &c. because as well, &c. the same Day is given to them the said R. O. and T. P. to be there, &c. at which said Sessions of the Peace held at L. aforesaid in the said County, on Monday (such a Day of the Month and Year) as well the said W. W. as the said R. O. and T. P. in their proper Persons came before the said H. D. and P. R. Esqs; and others their Brethren Justices of our said Sovereign Lord the King, assigned to keep the Peace in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Offences committed in the said County; and the Jurors aforesaid, to this Purpose impanelled and summoned by the said Sheriff (that is to say) (naming the Jury) likewise came, who being sworn to declare the Truth of the Premises declare upon their Oath, that the said R. O. and T. P. are, and each of them is, guilty of the Trespass and Riot above specified in such Manner and Form as is above alledged against them; therefore it is adjudged by the Court, that the said R. O. and T. P. be taken to satisfy our said Sovereign Lord the King for their Fines, by Reason of the Trespass and Riot aforesaid; which said R. O. and T. P. then and there present in the Court aforesaid, pray to submit themselves to a Fine to our said Sovereign Lord the King for the Reason aforesaid, and thereof they severally submit themselves to the Mercy of our said Sovereign Lord the King, and the Fine of the said R. O. is

by the said Justices assessed to 5 l. and the Fine of the said T. P. is by the said Justices assessed to 10 l. to the Use and Beboof of our said Sovereign Lord the King, &c.

4. What are unlawful Assemblies, and how punished.

If Stage-Players, by their Shews, occasion an extraordinary and unusual Concourse of People to see them Act their Tricks, this is an unlawful Assembly and Riot, for which they may be indicted and fined. 1 *Rol. Rep.* pag. 109. *Abley's Case*.

An unlawful Assembly, and an unlawful Act, make a Riot; but if the Assembly was lawful, without an ill Intent, and an Affray happen, the Actors only are guilty. But if the Assembly was unlawful originally, then the Fact will be imputed to all who were present. 2 *Salk.* 594. 6 *Mod.* 43, 141. *Rep. A. Q.* 100, 115. *Holt* 353. *Soley's Case*.

By Stat. 1 *Geo. 1. cap. 5.* where twelve or more are unlawfully, riotously and tumultuously assembled together, to the Disturbance of the Peace, and being required by a Justice, Sheriff or Under-Sheriff, Mayor or other Head Officer, by Proclamation in the King's Name (herein after mentioned) to disperse themselves, and shall, to the Number of twelve, or more, unlawfully, riotously and tumultuously continue together one Hour, they shall be adjudged guilty of Felony, without Benefit of Clergy.

1 *Geo. 1. c. 5.*
Stat. 1 *Geo. 1.*
is set forth.

The Justice, Sheriff, &c. or other Head Officer, shall come as near the Rioters as he can with Safety, and with a loud Voice command Silence whilst the Proclamation is making, and then read or cause it to be read in these Words, or to the like Effect.

The Proclamation.

ff. **O**UR Sovereign Lord the King chargeth and commandeth all Persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or lawful Business, upon the Pains contained in the Act made in the first Year of King George I. for preventing Tumults and riotous Assemblies.

God save the King.

If, after Proclamation made, the Offenders shall continue together one Hour, and not disperse themselves, it shall be lawful for any Justice, &c. or other Peace-Officer, and all Persons whom they shall command, to assist them to apprehend such Offenders, and carry them before a Justice.

If Offenders continue one Hour after Proclamation, it is Felony without Clergy.

Justice of Peace; and where any of them are killed in resisting the Person endeavouring to apprehend them, that Person shall be indemnified in so doing.

Any Rioters demolishing or pulling down, or beginning to demolish, &c. any Church, Chapel, or Building for religious Worship, certified and registred according to the Stat. 1 W. 3. cap. 18. or any Dwelling-House, Barn, Stable or Out-House, shall be a Felon without Benefit of Clergy.

Wilfully obstructing Proclamation is Felony without Clergy.

Any Person with Force wilfully obstructing another to make Proclamation, whereby such Proclamation shall not be made, shall be a Felon without Benefit of Clergy; and Rioters, knowing such Hindrance and Obstruction, and continuing together to the Number of twelve or more, afterwards, for the Space of one Hour, shall be Felons without Benefit of Clergy.

Hundred to make good the Damage of House, &c. demolished.

Where any Building is demolished in Part, or in Whole by the Rioters, the Inhabitants of the Hundred shall answer the Damages to the Persons injured, to be recovered in the Courts at *Westminster*, against any two or more of the Inhabitants thereof, to be levied and paid in such Manner as provided by the Stat. 27 *Eliz. c. 13.* And if the Action is brought for Damages done to a Church or Chapel, it must be in the Name of the Rector, Vicar, or Curate; and when recovered, it must be applied to the Rebuilding or Repairing such Church.

Prosecution must be within a Year.

Prosecutions upon this Act must be commenced within one Year after the Offence committed.

Every Justice within his Jurisdiction is required, on Notice or Knowledge of any riotous and tumultuous Assembly, to resort to the Place, and there to make, or cause to be made, Proclamation in manner aforesaid.

And this Statute against Rioters is to be read openly at every Quarter-Sessions. 1 *Geo. 1. cap. 5.*

Where three or more are indicted for a Riot and a Battery, if the Defendants are acquitted of the Riot, they are also of the Battery. *Rex versus Heaps*, 2 *Salk.* 594. 3 *Mod.* 141. *Hawk. P. C.* 155.

Both an unlawful Assembly, and an unlawful Act, are necessary to make a Riot; if three or more assemble lawfully, without any evil Intention, and an Affray happens, none are guilty but such as act; but if the Assembly was originally unlawful, the Act of one is imputable to all. 2 *Keb.* 558. 6 *Mod.* 43. 2 *Salk.* 594, 595. 6 *Mod.* 140. *Holt* 636. *Pew's Case.*

Where several Persons are lawfully assembled, and quarrelling, the rest of them fall upon one of their own Company, this is no Riot; but if it be on a Stranger, it is a Riot,

Riot, and the Moment the Quarrel begins, they begin to be an unlawful Assembly. 2 Salk. 595. Holt 636. Ellis's Case.

A Mittimus to the Gaol upon View, &c.

Midd. ff. **U**PON Complaint made unto us J. S. and J. B. Esqs; two of his Majesty's Justices of Peace for the County aforesaid, by A. B. of, &c. we did this present 20th Day of October go to the House of, &c. and there we did see C. D. and E. F. and others, assembled together in a riotous and unlawful Company, at K. aforesaid to the Terror of the People, and against the Peace of our Sovereign Lord the King, and against the Form of the Statute in that Case made and provided: We do therefore herewithal send you the Bodies of the said C. D. and E. F. they being convicted of the said Riot by our own View, Testimony and * Record, commanding you the said Gaoler to receive them into your Custody, and safely to keep them until they shall from thence be delivered by due Course of Law. And hereof fail not. Given, &c.

Or this may be by one Justice.

* You must be sure to record it, ut prius.

An Indictment for a Riot.

Essex, ff. **T**HE Jurors, &c. do present, That A. B. late of † L. in the County aforesaid, Yeoman, C. D. late of J. &c. and E. F. late of such a Place, &c. on the 29th Day of October in the eighth Year of the Reign, &c. with Force and Arms, &c. that is to say, with Swords, Staves, Knives, &c. riotously and unlawfully assembled, and gathered themselves together at L. aforesaid in the County aforesaid, to disturb the Peace of our said Sovereign Lord the King, then and there made an Assault upon one L. M. then being in the Peace of God and of our said Sovereign Lord the King; and then and there beat, wounded, and ill treated the said L. M. and brought other Wrongs upon him, to the great Damage of the said L. M. and against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the Form ‡ of the Statute in such Case made and provided.

† If there is no Addition of Place the Indictment may be quashed. 1 Bull. 183.

‡ If these Words are omitted, the Indictment is not good.

Ribbers. Vide also Thames, Flood-Gates, and Sea-Banks.

SEE the 11 Geo. 1. c. 19. for making the River *Nine* 11 Geo. 1. c. 19. or *Nea* navigable from Peterborough to Northampton; also 12 Geo. 1. c. 38. for the River *Dun* in the West- 12 Geo. 1. Riding c. 38.

Riding of *Yorkshire*, from *Homefile* in *Doncaster* to the farthest Extent Westward of the Township of *Tinsley*; and
 13 Geo. 1. c. 4. 13 Geo. 1. c. 4. for cleansing and widening the Creek called *Beverley Beck*, which runs from thence to *Hull*; and
 13 Geo. 1. c. 20. by 13 Geo. 1. c. 20. the Mayor, Aldermen, and Burgesses of *Doncaster* are appointed Undertakers for improving the Navigation of the aforesaid River *Dun*; and cap. 33. the like for the River *Ouse*; cap. 34. for explaining and amending the Act 7 & 8 W. 3. for making navigable the Rivers *Wye* and *Lugg*.

1 Geo. 2. sect. 2. c. 19.

See also the Stat. 1 Geo. 2. ff. 2. c. 19. for punishing such as maliciously destroy Locks, or other Works, erected by Authority of Parliament for making Rivers navigable.

3 Geo. 2. c. 11

Likewise 3 Geo. 2. c. 11. for ascertaining the Rates to be taken for Water-carriage on the Rivers between *London* and *Cricklade*, &c. and see c. 13. to make the River *Stroudwater* navigable, from the River *Severn* in the County of *Glocester* to *Walbridge* near the Town of *Stroud* in the same County; and see c. 35. relating to the Payment of Tolls, &c.

Roads. Vide Highways.

Robbery. Vide also Felony, Hue and Cry, and Hundred.

Robbery, what it is.

Robbery is properly the felonious Taking any thing from the Person of another, or in his Presence, against his Will, by Assault in the Highway or elsewhere, and putting him in Fear thereby; and here although the Thing taken be but the Value of an Half penny, yet it is Felony without Benefit of Clergy. 1 Cro. 33. b. Lamb. 267.

5 Eliz.

But if a Felon take Money from me in the Highway, and do not put me in Fear, or assault me, it is not Robbery. 1 Cro. 34. b. Dyer 240. 40 Shillings so taken, Clergy allowed. 5 Eliz.

If a Thief take nothing from my Person, but assaulteth me, whereby he getteth any thing from me, it is Robbery; as if I cast my Purse on the Ground, and he taketh it away, &c. Lamb. 268.

What is not Robbery.

But one finding a Purse in the Highway, denies it, this is not Felony.

To make it Robbery, the Person must be put in Fear. Cro. 34. b.

To assault one to rob him, without taking any Thing, is not Robbery. *Ibid.*

So

So the Bidding of one to stand and yield his Money is no Robbery; for there was but an Intent, and no Act done in Pursuance of it. 9 Ed. 4. f. 28. Hale P. C. 71.

One with his Sworn drawn bids me deliver my Purse, and after prays me to give him a Penny, and I do so accordingly; this seemeth to be Robbery; for the Fear he put me in was the Cause thereof. *Crom.* 34. So if I, flying from a Thief, cast my Purse into a Bush, and he takes it up, this is Robbery; for the Fear, &c. was the Cause of throwing it there. *Cromp.* 35. H. P. C. 73.

Cases of Robbery.

If a Thief bids me deliver my Purse, which I do, and he finding but 2 s. in it, gives it me back again; this is Robbery, though no Force be used. *Crom.* 34.

A Thief compels me to swear that I will bring him a Sum of Money to such a Place at another Time, or else he will kill me, and I bring the Money, &c. this is Robbery; or if the Wife receives it, this is a Taking. 44 Ed. 3. 14. 4 H. 4.

N. B. In Case of suing the Hundred on a Robbery, a Man is allowed to be a Witness in his own Cause *propter necessitatem rei.*

Cutting of a Purse, picking of a Pocket secretly and privily, is no Robbery.

By Stat. 6 Geo. 1. cap. 23. the Streets of London and Westminster, and of other Cities, Towns and Places, shall be deemed Highways; and all Certificates hereafter to be signed for Convictions for Robberies shall be signed and paid without any Deduction or Fee, excepting 5 s. for writing and drawing the same, as well where the Offender pleads Guilty, as where he is convicted on Evidence; the Person taking any other Fee or Reward, forfeits 40 l. to be recovered by Action of Debt, &c. in the Courts at Westminster, to the Use of the Person intitled to such Certificate.

6 Geo. 1. c. 23. London Streets are Highways.

Where a Servant is robbed, he must be sworn as to the Robbery; and two Servants, each having Money of their Masters in their Possession, were robbed; one took the Oath, according to the Statute, of the Robbery: This is not sufficient to entitle the Master to an Action for the Money in the Possession of the other Servant. *Show. Rep.* 94.

Where two Servants were robbed.

A Person coming to inhabit in the Hundred after the Robbery committed, and before Judgment, is assessable, because the County is chargeable at the Time of the Assessment, and not the Persons which were there at the Time of the Robbery committed, Sir *John Compton's Case*, 15 Car. B. R. Nov 155.

Persons coming to live in the Hundred, when to be taxed.

But

Robbery.

But a Person coming to inhabit after the Robbery and Judgment given, is not chargeable to be taken in Execution; and to was the Opinion of the Court in one *Dean's Case*. *Mich. 10 Car. 1. in C. B. Hutt. 125.*

What Hundred must be sued.

Where a Man is seized in one Hundred, and carried into another Hundred by Day-light, and afterwards robbed in the Night there, the Party robbed is without any Remedy. *1 Ann. B. R. Hundred of Basingst. Case.*

Persons neglecting to make Hue and Cry, or who do not pursue it, may be fined and imprisoned.

Cases where Clergy is not allowed.

Robbing a House, or any Out-house, as a Barn or Stable, in the Day, to the Value of five Shillings, any Person being or not being therein.

Robbing a House by Day or by Night, any Person being therein, and thereby put in Fear.

Robbing any Person in any Part of his Dwelling-house, the Owner or Dweller, Wife, Children or Servants being in any Part thereof sleeping or waking.

Breaking a House in the Day-time, and stealing to the Value of five Shillings, any Person being or not being therein.

Robbing any Booth or Tent in Fair or Market, the Owner, his Wife, Children, or Servants being in the same, sleeping or waking. All these are ousted of Clergy. *Lamb. 265. 39 Eliz. cap. 15. 5 & 6 Ed. 6. cap. 9. 3 & 4 W. & M. cap. 9. 10 & 11 W. 3. cap. 3.*

Statutes.

Cases of Robbery.

One *B.* and another came in the Night-Time to a Tavern in London to drink, and after they had drank, *B.* stole a Cup in which they had drank in the Chamber of the said House; the Owner of the House and Cup, his Wife, and Servants being in the House: Agreed at the Sessions at the *Old Baily*, that this was not Burglary, but Robbery, without Benefit of Clergy, within Stat. *5 & 6 Ed. 6. cap. 9. Popb. Rep. p. 84. Bayne's Case, Kelyng's Rep. p. 68. contra.*

A Man robbed another of 49 s. upon the Highway: Ruled to be no Robbery, unless it be found that the Person was put in Fear. *Trin. 5 Eliz. Dyer 224.*

Two Men came into a publick House to drink, and were shewed by the Servant, who was confederate with them, into a Room next to a Chamber in which some Money was locked up in a Trunk, and the Servant came to them, and they broke open the Trunk, and took away the Money. Chief Justice *Kelynge*, Judge *Twisden* and *Wilde* were of Opinion, that this is but Felony, and does not make an actual Breaking of the House. But in that Case, if they, being in the House, break open any Chamber Door, and steal Goods: This is an actual Breaking of

of the House. Or if they break open any Thing which is fixed to the Freehold, as a Cupboard-door in a Wall, &c. 8 Car. 2. *Kelynge's Rep.* 58. *The Johnson, John Girelans, and Elizabeth Powell's Case.*

Robbery in a House is distinguished from that which is but mere Larceny; for Larceny is only fraudulent, without any actual Force; and a Robbery is done with Force. So the actual Breaking a House makes it Burglary. For if the Door of a House be open, and a Thief enter in the Night and steal Goods; this is only Larceny and no Burglary, because there was no Force, which is that which distinguisheth Robbery from Felony.

How Robbery differs from Larceny.

Now the Force, which will make a Robbery of a House, may either be an actual Breaking of the House, or an Assault upon the Person. *Kelynge's Rep.* 68, 69.

An Indictment for Robbery.

Essex, ss. **T**HE Jurors, &c. do present, That A. B. of such a Place in the County aforesaid, (such a Day and Year) &c. with Force and Arms, between the Hours of 1 and 4 in the Afternoon of the same Day, in the King's Highway, near a certain Place called B. in the Parish of C. in the County aforesaid, made an Assault upon one C. D. of such a Place in the County aforesaid, Grocer, then and there being in the Peace of God and our said Sovereign Lord the King, and then and there violently and feloniously took and carried away from the Person of the said C. D. 8l. of lawful Money of Great Britain in current Coin of this Kingdom of the Goods and Chattels of the said C. D. then and there found, to the great Terror of the said C. D. and against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

Rogues. Vide Vagrants.

Rum. Vide Spirituous Liquors.

Sabbath. Vide Lord's Day.

Sacraments.

THREE Justices of Peace (*Quorum* 1.) may out of the General Sessions take Information and Accusation, by the Oaths of two Persons, against such as shall deprave or irreverently speak of the Sacrament of the Body and Blood of our Lord and Saviour Jesus Christ, against

Three Justices to take Information against those who deprave the Holy Sacrament.

1 Ed. 6. c. 1.
1 M. c. 1.
3 Eliz. c. 1.
1 Ed. 6. c. 1.

The Punishment for so doing.

gainst the Statute, &c. and may bind the Accusers and Witnesses by Recognizance (in five Pounds a-piece) to give in Evidence at the Trial. The Stat. of 1 Ed. 6. cap. 1. was repealed by 1 M. cap. 1. but it is revived by 1 Eliz. cap. 1. in such Manner as the same was 1 Ed. 6. cap. 1.

And such Person being indicted at the Sessions, and found Guilty of depraving, despising, or contemning the blessed Sacrament, by Words or otherwise, shall suffer Imprisonment, and make Fine and Ransom at the King's Pleasure.

Justices of Peace in Sessions may hear and determine Offences and Contempt against that Act, so as the Parties offending be informed of, or presented within three Months after the Offences committed.

The Justices may award *Capias*, *Exigent*, and *Capias Utilegal*' into that or any other County, and three of them may bail the Offender in Order to his Trial.

May award a Writ to the Bishop.

And they may award a Writ to the Bishop, to be present at the Trial of Offenders against the Statute concerning the most Holy Sacrament of the Altar. Which Writ must be directed to the Bishop of the Diocese.

14 Car. 2. c. 4.
15 Car. 2. c. 4.
5 Geo. 1. c. 6.

Of the Uniformity of Common Prayer and Sacraments, see the Statute 14 Car. 2. cap. 4. at large, and 15 Car. 2. cap. 4.

5 Geo. 1. c. 6.
Clause in 5 Geo. 1. to indemnify for not taking the Sacrament.

By Stat. 5 Geo. 1. cap. 6. the Oath and Declaration required to be taken by 13 Car. 2. by all Officers whatsoever, of Cities, Coporations, or Boroughs, &c. stands repealed: And whereas by the same Act, the Offices of all Persons chosen into any Offices whatsoever, in Cities, &c. that have not within one Year next before such Election, taken the Sacrament of the Lord's Supper, according to the Rights of the Church of England, shall be void: By 5 Geo. 1. cap. 6. such Persons shall be confirmed in such Offices, &c. notwithstanding the not having taken the Sacrament as aforesaid, and shall also be indemnified from all Penalties whatsoever thereby incurred; nor shall any Person hereafter to be chosen into any Offices aforesaid, be removed by the Corporation, or otherwise prosecuted for such Omission, nor shall incur any Disability or Penalty, unless such Person be so removed, or Prosecution commenced within six Months after being in such Office; which Prosecution must be carried on without wilful Delay.

9 Geo. 2.

The Time for receiving the Sacrament, &c. to qualify for Preferments is enlarged from three Months to six Months, by 9 Geo. 2.

Sacrilege.

Sacrilege.

THIS is a Felonious Taking Goods out of any Church or Chapel. And this is an Offence for which the Offender shall have no Benefit of Clergy, and that even at Common.

Sail Cloth. Vide **Linen Cloth.**
Salmon. See **Fish.**

Salt.

BY Stat. 5 & 6 W. 3. cap. 7. a Duty of three Pence 5 & 6 W. 3. c. 7.
per Gallon, over and above all other Duties then payable, was laid on all foreign Salt imported, and a Duty of one Penny per Gallon was laid upon Salt made in *England*; these Duties at first were but temporary, but by Stat. 7 & 8 W. 3. cap. 31. these Duties were continued 7 & 8 W. 3. c. 31. for ever; and by Stat. 9 & 10 W. 3. cap. 44. a further Duty of seven Pence per Gallon was laid on all foreign Salt imported, and a Duty of three Pence Half-Penny per Gallon, on all Salt made in *England* for ever. 9 & 10 W. 3. c. 44.

[- By Stat. 5 & 6 W. 3. cap. 7. Owner of Salt seiz'd, c & 6 W. 3. c. 7. not making it appear before the next Justice, within ten Days after Seizure, by Oath of one Witness, that the Salt was duly entered, and that there was a Warrant for carrying away the same, shall forfeit the Salt and double the Value to the King and Seisor. One Justice to take Affidavits of the Quantity of Rock-Salt, melted and refined; and Justices to set Prices of Salt and Rock-Salt, to be sold by the Maker, at *Easter* and *Michaelmas* Sessions, for the half Year next ensuing. What Owner must do when Salt is seized.

By Stat. 9 & 10 W. 3. if any have paid the Duty, and ship'd Salt, and the Ship be taken, or perish at Sea, the Owner, on Proof made in Sessions of the Loss of such Salt, shall receive a Certificate from Sessions; and on producing it to the Officer, Owner shall be permitted to buy and ship the like Quantity mentioned in the Certificate, without paying any Duty for the same. 9 & 10 W. 3. If Salt is lost at Sea, Duty to be allowed.

Lord Mayor and Court of Aldermen of *London*, within the Bills of Mortality, and Justices of Peace in Sessions, may set and publish in Writing the Price of Salt; and Persons selling at a higher Price, or refusing to sell at the Price so set, forfeit for every Offence 5*l.* to the King and Informer, Lord Mayor, &c. to set the Price on Salt.

Informer, to be levied by Warrant from the Lord Mayor, or one Justice, by Distress, &c.

Salt must be fold by Weight. Salt shall be sold by Weight, fifty-six Pounds Weight to the Bushel, on Penalty of 5 *l.* to the Informer. Two Justices to hear and determine Offences against this Act. Appeal to Quarter-Sessions who may determine finally. Party accused to be summoned, to be examined about the Matter of Fact. Two Witnesses, or Confession. Penalty to be levied by Distress and Sale in six Days, if not redeemed. For Want, Imprisonment till Satisfaction made. 40 *s.* Penalty for Officer not attending (on Notice) to see Salt Weighed to be shipped off; to be levied as before, and disposed of so.

1 Ann. c. 13.
Must not be removed before Duty is paid.

By another Act made 1 *Ann. cap. 13.* and another made 9 *Ann. cap. 21.* Persons removing or conveying Salt from Salt-Works, or Place thereunto belonging, without due Entry and Payment or Security, or without Warrant, Ticket, or License, forfeit 40 *l.* and the Salt. If no Distress, to be committed to the House of Correction and whipped, and kept to hard Labour not exceeding a Month.

Not suffering Officer to enter, forfeits 40 *l.*

Refusing to permit an Officer to enter into Works or Warehouses in the Day or Night, in the Presence of a Constable, forfeits 40 *l.*

Abusing an Officer, 30 *l.*

Persons hindering, or obstructing any Officer for the Salt-Duties, in the Execution of his Office, or who shall beat or abuse them, forfeit 20 *l.* On Refusal of Payment, Distress, &c. for Want to be sent to the House of Correction as aforesaid. Proof of Offence before one Justice.

No Salt-maker shall act as a Justice of Peace in any Matter relating to Duties on Salt.

2 & 3 Ann. c. 14.
No Salt to be brought from Scotland.

By a Stat. made 2 & 3 *Ann. cap. 14.* no Salt is to be imported from *Scotland, Ireland, or Isle of Man,* on Penalty of 20 *l.* or six Months Imprisonment. No Salt to be brought into *England* from *Scotland,* by Land, on Forfeiture of the Salt, and 20 *s.* a Bushel. Persons so doing may be apprehended and brought before a Justice; on Proof of the Fact, Offender to pay Penalties as aforesaid.

No Salt to be delivered from any Salt-Works without Notice to the Officer appointed for that Purpose, on Forfeiture of the Salt, and 20 *l.* by Owner of the Salt-works.

Carrying Salt without a Permit forfeits 20 *l.*

Carrier conveying Salt without a Warrant or Permit forfeits 20 *l.* Salt shipped for Exportation, and perishing in Port, by sinking of the Ship, &c. before Exporter is allowed for a Draw-back, in such Case Exporter, on Proof before Justices at Quarter-Sessions, and on Certificate, &c. from Justices to Collector, &c. Proprietor may buy like Quantity, Duty-free. One Moiety of Penalties to the King,

King, the other to Informer; to be recovered as by Laws of Excise, or in any other Court of Record.

By 12 *Ann. cap. 2.* Master of a Vessel producing a Certificate to Collector of Salt-Duties, that Duties were paid or secured to be paid, and making Oath of the Quantity in such Certificate, and that the said Salt is for curing Fish at *North Seas*, or *Island*, shall; if the said Vessel be lost at Sea, or taken by the Enemy, on producing Certificate to, &c. have Duty repaid, or Security discharged; provided Proof be made within nine Months after Loss.

By Stat. 5 *Geo. 1. cap. 18.* for better securing the Duties on Salt, Offenders in Default of Payment to be sent to House of Correction for three Months.

In Suits relating to the Salt Acts, the Defendant may plead a General Issue, and give the Special Matter in Evidence; and if the Verdict pass for the Defendant, or the Plaintiff be Nonsuit, he shall have double Costs.

No *Certiorari* shall supersede Execution, or other Proceedings, upon any Order made by the Commissioners of Salt, or Justices of Peace, in Pursuance of this Act.

All foreign Salt, imported, cellared, and locked up before the 24th of *June 1719.* in the Presence of an Officer for the Salt-Duties, shall at the Desire of the Proprietor, or his Agent, be turned over as Stock in Hand, for the Use of the Fishery, free from Duty, subject nevertheless to the same Conditions and Restrictions as all other foreign Salt intended for the Use of the Fishery, and imported after the 24th of *June 1719.*

By 6 *Ann. cap. 12.* and 12 *Ann. cap. 2.* Salt shipped for *Ireland*, &c. and lost at Sea, or taken by Enemies, the Proprietor or Exporter is to make Proof thereof, within a Month after, before the Justices at their Sessions, and the Duty is to be allowed.

By Stat. 8 *Geo. 1. cap. 16.* every Maker or Curer of white Herrings in that Part of *Great Britain*, called *England*, *Wales*, and *Berwick upon Tweed*, before he remove any White Herrings, (except for Exportation) from the Office or Place where cured, must enter them at the next Salt-Office, and pay the Duty. And the Quantity must be marked on the Cask; and upon the Entry and Payment of the Duty, the Salt-Officer to give a Permit.

White Herrings removed or carried away before Entry, and Duty paid, or Cask marked, are forfeited, and forty Shillings for every Cask or Vessel removed. One Moiety to his Majesty, the other to the Officer who shall seize the same.

To be recovered, levied, and mitigated in such Manner as Penalties by any Law of Excise are recoverable.

3 Geo. 2. c. 20.

By a Stat. made 3 Geo. 2. cap. 20. all the Duties on Salt, except three Pence per Gallon on foreign Salt imported, were taken off, and the Statutes relating thereto repealed; but by a Statute made 5 Geo. 2. they are revived, and again laid on to continue for three Years to commence from the 25th of March 1732.

A Warrant to levy the Forfeiture on a Person for selling Salt by unlawful Measure.

9 & 10 W. 3.

Essex, *ff.* **W** Hereas it hath been duly proved before us A. B. and C. D. Esqs; two of his Majesty's Justices of the Peace for the County aforesaid, that E. F. of your Parish, hath lately at divers Times, and particularly on, &c. sold several Quantities of Salt by the Bushel, and not by Weight, at the Rate of fifty-six Pounds to the Bushel (or, by Weight under fifty-six Pounds to the Bushel) contrary to the Statutes in that Case made: These are therefore to command you to levy the Sum of 5 l. which the said E. F. hath forfeited by the Offence aforesaid, on his Goods and Chattels, by Distress and Sale thereof, if not redeemed in six Days, and that you do pay the same to, &c. who hath given us Information of the said Offence. Given, &c.

A Warrant and Commitment of a Person conveying away Salt before Entry made, and Duty paid.

1 Ann. c. 13.

W Hereas A. B. of, &c. Officer for collecting the Duties upon Salt on, &c. of this Instant, &c. made Information on Oath before me, that C. D. of, &c. Carrier, on, &c. last past, carried and conveyed from the Salt-works of, &c. situate, &c. a large Quantity of Salt, not being entered at the Salt-Office, or the Duty paid for the same, as the Acts of Parliament require; whereupon the said Salt hath been seized as forfeited: And the said C. D. being this Day apprehended and brought before me, but not being able or refusing to pay the Penalties inflicted by Law for such Offences, and having no Goods whereof a Distress may be taken for the same: These are therefore in his Majesty's Name, to command you to convey the said C. D. to the House of Correction at, &c. aforesaid, and to deliver him

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to the Keeper thereof: Hereby requiring you the said Keeper, to receive the said C. D. into your Custody, and him there to keep at hard Labour, for the space of one Month, according to the Direction of the Statutes in that Case made. Given, &c.

A Warrant to levy the Forfeiture for refusing an Officer Entrance, and abusing him, &c.

Essex, ff. **W** Hereas Information has been this Day given unto us J. S. and M. N. two of his Majesty's Justices of Peace for the County aforesaid, by A. B. Officer concerned in the Duties of Salt, that C. D. of your Parish, on, &c. last, refused the said A. B. Entrance to the Salt-works of him the said C. D. situate in, &c. though there was a Constable then present to attend him (or, that C. D. on, &c. did beat, abuse, or threaten the said A. B. in the Execution of his Office) contrary to the Statutes in that Case made; whereby he hath forfeited the Sum of, &c. These are therefore in his Majesty's Name to command you to levy the said Sum of, &c. on the Goods of the said C. D. by Distress and Sale thereof, and if he has not sufficient Goods, whereby a Distress may be taken, that then you do convey him to the House of Correction, &c. Given, &c.

9 Ann. c. 21.

Scavengers. Vide also Highways.

THAT the Highways of this Kingdom in general, are in a nasty Condition, and that the Streets of London and Westminster, and the Out-parts in particular, are ill paved, ill cleaned, and ill lighted, is too obvious to every one's Sight, to need any further Demonstration.

The Highways are in a nasty Condition.

The Highways in some Places have been much mended, by Reason of Turnpikes erected by particular Acts of Parliament, obtained with much Trouble and great Expence. In others they are little the better, through Knavery and Mismanagement, tho' great Sums have been, and still are daily raised.

But though there have formerly been several Acts of Parliament for the Paving the several Streets in London, and the Out-parts, as particularly in the 24, 25, 32, 34 & 35 H. 8. 13 & 23 Eliz. yet I do not remember any Statute for cleaning or lighting the Streets of London or Westminster, before the Restoration of King Charles II. but in the 13th and 14th Year of his Reign, an Act passed,

No Stat. for cleaning the Streets before the Restoration of K. Cha. 2. But since these Statutes have been made 13 & 14 Car. 2.

impowering the King to nominate twenty-one Commissioners, besides certain others therein named, to survey, order, and manage the Highways, Streets, &c. of London and Westminster, and Suburbs and other Places, within the Bills of Mortality.

It is true this Act is expired, and it being in a good Measure copied in most of the other Acts since made on this Subject, I shall not transcribe any of the Clauses in it, nor shall I enlarge on the Statute made the 19th of King Charles 2. because being made the Year after the Fire of London, it serves chiefly for vesting the sole Power of paving, cleaning, and lighting the Streets, &c. within the City of London and Liberties thereof, in Commissioners, as it is hoped those of Westminster, and the Out parts, will shortly likewise be for the future.

19 Car. 2. c. 3. The Statute of 22 & 23 Car. 2. confirms and makes perpetual that of the 19 of the said King, which was only temporary before, and settles the Power of the Commissioners, and gives them Power of raising Money, and laying Taxes, &c. within the City of London, and Liberties thereof.

2 W. & M. c. 5. And this was all that was done in this Affair, till the second Year of W. & M. when an Act passed, which is the Basis or Ground-work on which the Law, in a great Measure, now stands in this Matter.

Inhabitants to sweep their own Doors. By this Statute Inhabitants within the weekly Bills of Mortality, in Middlesex, Westminster, Southwark, and Kensington, are enjoined to sweep the Streets before their Houses every Wednesday and Saturday, or they forfeit for every Neglect 3 s. 4 d.

8 & 9 W. 3. c. 37. N. B. This Penalty, by another Statute made 8 & 9 W. 3. cap. 27. is increased to 10 s.

None to lay Dirt, &c. Laying Dirt, &c. in the Streets before their own Houses, forfeits 5 s.

Laying Ashes, Dirt, &c. before the Houses and Walls of other Persons, or before Church-Walls, or throwing any noisom Thing in the Common Shore, Highway, or private Vault, forfeits 1 l.

The respective Church-wardens, and Keepers of his Majesty's Palaces, and the Keepers of the Courts of Justice, suffer the like Penalties for the like Offences.

None to hoop Vessels in the Streets, &c. Hooping or cleaning the Vessels in the Streets, mending empty Coaches, or sawing Timber or Stone, forfeits for every Offence 1 l.

Scavengers to come daily. Scavengers, every Day, except Sunday or Holiday must bring Carts, and give Notice of carrying away the Dirt, or forfeit 2 l.

Streets,

Streets, Lanes, and Allies, paved at the Time of making the Act, are to be kept so at the Charge of the Inhabitants, before their respective Houses, or forfeit for every Perch or Rod 1 *l.* and for every Week afterwards, till it is done, 1 *l.*

Inhabitants to pave their own Doors.

One or more Justice or Justices may certify to Sessions what new Ways are fit to be paved, and the Sessions may take such Order as they shall think fit, and the Inhabitants of Houses adjudged to be paved or mended must do the same from such Houses to the Middle of the Highway, or forfeit for every Perch not paved or mended 2 *l.* and for every Week afterwards till done 2 *l.* And when paved, &c. must be kept so, or forfeit 1 *l.* and for every Week afterwards till done 1 *l.*

Justice to certify to Sessions what new Ways are to be paved, &c.

Ancient Streets must be maintained according to Custom.

Assessments for Scavengers of the Parishes of St. Anne's and St. James's shall be rated according to the Custom of the City of Westminster, and new Houses to be built are to pay proportionably with others.

How Scavengers Rates are to be laid.

On Monday and Tuesday in Easter Week, yearly, two Tradesmen of the Parish must be chose by the Constables, &c. who must take upon them the Office, within seven Days after the Election and Notice, or for their Refusal forfeit 10 *l.*

When Scavengers are to be chosen.

And then new ones must be chosen, who must take on them the said Office, under the like Penalty, to be paid to the Surveyors of the Highways, and to be employed towards repairing the Highways. It is to be levied by Warrant of one Justice, &c. and in Default of Distress and Payment within six Days after Demand, the Offender must be committed.

Within twenty-eight Days after new Scavengers are chosen, the old ones must account before two Justices for the Money assessed and collected, and what remains in their Hands must be paid to the new ones.

When they are to account.

Justices, &c. at Petit Sessions may give Scavengers Liberty to lodge their Dirt in vacant Places, near the Streets, satisfying the Owners: And if their Demands are unreasonable, Justices, &c. may moderate it.

Sessions give Power to lodge their Dirt.

Persons aggrieved by a Tax, &c. or Determination of any Justices, &c. may appeal to the Sessions whose Order is final.

Order of Sessions is final.

One or more Assessments, not exceeding 4 *d.* per Pound for Lands, and 8 *d.* for every 20 *l.* of personal Estate, may be made every Year by such Persons as the Sessions shall think fit; and the Money thus assessed shall be raised and applied to the Highways, according to their Direction.

Assessments to be made at Sessions.

This is to be levied by Distress and Sale, &c. if not paid within fourteen Days after Demand, rendering the Overplus, Charges deducted.

New Sewers, to whom subject.

New Sewers made in any of the said Parishes since 12 Car. 2. shall be subject to the Commissioners of Sewers, who may direct making new Ones, and alter any Necessaries, cross Gutters, and Channels in the Streets or Lanes.

Candles must be hung out nightly, or pay to Lamps.

Candles must be hanged out of such Houses which join to the Streets, from *Michaelmas* to *Lady-Day*, and from the Time it grows dark, till Twelve of the Clock at Night, or forfeit 2 s. except the Inhabitants agree to use Lamps.

How the Wheels of Carts must be made.

The Wheels of Carts must be six Inches in the Felly, and without Iron, and drawn only by two Horses after they are up the Hills near the Water. Owners offending forfeit for every Time such Cart is used 2 l. for the Uses, and to be levied as aforesaid.

Country Carts, and Carts carrying Goods Half a Mile beyond the paved Streets are excepted.

Swine not to be kept near Houses.

Swine may not be kept in the House or Back-sides of the paved Streets, on Pain of forfeiting them to the Poor.

Officers may in the Day-Time, by Warrant from the Lord Mayor, or one Justice, &c. search for Swine, and drive them away and sell them, and deliver the Money to the Church wardens, &c. for the Use of the Poor.

Cleaning Streets in London must be managed as formerly. Lord Mayor, &c. may present, upon View.

The Cleaning of the Streets, &c. within the City of London and Liberties thereof, shall be managed according to the antient Usage of that City.

Lord Mayor or any Alderman may present upon View, any Offence within the City and Liberties thereof, and may assess Fines, not exceeding 20 s. for every Offence, to be paid to the Chamberlain of London, for the Use of the City.

22 & 23 Car. 2. c. 17. In Suits Defendants may plead the General Issue, &c.

In Actions commenced for putting 22 & 23 Car. 2. c. 17. (intituled an Act for the better paving and cleansing the Streets, &c. in the City of London,) or this Act in Execution, the Defendant may plead the General Issue, and the Act or Special Matter in Evidence; and if the Plaintiff is Nonsuit, discontinue, or a Verdict against him, shall pay treble Costs. And Highways leading from the East-side of *Clerkenwel* to *St. John's Street*, shall be paved as that Act directs.

8 & 9 W. 3. c. 37. Where one side of Street is paved, and the other not.

By Stat. 8 & 9 W. 3. cap. 37. where one Side of a Street or Lane lies within the Bills of Mortality, and the other Side without, the Justices of Peace may cause the respective Inhabitants to pave that other Side, under the same Penalty,

Penalty, as if the same had been within the Bills of Mortality.

Where there is any Liberty, Precinct, or Village within the Weekly Bills, that uses to repair their own Highways, and also perform Days Work to other Highways, and are or shall become unable, the Justices of Peace at their Special Sessions, to be held every four Months, may allow so many Days Work as the said Justices shall think fit to be employed by the Inhabitants of such Liberty, &c. and the Residue of the Days Work, as such Inhabitants are liable to, shall be employed in repairing the other Highways.

Justices may allow Days Work.

Owners of Hay brought into the Hay market, are to pay 3 *d.* per Load, and for Straw 1 *d.* to such as the Justices shall appoint, towards mending the Street called the Hay-market; on Refusal to pay, it is to be levied by Warrant from one Justice; and Distress and Sale in three Days.

How Highway is to be paved.

So much of the ancient Highway leading from *Tottenham-Court*, near *St. Giles's Pound* towards *Tyburn*, as is new built on both Sides thereof, shall be hereafter repair'd, pav'd, and maintain'd, by such Persons as have heretofore used to repair, pave, and maintain the same, under the Penalties aforesaid.

By Stat. 1 *Geo. 1. cap. 57.* the Quarter-Sessions may appoint Scavengers, and order the repairing or cleansing of the Streets in any City or Market-Town, and appoint Persons to make Assessments on all Owners and Occupiers of Lands and Houses equally, not exceeding 6 *d.* per Pound per Ann. to defray the Charges of such Scavengers, which may be collected by such as the Justices think fit, and levied in eight Days by Distress, &c.

1 *Geo. 1. c. 57.* Quarter-Sessions may appoint Scavengers.

Any Carman, &c. riding in a Cart or Dray, within the Bills of Mortality, not having another on Foot to guide it forfeits 10 *s.* to the Informer and the Poor of the Parish.

Carman riding in a Cart forfeits 10 *s.*

N. B. The Pavements of Streets are to be repaired by the Inhabitants of the said Streets, and the Scavengers are to be paid by the Parishioners: Persons are bound to repair their own Doors at their own Costs, they having the principal Benefit of it. And those Persons, who are thus bound to repair the Pavements, are to contribute to the Payment of the Scavenger's Rates. *Salk. Rep. 356.*

How Pavements are to be repaired.

By a Stat. made 2 *Geo. 2.* it is enacted, That on the 20th of *December* yearly, unless *Sunday*, and then the next Day, the Parish Officers and Vestries in every Parish in *Westminster*, and within the weekly Bills of Mortality, shall meet in the Vestry-Room or usual Place of Meeting, to make and return a List of a competent Number of In-

habitants, to two or more Justices at a Special Sessions for that Purpose, within ten Days after such Meeting; and the Justices are to hold such Sessions, and give Notice of Time and Place to the Constables, &c. at least two Days before, and shall out of the said Lists, by Warrant under their Hands and Seals, nominate two or more to be Surveyors of the Streets, Lanes and Allies for the ensuing Year; which Appointment shall be notified to them within six Days by the Constables, Headboroughs, or Beadles, and from thenceforth the Person appointed shall take on him the said Office; or if he refuse, then to forfeit 10 *l.* to be applied to the Uses directed by the Act; and in Case of Refusal, or of Death, the Justices are to appoint another fit Person on like Forfeiture; and if Constables, &c. shall not return such Lists to the Justices, they forfeit 10 *l.* for every Neglect.

Streets must
be surveyed.

Every Surveyor within ten Days after his entering on Office, and every six Weeks, or oftner, if the Justices think it necessary, shall take a View of all the Streets, Lanes, &c. and shall make a Return on Oath to the Special Sessions, to be holden in the Week preceding the Quarter-Sessions, under the Penalty of 5 *l.* each Justice, of the Names of all Persons whose Pavements shall be out of Repair; and the Justices shall examine the Return, and present the same in *English* to the next Quarter-Sessions, in which Presentments the Justices are to insert the Christian and Surnames of the Persons, whose Pavements shall be out of Repair, and the Streets or Places, and the Contents of the Pavements; and the Surveyors and Justices may present any Nuisances, and it shall have the Force of a Presentment on View by any two Justices of Highways being out of Repair, and the Quarter-Sessions are to proceed thereon accordingly.

Notice to re-
pair.

The Surveyors (if two Justices think it necessary) are to give publick Notice in the Church, on the next Lord's Day, of all Defaults, and the Names of the Persons Guilty; and if not mended in twenty Days after, the Surveyors may cause them to be repaired, and shall be reimbursed by the Parties who should have done the same; who if they refuse to pay, the Surveyors are to apply to any Justice, and on making Oath thereof, they shall be paid all Charges allowed as reasonable by the Justices.

Where any Paving belonging to an empty House is out of Repair, the Surveyors are to cause it to be made good, and are to give Account to the Justices at their publick Meetings, of all such Pavements as they think ought to be new paved, belonging to such empty House; and if the Justices shall think fit to have the same intirely new paved,

paved, the Surveyors shall cause it to be new paved, the Charges to be settled by the Justices, with Recompence to the Surveyors for their Trouble, to be levied on the next Tenant by Distress; and the Tenant, whether he pays it voluntarily or by Distress, is to stop out of his Rent so much as he pays; and if any House or Building be burnt or pulled down before the Sums so settled be levied, the Money shall be levied in like Manner on any Tenant of the new House or Building, which shall be erected in the Place of that so burnt or taken down, or on the Materials, which shall be liable to such Distress.

If any Surveyor neglect his Duty, he forfeits 40s. to be levied within one Month after the Offence committed.

Neglect of
Duty.

If any Justice neglect his Duty, he forfeits 5*l.* one Moiety to the Prosecutor, the other Moiety to the Uses of this Act, to be recovered by Action of Debt, &c. such Prosecution to be commenced within six Weeks after such Neglect.

Neglect of
Duty by a
Justice.

Where the Justices shall find on View, or by Presentment, any Irregularity in the Pavements, caused by the Agents for the Proprietors of Water-works, and shall order the Amendment thereof, the Inhabitants, Surveyors, or other Persons, who shall cause such Amendment to be made, shall be repaid by such Proprietor of the Water-works; and on Default of Payment, the Justices, on Oath of the Truth of the Premises, shall levy the Expences by Distress of the Goods of the Officers of the Proprietors, as shall not have made Payment on Demand.

If any Justice shall at any Special Sessions make any Presentment in Writing, on his View of any Offence contrary to this Act, such Presentment shall be of the same Force as a Return made by the Surveyors; and the Justices are to proceed thereon, and to cause the Pavements to be brought to a Level as soon as may be.

All former Laws for cleaning the Streets, so far as they are consistent with this Act, to remain in full Force.

This Act not to extend to the Royal Palaces, nor to *St. James's Square*, it being provided for by a particular Act of Parliament.

The Justices in any Special Sessions may give any Reward to the Scavenger not exceeding 8*l.* *per Ann.* to be paid out of the Scavenger's Rates, and Clerk of the Peace shall not ask any Fee on Account of any Thing done in Pursuance of this Act.

Oxford-Street and Cavendish-Square, in Marybone Parish, in Com^{ty} Midd^{le}, and all the Streets and Passages now, or hereafter to be set out in *Marybone Fields*, shall be deemed

2 W. & M. c. 8.
8 & 9 W. 3.
c. 37.

deemed to be within this Act and the Acts 2 *W. & M.* cap. 8. & 8 & 9 *W. 3.* cap. 37.

This Act to be in Force for three Years, from 4 *June* 1729. and to the End of the next Session of Parliament, and shall be deemed a publick Act; and if any one is sued for any Thing done in Pursuance of this Act, he may plead the General Issue, and on a Verdict recover treble Costs.

All the Laws fruitless unless a new Commission shall be granted.

But yet, after all these Laws made, and vast Sums of Money yearly raised and paid, it is certain that the Streets of *London* and *Westminster*, and the Outparts are still kept in a nasty, stinking, and a scandalous Condition, occasioned partly by the bad Execution of the Laws already in Being, but much more by the many very great Defects of those Laws themselves, which (as Things are) really are impracticable; and therefore, till there be a Commission established, whose sole Business it shall be to superintend these Things, and daily mind them by proper Officers, with a Power of making suitable By-laws, and raising and applying the Money in an equal, fair, and just Manner; and a Power of punishing their Officers and others, and hearing and determining all Complaints, in a plain, short, and summary Way; all which cannot be done in the Method now used; we must not expect any great Amendment in the paving, cleaning, and lighting our Streets, which yet is what every Body laments and daily complains of, and would be very glad to see rectified and amended; and is what the Honourable House of Commons have lately more than once gone upon, and made some Progress in, but (for Reasons not proper to be here mentioned) have been hitherto obstructed and hindered from bringing to Perfection.

In the Case of the Parish of *Newington-Butts*, upon the 2 *W. & M. c. 8.* Statute of 2 *W. & M. cap. 8.* for paving and cleaning the Streets; the Question between the Inhabitants within this Parish was, if that Part of them which inhabited within the County out of the Paving should be contributory to the Scavenger's Rates; and the Court held the Rate, which charged all the Inhabitants generally, to be good. *Skin. 643. Salk. 356. 5 Mod. 68.*

By 9 *Geo. 2. c. 13.* The Act of 1 *Geo. 1.* for Repairing of Highways is extended to Market-Towns.

A Warrant to levy ten Pounds by Distress and Sale of the Goods of One refusing to take on him the Office of Scavenger, being duly chose, and confirmed by two Justices, &c.

Midd. ff. **F**Orasmuch as it hath been duly proved before ^{2 W. & M. c. 8.} me, this present Day, that R. G. of your ^{One Justice.} Parish, Grocer, hath refused to take upon him, and execute the Office of Scavenger of the said Parish, for the Year ensuing, within seven Days next after he was legally chosen and appointed to serve in that Office, and thereupon confirmed by two Justices of Peace within that Jurisdiction, according to the Form of the Statute in that Case made and provided; by Means whereof he hath forfeited the Sum of ten Pounds: These are therefore (in his Majesty's Name) to charge and command you that you, some or one of you, do forthwith, upon Sight hereof, levy the said Sum of ten Pounds, so by the said R. G. forfeited, for the Offence aforesaid, according to the said Statute, by Distress and Sale of his Goods and Chattels, (rendering the Overplus unto the said R. G. if any such shall remain, after your reasonable Charges in and about the said Distress and Sale are first deducted) the said Monies so levied by you, to be paid to the Surveyors of the Highways of your said Parish, to be by them employed towards Amending the same, according to the Directions of the Statute aforesaid; Whereof said not, &c. Given, &c.

A Warrant and Mittimus to send to Gaol the Scavenger who collected the Monies the Year preceding, for refusing to account and pay over the Monies in his Hands to the present Scavengers.

Midd. ff. **F**Orasmuch as by our Warrant lately to you di- ^{2 W. & M. c. 8.} rected, you were commanded to summon A. B. ^{Two Justices.} late one of the Scavengers of your Parish, to appear before us on Thursday the ^{Day of} ^{Instant,} at the Sign of the Mitre in, &c. and to bring with him a true Account in Writing of all such Monies as were by him received the last Year, towards the Cleaning the Streets of the said Parish, as also the Monies then remaining in his Hands, to be paid over to the present Scavengers of the said Parish, according

according to the Directions of a late Act of Parliament in that Case made and provided: And forasmuch as you the said Constables have since returned unto us, that the said A. B. did refuse to come before us at the Time and Place abovementioned, and hath since absented himself, and refused to be spoken with, notwithstanding due Notice in Writing for him to have made his personal Appearance before us, at the Time and Place aforesaid, was by you left at his dwelling House: These are therefore (in his Majesty's Name) strictly to command you and every of you the said Constables, to apprehend the said A. B. and forthwith convey him to his Majesty's Gaol in this County, and there deliver him to the Keeper thereof, with this Precept: Commanding also you the said Keeper to receive the said A. B. into your Custody, and him safely keep in his Majesty's Gaol aforesaid, without Bail or Mainprize, until he shall have made a true Account, and paid what Monies remain in his Hands, as aforesaid, or be otherwise discharged by due Course of Law. Whereof fail not, &c. Given, &c.

A Warrant to levy the Penalty for not Sweeping the Street before their Doors, &c.

8 & 9 W. 3.
c. 37.
One Justice.

Midd. ff. **W** Hereas it has been duly proved before me by A. B. of, &c. that C. D. of the Parish of, &c. neglected to sweep the Street before the Door of the House wherein he the said C. D. dwells and inhabits, on Wednesday or Saturday the, &c. of this Instant, contrary to an Act of Parliament in that Case made; whereby he has forfeited the Sum of 10s. These are therefore in his Majesty's Name, to require you to levy the said 10s. by Distress and Sale of the Goods and Chattels of the said C. D. and if there be no Distress to be had or taken for levying thereof, and the said C. D. shall not pay the said 10s. in six Days after demanded on Notice given, then you are to convey the said C. D. to the common Gaol, there to remain till Payment. Given, &c.

A Warrant to distrain for the Scavengers Rates.

2 W. & M. c. 8.
One Justice.

Midd. ff. **W** Hereas Complaint hath been made unto me that the several Persons whose Names are here under-written, being Inhabitants of the Parish of St. G. in

G. in the Fields in the County aforesaid, have refused, and yet refuse to pay the Sums of Money hereunder to their several Names respectively added, and severally and respectively duly rated and assessed on them, for and towards the Cleaning of the Streets, according to the Form of the Statute in that Case made and provided: These are therefore (in His Majesty's Name to charge and command you and every of you to bring the said Persons so refusing, before me, to show Cause for such their Refusal. And if they, or any of them, shall refuse to come before me, or shall absent themselves, or refuse to be spoke withal, due Notice in Writing being left at their respective Houses, that then you immediately, levy all and every the said several Sums unpaid, and all the Arrears thereof, of all and every the said Persons so refusing, by Distress and Sale of the Offender's Goods, you rendering to the Parties the Overplus that shall remain upon the Sale of the said Goods, if any such shall be; and for your so doing, this shall be your Warrant. Given, &c.

A Warrant to levy the Penalty on a Carman riding in his Cart, &c.

Midd. ff. **W**? Hereas A. B. of, &c. Carman, hath this 1 Geo. 2. c. 57. Day been legally convicted before me J. S. One Justice. Esq; one of his Majesty's Justices, &c. of riding in a Cart in the Street, &c. no other Person being on Foot to guide the same, to the great Danger of Passengers in the said Street and contrary to an Act of Parliament in that Case made: These are therefore to require you to levy by Distress and Sale of the Goods of the said A. B. the Sum of 10s. which he has forfeited for the Offence aforesaid; one Moiety whereof you are to give to, &c. who informed of the said Offence, and the other Moiety to apply to the Use of the Poor of, &c. aforesaid, according to the Direction of the said Act of Parliament. And if there be no Distress to be had for the same, then you are to convey the said A. B. to the House of Correction, there to remain for the Space of three Days. Given, &c.

It would swell this Book to too great a Bulk, to set forth Warrants for every Offence against these Statutes; but it will be easy to frame one by the following Directions.

1. Recite the Proof, viz. upon View, Confession, or one Witness.

2: The

School-Master.

2. The Offence, as near as may be to the Words of the Statute.
3. The Forfeiture, and for whose Use.
4. Lastly, The Clause of Distress.

School-Master.

How School-Master must be qualified.

IF any keep a School-Master who shall not repair to Church, or be allowed by the Ordinary, shall forfeit for every Month 10 *l.* But the Ordinary shall take nothing for such Allowance, and the School-Master so teaching shall be disabled to be a Teacher of Youth, and shall suffer Imprisonment for one Year, without Bail.

The Prosecution must be at the Sessions, &c. within a Year and a Day after the Offence committed.

The Forfeiture is to be divided between the King, the Poor, &c. and the Prosecutor.

But Conforming before Judgment to the Bishop of the Diocese, or in open Sessions, the Offence is discharged thereby, and also the Penalties thereon incurred. 23 *Eliz. cap. 2.*

None shall use or teach a School out of the Universities and Colleges, except a Grammar-School, or in some Gentleman's House, or be licensed by the Ordinary, upon Pain that the School-Master, and he that retaineth him, shall forfeit 40 *s.* a Day, to be recovered by Action.

The Forfeitures to be divided between the King and the Prosecutor. 1 *Jac. 1. cap. 4.*

If any School-Master or other Person, instructing Youth in any private House or Family, as a Tutor or School-Master, shall instruct or teach Youth as a Tutor or School-Master, without License from the Archbishop or Ordinary, for which he shall pay twelve-pence and no more, and before Subscription made, as the Act prescribes, for the first Offence shall be imprisoned three Months without Bail: And for the second, and for every other Offence, shall suffer Imprisonment for three Months without Bail, and pay the King 5 *l.* 14 *Car. 2. cap. 14.*

Sea-Banks.

6 *Geo. 2.*

BY 6 *Geo. 2.* It is enacted, That if any Person after the 24th Day of *June* 1733. and during the Continuance of the Statute 9 *Geo. 1. c. 22.* shall unlawfully and maliciously,

liciously break down or cut the Bank of any River, or any Sea-Bank whereby Lands shall be overflowed or damaged, shall be guilty of Felony without Benefit of Clergy, continued by 10 Geo. 2. till the first of Sept. 1744.

By 10 Geo. 2. c. 32. If any Person shall unlawfully cut off, draw up or remove and carry away any Pile, Chalk, or other Materials driven into the Ground, and used for securing any Marsh or Sea-Wall or Banks; it shall be lawful for any Justice of Peace residing near the place, upon Complaint upon Oath to summons the Party, or to issue his Warrant to apprehend and bring before him the Party suspected; and upon Examination or Neglect, to proceed to examine the Matter, and upon due Proof by Confession or Oath of one Witness, to determine the same, and convict the Offender, who shall forfeit 20 *l.* one Moiety to the Informer, and the other to the Poor of the Parish, to be levied by Distress and Sale of Goods; and for want of Distress, the Justice to commit the Person to the House of Correction for six Months. 10 Geo. 2 c. 32

Seamen.

BY Stat. 2 Ann. cap. 6. two Justices of Peace, or the Chief Magistrate of any City or Town Corporate, with the Church-wardens and Overseers of the Poor of their respective Parishes, by and with the Consent of two Justices, &c. may put Boys Apprentices to the Sea-Service, under these Qualifications. 2 Ann. c. 6.
Two Justices,
&c. may put
poor Boys Ap-
prentices to
Sea Service.

1. They must be ten Years old or upwards; this is altered by Stat. 4 & 5 Ann. cap. 19. 4 & 5 Ann.
c. 19.
The Qualifica-
tions.
2. Such as are likely to be a Charge to the Parish.
3. Such whose Parents are actually chargeable to the Parish.
4. Those who beg for Alms.

These may be bound to Masters or Owners of Ships or Vessels used to Sea-Service, till the Age of twenty-one Years. Till what Age
may be bound.

The Age of the Boy is to be inserted in the Indenture, and that shall be taken to be his true Age, without any further Proof thereof. And inserted in
Indenture.

The Church-wardens and Overseers shall pay the Master when the Boy is bound 2 *l.* 10 *s.* for Cloathing and Bedding, which must be allowed by the Parish in their Accounts. Parish to pay
50 s.

Such

Nor to be pressed till eighteen Years old. To send Counterpart to Collectors of Customs.

Such an Apprentice is not to be Pressed till he is Eighteen Years old.

The Parish Officers must send the Counterpart of the Indenture to the Collector of the Customs in such Port; and it must be sealed by the Master in the Presence of the Collector and Constable where the Master doth belong; and attested by them; and such Collector must enter it in a Book, and shall indorse on the Indenture, that it is registred, and subscribe his Name without Fee; and if he neglects or refuses so to do, or makes a false Entry, he forfeits 5 *l.*

And this Forfeiture to go to the Poor of the Parish from whence the Boy was bound.

Collectors to send Certificates to the Admiralty.

The Collectors must transmit unstamp'd Certificates to the Admiralty, of the Names and Ages of such Apprentices, and to what Ships they belong; and upon Receipt of such Certificates, Protection shall be granted till the Boy is eighteen Years of Age; but then he may be pressed, and the Master shall receive his Wages.

Boy may be turned over.

Any poor Boy, bound by the Parish to any other Employment, may with the Consent of two Justices, &c. at the Request of the Master or his Executors, &c. be turn'd over by assigning the Indenture to any Master or Owner of a Ship, &c. for the remaining Time of his Apprenticeship, which Assignment must be registred by the Collectors aforesaid.

Every Master and Owner of a Ship, from thirty to fifty Tons, is obliged to take such an Apprentice; and if he refuses, he shall forfeit 10 *l.* to the Poor of the Parish from whence the Boy was to be bound.

When Boy is bound must be sent to the Port.
11 & 12 W. 3. c. 18.

When the Apprentice is bound, he is to be sent to the Port to his Master, at the Charges of the Parish, in the same Manner as Vagrants, by Stat. 11 & 12 W. 3. cap. 18.

Two Justices, &c. near the Ports where any Vessel shall arrive, have Power to hear and determine all Complaints of hard Usage to such Apprentices, and to make such Orders, as they are enabled to do in any Case between Master and Servants.

Collectors to keep Register.

The Collectors, at their Ports, are to keep a Register of the Names of Masters and Apprentices, and from what Parishes they came; and must transmit true Copies of such Register to the Quarter-Sessions, when required; and this they must do without Fee; and if they refuse, they forfeit 5 *l.* to the Poor of the Parish from whence the Apprentice comes.

Such Apprentices are not to be pressed for three Years next following the Date of their respective Indentures.

All lewd and disorderly Servants, and such Men and Boys as are Rogues, Vagabonds, and sturdy Beggars, shall be sent to Sea by Warrant from one Justice, directed to the Constable, who is to convey them to the next Town out of the County, into his Majesty's Service at Sea.

The Forfeitures in the Act are to be levied by Warrant from two Justices, &c. by Distress and Sale of the Goods of the Offender.

None but the Contractors with the principal Officers or Commissioners of the Navy, Ordnance or Victualling Office, shall mark any Stores of War, or Naval Stores, with the Marks used to the King's Stores, or any Stores with the Broad Arrow, by Stamp, Brand or otherwise, upon the Forfeiture of the Goods and 200*l.* with Costs of Suit; one Moiety to the King, the other to the Informer, to be recovered in the Courts at Westminster.

Like Forfeiture by Persons in whose Custody such Goods are found, &c.

Personating Seamen, and fraudulently receiving their Monies, Forging Letters of Attorney, Bills of Sale, Assignments, or Last Wills of Seamen, Personating the Wife, Relations or Creditors of Seamen, and taking Administration to them, Forging Letters of Attorney, Bills of Sale, or other Authorities in the Names of their Executors, or Administrators, for the Receipt of Wages due to Seamen, their Aiders or Abettors, being convicted, &c. shall, besides other Penalties, forfeit 200*l.* as aforesaid, and be committed till paid.

No Seaman's Will contained in the same Instrument with a Letter of Attorney shall be good in Law.

No Court or Person shall take more than one Shilling for the Seal, Writing, or Suing forth any Administration granted to the Wife or Children of any Seaman dying in Pay of the Navy, unless his Goods amount to 20*l.* the Person offending forfeits 10*l.* to the Party grieved. 9 & 10 *W. & M. cap. 41.*

All the Powers in the aforesaid Act are revived and enforced by Stat. 1 *Geo. 1. cap. 24.* and Justices, &c. may mitigate the Penalties of that Act, or in lieu thereof may inflict some corporal Punishment, by whipping or by sending the Offender to some publick Work-house, to be kept to hard Labour for three Months or less.

Principal Officers of the Navy may, by Warrant, cause Offenders to be apprehended for making Disturbances in any of the Yards, &c. at Pay-Days or any other Occasions relating to the Naval Stores, and may punish them by Fine, not exceeding 20*s.* or by Imprisonment in the next Gaol, not exceeding one Week, or in the Hands of

Rogues and sturdy Beggars to be sent to Sea.

Who are to affix the King's Marks.

The Penalty of personating Seamen, &c.

Seaman's Will must not be in the same Deed with Letter of Attorney. Where Court is to take but 1*s.* for Administration to Seamen. 9 & 10 *W. 3. c. 41.*

1 *Geo. 1. c. 24.*

Principal Officers of the Navy may cause Offenders to be apprehended.

the Messengers attending them. The Officers may discharge such Fine and Imprisonment, if they think fit; or for Nonpayment of the Fine, may commit to the House of Correction, to be kept to hard Labour for two Months; the Fines to be paid to the Chest at *Chatham*, for the Use of maimed Seamen.

And for want of Security may commit them.

In Cases where greater Punishment is needful, the Officers may bind such Offenders to the good Behaviour, and to appear at the next Assises, or Quarter-Sessions, with or without Securities, and in Default of Security may commit to the County Gaol, &c.

4 & 5 Ann. c. 19.
No Master of a Ship obliged to take a Boy under 13 Years old.

By Stat. 4 & 5 Ann. cap. 19. no Master of a Ship shall be obliged to take an Apprentice, according to Stat. 2 Ann. cap. 6. under the Age of thirteen, and unless of Health and Strength of Body. And Widows, and Executors, and Administrators of such Master, shall have Power of Assigning such Apprentice to any other Master of a Ship who has not his Complement of Apprentices, according to the said Act, and of 43 El. cap. 2.

43 Eliz. c. 2.

No Person of eighteen Years of Age shall be exempted from his Majesty's Sea-Service, who shall have been in Sea-Service before they bound themselves Apprentices.

5 Eliz. c. 5.
No Fisherman at Sea to be pressed.

By Stat. 5 Eliz. cap. 5. no Fisherman, using the Sea, shall be taken to serve as a Mariner by the King's Commission, but by the Choice of two Justices of Peace next adjoining to the Place where he is taken.

11 Geo. 1. c. 29.
If Mariner cast away a Ship wilfully, it is Felony without Clergy.

By Stat. 11 Geo. 1. cap. 29. if an Owner, Master, &c. of a Ship or Vessel, shall after 24th of June 1725. wilfully cast away, burn, or destroy his Ship or Vessel, or procure the same to be done, with Design to prejudice any Person that hath under-written any Policy of Insurance thereon, or any Merchant, or the Owner of such Ship, he shall be adjudged a Felon, and suffer as in Cases of Felony, without Benefit of Clergy.

28 H. 8. c. 15.

If any of these Offences shall be committed within the Body of any County of this Realm, they shall be tried in the same Courts as Felonies by the Laws are to be tried. And if any of these Offences shall be committed upon the High Seas, the same shall be tried before such Court, as by an Act made 28 H. 8. cap. 15. (for Pirates) is directed for trying of Felonies done upon the High Seas.

2 Geo. 2. c. 36.

By Stat. 2 G. 2. cap. 36. if any Seaman shall desert, or absent himself from a Merchant Ship, after signing the Contract with the Master for his Wages, on Application to some Justice of the Peace, by the Master or other Person having Charge of the Ship, the Justice may issue his Warrant to apprehend such Seaman; and if he shall refuse to proceed on the Voyage, without sufficient Reason, he

he may commit him to the House of Correction, to be kept to hard Labour, not exceeding 30 Days, nor less than 14.

Servants. Vide also Poor and Wages.

1. Who shall be compelled to serve, how long, and what is a Retainer.
2. How long they must work, their Duty and Wages.
3. Misbehaviour and dishonest Practices in them, how punished.
4. Discharging Servants, and what shall be a Forfeiture of Wages.
5. Resolutions and Statutes concerning Servants.

1. *Who shall be compelled to serve, how long, and what is a Retainer.*

TWO Justices may warn all single Persons under the Age of thirty Years, to go to Service at a Time they shall limit; and any Woman above the Age of twelve Years, and under Forty, being unmarried, may by two Justices be compelled to go to Service; and if they refuse so to do, and continue to live idly, having no visible Estate, or a lawful Way to maintain themselves, they may be sent to the House of Correction, or bound over to the Sessions. *5 Eliz. cap. 4.*

Two Justices may warn single Persons to go to Service.

Persons having no Lands, and such which are bred to no Trade to get a Livelihood, the Church-wardens and Overseers of the Poor of the Parish have Power to set them to Work; and if they refuse to work, one Justice may send them to the House of Correction, as he may likewise such Persons which refuse to work for reasonable Wages.

5 Eliz. c. 4.

Persons having no Estates to be set to work.

One Justice may order such as he thinks fit, to work at Harvest; and if any shall refuse so to do, he may put them in the Stocks for a Day and a Night: And Artificers may be compelled to work in Hay-time and Harvest; and if they refuse they will be liable to the same Penalties.

Persons compellable to work at Harvest.

No man may retain a Servant for less than one whole Year, by the ancient Statutes; and therefore if a Man hire a Labourer, &c. to serve him generally, this Retainer is good for one Year, and he shall be paid the Wages assessed by the Justices in their Sessions.

None to hire a Servant for less than a Year.

If so hired, Executors must pay his Wages after Master's Death.

Vagrants may be forced to serve seven Years, and be sent to the Plantations.

One Justice may licence Labourers to seek Work in Harvest.

Retainer on Condition is good. Statutes.

And where a Servant is retained for a Year, according to the Statute, and the Master dieth within that Time, the Executor must pay the Wages. *Dalt.* 186.

By Stat. 12 *Ann. cap.* 23. such as have no legal Settlement, or Vagrants, or common Beggars, for two Years past, (though formerly settled) or dangerous and incorrigible Rogues, within that Act, may be forced to serve seven Years Apprenticeship to any that will take them, and may be afterwards sent to the Plantations; provided the Master gave a Recognizance of 40*l.* not to sell them to any Alien; and any Justice may take such Recognizance, and must transmit it to the next Quarter-Sessions to be there filed.

If a Woman Servant marrieth, she must serve out her Time; and if both Man and Wife agree to serve, they must perform the Agreement. *Dalt.* 92.

Any one Justice of Peace may licence, under his Hand and Seal, such Labourers as pass, in Hay-harvest and Corn-harvest, from one County to another to work.

Every Justice of Peace may command vagrant Persons to Prison, if they will not serve.

If a Man retaineth another upon Condition, it is a good Retainer. See 11 *H.* 4. 42. *Br.* 23. so if one is retained to serve during his Life. *Br.* 44. 2 *H.* 4. fol. 15.

2. How long they must work, their Duty and Wages.

Penalty if Labourers refuse to finish Work undertaken.

5 *Eliz.* c. 4.

How many Hours Labourers are to work by the Day.

5 *Eliz.* c. 4.

If any Labourers having undertaken Work by the Great or Lump, shall depart from the same before it is finished, (except it be where the Wages agreed on by the Master are refused Payment, where Leave is given by the Master, or where the Servant is taken into the King's Service, or shall have other lawful Excuse) they shall be committed for a Month without Bail, and forfeit 5*l.* to the Party grieved; to be recovered by Action of Debt, &c. 5 *Eliz. cap.* 4.

Where Labourers work by the Day, they are to work from five in the Morning till seven at Night, from *Lady-Day* till *Michaelmas*, and all the rest of the Year from Twilight to Twilight; but in the Summer Half-Year they are to be allowed two Hours for Breakfast and Dinner; and from the Middle of *May* to the Middle of *August*, Half an Hour more for sleeping, and in the Winter an Hour and an Half only for Breakfast and Dinner is to be allowed; and for the Absence of every Hour the Master may defalk one Penny. 5 *Eliz. cap.* 4.

Justices

Justices in their *Easter* Sessions have Power to assess the Wages of Artificers, Labourers, Servants, &c. yearly, and are to proclaim the same in the County; but if there is no Alteration in the old Rates, then there is no need of such Proclamation. Every Justice absenting at the Taxing of Wages, not having a reasonable Excuse, shall forfeit 10*l.* 5 *Eliz. cap. 4.* and 1 *Jac. 1. cap. 6.*

Justices at their *Easter* Sessions may assess Servants Wages, &c.

5 *Eliz. c. 4.*
1 *Jac. 1. c. 6.*

If any Master shall give more Wages than shall be so assessed, he shall forfeit 5*l.* and may be committed for ten Days, without Bail; and the Servant which takes more Wages, being convicted before two Justices, shall be committed for twenty Days; but a Master may reward a Servant as he pleases, so as it be not by Way of Contract upon the Retainer. 5 *Eliz. cap. 4.*

If any Master, &c. give more he forfeits 5*l.*

5 *Eliz. c. 4.*

Retainers or Promises of Payment of Wages, contrary to the Statutes, and all Bonds, &c. for that Purpose are void. And if a Man enters into Bond not to use his Trade, this Bond is void; but if he binds himself not to use his Trade in a particular Place or Town, that Bond is good. *Dalt. 182.*

Bond not to use one's Trade is void.

All Payments for Work done in the Woollen, Linen, Fustian, Cotton, and Iron Manufactures, must be in current Money, and not in Cloth, Victuals, or other Commodities. And all the Wool delivered them to be wrought shall be first weighed, and the true Weight thereof declared. Stat. 1 *Ann. cap. 16.* 12 *Geo. 1. cap. 34.*

All Payments in the Woollen Manufacture to be made in Money. 1 *An. c. 16.* 12 *Geo. 1. c. 34.*

The Offender in either of these Cases forfeits to the Labourer double the Value of what shall be due for his Work.

But if the Labourer shall be guilty of any Fraud, or Fault in his Work, then he must answer to the Owner double the Damages by him sustained.

By Stat. 10 *Ann. cap. 16.* Clothiers, or others concerned in the Woollen Manufacture, shall make Payment in Money to the Persons employed, for all Work done in Relation thereto, and not (in lieu of Payment) impose or deliver any Sort of Goods or Wares for such Work, or for every Offence forfeit 20*s.* This Penalty is augmented to 40*s.* by 1 *Geo. 1. cap. 15.*

10 *An. c. 16.*

1 *Geo. 1. c. 15.*

All Offences against 1 *Geo. 1. cap. 15.* (saving where Owner, &c. refuse Payment of the Forfeitures for want of sufficient Length or Breadth in Admeasurement) must be prosecuted within forty Days after committed or discovered. 1 *Geo. 1. cap. 15.*

1 *Geo. 1. c. 15.*

The Justices ought to certify in Chancery their Rates of Wages made at *Easter*, though they then but continue the *Easter*, and certify them into Chancery, and must be proclaimed by Sheriff.

Justices to make Rates at

fame that were the Year before. *Dyer* 265. *Jenkins* 235. *Bridg.* 118. *Evans* and *Wilkins*. Stat. of Wages pleaded to Retainer of a Shepherd, and that Statute as to Wages explained.

Action of Debt for Wages lies against an Executor, but that must be where one is retained, that is compellable to serve. *Moor* 698. *Gomersal* and *Watkinson.* 2 *Brownl.* 137. *Cro. Jac.* 293. 9 Co. 88. *Pincheon's Case.* In an Action upon the Statute for Wages, Master cannot wage his Law.

3. *Misdemeanors and dishonest Practices in them, how punished.*

Servant refusing to do his Work is a Departing in Law. 21 H. 8. c. 7. If Servant above 18 Years old goes away with his Master's Goods, 'tis Felony.

If a Servant shall refuse to do his Work, that is a Departure in Law, although he stay still with his Master. *Ibidem.*

By Stat. 21 H. 8. cap. 7. if a Servant above the Age of Eighteen Years goes away with his Master's Goods delivered to him to keep, to the Value of 40s, with an Intent to steal or imbezil them, it is Felony; but this Statute doth not extend to Apprentices. And when a Master delivers a Bond to his Servant, who receives the Money, and goes away with it, or if he deliver Goods to his Servant to sell in a Market, which he doth, and runs away with the Money, these Cases are not within the Statute, because the Servant had not the Money by the immediate Delivery of the Master. *Dyer* 6. 3 *Inst.* 105.

12 An. c. 7. Servants embezzling above 40s. Felony without Clergy.

By Stat. 12 Ann. cap. 7. if any Servant or other Person purloins, embezils, steals, or makes away his Master's Goods, &c. in the House or Outhouse, though it be not broke open, to the Value of 40s. it is made Felony without Benefit of Clergy. But this does not extend to Apprentices under fifteen Years old. 1 *Salk.* 380. *Noy* 105. *Mod. Cases* 99, 122. *Mod. Cases* 288.

Indictment will not lie for enticing away a Servant.

It was a Question whether an Indictment would lie for enticing a Servant or an Apprentice out of his Master's Service, and to carry away his Goods; for it is but a private Injury, and not in its Nature publick, and therefore an Action on the Case lies for enticing, but Trespass will lie for taking him out of his actual Service. And the Court upon a Motion in Arrest of Judgment was of that Opinion, That an Indictment would not lie. *Hil.* 2. *Ann.*

The Punishment of Servants assaulting Master, &c.

Servants assaulting Master, Mistress, Dame, or Overseer, are to be committed to Prison by two Justices for one Year, or less; or to be bound over to the Sessions, there to receive such open Punishment as shall be thought convenient,

venient, Life and Member excepted; the said Offence being proved before the said Justices, by Confession of the said Servant, or by the Oath of two Witnesses.

Upon Complaint made to any one Justice of a Servant, Workman, or Labourer, making an Assault or Affray upon his Master, &c. he may bind the Offender to his good Behaviour, and so, to the next Sessions, and there he may be convicted and punished according to the Statute.

If a Man delivers Money to his Servant to keep, or Plate to his Butler, or a Horse to his Groom, or Sheep to his Shepherd, and such Servant goes away with them, this is Felony by the Common Law in that Servant (for these Goods were always in the Master's Possession, and kept and used by the Servant to the Master's Behoof;) but yet there was much Difference of Opinions herein; for clearing whereof, the Stat. 21 H. 8. cap. 7. which was made perpetual by Stat. 5 Eliz. cap. 10. provided, That all Servants of Eighteen Years of Age (other than Apprentices) to whom any Money, Goods, or Chattels, &c. should be delivered by their Master or Mistress, to keep, of the Value of 40 s. or above, if such Servant shall go away with or imbezil, or convert to his own Use any such Money, Goods, or Chattels of that Value, with Intent to steal the same, or to defraud his Master or Mistress thereof, it shall be Felony; but this must be prosecuted within one Year after the Offence. But if the Servant shall imbezil, or go away with any Goods of his Master's which were not delivered to him, this is Felony, though they be under the Value of Forty Shillings. *Dalt. 496.*

What is Felony,
and what not
in a Servant.

21 H. 8. c. 7.

If one of my Servants delivers to another of my Servants Goods of mine (to the Value of 40 s.) and he goes away therewith, or converteth them to his own Use, this is Felony within the Statute, for this shall be construed to be my Delivery. *Cases of it.*

If a Man delivers Goods to one to keep, and after retains the same Person in his Service, who after goeth away with those Goods, this is no Felony, by 21 H. 8. cap. 7. because he was no Servant at the Time the Goods were delivered to him.

If my Receiver of my Rents receive ten Pounds of my Tenants, and runs away therewith, it is no Felony; for the Statute is (where the Master delivereth to keep, &c.)

4. *Of discharging Servants, and what shall be a Forfeiture of Wages.*

Master cannot discharge his Servant before the Time agreed, without Cause to be allowed by Justice.

5 Eliz. c. 4.

Nor Servant leave his Service sooner.

A Master may not discharge his Servant before the End of the Time agreed, without some reasonable Cause, of which a Justice of Peace must judge; neither shall he put him away after the End of his Term, without giving a Quarter's Warning before two Witnesses, on Pain of forfeiting 40 s. And a Servant ought not to be discharged from his Service by Reason of Sickness or any other Disability by the Act of God; and a Master is obliged to find Meat and Drink, and other Necessaries for the Servant.

5 *El. cap. 4.*

And where a Servant hired for a Year shall depart before the Expiration of his Term, without Cause allowed by a Justice, or shall leave his Service after the Term ended without giving a Quarter's Warning before two Justices; as in the Case of the Master; two Justices may commit him without Bail, till he give Security to serve the Time agreed. Or by Stat. 7 *Jac. 1. cap. 4.* one Justice may send him to the House of Correction, there to be punished as an idle Person; but both Master and Servant may part by Consent, and in that Case the Justices have nothing to do with it. *Dalt. 186.*

If Servant quit his Service, he loses his Wages.

If a Master putteth away his Servant, he must pay him his Wages to the Time he served; but if the Servant quitteth his Service before the End of the Time agreed, he shall forfeit all his Wages. *Ibid.*

The Wages of all Husbandmen, Artificers, Weavers, Labourers, Servants, and other Workmen whatsoever, by the Year, Month, Week, Day, or otherwise, with or without Meat and Drink, must be rated and settled by the Justices of the Peace at their Quarter-Sessions, next after *Easter*, or at a General Meeting, within six Weeks after *Easter*; and this the Sheriff is to proclaim, which being done, every Man is bound to observe them. But it seems they are not bound to this Rate on either Side, till it be proclaimed. 5 *El. 4. 6 Jac. 1.*

Not binding till proclaimed.

Apprentices must not be discharged but by four Justices in Sessions.

None may put away his Apprentice himself, nor can he be discharged but by Order at the Quarter-Sessions, under the Hands and Seals of four Justices, *Quorum unus*, and that in the Sessions, and cannot be elsewhere. 5 *El. cap. 4.*

If a Servant come not according to promise, or refuse to do his Work, though he stay with him, this is a Departure in Law.

All

All Offences against 5 *El. cap. 4.* may be punished at the Quarter-Sessions, or Special Sessions. 5 *El. cap. 4.*
31 *El. cap. 4.*

Servant departing into another Shire is indicted for it in the County whence he departed. The Justices of Peace may award a *Capias* to the Sheriff of that Shire whereunto he departed, returnable before themselves. 5 *El. cap. 4. Lamb. 52. 5.*

The Sufficiency of the Cause of the Master's putting away of his Servant, or the Servant's departing from his Master, within his Term, must be proved at the Quarter-Sessions. *Lamb. 610. 5 El. cap. 4.*

The Master may discharge his Servant by Word, but an Apprentice cannot be discharged, except it be by Writing, for that an Apprentice cannot be but by Writing.

Justices may award *Capias* against a Servant going into another Shire.

5 *Eliz. c. 4.*
31 *Eliz. c. 4.*

5 *Eliz. c. 4.*
Master may discharge his Servant by Word, but not Apprentice.

5. *Resolutions and Statutes concerning Servants.*

A Master retaining a Servant in Husbandry, not having a Testimonial or Certificate from his Master living in the same County, he shall forfeit 5 *l. Dalt. 186.*

If a Servant depart without a Testimonial, he shall be committed; and if he does not procure one within twenty Days, he shall be punished as a Vagabond; and so he shall be, if he be taken with a counterfeit Testimonial; but this is not much in Practice.

The Testimonial must be thus. *Be it remembered, That A. B. Servant to C. D. of, &c. Husbandman, is licensed to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statute in that Case made and provided. In Witness, &c.*

The Testimonial must be delivered to the Servant under the Hand and Seal of the Constable or other Head Officers and two Freeholders, of the City or Parish.

The Stat. 5 *El. cap. 4.* extends not to Serving-men, but only to Servants in Husbandry and Handicrafts. *Cromp. 185.*

Justices of Peace shall meet twice in the Year, to enquire of the Breaches of the Statute 5 *El. cap. 4.* And shall have five Shillings *per Diem* for their Wages. 5 *El. cap. 4.*

The Justices cannot punish a bad Master, but they may discharge the Apprentice from him; but they may either punish or discharge a bad Apprentice. And the Sessions have originally discharged many bad Apprentices, without any previous Application to one Justice. *Dalt. 190.*

Adjudged, that the Master assigning, and the Apprentice himself consenting, will not make him an Apprentice

Master taking a Servant without Certificate forfeits 5 *l.* Penalty of Servants going away without a Testimonial.

5 *Eliz. c. 4.*

5 *Eliz. c. 4.*

Sessions have originally discharged many bad Apprentices.

No Assignment of Apprentices but in London.

to the Assignee within 5, *El. cap. 4.* But by the Custom of London, he may be turned over to another. *Show. Rep. 105.*

Gains of Apprentice is for his Master.

Adjudged, that what an Apprentice gains, is for the Use of his Master, tho' he is only an Apprentice *de facto*, and not actually bound by Writing. *Salk. 68. 6 Mod. 69. Baber v. Dennis.*

Indictment for enticing away an Apprentice qualified.

Indictment, for that the Defendant, at such a Day and Place *unlawfully caused, enticed and procured one A. B. Servant or Apprentice to one C. D. to depart or absent himself from the House, Shop and Service of the said C. D. his Master; and that he then and there, and at divers Days before, unlawfully seduced the said A. B. unlawfully to take and carry away One Hundred Pounds Weight of Cocchinal, of the Value of so much of the Goods and Chattels of the said C. D. out of his House and Shop aforesaid; and that he then and there unjustly took, received and had the same, knowing the Goods and Chattels aforesaid to be the Goods and Chattels of the said C. D. and him the said A. B. to be Servant to the said C. D.* The Defendant was found Guilty, but the Judgment was set aside, because enticing an Apprentice to leave his Service, is a private Injury, for which an Indictment will not lie, but an Action on the Case, *per quod servitium amittit.* It is true, an Enticing to imbezil Goods is indictable; but in this Case no Place was laid where the Goods were taken away.

Indictment for enticing an Apprentice to take away his Master's Goods. The Defendant was convicted but adjudged that this Indictment was ill, because it did not set forth that the Apprentice did actually take away any Goods; for it is not sufficient to lay an Enticement without some Act done in Pursuance thereof. It is true, it sets forth that the Defendant did receive the Goods, which implies that they were taken away, but a Charge in an Indictment must be direct and certain.

A Warrant to punish a Servant assaulting his Master.

5 Eliz. c. 4.
One Justice.

Essex, ff. **W** Hereas A. B. and C. D. of, &c. have this Day made Oath before me, that E. F. Servant or Workman to L. M. of, &c. did on, &c. last, assault and beat his said Master L. M. at, &c. against his Majesty's Peace, and contrary to the Statutes, &c. These are therefore to require you to apprehend the said E. F. and to bring him before me, with two sufficient Securities to be bound for his Appearance at the next Quarter-Sessions; and

and in the mean Time to keep the Peace, or to convey him to the common Gaol of, &c. there to remain until he shall be absently legally discharged, &c. Given, &c.

A Warrant against a Servant departing before the End of his Time.

Essex, ss. **W** Hereas A. B. being lawfully hired and retained in the Service of C. D. of, &c. for the Space of one whole Year, is lately departed from his said Service without the Leave of his Master, and before the End of the said Term: These are therefore in his Majesty's Name, to command you, &c. that you apprehend the said A. B. and bring him before us, or some other of his Majesty's Justices of Peace for this County, to find sufficient Sureties faithfully to serve his said Master according to the Agreement between them; and if he shall refuse so to do, that then you cause him to be conveyed to the common Gaol of the said County, there to remain till he shall find such Surety as aforesaid. Given, &c.

c. Eliz. c. 4.
Two Justices.
One Justice may allow the Cause of Departure.

Or he may be sent to the House of Correction by Mittimus.

A Warrant for Wages.

Essex, ss. **W** Hereas Complaint hath been made unto me by A. B. late Servant of C. D. of, &c. that he the said A. B. being lawfully hired by his said Master, did serve him for the Space of, &c. and that the said C. D. doth now refuse to pay the Wages which are justly due to his said Servant for the Time he hath served him: These are therefore to require you to bring the said C. D. before me, or some other Justice of Peace for this County, to answer the Premises, and that you give Notice to the said A. B. to be then and there present to make good his Complaint. Given under my Hand and Seal, &c.

One Justice.

A War-

A Warrant to levy 40 s. on a Master for putting away his Servant before the End of his Term, without a sufficient Cause to be allowed by one Justice, or a Quarter's Warning, but then the Retainer must be either in the Arts or Mysteries mentioned in the Statute; as Baker, Brewer, Butcher, &c. or in Husbandry; for the Statute doth not seem to extend to common hired Servants, though the Practice may be otherwise.

§ Eliz. c. 4.
Two Justices.

Essex, ff. **W** Hereas it hath been duly proved upon Oath before us, that R. G. of, &c. Brewer, hath put away L. M. his Servant, (being lawfully retained) before the End of the Term agreed on between them, contrary to the Statute in that Case made and provided: These are therefore to require you to levy the Sum of 40 s. forfeited by him for the said Offence, by Distress and Sale of the Goods of the said R. G. rendering unto him the Overplus. And we do hereby require you to bring the said * 40 s. into Court at the next General Quarter-Sessions to be holden, &c. except the said R. G. shall in the mean Time shew some reasonable and sufficient Cause, to be allowed before two Justices of Peace, or one at least, within the County aforesaid, for putting away his said Servant in Manner as herein and hereby alledged: And hereof fail not. Given at the General Quarter-Sessions of the Peace held for the County aforesaid at L. &c.

* Because the Party hath Liberty to prove by two Witnesses at the Sessions the Cause, &c. to save his Forfeitures, if the single Justice, or two of them, shall not allow the Cause out of Sessions.

A Mittimus to send a Servant to the House of Correction for lying out of his Master's House, &c.

§ Eliz. c. 4.
One Justice.

Berks, ff. **W** Hereas it hath this Day been duly proved before me, that R. G. Servant of G. R. of the Parish of East-Illey in this County, hath absented himself from his Master's Service, lain out of his said Master's

ster's House for several Nights, refused to obey his lawful Commands, and otherwise behaved himself in a disorderly Manner: These are therefore in his Majesty's Name to require and authorize you to take the said R. G. and convey him to the House of Correction for this County, and you the Keeper thereof are hereby required to receive him into your Custody, and to detain him for one Week from the Date hereof, and in the mean Time to give him the Correction of the House, and to keep him to hard Labour. Given under my Hand and Seal, &c.

A Justice's Discharge of a Servant within the Time agreed, on just Cause.

Essex, ff. **W** Hereas A. B. of, &c. has this Day made Information before me, that C. D. who § Eliz. c. 4.
One Justice. was hired by the said A. B. as a Servant for the Term of, &c. hath lately absented from the Service of the said A. B. before the Term agreed on was expired, there being, &c. yet to come of the same, and without the Consent of the said A. B. or any just Occasion to do the same, (or neglected the Business of the said A. B. to the Detriment of him the said A. B.) On due Consideration whereof, and of the Hardship on the Part of the said A. B. I do, in Pursuance of the Acts of Parliament, hereby adjudge and allow the Cause and Matter aforesaid to be sufficient to discharge the said C. D. from the Service of the said A. B. and the said A. B. from keeping and entertaining him; and do also hereby signify and declare, that the said C. D. is discharged accordingly. Given, &c.

A Warrant to apprehend a Day Labourer for leaving Work unfinished.

Berks, ff. **W** Hereas Complaint hath been made before me, that A. B. of C. in this County, One Justice. Husbandman, having undertaken to perform and finish a certain Piece of Work for C. D. of L. in this said County, Yeoman, viz. to hough eight Acres of Turnips, &c. [or so much by the Great] hath departed from, and left the said Work unfinished, without any just Excuse, contrary to Agreement, and to the very great Detriment of the said D. D. &c. These are therefore, in his Majesty's Name, to require and authorize you to apprehend the said A. B. and bring him before me, or some other of his Majesty's Justices of the Peace, to be examined concerning the Premises, and to be further dealt

dealt with according to Law. Given under my Hand and Seal, &c.

The Defendant was indicted for using the Trade of a Taylor, not having served as an Apprentice to it seven Years *infra regn' Angl' vel Walliæ*; and for this Reason it was quashed; for if he had served beyond Sea, or any where, it had been sufficient. P. 11 W. 3.

An Indictment on the Statute 21 H. 8. cap. 7.

21 H. 8. c. 7. *Essex, ff.* **T**HE Jurors, &c. do present, That A. B. of L. in the County aforesaid, Gent. on the 9th Day of August in the 8th Year of the Reign, &c. in the Dwelling-house of the said A. B. at L. aforesaid in the County aforesaid, delivered to one D. E. of L. aforesaid, then Servant to the said A. B. and then being retained for one whole Year, and of the Age of twenty-one Years, ten Pounds of current Coin of the proper Goods of the said A. B. to the Intent that the said D. E. should safely keep them to the Use of the said A. B. then his Master: Nevertheless the said D. E. on the said ninth Day of August in the Year aforesaid, not being then an Apprentice to the said A. B. at L. aforesaid in the County aforesaid, maliciously and feloniously departed, went away, and deserted his said Master, with the said 10 l. of the said A. B. then his Master, with an Intent to steal the said 10 l. contrary to the Trust reposed in him by the said A. B. then his Master, and against the Peace of our said Sovereign Lord the King his Crown and Dignity, and against the Form of the Statute in such Case made and provided.

Sessions. Vide also Apprentices, Poors, and Bastards.

1. The Nature thereof, how often, when and where kept.
2. How summoned, the Nature of the Summons, the Manner of holding the Sessions, and the Proceedings.
3. What Things are inquirable at the Sessions, and its Jurisdiction.
4. Their

4. Their Proceedings as to Recognizances, Certificates, Witnesses and Fines.
5. Concerning Indictments.
6. Concerning Orders, Appeals, and Removals.

1. *The Nature thereof, how often, when and where kept.*

THE Sessions of the Peace is a Court of Record, held before two or more Justices of the Peace, *Quorum* what the Session is.
annus, for Execution of the Authority given them by their Commission and certain Acts of Parliament.

This Court by Stat. 2 H. 5. cap. 4. is appointed to be kept four Times in a Year, *viz.* in the first Week after *Michaelmas*, the Week after *Epiphany*, the Week after *Easter*, and the Week after the Translation of St. Thomas the Martyr, (called *Becket*) which was on the 7th of July, and is generally held on the *Tuesday* in these Weeks. It seems to be the Intent and Meaning of the said Statute of 2 H. 5. cap. 4. that the Weeks wherein the aforesaid Feasts fall, must be first ended before the Sessions can begin, &c. When to be held.
 2 H. 5. c. 4.

But by 14 H. 6. cap. 4. Justices of *Middlesex* are not obliged to keep Sessions above twice in a Year, but they may oftner, if they think fit; and by 42 H. 8. cap. 43. Justices of the Counties Palatine of *Chester* and *Lancaster*, are not obliged to hold Sessions above twice a Year, *viz.* *Michaelmas* and *Easter*; and if they hold them but twice, yet those Times must be some of the Times mentioned in 2 H. 5. cap. 4. In *Middlesex* may be held but twice in the Year.
 14 H. 6. c. 4.
 42 H. 8. c. 43

The Places of Keeping this Court, are left to the Discretion of the Justices; but they ought not to appoint two Places for holding the Sessions at one and the same Time. 2 H. 5. c. 4.

To this Court there is a Freedom of Access, as in other Courts of Record; so that if any Person shall attend the Sessions to prefer a Bill of Indictment, or being obliged to appear on a Recognizance to save the Forfeiture, or on any other Business of the Sessions, he shall not be molested. And if he happen to be arrested, the Court may discharge him upon Examination and Oath of the Party himself. To this Court there is Freedom of Access.

1 Lev. 159.

The Sessions may fine a Jury for not finding a Bill upon plain Evidence; and may fine Persons for striking or offering Violence in the Presence of the Court, whereby the peaceable Administration of Justice is interrupted. But Fines imposed in the Quarter-Sessions may be mitigated in B. R. 1 Ven. 37. Sessions may fine a Jury.

If

If any thing be done in private Sessions, it ought to be returned to the Quarter-Sessions. *Styl.* 360. And the whole Sessions is but as one Day. *Palm.* 44.

Private Sessions can proceed on all Sorts of Causes the Statute appoints, by general Words to Sessions only. *Lamb.* 535, 536.

All Articles in the Commission are inquirable in Sessions.

All the Articles within the Commission of the Peace are both inquirable and determinable at any Special Sessions of the Peace: And also all such Statutes as use the Word Sessions indifferently, without adding General or Special, *Lamb.* 535, 536. though a private Sessions of the Peace is not said to be held for the County. *Styl.* 359.

How Damages are to be assessed.

Where treble Damages are given by Act of Parliament, the Justices are not to assess the Damages, and then treble them; but the Jury ought to find the Damages, and then the Justices are to treble them. *Bumstead's Case, Cro. Car.* 439, 448. 2 *D.* 449. *H. p.* 2. 1 *Jou.* 379. *Lamfern's Case.*

Sessions for Anglesey, where to be held.

The Sessions for *Anglesey* is to be held for ever at *Beau-morris*, by 3 *Ed.* 6. *Dyer* 135.

By Stat. 1 *Geo.* 1. *cap.* 25. The Justices of Peace of that County may now adjourn it from Time to Time to any Part of that County for the Ease of those who are obliged to take the Oaths to the King, but to no other Purpose.

Who ought to attend the Sessions.

At this Court ought to attend all Bailiffs of Hundreds and Franchises, to give an Account of Sessions Proceeds.

The Clerk of the Peace to read the Indictments, to draw Process, and to enrol the Acts of the Court, and as he is Deputy to the *Custos Rotulorum*.

The Constables of Hundreds.

The Coroners, as they are Parties to Exigents, and are a Sort of Conservators of the Peace, having in some Cases a Power to commit.

The Master of the House of Correction, with his Calendar of such Rogues who have been committed.

The Gaoler with the Prisoners, and to receive those who may be committed by the Court.

The Jurors who are returned by the Sheriff.

All Justices of the Peace to certify their Recognisances and Examinations taken by them, and other Matters, &c. and if they neglect, they may be fined by *B. R.*

Those who are bound by Recognisance to answer, give Evidence or prosecute.

The Sheriff or his Deputy, to receive the Fines set by the Court on Offenders, and return Jurors.

N. B. All Persons bound to attend Sessions, being absent, are fineable.

The Court of Sessions may hear and determine Trespases against the public Peace, and upon Conviction give Judgment of Fine or otherwise, as the Cause requires, and the Statutes direct. May hear and determine Trespases and Felonies.

By Stat. 12 Ric. 2. cap. 10. as also by Stat. 2 H. 5. cap. 4. the Justices of one Bench and the other, and the Serjeants at Law were exempted from appearing at Sessions. 12 R. 2 c. 10. Judges and Serjeants not to attend Sessions.

Justices of Peace may keep their Sessions at which Place of the County they will, if they be not restrained, by Stat. Jenk. 212. pl. 49.

An Order made at Sessions of the Peace is a Record. *Marth 14.*

An Order of Sessions may be good in Part and void in Part. *Rex ver. Inhabitan. de Hilton.*

If the King should make a Place within a County a County of itself, and give them all Privileges of the Jurisdiction, it will not be safe for the Justices of the ancient County to hold their Sessions there, except the King by his Letters Patent reserve such a Power. If a particular Corporation within the County has its own Justices, yet the Justices for the County may hold their Sessions there, but cannot meddle with Matters arising within the said Corporation, until it be forfeited by *Quo Warranto.* King makes a new County. Justices of the old not to hold their Sessions there.

Sessions may commit a Justice for breaking the Peace. *Jenk. 174. pl. 47.*

Strictness of Words is not required in an Order of Sessions, though it ought in an Indictment. *1 Vent. 37.*

idem 39. Nelson's Case.

Order of Sessions final in Relation to a Settlement of the Poor, unless there be an Error in Form. *Idem 310.*

A Man may be indicted before Justices of Peace in their Sessions, for a Libel against a private Person, and may be fined; for it tends to a Breach of the Peace, being very often the Occasion of Duels. *Trin. 17 Car. 2. 1 Sid. 271.* A Man may be indicted at Sessions for a Libel against a private Man.

Where a Statute doth give a Power to Justices of Peace to hear and determine any Offence in general, and saith not where, there it must be done in, and cannot be done out of Sessions. But if it give them a Power to make a Rate, or to do any Special Thing, and say not where, there they may do it in or out of the Sessions. *2 Inst. 703, 704.*

The Easter Sessions by 33 H. cap. 10. are to be holden the Tuesday next after Low Sunday. *Lamb. 605.* 31 H. 8. c. 16.

2 H. 5. c. 4.
What Thing
may there
be given in
Charge.

The Justices of Peace, if need require, may keep a Special Sessions by Virtue of their Commission, or by the Stat. 2 H. 5. cap. 4. *Lamb.* 623.

All Matters within the Commission or Statutes may at a Special Sessions of the Peace be given in Charge; yet they are at Liberty to give in Charge, either all or any of them. *Lamb.* 623, 624.

In Cases of Difficulty it is proper for Justices to execute their Office in a Special Sessions; because if they should in the said Sessions make any Error or Mistake in their Judgments upon any Commitment or other Proceeding in such Sessions, no Action will lie against them for it.

Two Justices
Precept for
Sessions cannot
be superseded
but by the
King.

If two Justices of the Peace (one being of the *Quorum*) make a Precept to the Sheriff for the holding a Sessions at such a Place and Day, and to return a Jury before them; other Justices cannot by their *Superfedeas* to the Sheriff inhibit him; *Cro.* 122. but the King by his Writ of *Superfedeas* may discharge it. *Ibid.*

Indictments are many Times tried the same Sessions, wherein the Person was indicted; nay, often the same Day before Justices of Gaol-Delivery, or Justices of Oyer and Terminer. 1 *Cro.* 315, 438, 448. *Dalt.* 537.

But in Cases of Felony, upon Cause shewn to the Court, it seems very reasonable to defer it to the next Sessions, it being so generally in an Indictment of Nuisance; and Life more to be valued and favoured, &c. *Dalt.* 537.

Some Things
may be done
at any Q. Sef-
sions, some at
particular ones.

Some Things cannot be done by Justices of Peace but at the Sessions, and some Things but at such a particular Sessions. *Dalt.* 537.

Of the first Sort are, the Discharge of Apprentices ill used; Badgers licensed; Officers sworn (after the Sacrament received proved) and declaring against Trasubstantiation, according to 25 *Car.* 2. *Dalt.* 538.

Of the second Sort are, Taking Accounts of Treasurers for maimed Soldiers and for charitable Uses, &c. 43 *Elix.* cap. 2. The Rates of Wages are set in *Easter* Sessions, or in six Weeks after. *Dalt.* 538.

Making Or-
ders at Cham-
ber a bad Pra-
tice.

Making Orders in the Chamber after Adjournment of Sessions, is so far from being justifiable, that it is punishable. *Vide Pidgeon's Case*, 1 *Cro.* 341, 350.

The same Sessions may alter their own Orders, but then the first Order must be set aside, and the second entered. 6 *Mod.* 287. *Salk.* 606. *Clement's Parish versus St. Andrew's.*

They have Power only to quash or affirm, but not to suspend or supersede an original Order made by two Justices to remove a poor Person. 2 *Salk.* 472. 3 *Salk.* 256. *Oswell versus Woking Parish.*

If

If any Justice without lawful Cause doth not assemble at the *Easter-Sessions*, to rate the Wages of Servants, he shall lose 10*l.* to the King, by 2 & 3 P. & M. cap. 3.

In Trials of Criminals the Court is to be of Counsel with the Prisoner, and ought to advise him for his Good, not taking Advantage too strictly against him. And the Court may likewise be informed from a By-stander, especially a Man of the Law, offering any Thing as *Amicus Curiae*, relating to the Trial.

Court is of Counsel with the Prisoner.

The *Estraits* of Sessions are a great Part of the Justice of Peace his Duty; and they are to be doubled, and one Part thereof by the Justices Hands is to be delivered to the Sheriff to levy by them, and thereout to pay the Justices of Peace their Wages, by the Hand of the Sheriff by Indenture between them to be made; and the Justices Names are to be put in those Indentures, that the Sheriff may know whom to pay, and for whom to have Allowance made. 14 R. 2. cap. 11.

Justices must sign the Estraits.

14 R. 2. c. 11.

2. *How summoned; the Nature of the Summons, the Manner of holding the Sessions, and the Proceedings.*

Sessions held without Summons are good; but then none shall lose any Thing for Default of Appearing. *Lamb.* 380, 381.

Summons of the Sessions is usually by Precept written to the Sheriff, and by him to be returned at the Sessions. *Lamb.* 381.

Precept for summoning the Sessions may be made by any two Justices of Peace, one being of the *Quorum*, but not the *Custos Rotularum* alone: And Summons cannot be discharged by *Superfedeas* of all the other Justices, but by *Superfedeas* out of the Chancery. *Lamb.* 382, 383.

Precept to summon Sessions may be made by any two Justices, Quorum one.

Sessions held by one Justice of Peace is not good, altho' it were summoned by two, and filed by their Names, but by two sufficient Justices Warrant (*Quorum unus, &c.*) under Seal. Though held by one Justice, not good.

The Summons is good, though made in the Name of Three.

Though the Place where Sessions are to be holden is arbitrary, yet if they are summoned to be kept in one Place, and hold it then in another, without timely Notice of their Alteration of such Appointment, it is punishable in them; but then it must be within the County; and in such Case there can be no *Amerciament* for Default of Appearance. *Lamb.* 383, 384. *Dalt.* 531.

N 2

Jurors

How Jurors not appearing are to be punished.

Summons for Special Sessions how.

In some Countries six or eight Sessions yearly, in some more.

How that is ordered.

And it is lawful.

Fifteen Days between the Tette and Return of Precept.

The Precept.

Jurors not appearing according to Summons are punishable by Loss of Issues returned in the Eſtreats. *Dalt.* 534.

Summons of a Special Sessions is, for the most part, for some Special Inquiry, and not for the general Service of the Commission. *Lamb.* 623.

Mr. *Lambert* tell us in his 19th *Cb.* p. 569. that the Manner is, in some Countries, to summon yearly Six standing Sessions of the Peace, in others Eight, in others Twelve or Sixteen, and in others otherwise. All which is done chiefly upon Pretence to ease the Inhabitants of the County, for whom it would otherwise be very painful to travel so often and far from all Parts of the Shire to any one Place of the same. *Lamb.* 569.

And therefore such as do summon six or eight Sessions, do use to summon all the whole Shire to a Couple of them, and to the Residue they call only such Parts of the Shire as they do there specially appoint. But yet so that (upon the Reckoning) each Corner of the County giveth Attendance at four several Sessions, which also falleth out accordingly in those Shires where they have twelve or sixteen Sessions.

For albeit they do not at any one Time summon the whole Shire to any one Place (as others do); yet dividing their Shire into three or four Parts, and keeping four several Sessions in each of those Parts, they also, as well as the other, do serve their whole County with four several Sittings. And therefore (in his Opinion) although none of these do follow the precise Letter of the Law, (which requireth but only four Quarter-Sessions in any Shire) yet every of them draws near to the true Meaning of the Law, which looks for nothing else but that the Court of these Sessions should yearly be four Times opened for the whole County. *Lamb.* 569.

The Proclamation mentioned 4 *H.* 7. cap. 12. shall be read every Quarter-Sessions on Pain of 20*s.* for every Justice present.

To the End the Sheriff may have sufficient Time to proclaim the Sessions, to summon and return the several Juries, and to warn all Officers and others that have Business there, to attend at Sessions: The Precept should bear Tette Fifteen Days before the Return, and ought forthwith to be delivered to the Sheriff.

It is usually under the Hands and Seals of two or more Justices of Peace, *Quorum unus*, and runs thus:

J. B. and J. S. Esqs; two Justices of our Sovereign Lord the King assigned to keep the Peace in the County of E. and also to bear and determine divers Felonies, Trespases

passes and other Offences committed in the same County to the Sheriff of the same County, Greeting: On the Behalf of our said Sovereign Lord the King, we command you that you omit not by Reason of any Liberty in your County, but that you enter therein; and that you cause to come before us or our Justices of the Peace, &c. such a Day and Year next to come, at C. in the County aforesaid, Twenty-four honest and lawful Men of the Body of the County; each of which to have 40s. a Year of Lands and Freehold at least, then and there to enquire concerning those Things which shall be enjoined them on the Behalf of our said Sovereign Lord the King: Also that you cause it to be known to all Coroners of the County, Stewards, Constables, Under-Constables, Bailiffs of Liberties within the Hundreds and Liberties aforesaid; that they be then there to do and fulfil those Things which by Reason of their Offices shall be to be done: Moreover that you cause to be proclaimed through the whole Bailiwick in proper Places the aforesaid Sessions of the Peace to be held at the Day and Place aforesaid; and do you yourself be there at the same Time to do and exercise those Things which belong to your Office. And have you there then as well the Names of the Jurors, Coroners, Stewards, Constables, Under-Constables and Bailiffs aforesaid, as also this Precept. Dated under our Seals at D. in the County aforesaid, on the 16th Day of March in the Eighth Year of the Reign of our Sovereign Lord the King, &c.

When the Sheriff has received this Precept, he must direct several Warrants to the several Bailiffs of Liberties, and Bailiffs of Hundreds, containing in them the whole Substance of this Precept.

Then the Sheriff makes his Return of the Summons to the Sessions in this Manner.

The Execution of this Writ appears in certain Schedules to this Writ annexed. J. B. Esq; Sheriff.

Sheriff's Return of Precept.

To this are annexed divers Panels fairly ingrossed in Parchment, containing the Names of the Jurors, &c.

The Stile of the Sessions.

Essex, ff. **T**HE General Sessions of the Peace held at C. in the County aforesaid, on the first Day of October in the Eighth Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, before J. F. and J. S. Esqs; and their Brethren, Keepers of the Peace of our said Sovereign Lord the King, and his Justices assigned to bear and determine divers Felonies, Trespasses, and other Offences committed in the said County, &c.

The Method of holding the Sessions.

The Justices being met, the Course is with three O yes's to proclaim the Sessions; and then the Commission is read, which done, the Constables are called, &c. and one or more Grand Juries for Presentment, who being sworn, the Charge is given: Then they call the Recognisances, especially such as are to prosecute and give Evidence, that so Bills may be drawn and prepared, which being ready, the Parties bound over are sworn to give Evidence, and they are sent to the Jury to give their Evidence to them; but in difficult Cases, the Evidence is given in open Court.

While the Jury is absent to consider of the Bills, the Course is to hear Motions touching Settlements of poor Persons, and to call Persons bound to the Peace or Good Behaviour. But such are not to be discharged before the End of the Sessions, for fear lest any come to prefer Bills against them, or with other Complaint, and they should be gone.

The Method of proceeding after the Charge is given.

4 H. 7. c. 12.
33 H. 8. c. 9.

When the Charge is given, the Clerk of the Peace shall distinctly read, with an audible Voice in open Court, all such Statutes as are now in Force, and appointed to be publickly read or proclaimed at the General Quarter-Sessions; as the Statutes 4 H. 7. c. 12. 33 H. 8. c. 9. &c.

Then every Parish shall be rated towards the Relief of Hospitals, King's Bench and Marshalsea, and Alms-Houses in the County, Stat. 43 El. cap. 2. also towards the Relief of Prisoners in common Gaol, Stat. 14 El. cap. 5.

In Michaelmas Sessions the Court shall nominate two Justices of Peace to take a View of the Sheriffs Books of Estreats. 11 H. 7. c. 15.

Then the chief Constables of Hundreds and the Petty Constables shall be sworn.

When the Grand Jury have found any Bills, the Method of trying Prisoners.

As soon as the Grand Jury have found any Bills, and appear with them in Court, it is usual then to proceed to the Trial of those Prisoners against whom the Bills are found for Petty Larceny, &c. for Grand Larcenies are (as is said before) sent to the Assizes.

But the Trial of Prisoners and the Proceedings thereupon are in this Manner: The Gaoler is called to set his Prisoners to the Bar; and the Crier having made a Bar, one of the Prisoners is called to by the Clerk of the Peace, or his Deputy, A. B. *bold up thy Hand; thou standest indicted by the Name of A. B. &c.* reciting the whole Indictment in English; which done, *How sayest thou A. B. art thou Guilty of this Felony, or, &c. whereof thou standest indicted, or not Guilty?* If he say Guilty, the Confession is recorded, and he set aside till Judgment: If he says not Guilty, the Clerk says *Culp' prit'* how wilt thou be tried? He answers, *By God and my Country;* but if he stands mute, he shall not

not be put to his *peine fort & dure*, as in Case of Grand Larceny; for that the Stat. of *Westminster* extends not to Petit Larcenies; but Judgment shall be entered against him, by *Nihil dicit*. Co. 2 Inst. 177. And it is also the Course to enter Judgment by *Nihil dicit*, in Case of a *Premunire*; for otherwise, by the Party's Contempt, the King shall lose the Forfeiture of his Goods, in Case of Petit Larceny; and Lands and Goods, in Case of a *Premunire*.

In like Manner proceed to arraign the rest of the Prisoners, and they are severally called upon to plead, &c.

When so many Prisoners are arraigned, as may be conveniently tried by a Petty Jury at one Time, the Prosecutors are called on their Recognizance to give Evidence; then the Jury are called upon their Panel thus: You good Men who are returned to inquire between our Sovereign Lord the King and the Prisoners at the Bar, answer to your Names and save your Fines; which done, and a Jury appear, Proclamation is made, If any can inform his Majesty's Justices of Peace, the King's Serjeant, the King's Attorney, or this Inquest now to be taken between our Sovereign Lord the King and the Prisoners at the Bar, of any Felony or other Mildemeanour committed or done by the Prisoners at the Bar, or any of them; let them come forth, and they shall be heard; for the Prisoners now stand at the Bar upon their Deliverance: And all Persons bound by Recognizance to give Evidence against any of the Prisoners at the Bar, let them come forth and give their Evidence, or else they forfeit their Recognizances. Then the Clerk says to the Prisoner, the Persons who have been called, and have now appeared, are to pass upon your Trial; and if you will challenge them, or any of them, you must challenge them as they come to the Book, to be sworn, and before they are sworn, and you shall be heard. Then the Crier calls the Foreman of the Jury, and says to him, Lay your Hand upon the Book, and look upon the Prisoner, *You shall well and truly try and true Deliverance make between our Sovereign Lord the King and the Prisoner, or Prisoners at the Bar, whom you shall have in Charge; and a true Verdict give according to your Evidence.* So help you God. Then swear the second, and so on to twelve; then the Clerk says, Look upon the Prisoner you who are sworn, and hearken to his Charge, *He stands indicted by the Name of A. B. for that he, &c.* and so recite the whole Indictment; and then goes on and says, To which Indictment he hath pleaded Not Guilty; and for his Trial hath put himself upon God and his Country, which Country Ye are; so that your

Proclamation
for Information.

Oath of Jury.

Charge against
the Prisoner.

Charge is to enquire whether he be guilty of the Felony, &c. whereof he stands indicted, or Not guilty. If you find him Guilty, you shall enquire what Goods and Chattels he had at the Time of the Felony committed, or at any Time since: If you find him Not guilty, then you shall enquire if he did fly for the same; and then you shall enquire what Goods and Chattels he had at the Time when he did so fly for the same, or at any Time since. If you find him Not guilty, nor that he did fly for the same, then you must say so, and no more, and hear your Evidence.

A Warrant for a Witness to appear and give Evidence at Sessions.

Essex, *ss.* **F**Orasmuch as A. B. of, &c. Barber, is thought to be a fit and necessary Witness to be examined on his Majesty's Behalf: These are therefore (in his Majesty's Name) to command you that you, some or one of you, do forthwith warn him the said A. B. personally to appear before the Justices of the Peace at the next Sessions of the Peace to be holden for this County at C. then and there to testify his Knowledge on the Behalf of his said Majesty, to and upon such Matters as he shall be then and there examined about. Hereof fail not, &c.

Then the Witnesses are called and sworn; for which Oath see Vol. I. under Title Oaths.

When all the Witnesses for the King have been examined, then if the Prisoner desires that any Witnesses should be examined for him, they must be examined also upon Oath. When the Prisoner has done, and has been heard all he has to say in his Defence, the Evidence is summed up by the Chairman to the Jury; and then if the Jury cannot agree on their Verdict at the Bar, a Bailiff must be sworn to keep the Jury; for which Oath see Vol. I. under Title Oaths.

When the Petty Jury are agreed of their Verdict, and are come back, the Prisoner is again set to the Bar, and the Clerk says, Gentlemen of the Jury, Are you agreed on your Verdict? If they say Yes, then he says, Who shall say for you? They answer, Our Foreman; Then the Clerk says, Look upon the Prisoner, Gentlemen; How say you, Is A. B. Guilty of the Felony (or as the Case is) whereof he stands indicted, or Not Guilty? If they say Not guilty, bid him down upon his Knees, and say God bless the King and this Honourable Bench. If they say Guilty, then the Clerk records the Verdict, and says to the

the Jury, Hearken to your Verdict, as the Court has recorded it: Ye say that *A. B.* is Not guilty of the Felony (or as the Case is) whereof he stands indicted, and so ye say all. Or ye say that *A. B.* is guilty of the Felony (or as the Case is) whereof he stands indicted, and so ye say all. Then the Clerk says, Set *C. D.* to the Bar, and says and does as last before, and so on with the rest (*mutatis mutandis*). Then the Crier makes Proclamation, and says, His Majesty's Justices command all Manner of Persons to keep Silence while they proceed to give Judgment against the Prisoners at the Bar, upon Pain of Imprisonment; and then the Judgment is pronounced, and so for the rest.

When the Petty Larcenies, and other grand Offences are tried, then the Processes are called over, and the Traverses follow next. If any Person indicted for a Trespass or other Misdemeanor, do appear, he shall not hold up his Hand at the Bar, as in the Case of Felony; but if he plead Not guilty, and shall traverse his Indictment, according to the usual Course, then he shall enter into Recognizance to prosecute his Traverse at the next Quarter-Sessions. Trial of Traverses.

Then the Clerk shall call the Parties bound by Recognizances taken at the last Sessions to prosecute their Traverses at this present Sessions.

In all Trials the Counsel of the Prosecutor shall conclude the Evidence, and the Judge of the Court shall give the Direction to the Jury.

Every Contempt shall be answered in proper Person, and not by Attorney. *Crompt. 190.*

3. *What Things are inquirable at the Sessions, and its Jurisdiction.*

They may also hear and determine Felonies; for the Power which the Justices have is either by Acts of Parliament or by their Commission, and by both they have Authority to try Felons; for by *4 Ed. 3. cap. 4.* they have Power to hear and determine Felonies, and to inflict Punishment according to the Law. And by the second Assignavimus in their Commission, which relates only to the Sessions, they have Authority to enquire by a Jury, &c. of all Felonies, &c. and likewise of several other Articles therein mentioned; and they may send out Process against the Offenders to bring them in and try them, and give Judgment according to Law. 4 E. 3. c. 4

But

But now only try Petit Larcenies, and send great Felonies to the Assizes.

But though they have this Power, yet now the common Practice is to try Petty Larcenies at Sessions, and the Felons are of Course carried to the Assizes by the Gaoler.

5 Eliz. c. 14. Sessions have no Jurisdiction in Forgery, &c.

But where a Statute creates a Crime, and appoints before whom it shall be tried, in such Case, if the Sessions be not named, they have no Jurisdiction; as in Forgery, upon the Stat. of 5 *Eliz. cap. 14.* which provides that the Indictment shall be taken before Justices of Assize, and Justices of Oyer and Terminer; for though they have an express Clause in their Commission *ad audiend' & terminand'*, yet they cannot proceed in their Sessions against Offenders of this Nature, because there is another Commission of Oyer and Terminer, which is distinctly known by that Name. And this was adjudged in my Lord *Sancar's Case*, 9 *Rep. 118. b.*

Justices at Sessions may make Orders about House of Correction. 29 *Eliz. c. 4.* Sessions may bind to Good Behaviour.

The Justices of Peace cannot (out of Sessions) punish Petty Larceny by their Discretion (as some have thought) but must bind the Offender over, and they must be tried and discharged at Sessions. *Dalt. cap. 101.*

Justices at Quarter-Sessions, or the major Part of them, may make Orders for the erecting one or more Houses of Correction, and for providing a Stock and Things necessary; and for Punishment of Offenders, as they shall think fit, from Time to Time. 29 *Eliz. cap. 4.*

The Sessions may bind a Man to his Good Behaviour for any rude and insolent Behaviour to the Court; and if he hath no Sureties, may commit him till he find some, but cannot indict him; and this is according to the Common Law of *England. Sid. 219.*

Sessions may appoint Rates for passing Vagrants, and may make Orders, and raise Money quarterly, to be paid to the High Constables who are answerable for it, and to pay to the Petty Constables what the Justices shall allow in their Certificates, &c. which, together with the Receipts of what is therein allowed, and taken by the High Constables, they may discount with the Treasurer of the County Stock. *Dalt. 310.*

And may punish Defaults of Officers.

The Sessions likewise to which Passes are transmitted, may enquire of Defaults of Officers, in permitting or encouraging Escapes, and punish the same.

May settle the Price of Salt.

Justices of Peace (not concerned in making or selling Salt) at every *Easter* and *Michaelmas* Sessions, shall set the Prices of Salt for the next Half Year, and none to sell above those Prices, under Penalty of 5*l.* and Forfeiture of double the Value.

It

It would be to enlarge too much to set forth the Charge at large; I shall therefore only mention those Things and Offences which by particular Statutes are inquirable, and may and ought to be prosecuted in this Court, *viz.* What Matters are inquirable at Sessions.

- Affrays, those who make them.
- Alehouse-Keepers, whether they have forfeited their Recognizances. 5 & 6 Ed. 6. c. 25.
- Ale, Selling it to an unlicenced Alehouse-Keeper. 4 Jac. 1. c. 4.
- Ale, Selling it without Licence. *Ibid.*
- Apprentices, taking them otherwise than is limited by Stat. 5 Eliz. c. 4. except in London and Norwich.
- Artificers, Persons contracting with them to go out of the Kingdom. 5 Geo. 1. c. 27.
- Affaults, Those who make them.
- Badgers offending against 5 Eliz. c. 12. without Licence.
- Bailiff taking more than 4d. for an Arrest.
- Bakers offending against 8 Ann. c. 18.
- Barretors.
- Bastards to do all Things in Cases of Bastardy, as Justices of Peace in their several Counties. 18 Eliz. c. 3.
- Seising Goods and Lands of their Parents. 13 & 14 Car. 2. 5 Geo. 1. c. 8.
- Bawdy-House Keepers may be here punished.
- Bridges, upon the Stat. 21 H. 8. c. 5. 1 Ann. c. 18.
- Buggery. 25 H. 8. c. 6.
- Bushel sealed. 11 H. 6. c. 8.
- Butchers. 22 & 23 Car. 2. c. 19. 1 Jac. 1. c. 22.
- Butter. 21 Jac. 1. c. 22. 13 & 14 Car. 2. c. 26.
- Buttons. 8 Ann. c. 6. 4 Geo. 1. c. 7.
- Carriage of Goods, Prices thereof. 3 & 4 W. & M. c. 12.
- Cattle, Buying and Selling contrary to 22 & 23 Car. 2. c. 10.
- Church not coming thither for the Space of a Month. 5 & 6 Ed. 6. c. 1. 23 El. c. 1. 29 El. c. 6. 35 El. c. 1. 1 El. c. 1. 5 El. c. 1. 12 Ann. c. 7.
- Church and Church-yard, striking there with Weapon. 5 & 6 Ed. 6. c. 4.
- Clothes unlawfully stretched with Ropes, &c. 39 El. c. 20. 5 El. c. 4. 10 Ann. c. 17.
- Coachmen and Chairmen. 9 Ann. c. 23.
- Common Prayer, not using or abusing it. 23 Eliz. cap. 2.
- Conspiracy of Butchers, Bakers, Brewers, &c. 2 & 3 Ed. 6. c. 15.

- Conies, Good Behaviour for killing them. 3 *Jac.* 1. c. 13.
- Corn. } Licencing or prohibiting the Transportation. *El. c. 13.*
 } 13 *El. c. 13.*
 } Foreign Imported. 1 *Jac.* 1. c. 19.
- Correction-Houses, Order for erecting of them. 39
El. c. 4. 7 *Jac.* 1. c. 4.
- Coroner not doing his Duty. 1 *H.* 8. c. 7.
- Cottages, Erecting them contrary to 31 *El. c. 7.*
- Counterfeit Letters, and getting Money by them. 38
H. 8. c. 1.
- Carriers. 1 *Jac.* 1. c. 22. 4 *Jac.* 1. c. 6.
- Customs. 13 & 14 *Car.* 2. c. 11, &c.
- Dissenters keeping Servants not coming to Church. 3
Jac. 1. c. 4.
- Escape of Felons. 1 *R.* 3. c. 3.
- Estreats of Sheriffs, Controlling them by Justices. 11
H. 7. c. 15.
- Faasants, taking them in the Night-Time with Nets, &c. 23 *El. c. 10.*
- Fairs or Markets not appointing Toll-takers, &c. 2 & 3
P. & M. c. 7.
- Fish, Destroying them by Engines. 17 *R.* 2. c. 9.
 1 *El. c. 17.* 30 *Car.* 2. c. 9. 5 *El. c. 21.*
- Forestalling, Regrating, and Ingrossing. 5 & 6 *Ed.*
 6. *cap.* 14.
- Game, Taking it with Engines in another Man's Ground.
 11 *H. 7. c. 17.* 23 *El. c. 10.*
- Gaming. 33 *H. 8. c. 9.*
- Gaols. 11 & 12 *W.* 3. c. 19. 10 *Ann. c. 14.* 6 *Geo.*
 c. 19.
- Gunpowder. 5 *Geo. c. 26.*
- Hides, Butchers gashing them, &c. 1 *Jac.* 1. c. 22.
- Highways. 2 & 3 *P. & M. c. 8.* 5 *El. c. 13.* 3 & 4
W. & M. c. 12. 2 & 3 *W. & M. c. 8.* 1 *Geo.* 1. c. 11.
 1 *Geo.* 1. c. 52.
- Hunting disguised in the Night. 1 *H. 7. c. 7.* 9 *Geo.*
 1. c. 22.
- Hawking or Hunting in standing Corn. 23 *El. c. 10.*
- Horses } Stoned, feeding on Commons, above two
 } Years old, and not fifteen Hands high. 32 *H.*
 } 8. c. 13.
 } Property not altered unless tolled. 2 & 3 *P.*
 } & *M. c. 7.*
- Jesuits, and those who harbour them. 27 *El. c. 2.*
- Information exhibited by Informer in proper Person.
 18 *El. c. 5.*

- Inn-keepers selling Victuals at unreasonable Prices.
 21 *Jac.* 1. c. 21.
 Jurors, Levying Issues lost by them. 27 *El.* c. 7. 39
El. c. 18. 7 & 8 *W.* 3. c. 32. 3 & 4 *Ann.* c. 18. 10
Ann. c. 14.
 Leather. 1 *Jac.* c. 1. 22.
 Libels.
 Linen made deceitfully. 1 *El.* c. 12.
 Malt. 2 & 3 *Ed.* 6. c. 12. 39 *El.* c. 16.
 Marrying without License. 6. & 7 *W.* 3. c. 6.
 Mafs, Saying it. 23 *El.* c. 1.
 Master and Apprentice discharging. 5 *El.* c. 4.
 Mats. 5 & 6 *Ed.* 6. c. 24.
 Money false, Concerning it. 3 *H.* 5. c. 7. 19 *H.* 7.
 c. 5.
 Mofs-Troopers, To suppress them. 29 & 30 *Car.* 2.
 c. 2.
 News false, Telling it. 2 *Ric.* 2. c. 11. 2 *Ric.* 3.
 c. 12. 1 & 2 *P. & M.* c. 3.
 Oaths. 1 *Geo.* 1. c. 15. 10 *Ann.* c. 2.
 Oak Trees. 1 *Jac.* 1. c. 22.
 Petition. 13 *Car.* 2. c. 5.
 Perjury upon 5 *El.* c. 9. 29 *El.* c. 5.
 Poor. 43 *El.* c. 2. 8 & 9 *W.* 3. c. 30. 9 *Geo.* 1. c. 7.
 Prisoners, { Tax made for relieving them. 14 *El.* c. 51.
 { 7 *Jac.* 1. c. 25. 19 *Car.* 2. c. 4.
 Preachers, disturbing of them. 1 *M.* c. 3.
 Prophecies, false and fantastical, 5 *El.* c. 15.
 Recusants. 3 *Jac.* 1. c. 4. 11 *W.* 3. c. 4. 1 *Geo.*
 1. c. 55.
 The Stat. 5 *Eliz.* against maintaining the Pope's
 Jurisdiction, to be openly read by the Clerk
 of the Peace every Quarter-Sessions. 5 *El.*
 c. 1.
 Riots, Routs. 1 *Geo.* 1. c. 5.
 Rogues incorrigible, convicted, may transport them.
 13 & 14 *Car.* 2. c. 12. 12 *Ann.* c. 23.
 Branding them. 1 *Jac.* 1. c. 7.
 Banished and returning without License. 39
El. c. 2.
 Sacrament, Abusing it. 1 *Ed.* 6. c. 1. 1 *El.* c. 2.
 3 *Jac.* 1. c. 4.
 Salt, to set the Price of. 7 & 8 *W.* 3. c. 31.
 Scavengers, To appoint them. 1 *Geo.* 1. c. 48.
 Servants assaulting Master. 5 *El.* c. 4.
 Sewers, Commissioners of Sewers, to swear them. 23
H. 8. c. 5.

- Sheep, Keeping above 2000, &c. 2 & 3 P. & M.
 c. 3. 25 H. 8. c. 13. 8 El. c. 3.
- Sheriffs, Under-Sheriffs, &c. acting contrary to 23
 M. 6. c. 10.
- Acting in their Offices before sworn. 27 El. c.
 12. 11 H. 7. c. 15. 10 Ann. c. 23.
- Shoemakers not acting according to 1 Jac. 1. c. 22.
- Silk-Thrower, Exercising the Trade without serving
 seven Years to it. 13 & 14 Car. 2. c. 15.
- Soldier listed, Departing without License. 7 H. 7. c.
 1. 2 & 3 Ed. 6. c. 2.
- Commanded to Muster, absenting himself with-
 out lawful Excuse. 4 & 5 P. & M. c. 3.
- Persons authorized to levy Soldiers or make Musters, ta-
 king any Reward to discharge or spare any from the Ser-
 vice. 4 & 5 P. & M. c. 3.
- Soldiers maimed, Relieving them by taxing Parishes,
 &c. 43 El. c. 3.
- Soldiers wandering are Felons. 39 El. c. 27.
- Officers not giving Notice to Innkeepers, &c. 12 Ann.
 c. 4.
- Tanner swearing. 10 Ann. c. 2. 1 Geo. 1. c. 15.
- Persons using the Trade of a Tanner. 1 Jac. 1.
 c. 22.
- Tile, Making and Selling. 17 E. 4. c. 4. 12 Geo. 1.
 c. 35. 2 Geo. 1. c. 15. 3 Geo. 2. c. 22.
- Tobacco planted contrary to 22 & 23 Car. 2. c. 26.
- Toll-Book, Whether kept by the Owner of Fair, &c.
 2 & 3 P. & M. c. 7.
- Tithes. 7 & 8 W. 3. c. 6. and 6 Ann. c. 2.
- Viaguallers about limiting their Gains, and punishing
 them. 2 Ed. 6. c. 15.
- Under-Sheriff. *Vide supra.*
- Usury on the Stat. 13 El. c. 8. 12 Car. 2. c. 13. &
 12 Ann. c. 16.
- Vagrants, To appoint Rates for passing and conveying
 them. 12 Ann. c. 23.
- Wages of Labourers. 5 El. c. 4.
- Watches on Sea-Coasts. 5 H. 4. c. 3.
- Weights and Measures. 1 H. 5. c. 10. 9 H. 5. c. 8.
 7 H. 7. c. 4. 11 H. 7. c. 4. 8 H. 6. c. 5. 11 H. 6.
 c. 8. 7 H. 7. c. 4. 11 H. 7. c. 4. 22 & 23 Car. 2. c. 8
- Wine, selling it without License. 7 Ed. 6. c. 5. 12
 Car. 2. c. 25.
- In too little Measure. 2 H. 6. c. 11. 2 W.
 & M. c. 14.

Wool,

Wool, Conveying it from Place to Place. 12 Car. 2. c. 32. 13 & 14 Car. 2. c. 18. 7 & 8 W. 3. c. 28. 3 Geo. 1. c. 21.

4. *Their Proceedings as to Recognizances, Certificates, Witnesses and Fines.*

If a Justice of Peace having taken a Recognizance for an Alehouse, do not certify it at the next Quarter-Sessions, he forfeits five Marks, by 5 Ed. 6. cap. 25. Lamb. 599. Penalties of Justices nor certifying, &c. 5 E. 6. c. 2j.

The next Justice as does not certify, at the next General Sessions of the Peace, such Presentments as the Overseers of the Highways have before presented unto him, shall lose 5 l. for every Default, by 2 & 3 P. & M. cap. 8. 2 & 3 P. & M. c. 8.

Upon a credible Affidavit made of Disability of Appearance by the Act of God, as Sickness, &c. it is usual to respite the Recognizance till next Sessions, endorsing the Cause on the Backside thereof. If Party is disabled by the Act of God, the Recognizance is respited.

If any Person be bound by Recognizance to appear at the next Quarter-Sessions, and in the mean Time to be of the Good Behaviour, and during that Time before Sessions, shall misbehave himself and make a Breach of the Good Behaviour, a *Scire Facias* shall be brought upon such Recognizance, and the same shall be tried thereupon by a Jury. Scire Facias brought on the Recognizance.

If any Person be bound by Recognizance, with Sureties to appear at the next Quarter-Sessions, to be held for the County, and die before the Time of holding the said Sessions, the Sureties must plead the Death of the Party for their Discharge. When Party bound dies, Sureties must plead it.

Every Judgment which shall be given, and every Fine which shall be assessed, ought to be openly pronounced and declared by the Court. Lamb. 554. Judgment ought to be pronounced, and Fine set openly.

N. B. Where the Statute leaves the Fine to the Discretion of the Court, or any Justice differs in Opinion touching the Quantity of the Fine, or the Quality of the Punishment, the Chairman shall state the Matter of Fact to the Court, and every Justice there, beginning with the *Puisne*, shall publicly give their several Votes what Fine shall be imposed, or what Punishment shall be inflicted upon the Offender; but if the Question be Matter in Law, the Court will take Time to advise with the Judges according to the Form of their Commission.

Formerly no Witnesses were to be examined upon Oath against the King, but now by Stat. 7 W. 3. cap. 3. where any Person is indicted of High Treason, whereby any Corruption of Blood may be made, or for Misprision of such Treason. Witnesses for Prisoners are to be upon Oath.

Treason, he shall be allowed two Counsel; and to make any Proof by lawful Witnesses upon Oath.

1 Ann. c. 9.

And by Stat. 1 Ann. cap. 9 all Witnesses on Behalf of Prisoners upon Trials for Treason, or Felony, shall be upon Oath, and if convicted of wilful Perjury shall suffer accordingly.

Sessions may fine a Jury.

The Sessions may fine a Jury for not finding a Bill upon plain Evidence; and they may order a Sheriff to strike out a Juryman, or to alter the Panel, if they see Cause. Sid. 219.

5. Concerning Indictments.

N. B. No Person may assign Errors upon Indictments, unless he appear in proper Person, and put in Bail. 3 Cro. 616.

Also that no Information or Indictments for Nuisances shall be quashed or discharged, unless two Justices of Peace do certify to the Court upon their own View, either by Certificate under Hands, or in Person, that the Nuisance is removed. *Layton's Case*, 3 Cro. 584.

When Party ought to have his Traverse.

If any Person thus charged upon Indictment will demur in Law upon the Evidence, the Clerk of the Peace must record the Demurrer; or if he will plead a Pardon, he must record the Plea; or if he will offer his Traverse to the Indictment, the Court must allow the same; but if he be obstinate, and refuse to plead, Judgment shall be given against him by *Nihil dicit*.

W. 2 c. 30.

If an Indictment be challenged for such Cause as the Justices will not allow, then they may seal a Bill of that Exception for the Party, if he will write and require it according to the Stat. *W. 2. cap. 30*.

If any Person thus indicted shall appear voluntarily without Process, he may pray Time to plead till the next Sessions, that he may advise with his Counsel what to plead.

Wheresoever any Process *ad respondendum* goeth out by Force of such an Indictment as is traversable, there the Party may offer, and ought to have his Traverse against it.

If the Party indicted will plead in Justification any Matter of Record that is before other Justices, the Court will give him a Day to bring it in.

Adjournment of Sessions must appear plainly.

The Caption of an Indictment at the Sessions was thus: *Sessio tene vicefimo & vicefimo octavo die Julii, &c.* This was adjudged to be ill, for though the Sessions may be adjourned from one Day to another, yet that must appear

pear distinctly, and not as if they were sitting from the 20th to the 28th Day of the Month. *Salk.* 605.

6. *Concerning Orders, Appeals and Removals.*

Order to remove a poor Man from *Waking* to *Ofwell*, and upon an Appeal, the Sessions superseded that Order, and then ordered that the poor Man should be sent to *Waking*. These Orders being removed by *Certiorari*, it was moved to quash the Sessions Order, because they have Power only to quash or affirm, but not to supersede an Order, though but for a Time : Besides, here they have made an original Order, which they cannot do. It was referred to a Judge of the Assize. *Salk.* 473.

Order of Sessions referred to Judge of Assize.

An Order of Sessions was drawn up Specially to have the Opinion of the Court, which was thus concluded : And if the Court shall be of Opinion, &c. then, &c. this was adjudged naught, because the Sessions ought first to determine the Matter, and not conclude to the Opinion of the Court. *Salk.* 486.

Order must not conclude to the Opinion of the Court.

Upon an Appeal to the Sessions, they made an Order to quash the Original Order, and to send the poor Man to the Parish from whence he was removed by that Order. It was insisted that the Sessions have only Power to affirm or quash ; but here they made an original Order ; but adjudged that the Order was void as to that Part, and good as to the other Part. *Fressley* 10. *Satt. & Rem.* 206.

Order void as to Part, and good as to the rest.

On an Appeal to the Sessions, they discharged the original Order, but did not say, whether for Form, or upon the Merits of the Case ; and for that Reason the Court of *King's Bench* was moved to quash this Order of Sessions ; but adjudged that they are not bound to set forth the Reason of their Judgment no more than other Courts ; and that where the Sessions discharge an Order upon an Appeal, and it appears to be good, *B. R.* will intend that it was discharged upon the Merits, and therefore will confirm their Order of Discharge ; but if it appear to be bad, then *B. R.* will intend that it was discharged for Form.

Where *K. B.* will intend Order was discharged on the Merits.

By a Stat. 5 G. 2. it is enacted, that upon all Appeals to be made to the Justices of Peace at their General or Quarter-Sessions, for any County, Riding, City, Liberty, or Precinct, within *England*, against Judgments, or Orders given or made by any Justices of Peace as aforesaid, such Quarter-Sessions shall, upon all such Appeals, cause any Defect of Form found in any such Original Judgments or Orders to be rectified and amended, without any Cost or Charge to the Parties concerned ; and after such Amendment made, shall proceed to hear, examine and consider the Truth and Merits of all Matters concerning such original

5 Geo. 2.

ginal Judgments or Orders, and likewise to examine all Witnesses upon Oath, and hear all Proofs relating thereto, and to make such Determinations thereupon, as by Law they should or ought to have done, in case there had not been such Defect or want of Form in the original Proceeding; any Law, Usage, or Custom to the contrary notwithstanding.

Sessions have not Power to order Clerk of the Peace to prosecute for Barretty.

43 Eliz. c. 2.

Sessions cannot make an original Order, when they ought only to reverse or affirm.

Order of Sessions, that the Clerk of the Peace should prosecute *T. P.* upon an Indictment for Barretty, and that the Charge should be allowed out of the County Stock; the *Surplus* whereof they had Power to dispose to charitable Uses, by Virtue of the Stat. 43 *Eliz. cap. 2.* but adjudged this was not a charitable Use, and that they had no Power to make such an Order. 2 *Salk.* 605.

Order of Removal from *T.* to *B.* and upon an Appeal the Sessions made an Order to remove him to *A.* a third Parish, which appeared to them to be the last Place of his lawful Settlement, quashed, because the Sessions made an original Order, when they ought only to reverse or affirm the first Order.

Order of Sessions to hinder the Defendant from selling Ale, quashed, because the County was only in the Margin, and not in the Body of the Order; and the Court said, that several Orders had been quashed for the same Fault. *The King* vers. *Austin*, 1 *M. Cases* 309. *Sett. and Rem.* 121. *Mich.* 11 *Geo.* 1. *The King* vers. *Parish of Sberingbam.* 8 *Geo.* 1. *The King* vers. *Marsh.*

Strict Words are not required in an Order of Sessions, as they are in an Indictment; but Forms are necessary in the Proceedings. And as to Fines imposed at Sessions, *B. R.* may mitigate them. 1 *Vent.* 37.

An Appeal may be adjourned from one Quarter-Sessions to another; and a Sessions may adjourn from one Day to another, and so sit by their Adjournment. 2 *Salk.* 605. *Cases B. R.* 260. *Sett. and Rem.* 120, 114. *King Langly Parish's Case.*

The Sessions may alter their own Orders the same Sessions by a second Order; the first Order made in the same Sessions ceases to be a Record; but the first Order ought to be wholly set aside, and the second only to be entered up. And the Sessions, as well as the Term, is but one Day in Law. 6 *Mod.* 287.

Sessions is but one Day.

The Sessions had Power to affirm or quash, but not to supersede or suspend an original Order of two Justices relating to the Removal of a poor Person, &c. *Fareley's Rep.* 10. *Salk.* 472.

Sessions cannot put down an Ale-house licensed by two Justices, but for Disorders. *Salk.* 470. *Holt* 425. 3 *Salk.* 27. *Randal's Case.*

The

'The Sessions made an Order, and the same Sessions vacated that Order by a subsequent Order; and both being removed by *Certiorari*, it was adjudged that they ought not to have returned the vacated Order, and that the Sessions being accounted in Law but as one Day, they may alter their Judgment, and make a new Order. *Salk.* 494. 6 *Mod.* 287. *Holt* 511. *St. Andrew's Parish's Case.*

Adjudged that where an Order is made at the Sessions, it is still in the Breast of the Court during all that Sessions, either to alter, revoke, or make a new Order, to vacate the former, though it is drawn up in Form; and that the Court at the *Old Baily* have altered and set aside their own Judgment in the same Sessions, where they have given Judgment against a Man to be pressed to Death, and have afterwards allowed him to plead and be tried, and then have given another Judgment. The same Thing is done in *B. R.* where Judgments have been altered during the same Term; and the Sessions as well as the Term are accounted but as one Day. *Salk.* 606. 6 *Mod.* 287. *Holt* 511. *St. Andrew's Parish's Case.*

And that Court may alter their Order during the same Sessions.

When a Justice of Peace was Surveyor of the Highways, a Matter came in Question at the Sessions concerning his Office as Surveyor; and he joined in making the Order, and his Name was put to the Caption, for which Reason it was quashed. *Salk.* 607. *Holt* 517. *Sett. and Rem.* 121. *Foxham's Case.*

The Judge of Assize may order a Matter to a Reference, but the Sessions cannot. *Mod. Cas.* 87.

A Servant of one *H.* complained to the Sessions, that her Master was in Arrears to her for Wages; on hearing the Matter both Parties agreed to refer it to Sir *T. L.* late Lord Mayor, to be determined; which was done accordingly by the Sessions: He made an Award or Order, but before Report made thereof, a *Certiorari* was brought; whereupon a *Procedendo* was prayed; & *per Cur.* A Judge of *Nisi Prius* by Consent of Parties may make a Rule to refer a Cause, but the Sessions cannot do so, though by Consent they may refer a Thing to another to examine, and make Report to them for their Determination, but cannot refer a Thing to be determined by the other. *Salk.* 477. *Sett. and Rem.* 269. *Harding's Case.*

An Order was made at the Quarter-Sessions for the Relief of poor Prisoners in Gaol, and providing Materials to set them on work; upon the Statutes 14 *Eliz. c. 5.* & 19 *Car. c. 4.* whereby a Sum was assessed on the several Parishes, not exceeding what was allowed by both Acts; the Order was quashed, because they ought to have made

14 *Eliz. c. 5.*
19 *Car. 2. c. 4.*

distinct Orders upon the different Statutes. The Money to be levied by Virtue of each Statute being applicable to different Purposes. *Salk.* 487. *Hill.* 11 *W.* 3. *B. R.* *Eaton Bridge v. Westram* Inhabitants.

Indictment for Non-performance of an Order of Sessions, requiring him to relieve and maintain his Son's Wife, quashed, because it was only said *ad General' Session'*, and not *Quarterial'*, as it should be; *per Stat.* 43 *El. cap.* 4. they may hold other General Sessions, but are required to hold four Quarter-Sessions. *Comb.* 418. *Rex* *vers.* *Curnock.*

An Order was made at the Sessions upon an Appeal; afterwards at a subsequent Sessions they set aside the former Order of Sessions, being of Opinion it was obtained by Surprise. *Holt* Chief Justice: This Order must be set aside, for they have no such Authority. *Salk.* 477. *Sett.* and *Rem.* 177. *Cumb.* 418. *Inter* the Parishes of *Cockfield* and *Boxton.*

The Defendant being Overseer of the Poor, was indicted for not obeying an Order of Sessions concerning the Settlement of a poor Man. The Indictment was quashed because it recited *quod cum ordinatum fuit, &c.* whereas it should have been absolute without the *Cum.* *Cumb.* 313. *Kebl.* 300. *Rex* *vers.* *Pope.*

Sewers.

Justices of Peace being often put into the Commission of Sewers, it may not be thought improper to say something on that Head.

Statutes of Sewers. King of England's Dominion over the four Seas. 6 H. 6. c. 5.

The first Statute of any Consequence concerning them is that of the 6th *H.* 6. c. 5. though the Kings of *England* might, and did grant Commissions for the Surveying and Repairing Sea-Banks, Rivers, &c. and this is founded on the King of *England's* Dominion and Sovereignty over the four Seas; and therefore likewise the Ground covered with Water of Right belonging to him, by Consequence it is a Royal Escheat to the Crown when left dry.

Land sometimes wet and sometimes dry, may belong to a Subject.

But Lands which are sometimes wet and sometimes dry are not relinquished, and therefore may belong to the Subject, who may likewise have Profits arising on the Sea, as a free Fishery. So Tithes of Fish may be due to the Parson, and this though not in a Parish, he may have either by Prescription or Custom; and Lords of Manors may be entitled to Lands between high and low Water-Mark; for such Lands lie dry every Day.

Stat. of 23 H. 8. c. 5. 5 E. 6. c. 1.

But to prevent the Inundation of the Sea, the Statute of 23 *H.* 8. *cap.* 5. was made, which was a temporary Law, but made perpetual by 3 *Ed.* 6. c. 1.

In

In this Law there is a Form of the Commission, (which must be under the Great Seal) and the Oath of the Commissioners is also set forth at large.

The Commissioners are a Court of Record (though not called so in the Statute) and have Powers to make Orders, which have the Force of Judgments, and may issue out Proceſs to compel the Performance of their Orders; and therefore, when six of the Commissioners sit by Virtue of the Commission, they are allowed to be a Court of Record, as in *Gregory's Case*. Commissioners a Court of Record.

They cannot intermeddle unless in Cases of publick Damage, as well as in publick Streams; for if they decree a Stream to be straitned, so that the Meadows of a particular Person are overflowed, this is a private Damage; and an Action on the Case will lie for it.

But they have Power over —	}	the Person by	}	Fine,
		the Goods by		Amerciament;
		the Lands by		Imprisonment;
				Distress and Sale;
				charging them by Sale.

And first, they may fine for ill Language, or for Contempt of the Commissioners in Court, or for any Disturbance there; for contemning their Orders; for refusing to obey them: They may fine their Officers for neglecting their Duty, for refusing to accept of an Office, being chosen, or misdemeaning himself when in Office; for setting up Piles and Stakes in great Rivers, this being a Purpresture which is in Nature of a Nuisance at Land, but then it must be presented to be *Vi & armis*. In what Cases fine.

They may fine the Sheriff if he doth not attend, upon Notice; or if he neglect to return a Jury, having a Warrant from them for that Purpose: And may fine a Juror for departing after his Appearance is recorded.

By 13 *El. cap. 9.* these Fines, and likewise Amerciaments, must be every Year estreated into the Exchequer by the Clerk of the Commissioners, or he forfeits 5 *l.* for every Default. 13 Eliz. c. 9. Where Estreated.

They cannot impose a Fine upon a Township, and levy it upon one Man; for it ought to be upon every Inhabitant in respect of his Estate. 2 *Cro. 336.*

Amerciaments are usually set by the Jury, and are generally for Offences which consist in *non agendo*; and in this Respect they differ from Fines; for these are set on Offenders for doing what they ought not. And therefore, Offences for which Persons are amerced cannot be found In what Cases Amerciaments.

to be by Force, because they arise by Sufferance, Neglect, or Nonseafance; as by suffering Walls or Banks to be in Decay, by neglecting to repair a Bridge, Causeway, or to cleanse a River, and the like.

But in some Cases they may be said to be done *vi & armis*; as for casting Dirt, Sand, &c. in a River, for that is a Purpresture, and then the Offender may also be amerced. Amerciaments may likewise be sent by the Presentment of Surveyors.

But the Commissioners cannot imprison for disobeying their Orders, as they may for a Contempt in their Presence. *Sid.* 145.

How a Rate ought to be made.

A Tax ought to be made according to the Land, *viz.* The Quantity and Quality of Acres, and not according to the Number of Persons.

When Commissioners may grant a Warrant to distrain

And where a Person refuses to pay a Rate or Tax which is imposed on him, the Commissioners may grant a Warrant to distrain for it. *5 Rep. Rook's Case.* *2 Cro.* 336. *2 Bull.* 198.

Where the Goods may be taken.

And, in such Case, the Goods of the Person upon whom it is imposed may be taken any where; but if it be upon a Presentment *ad reparandum vel amovendum*, then the Distress must be taken within the Bounds of the Commission.

Where an Assessment is made upon particular Lands, a Stranger's Goods may be taken there, but not otherwise; but where Lands are not charged, but the Person only, as by Fines, Amerciaments, then the Goods of the proper Person must be taken, and no other.

Where the Goods may be replevied.

These Goods may be sold, but not without Warrant from the Commissioners; and so long as they remain in the Custody of the Officer who acts under the Commissioners, they cannot be replevied, but the Goods may be replevied after they are sold.

Where Lands may be sold.

Lands may be sold for Rates and Charges, imposed by the Commissioners, which lie in Payment.

Where Commissioners must first make an Order.

But yet where a Man holds Lands by the Payment of a certain Sum towards the Repair of a Sewer, though this consists in Payment, yet, upon this Neglect, the Commissioners have no Power until they first make an Order for the Payment, &c. because it ariseth by the Tenure of the Land, and not by Virtue of the Statute.

But if Lands are held generally to repair, &c. and the Sum certain is not known, though this is a Payment which ariseth likewise by Tenure, yet if the Commissioners impose a Sum, and the Person neglects to pay it, the Lands may be sold by their Decree.

But

But no Decree can be made for Sale of Lands which are not within the Limits of the Commission ; nor for a Copyhold, because that might be to the Prejudice of the Lord ; nor for Non-payments of Fines and Amerciaments, because those are Mulcts or Punishments set upon particular Persons, and due to the King.

No Lands to be sold which are not within the Limits of the Commission.

But now by Stat. 7 Ann. cap. 10. any six of the Commissioners may decree the Sale of Copyhold Lands, so as the Purchaser compound with the Lord of the Manor for the Fine ; and then the Lord shall at the next Court grant unto the Vendor such Copyhold Lands, &c. for such Estate, as shall be decreed by the Commissioners to him, reserving the antient Rent, and shall likewise admit him Tenant.

Copyhold may be sold now.

And six of the said Commissioners may, by Warrant under their Hands and Seals, give Power to any Person to levy the Money by them taxed upon any Lands chargeable with any Taxes by Virtue of their Commission ; and this shall be done by Distress and Sale of the Goods of the Party who shall not pay, or refuse to pay the same, rendering the Overplus, and deducting reasonable Charges.

Six Commissioners may grant a Warrant to distrain under their Hands and Seals.

These Decrees must be certified into the Chancery to have the King's Assent, otherwise they are not binding ; but that being done, a Decree upon Tenant in Tail will bind his Heirs : It will likewise bind a Feme Covert or Infant, but not a Prebendary, Parson, Dean or Bishop, who are seised in their politick Capacities, because they are restrained by particular Statutes from making any Alienation. 1 Eliz. cap. 13. 14 Eliz. cap. 11.

Where Tenant in Tail is bound by their Decree.

Presentments in a Court of Sewers may be traversed, and tried there, but not what the Commissioners do upon their View : So if they fine a Person for a Contempt, 'tis not traversable, because 'tis the Act of the Court ; but if the Party is aggrieved, he must bring a Bill of Equity.

1 Eliz. c. 13.
14 Eliz. c. 11.
Presentments in a Court of Sewers may be traversed.

Such Lands as lie upon an Ascent, and can be in no Danger of an Inundation, are exempted from being taxed. So likewise where Persons are bound by Tenure, Custom, or Prescription, their Lands are exempted. Tithes likewise shall not be charged, nor Lands, which by special Custom are charged to do other Repairs, but not *in non reparando* generally.

What Lands are exempted.

If a Wear or Mill, &c. is built on a navigable River, or an antient Wear inhanfed, the Commissioners may order the Owner to pull down the one, and abate the other ; and if he continue them, or build them up again, he forfeits 100 Marks, per Stat. 1 H. 4. c. 12. 4 H. 4. cap. 11.

Where a Mill, &c. is to be pulled down.

If a Stranger sets up Piles or Stakes, he is to be fined or amerced, and may be ordered to remove the Nuisance.

1 H. 4. c. 12.
4 H. 4. c. 11.
Nuisance ordered to be removed.

And if it cannot be found who committed it, the Commissioners may order those to abate it who are likely to receive most Damage.

What Waters are not within Commission of Sewers.

Sewers, where no Passage of Boats is used, nor where the Water doth not ebb and flow, are not under the Survey of the Commissioners, by Virtue of this Statute, because their Commission extends only to Walls, Ditches, Banks, &c. by Coasts of the Sea and Marsh-Grounds, which are damaged by the Ebbing and Flowing thereof, or of fresh Waters descending therein: And therefore a particular Law was made 3 *Ja.* 1. *cap.* 14. that the Walls, Ditches, &c. in or about *London*, where no such Passage is used, and where the Water falls into the *Thames*, shall be subject to the said Commission.

3 *Ja.* 1. c. 14.

23 *H.* 8. c. 5.
How long a Commission of Sewers is to continue.

By Stat. 23 *H.* 8. *cap.* 5. the Commission of Sewers was to continue no longer than three Years; but now by a subsequent Law, *viz.* 13 *Eliz.* *cap.* 9. the Term is enlarged to ten Years, unless it shall be repealed or determined by a new Commission or Superfedeas.

13 *Eliz.* c. 9.

Yet the Orders made are good, tho' a Commission is determined.

And notwithstanding such Determination by Superfedeas, yet the Laws and Orders made by Virtue of such Commission before it is determined, shall continue in Force, without any Return thereof made into Chancery, and without the Royal Assent, until they shall be altered, repealed or made void by the new Commissioners; or any six of them.

How long Orders continue in Force.

But then these Orders must be written in Parchment, indented and under the Seals of the Commissioners, or six of them; one Part whereof may remain with their Clerk, and the other Part where they shall appoint: Which Laws shall then continue in Force for the Space of one Year next after the Expiration of ten Years from the Teste of the Commission.

And in the same Statute it is enacted, that the Commissioners shall not be compelled to make a Return or Certificate of their Laws or Orders, nor be fined for that Cause.

Commissioners not compellable to return their Orders into Chancery, but into B. R. Six Justices may execute the Orders of Commissioners.

But this must relate to Certificates and Returns made into the Chancery, and not into *B. R.* upon *Certiorari*; delivered, and therefore they have been fined after the Delivery of such Writs. 1 *Mod.* 44. 1 *Vent.* 66.

And if there is no new Commission within that Time, then the Justices of Peace may execute these Laws for that Year; but there must be six of them (*Quor.* 1.) and they must be Justices, &c. of the County where the said Laws were to be executed by Virtue of the Commission expired.

But

But a new Commission being once issued, though within the Year, the Authority of the Justices is then to cease.

It has been held that these Commissioners, upon great Occasions, may make Orders for making new Banks and Cuts, as well as for repairing the old, so as they compound with the Owners of the Soil.

But this is contrary to the Resolution in the Case of the Ile of *Ely* in the 10 *Rep.* where it is held that the Commission extends only to Reparation and new making ancient Walls, Gutters, &c. and not for cutting new Rivers; for a Tax for new Inventions, though profitable, must be raised by a voluntary Contribution.

Where one is bound by Prescription or Tenure, or otherwise, to repair, he ought to do it, if the Danger is not irreparable: But if it be so by his Fault or Neglect, and he is not able to repair, every one who hath any Damage may have an Action against him.

But if the Danger is inevitable, by Reason of the extraordinary Rage and Violence of the Waters; there, to prevent a publick Inconvenience, the Commissioners may tax all who are likely to have any Loss, though one is bound to repair. 2 *Rep. Kibby's Case, Style 179.*

And, in such Case, they ought not to tax him or them only, who have Land next adjoining. 5 *Co. 99. Roof's Case.*

They may proceed by a Jury impanelled to enquire who hath set up any Impediments, who have neglected to repair, &c. who are bound by Custom or Prescription, Tenure or Covenant, and what Quantity of Lands, what Ground lies within the Reach of the Waters, to which any Damage may be done.

And if the Jury find that such a Person ought to repair, though he remove it into *B. R.* they will not quash it, or grant a new Trial until it is repaired; and there, if upon a new Trial he be acquitted, he shall be reimbursed. *Sid. 78.*

They may also proceed by View, &c. by seeing the Fences, discoursing with Workmen what is necessary to be done, and how much it will cost, &c.

Those who have Land fronting the Sea, are obliged to repair, unless some other Person is bound to repair by Custom or Prescription.

The Owner of a Bank or Wall is obliged to repair by Prescription *ratione terre*; but Bodies politick may be bound by Custom, without any Land. *Fitz. Abr.*

103.

One may be bound to repair *ratione Tenuræ*; as where Land is given for that Purpose; or by Covenant; but this doth

But their Power ceases on a new Commission.

Commissioners have Power over ancient Walls, Gutters, &c.

Where an Action lies against one obliged to repair.

Where Commissioners may tax all likely to suffer.

How they may proceed.

Persons whose Lands lie near the Sea obliged to repair.

How bound to repair.

doth not bind the Heir, unless he hath Assets by Descent from him who entered into Covenant.

A Township may be taxed, and the Tax levied upon one Person ; but then it ought to be on such a Person who is to bear some Part of the Charge, and not upon one wholly exempted.

Person taxed may complain to the Commissioners.

The Person thus taxed may complain to the Commissioners, who may make an Order for a Contribution according to the Quantity and Quality of the Land of such who are liable to contribute ; and they may award Procefs to compel them to pay it.

How to make a Rate.

But the best Way is, when they have agreed how much to set on a Township, then to send for some of the Inhabitants, and by their Assistance to make a Rate.

Where the Parson is liable, and where not, and what may be taxed. Annuities.

The Parson is not liable for his Tithes, unless by Custom ; but for his Glebe he is : But if the Tithes are in the Hands of a Layman, then they are liable to be taxed.

Annuities by Prescription issuing out of Lands chargeable to the Tax, are not liable to be rated ; for the Land shall not be doubly charged.

Common.

Those who have Common of Fishery, Turbary or Pasture in great Fens or Marshes, are liable to be taxed ; but those who have Common in Lands sown after the Corn severed, are not.

Copyhold.

Copyhold is chargeable ; and by 7 *Ann. cap.* 10. the Commissioners may sell the Land for Non-payment.

Fairs.

Persons who have the Profits of Fairs, are not to be charged with the Profits thereof.

Ferries.

But he who hath the Profit of a Ferry may be charged for it.

Herbage. Lessor, and Lessee.

He who hath the Herbage of Land may be charged.

The Lessor must be taxed for great Repairs, *viz.* For building a new Bank or Wall, or repairing both ; but for small and annual Reparations, the Lessee only.

Level.

If there is an apparent Danger, the whole Level may be taxed, though a single Man is bound to repair.

Market. Mortgagor. Parks.

The Profits of a Market are not taxable.

A Mortgagor is to be taxed.

Parks in the Level must be taxed.

Patron.

A Patron is not liable to be taxed for his Right of Presentation.

Port.

To repair a Port the whole County may be taxed.

Tenant in Tail.

Tenant in Tail, in Possession, is liable, but not he in Remainder, or Reversion.

Warrens.

Warrens in the Level are to be taxed.

The Returns and Proceedings of Commissioners of Sewers are all in *English*.

IF

If they proceed after *Certiorari* delivered, the Court of *When and*
B. R. will grant an Attachment, and they may be fined *where Com-*
 and committed for a Contempt. *1 Lev. 288. 1 Mod. missioners may*
44. 1 Vent. 66. be fined.

The Return was *quod presentatum fuit per Juratores*, *Where Return*
 without saying *duodecim*, and for this Reason not good. *is not good.*
March's Rep. 123, 198.

A Mandamus was granted to the Commissioners, for *Where a Man-*
 that an Archdeacon was made Expenditor, he being to be *damus was*
 exempted by Law, because it is a secular Office, and inferior *granted.*
 to his Degree. *Dr. Lee's Case, 22 Car. 2.*

For the Authority of Commissioners of Sewers, the *Power of the*
 Forms of their Commissions and Oaths at large, see *Commissioners*
23 Hen. 8. cap. 5. made perpetual by 3 & 4 E. 6. 3 & 4 E. 6. c. 8.
cap. 8.

Though these Commissioners cannot make any new *Power of the*
 River, or new Invention, as Mills to cast Water, &c. yet *Commissioners*
 they may remove ancient Banks or Sewers into more convenient *Places.*
10 Co. 142.

They cannot cast down any Mills, Canseys, &c. erected *before the Time of Ed. 1. but may abate them, if*
 raised above their ancient Height. *10 Co. 138. b.*

They ought not to tax any towards these Reparations, *&c. but only such as have Prejudice by the Nufance, &c.*
 or may have Benefit by the reforming them. *6 H. 6. cap. 10. 10 Co. 143. b.*

They ought to tax all who may be endamaged by not *reparating, though their Lands be not adjoining, and it*
 must be proportionable to the yearly Value of the Land, *&c. Co. 5 Rep. 100. Dalt. 6. Quarter-Sessions are to*
 swear Commissioners of Sewers. See Serjeant *Callis* his *Reading on the Statute 23 Hen. 8. cap. 5.*

There are several Statutes relating to Sewers, as *9 H. 3. 23 H. 8. c. 5. Statutes.*
c. 15 & 16. 6 H. 6. c. 5. 18 H. 6. c. 10. 23 H. 6. c. 9.
12 E. 4. c. 6. 4 H. 7. c. 1. & 6 H. 8. c. 10. These are chiefly for defending and repairing the Walls, Banks and Sewers, &c.

Then there are *9 H. 3. c. 23. 25 Ed. 3. c. 4. 45 Ed. Statutes.*
3. c. 2. 1 H. 4. c. 12. 9 H. 6. c. 9. and 12 Ed. 4.
c. 7. These relate chiefly to pulling down and removing Nufances.

Lastly, there are *23 H. 8. c. 5. 25 H. 8. c. 10. 3 Statutes.*
& 4 Ed. 6. c. 8. 13 Eliz. c. 9. And these are of both Sorts, *viz.* as well in repairing the Banks, &c. as in pulling down Nufances, &c.

The Commissioners ought to tax all that are in Danger *to be endamaged, by the not repairing, &c. and that according to their Land, &c. and not tax him only whose*
 Grounds

Grounds lie next adjoining to the River, &c. For *qui sentit commodum sentire debet & onus.*

3 & 4 E. 6. c. 8.
King's Lands
taxable by
Commissioners.

By 3 & 4 Ed. 6. cap. 8. all Monies rated by Commissioners of Sewers upon any of the King's Lands, shall be liable by Distress or otherwise, as may be done in the Lands of other Persons: And Acquittances under the Hand of such Collector or Receiver as shall be appointed by the Commissioners, or any six of them, shall be a sufficient Discharge, as well to the Tenants of the King's Land, as also to the Receiver, Auditor, or other Officer, for the Allowance of the said Rates to such Tenant.

Taxing, the Manner thereof, and of Distress upon it. 5 Rep. *Rook's Case.* 2 Cro. 336. 2 Bull. 198.

The Wages of
the Commissioners.

The Commissioners shall have for their Pains 4 s. a Day, and the Clerk 2 s. a Day out of the Rates taxed, &c. And the Commissioners, or six of them, have Power (at their Discretions) to allow out of the said Taxes more to the Clerk for Writing-Books and Process, and to the Collectors and others that take Pains in the due Execution of the said Commission.

No Person shall be compelled to be sworn, or to sit or travel in the Execution of any Commission of Sewers, unless he be dwelling within the County wherein he is assigned a Commissioner.

And Commissioners of Sewers, and their Proceedings, are subject to the Jurisdiction of the Court of King's Bench, notwithstanding the Clause in the Statute of 13 El. cap. 9. 1 Vent. 67.

Sheep. See Cattle.

Sheriff.

Sheriff. Vide also Arrest, Debt, Debtor, Extortion, Gaol, Riot, and Sessions.

1. How made, his Duty, Office, and Power.
2. Concerning the Sheriff's Torn, and Country Court.
3. Concerning Arrests, Escapes, Executions, and Rescues.
4. The Office and Duty of an Under-Sheriff.
5. Concerning Bailiffs.

1. How made, his Duty, Office and Power.

Sheriff is compounded of two Saxon Words, *Sbire* and *Reeve*. *Sbire* comes from the Word *Sciran*, which signifies to cut or divide : Hence also the Word *Sbare* or *Part*. *Reeve* signifies *Præpositus*, or *Governor*. So that *Sberiff* signifies the Keeper or the Governor of the County or Shire.

This Officer seems to have been coeval with the Division of the Kingdom into Shires or Counties, which by the better Opinions is near 800 Years ago.

For before the Conquest, tho' the *Comes* or *Alderman* generally preside over most Counties, yet Mr. *Selden* tells us, that the Particle (*Vice*) in *Viccomes* (the Latin Word for Sheriff) doth not signify any Subordination to the *Comes* or *Alderman*, but that this Office was *supplere Vicem Comitum* or *Aldermanni*, in such Counties where no Earl or Alderman governed.

The Sheriff at Common Law was eligible by the County, as the Coroner is at this Day, which held till after the Conquest, viz. about the Beginning of the Reign of K. *Ed. 2.* as appears by *Articuli super Chartas* made 13 *Ed. 2.* *Ed. 1.* but by 9 *Ed. 2.* and 14 of *Ed. 3. cap. 7.* and 21 *H. 8. c. 20.* the Judges are to nominate three Persons of every County, to be presented to the King, that he may prick one of them, which by the Statute is to be done 3 *Novembris*, being *Craftin' Arimmarum*. And yet *Ann. 16 Car. 1.* because the 3d of *November* was the first Day of the Parliament, and the Lords were to attend upon the King, it was resolved by the Judges, that it might be well put

Signification of the Word.

Sheriff eligible by the County at Common Law.

put off 'till another Day ; and the Lord Keeper deferred it till the 6th of *November*. *Cro. Car.* 181. *Elliot's Case*.

28 E. 3. c. 7.

By Stat. 28 *Ed.* 3. *cap.* 7. no Sheriff shall continue in his Office above one Year. And by 42 *Ed.* 3. *cap.* 9. no Sheriff or Under-Sheriff, or Sheriff's Clerk, shall continue in their Office above one Year. And by 1 *Ric.* 2. *cap.* 11. none, having been Sheriff for one whole Year, shall be Sheriff again within three Years then next ensuing.

9 E. 2.

King's may
make Sheriffs
without the
Judges.

But the Stat. 9 *Ed.* 2. refrains not the King's Power at Common Law, but the King may constitute a Sheriff without Election or Grant in Fee ; and he may still make Sheriffs without the Judges ; for he is entitled to and may command the Service of his Subjects. *Dyer* 211, 225. As the Commission of Trial of Piracy, upon the Stat. 28 *H.* 8. c. 15. is good, tho' the Chancellor does not nominate the Commissioners as the Statute appoints, &c. and the Reason is given by my Lord *Hobart*. *Hob.* 14. b. *Colt* and *Glover's Case*. *Moor* 898. 1 *Ro. Rep.* 451.

28 H. 8. c. 15.

And the Election of Sheriffs being meerly in the King, and the Office ministerial, only these Statutes were made to ease the Sovereign of Labour, and not to deprive him of Power.

The Dignity
and Power of
Sheriffs.

The Sheriff takes Place of every Nobleman in the County, during the Time that he is Sheriff ; and though the Sheriff be not a Justice of Peace, yet he is a Conservator of the Peace, and by this he may well imprison a Man upon good Cause. 2 *Roll. Rep.* 237. and *Fitzberbert's N. B.* 81. b. At Common Law the Sheriff may commit any one for the Breach of the Peace, and also all Affrayers or Breakers of the Peace in his Presence.

Upon any foreign Invasion he may raise the County ; so upon Rebellions and Insurrections, and may command any Number he thinks fit to aid him.

17 R. 2. c. 8.

By Stat. 17 *Ric.* 2. *cap.* 8. the Sheriff may raise the *Posse Comitatus* to suppress Rioters, and commit them to Prison. 13 *H.* 4. *cap.* 7. And if the Rioters resist, the Sheriff and his Assistants may justify the Killing them. *Visd.* the Stat. 13 *H.* 4. *cap.* 7. Stat. *Northampton*, 2 *Ed.* 3. *cap.* 3. 13 *Ed.* 1. *cap.* 39.

2 E. 3. c. 3.

13 E. 1. c. 39.

The Stat. 1 *M.* *cap.* 8. doth not take away Power from the Sheriff, only if he was in the Commission of the Peace before, he is to forbear the Execution of his Commission for the Peace, so long as he is Sheriff.

King cannot
restrain any
Part of the Sher-
riff's Power.

The King cannot refrain any Part of the Sheriff's Power, neither can the King choose a Sheriff contrary to the Statute of *Lincoln*. The Office of Sheriff is entire, and cannot be apportioned. Though the King constitutes a Sheriff *durante beneplacito*, and may determine it at Will, yet he may

may not determine it in Part, nor abridge him of any Thing incident to his Office. *Hob. 13. 2 Inst. 501. 4 Rep 32. Milton's Case, 4 Co. 33.*

The Sheriff is not punishable for executing the Process of the Court, though it was erroneous.

If any Sheriff, Under-Sheriff, Serjeant, or Officer, who hath Execution of Process, be slain in doing his Duty, it is Murder in him who kills him, though no former Malice between them; and though there were Error in awarding Process, or in the Mistake of one Process for another.

If Sheriff, &c. be slain in doing his Office, it is Murder.

And an Officer, if he be resisted, is not bound to fly to the Wall, as other Subjects are.

For besides the Warrant of the Common Law, the Sheriff has his Letters Patent of Assistance, whereby the King commandeth that all Archbishops, Bishops, Dukes, Earls, Barons, Knights, Freemen, and all other of that County be to the Sheriff thereof *in omnibus quæ ad officium illud pertinent intendentes, auxiliantes & respondentes.*

Anno 12 Jac. 1. Sir George Selby was made Sheriff of *Durham*, and afterwards elected Knight of the Shire for *Northumberland*; it was resolved in Parliament that the Election was void; for the Sheriff of a County is not to be chosen a Parliament Man.

Sheriff not to be chose Member of Parliament.

Tho' by the Stat. 28 E. 3. c. 7. no Man shall serve the King as Sheriff of any County above one Year, yet by Stat. 17 E. 4. cap. 6. they may execute their Office, during *Michaelmas* and *Hillary* Term, after their Year is out, if no Writ of Discharge come. 12 E. 4. 7 Rep. *Calvin's Case. Jenk. 306.*

28 E. 3. c. 7.

Every Sheriff is to be resident in his own Person within his County during the Time he is Sheriff (except he be otherwise licensed by the King); *per 4 H. 4. cap. 5.*

Sheriff ought to reside in the County.
4 H. 4. c. 5.

By Stat. 23 H. 6. cap. 10. the Sheriff is not to let his County to farm. And therefore because the Sheriff of *Nottingham* took Money for the Gaolership and the Bailiffwick of the County for one Year, he was fined in the Star-Chamber; but the Penalty by the Statute for offending these Laws is 40*l.*

23 H. 6. c. 10. Sheriff not to sell Places under him.

A Sheriff is Guilty of Murder, if he observe not the Order of Law in putting a condemned Man to Death. 7 Rep. 13. 1 Jac. 1.

Formerly the Office of Sheriff, as all other Commissions, determined by the Death or Resignation of the King; and therefore it was usual presently in the next King's Time to sue out new Patents of his Office and of Assistance. 7 Co.

30.

1 An. c. 8.

Sheriff being made a Peer does not determine his Office.

30. *Dyer* 165. 2 *Sid.* 49. But this is now altered by Stat. 1 *Q. Ann.* c. 8.

The Sheriff being made a Lord of Parliament, or becoming a Peer by Descent, this doth not determine his Office. *Cro. Eliz.* 12.

The High-Sheriffs themselves are to attend the Judges at the Assizes, and may be fined by the Judges in Case of Failure.

Sheriff, &c. to make a Calendar of Prisoners.

Every Sheriff, and all other Persons who have the Custody of the Gaols and Criminals, ought to certify the Names and Crimes of every of the Prisoners in their Custody for Felony, to the Justices of the next Gaol-Delivery, upon Pain of 5 *l.* for every Default.

1 H. 5. c. 4.

Sheriff, &c. not to be an Attorney, &c.

By Stat. 1 *Hen.* 5. *cap.* 4. no Under-Sheriff, Sheriff's Clerk, Receiver, or Sheriff's Bailiff, shall be Attorney in any of the King's Courts, so long as he bears such Office under the Sheriff.

Sheriff must be sworn before he enters upon his Office.

Every Sheriff and Under-Sheriff, &c. before he intermeddles with his Office, shall before one of the Justices of Assize, or the *Custos Rotulorum* of the County, or two Justices of the Peace there (1 *Quorum*) take the Oaths mentioned 3 *Geo.* 1. *cap.* 15. on Pain of 40 *l.* and Justices of Peace in Sessions have Power to hear and determine the Defaults and Offences aforesaid.

3 G. 1. c. 15.

13 & 14 Car. 2. c. 21. The Number of Men he must have at the Assizes.

By Stat. 13 & 14 *Car.* 2. *cap.* 21. no Sheriff shall have more than forty Men Servants with Liveries attending upon him at the Assizes, nor under twenty in any County in *England*, nor under twelve in *Wales*, on Pain of forfeiting 200 *l.* This Act at first being temporary was made perpetual by 1 *Jac.* 2. c. 17.

3 G. 1. c. 15. Sheriff not obliged to charge in his Accounts, the Money he pays for apprehending Highwaymen, &c.

By Stat. 3 *Geo.* 1. *cap.* 15. no Sheriff shall be obliged to charge in his Accounts any Money paid as Rewards on the Conviction of Highwaymen, Clippers, Coiners, or House-Breakers, by Virtue of the Acts of 4 & 5 *W.* & *M.* *cap.* 8. 6 & 7 *W.* 3. *cap.* 17. and 5 *Ann.* *cap.* 31. but may immediately apply for the same to the Treasury, who on a due Certificate of the Conviction of any such Offender, together with the Acquittances of the Parties entitled to receive the Rewards, shall forthwith repay such Sheriff the Money so disbursed without Fee.

4 & 5 W. & M. c. 8.

6 & 7 W. 3. c. 17. 5 An. c. 31.

Sheriffs ought to return their Panels 4 Days before the Sessions.

Sheriffs ought to return their Panels for the Sessions, four Days before the Sessions at the least, upon Pain of 20 *l.* and the Bailiffs of Liberties ought to make Return of their Warrants six Days before the Sessions at the least, upon the like Pain, by the Statute of 41 *Ed.* 3. c. 11.

41 E. 4 c. 11. What Issues to return.

Sheriffs ought to return, upon every Precept directed unto them from Justices of Peace to enquire of forcible Entries, upon every Jury, twenty Shillings Issues at the first

first Day ; and Justices of Peace have Power and Authority to hear and determine those Defaults by Bill of Indictment ; and Sheriffs shall forfeit for every Default 20 l. Half to the Informer, and Half to the King, by 8 H. 6. 8 H. 6. c. 9. cap. 9.

Sheriffs Bailiffs one Year ought not to be in that Office in three Years after, by the Statute of 1 H. 5. cap. 4. because by their continual being in the Office, they grow so cunning, that they are able to deceive both the King, the Sheriff, and the County. Bailiffs ought not to continue in Office above one Year.

The Sheriff is not to send any Provisions to Judges, or Gratuity to their Officers, nor he must not have above forty or under twenty Men in Liveries, on Pain of forfeiting 200 l. by Stat. 13 & 14 Car. 2. cap. 2. Affizes.

In Cases of forcible Entry he must assist the Justices of Peace, and must levy the Fines estreated into the Exchequer. And he must impanel a Jury to enquire of the Force, upon a Precept to him directed from the Justices ; which if he refuse, he forfeits 20 l. between the King and Prosecutor, to be recovered by Indictment in Sessions ; and if he return those who have not 40 s. per Ann. he may be indicted, 8 H. 6. cap. 9. and by the same Statute upon an Entering or Detaining with Force, the Party grieved may have a Writ directed to the Sheriff upon the Statute of *Northampton*, by Virtue whereof if he find the Force, he may make Proclamation commanding the Offenders to be gone. If they refuse, he may seize their Arms and commit their Persons, but he cannot make Restitution. 13 & 14 Car. 2. c. 2. What Sheriff must do in a Forcible Entry.

The Sheriff is chargeable with the Gaols and Prisoners, and must put in such Gaolers for whom he will answer ; but the Gaolers who have the actual Possession, are liable for wilful Escapes, if they have wherewith to satisfy ; and if he suffer a Felon to escape, it is Felony in the Gaoler, for which he shall be hanged, as was done at *Cambridge*, in the Reign of *Q. Elizabeth*. Gaol.

Indictments or Presentments taken in *Tourns* must be delivered at next Sessions to the Justices of Peace, or else the Sheriff forfeits 40 l. per Stat. 1 Ed. 4. cap. 2. Indictments: 1 E. 4. c. 2.

If the Sheriff returns any Bailiff, Coroner, Steward, or Servant of his on a Jury, he forfeits treble Damages to the Party, and 40 l. to the King and Prosecutor, by 23 H. 6. 23 H. 6. c. 10. cap. 10.

Sheriff shall not take for returning the Panel, above 2 s. nor the Copy thereof above 4 d.

Nor no Juror shall be returned without an Addition, by 27 El. cap. 7.

27 Eliz. c. 7.

Tales-men shall be returned out of some other Panel to serve at the same Assizes. 7 & 8 W. 3. c. 32.

7 & 8 W. 3. c. 32.

Summons of Persons qualified to attend on Juries must be made six Days before, by shewing the Warrant under Seal of the Office, or by a Note in Writing under the Hand of the Officer, to be left at the Dwelling-House of the Juryman; and summoning otherwise than aforesaid, or neglecting his Duty, or excusing any one for Favour or Reward, or allowing an Exemption to any one under Seventy Years old, the Sheriff, Under-Sheriff, or Bailiff, forfeits 20*l.* to the Party grieved, or to any one who will sue for it.

Oath to be taken by Sheriff, how and where.

Sheriff must be sworn in before such Commissioners as shall be named to administer the Oath to the High Sheriff in the County, as often as the Commission of *Dedimus* shall be sued forth for that Purpose; or by the Barons of the Exchequer, or one of them, when the Sheriff desires to be sworn in Town, by Stat. 3 Geo. 1. cap. 15. but the Sheriffs of *Wales* and *Chester* are not obliged to take the said Oath, but may be sworn as formerly, by 27 Eliz. cap. 12.

3 G. 1. c. 15.

27 Eliz. c. 12.

Sheriff is Conservator of the Peace, through the whole County; he may command any Offender to find Surety of the Peace. He may *ex officio* take a Recognizance; and so he may by Virtue of his Commission, which is *Commissimus vobis custodiam Comitatus*.

An Appointment of Justices to examine the Estreats of Sheriffs.

I A. B. *Barit. Custos Rotulorum of the County of, &c.* do hereby appoint C. D. and E. F. *Esqrs;* two of his Majesty's Justices, &c. to view and examine the Estreats of G. H. *Esq;* Sheriff of the said County of, &c. and to keep in their Custodies one Part of the said Estreats, indented between them and the Sheriff aforesaid. Witness my Hand, &c.

Warrants.

Making Warrants without the original Process, (if the Offence is confessed or proved by sufficient Witnesses) the Judges of Assize or of the Court whence the Process issued shall commit the Offender, and he shall not be enlarged till he pay to the Party grieved all his Cost and Damages, to be assessed by the Judge, and 20*l.* more, and 20*l.* to the King. 43 Eliz. cap. 6. But it has been adjudged, that if a Writ is actually out, the Sheriff may make his

Warrant

Warrant to his Officer to execute it before it is delivered to him; and it shall be intended to be delivered to him before the Arrest. 2 *Lutw. Rep.* 1283. Attornies, &c. for Vexation maliciously causing any Person to be arrested where there is no Cause of Suit, shall suffer six Months Imprisonment, pay treble Damages, and forfeit 10*l.* Stat. 8 *El. cap.* 2.

8 *Eliz. c.* 2.

Sir *Lewis Mordant* was Sheriff of *Bucks*, his Father died 20 *Aprilis*, the Parliament then sitting, so that he was a Peer, but his Office of Sheriff was not determined by his Peerage.

Two Justices, the Sheriff, Under-Sheriff, &c. may administer the Oaths to Candidates for Members of Parliament for County, City, Borough, &c. He who stands for a County must swear he has 600*l.* per *Ann.* and if for a City or Borough 300*l.* per *Ann.* They who administer the Oath are to certify the Taking of it in the High Court of Chancery, under the Penalty of 100*l.* And the original Poll-Books, &c. of Elections of Knights of the Shire, are to be delivered on Oath by the Sheriffs, or returning Officers to the Clerk of the Peace, and by him kept among the Records of the Sessions of the Peace. Stat. 10 *An. c.* 23.

Sheriff may administer Oath to Candidates at Election of Parliament Men.

Upon the first *Distingas* or *Habeas Corpora*, the Sheriff, &c. shall return 10*s.* Issues upon every Juror; upon the second 20*s.* upon the third 30*s.* and upon every other Writ double the Issues, or forfeit 5*l.* and if any be returned sommoned who is not, and Loss of Issues, &c. the Sheriff, &c. shall forfeit double his Issues; and if a Sheriff, &c. shall take a Reward for not returning a Juror, he shall forfeit 5*l.* to the King and Prosecutor. 27 *Eliz. c.* 6.

10 *An. c.* 23.

Special Bailiffs are not to be sworn. *Jones's Rep.* 247. *Crompt.* 76, 103. *Dalt. cap.* 61.

If he return a *Cepi Corpus* or *Reddidit se*, and have not the Body at the Return of the Writ, the Court will punish him.

The Sheriff cannot take Bond for his Fee, by 23 *H. 6.* 2; *H. 6. c.* 10. *cap.* 10. 1 *Cro.* 287. 1 *Jones* 307. 1 *Dawv.* 181. p. 21 *Lifter's Case.*

A Sheriff's Under-Sheriff is but his Deputy, and removable as an Attorney, though made irrevocable. *Hob.* 13.

A Sheriff's Patent of Office.

GEOERGE the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all to whom these present Letters shall come Greeting: Know ye, That we have given Commission to our well-beloved A. B. Knight, to keep our County of B. with the Appurtenances, as long as it shall be our Pleasure, so that he render to us yearly the Farms due to us, and that he answer to us at our Exchequer, concerning our Duties, and all other Things belonging to the Office of our Sheriff aforesaid. In Witness whereof we have caused these our Letters to be made Patent. Witness our Self at Westminster, on the 9th Day of November in the eighth Year of our Reign.

A Writ of Assistance for a Sheriff.

GEOERGE the Second, &c. To Archbishops, Bishops, Dukes, Earls, Barons, Knights, Freemen, and all others of the County of B. Greeting: Whereas we have granted to our well-beloved A. B. Knight, the Office of Sheriff of our County aforesaid, with the Appurtenances, to enjoy the same during our Pleasure, as in our Letters Patent made to him thereof is more fully expressed; We command you, That you be assisting, and give your Advice to the said A. B. as Sheriff of our County aforesaid, in all Things which belong to that Office. In Witness whereof, &c.

A Sheriff's Writ of Discharge.

GEOERGE the Second, &c. To our well-beloved C. D. Knight, late Sheriff of the County of B. Greeting: Whereas we have granted to our well-beloved A. B. Knight, to keep our County aforesaid, during our Pleasure, as in our Letters Patent granted to him thereof is more fully expressed: We command you that you deliver to the said A. B. our County aforesaid, with the Appurtenances, together with all the Rolls, Writs, Memorandums, and other Things belonging to the Office of Sheriff aforesaid, which are in your Custody, by Indentures duly to be made between you and the said A. B. Witness, &c.

When

When a Sheriff is chosen, the old Sheriff continues Sheriff of the County till the new one is sworn, which compleats him in his Office. And the old Sheriff having begun an Execution, may finish it after his Office is expired, &c. The new Sheriff being elected and sworn into his Office, is to deliver the Writ of Discharge to the old Sheriff, who thereupon delivers over all the Prisoners in the Gaol, with all Writs, &c. by Indenture, to the new Sheriff; and till that is done, the Prisoners remain in Custody of the old Sheriff; but when the Writ of Discharge comes to the old Sheriff, his Office ceases, and is at an End. Every several Execution against every of the Prisoners must be mentioned in the Indenture of Delivery over; and if a Person in Execution be not turned over to the new Sheriff, and he escapes, the old Sheriff, and not the new one, is chargeable. *3 Co. Rep. 72, 73.*

At the first County-Court after his Establishment in his Office, the new Sheriff must read his Patent and Writ of Assistance, and nominate his Under-Sheriff, and also depute and proclaim four Deputies to make Replevins, who are not to dwell above twelve Miles distant one from the other, in every Quarter of the County one, and to make Delivery of Distresses, &c.

If the Question be, whether such an one be Sheriff, or not, he being made by Letters Patent of Record, it shall be tried by the Record; and if it come in Issue, whether he that made the Array is Under-Sheriff, or not, this shall be tried by the Country. *Cro. Car. 402. 9 Co. Rep. 32. 8 H. 4. 10.*

3 H. 4. c. 11.

Upon every Default in the Execution of his Office, be it by Neglect or Fraud of the Under-Sheriff, the High-Sheriff shall be amerced in the Exchequer, but the Sheriff shall not be imprisoned or indicted for the Act of his Under-Sheriff. *Latch Rep. 181.*

If Execution be directed to a Sheriff to be made within a City, and the Sheriff directs his Warrant to the Bailiff who doth it, and after is a Fugitive, and not able to answer, the Lord of the Franchise who is answerable for his Bailiff, shall answer it. *2 Brownl. 50.*

High Sheriffs may be fined, but not imprisoned for the Acts of Under-Sheriffs.

A Sheriff cannot detain in his own Hand his Fees; and a Sheriff refusing to execute a *Ca' Sa'* till he had his Fees, on Motion against him to attend, it was ruled, that the Plaintiff might bring an Action against the Sheriff for not doing his Duty; or pay him the Fees, and indict him for Extortion. *1 Salk. 330. Heriot's Case.*

A Sheriff took 20*s.* for making a Warrant upon a *Capias Utlegatum* before Judgment, for which he should take no Fee, it being at the Suit of the King; and therefore he was committed to the Fleet: But on such a *Capias* after Judgment, 'tis said he may take 2*s.* 4*d.* which is given by Statute. 2 *Brownl.* 283.

2. Concerning the Sheriff's Tourn and County Court.

Of the Sheriffs Tourn, and the County Court. The Sheriff has Jurisdiction in two Courts wherein Justice is administred; one called anciently the *Sciremote* or the *Folkmote*, and now the Sheriff's *Tourn*.

The other called the County Court.

What the Tourn is.

The *Tourn* is a Court of Record held before the Sheriff, to hear and determine small Felonies and Nufances; and out of this Court the Leet was derived and granted to particular Lords of Manors. This Court is to be kept twice in a Year, *viz. infra mensem Pasch. & Mich.*

The Power of Stewards in Leets, and of Sheriffs in the *Tourn* is the same; but if the Sheriff will enquire into what is usually inquirable at the Leet, and which hath been found there, he cannot destrain for an Amercement upon such a Presentment, without being a Trespasser, but in the Lord's Default he may enquire, &c.

Anciently the Sheriff enquired in this Court of all Felonies at Common Law, but of none by Statute; but this was when it was one of the highest Courts the King had: Now he cannot hold Plea of any Felony, or for any Debt or Trespass, being restrained by *Magna Charta*, cap. 13.

In those Days he took § *Commissionis*,
Indictments *virtute* } or *Officii*.

28 E. 3. c. 9.

But the Power which he had by Commission was taken away by Statute 28 *Ed.* 3. cap. 9.

7 E. 4. c. 2.

And the Power he had *virtute officii* was taken away by Statute 1 *Ed.* 4. cap. 2.

It is true, they might still take Indictments in this Court, but they could award no Process, for they must deliver such Indictments to the Justices of the Peace at the next Sessions, under the Penalty of 40*l.* and the Justices by this Statute have Power to proceed as if such Indictments were taken before them.

If they do not return the Indictments to the next Sessions, they are all void; and if they arrest, fine, or imprison without any Process from the Justices in their Sessions, they forfeit 100*l.* one Moiety to the King, the other to the Party grieved.

But

But he may still commit for an Affray in his Presence, sitting in the Court, or may bind them to the Peace, and commit them for want of Sureties, and may impose a Fine for any Contempt there, or Disturbance of the Court.

Suitors making Default may be amerced and distrained; so may the Jurors departing without giving Verdict.

At this Day the Authority of the Sheriff in this Court is chiefly to preserve Order and good Government in the County, by Enquiry into Offences committed against the Peace, and of other common Nuisances among the People.

And upon Presentments of Nuisances, the Offender cannot be amerced there, but such Presentment must be certified to the Justices as aforesaid.

But this Court and the Leet also are now almost disused, and the Quarter-Sessions grown up in their Places.

The County Court still continues; it was instituted by *Edmund the Saxon*, sixty Years before the *Tourn*, but it is not a Court of Record, as the *Tourn* and *Leet* are, which are to preserve the Peace, and to punish Nuisances; but the other is of private Jurisdiction, to determine Causes between the Parties under the Value of 40*s.* and is held once a Month.

Formerly this Court held Plea of Tithes of Land, in Cases where the Lord of the Manor in which the Land lay had not done Justice; and at this Day by Virtue of a Writ of *Justitias* they may hold Plea in personal Actions to any Value; and in some Cases by Virtue of this Writ, they may hear and determine real Actions.

Plaints shall not be entered in County-Courts, but in the Name of the Party Plaintiff, either by himself or Attorney; and he must find Pledges which are known in the County to pursue the Plaint, and there must be but one Plaint for one Cause, under the Penalty of 40*l.* and the Defendant must be summoned by a Bailiff, under the Penalty of 40*s.*

Any Justice upon Complaint may examine Plaints and Officers, and if he find them Guilty, shall within three Months certify the Examination into the Exchequer, upon which they shall be convicted to pay the aforesaid 40*s.* without further Enquiry.

Two Justices may view his Estreats before they issue out of the County Court, and there must be two Parts of them indented and sealed by those Justices and Sheriff, one Part to remain with the Justices. If he refuse to appear, the Justices may make a Process directed to the Coroner to compel him; and this is a *Ven' Fa'*, by 11 H. 7. cap. 15. 11 H. 7. c. 15.

Process to
make the
Estreats.

these Justices are to be appointed at *Michaelmas* Sessions by the *Rustos Rotulorum*, or in his Absence by the eldest Justice of the *Quorum* as aforesaid.

3. Concerning Arrests, Escapes, Executions, and Rescues.

Sheriff's Fees on an Arrest.

On an Arrest, if the Sheriff take more for his Fee than 1 s. 8 d. or the Bailiff take more for his Fee than 4 d. or the Gaoler for his Fee than 4 d. or take more for the Bond of Appearance than 4 d. they are to pay treble Damages to the Party grieved, and 40 l. to the King and Prosecu-

23 H. 6. c. 10. tor, per Stat. 23 H. 6. cap. 10.

A Sheriff took 30 s. for a Warrant upon a *Ca' Sa'* on a Judgment of 103 l. This is Extortion at Common Law, but not within this Statute, because it speaks of Fees to be taken upon the Arrest of the Party when bailed; and a Man cannot be bailed who is taken upon a *Ca' Sa'*. *Hutton* 70.

4 H. 4. c. 5.

The Sheriff took Money of the Gaoler for his Place, and his Servant sold the Bailiwick, but the Sheriff took the Money. This was held to be within the Statute of 4 Hen. 4. cap. 5. of letting his County to Farm, and he was fined. *Noy* 100, 102.

Executions.

Sheriff must take no more than 1 s. for every Pound under 100 l. and if above 100 l. then but 6 d. for every Pound he levies upon an Extent or any Execution; and if he does, he forfeits treble Damages to the Party grieved, and 40 l. to the King and Prosecutor, per 29 Eliz. cap. 4.

29 Eliz. c. 4.

An Information was brought against the Sheriff of *Gloucester* upon this Statute, for taking more than 12 d. in the Pound for executing a Judgment out of the Common Pleas. The Defendant pleaded the Proviso in the Act, which is, that it shall not extend to Fees for Executions within Cities or Corporations; but it was held that the Proviso shall be intended of Actions arising within the Corporation, and for which the Action is brought in the Corporation Court, and Judgment there had, and not where the Sheriff upon any Process out of a superior Court enters a Corporation, and doth Execution. *Cro. El.* 287. *Latch* 19 & 51.

He must not take Poundage for executing a *Capias ad satisfaciendum*, or upon charging one in Execution for any greater Sum than the Debt really due to the Plaintiff, which Sum the Plaintiff shall mark and specify on the Back of the Writ, before it is delivered to the Sheriff to execute. Sheriff or Bailiff taking more Fees, and being convicted,

convicted, shall be guilty of Extortion, and shall forfeit treble Damages to the Party grieved, and double the Sum extorted, upon Proof before the Judge of such Court out of which the Writ issued, in such summary Way as to them shall seem meet; and moreover shall forfeit 200 l. one Moiety to the Crown, the other Moiety to the Prosecutor, to be recovered in any Court of Record at *Westminster*, so as the Prosecution be within two Years after the Offence done. 3 *Geo. 1. cap. 15.*

3 G. 1. c. 15.

If the Plaintiff takes an Assignment of the Bail-Bond, though the Bail is insufficient, the Court will not amerce the Sheriff. 1 *Salk. Rep. 99.*

The Sheriff on Motion shall not be admitted to file the Return of a Writ when an Action of the Case is depending against him for not returning it. *Cro. Jac. 535. Style 408.* And although a Sheriff be out of his Office, if it appears that he made a false or fraudulent Return, or wilfully refused, neglected or delayed the Return of Writs, the Court will send for him into Custody, and order an Indictment or Information against him, &c.

But Writs of Execution (except *Elegits*) as *Ca. Sa. Fi. Fa. Habere fac. Seisnam, Liberate, &c.* which are the final Process of the Court, and after which no Judgment is given, are good, though the Writs be not returned or filed, if the Execution be duly made.

Action of Escape will not lie against the Executor, or Administrator of the Sheriff, &c. for such personal Action dies with the Person. *Cro. El. 393.*

The Plaintiff, at whose Suit an Arrest is made upon *mesne* Process, may have his Action against the Rescuers, and cannot bring it against the Sheriff; but where a Person is taken upon a *Ca. Sa.* the Plaintiff may have an Action as well against the Sheriff, as the Rescuers. 2 *Lev. 26. Cro. Jac. 486. Cro. Car. 109.*

On Action for Escape on *mesne* Process, if the Sheriff plead a Rescue it shall be good, upon an Execution it is not, where the Sheriff may raise the *Posse Comitatus* to secure the Prisoner. 2 *Lev. 144. 3 Keb. 513. Hill. v. Mountague, 3 Lev. 46. Gorge v. Gore.*

The Sheriff may not return a Rescuers of a Person arrested made upon a Bailiff not known, for it ought to be on a Sheriff's known Bailiff, and be *vi & armis, &c.*

Where the Body of the Defendant is taken by the Sheriff's Officers on a *Ca. Sa.* and the Writ returned and filed, no other Execution can be had against Goods or Lands: But where a Person dies in Execution, a new Execution may issue against his Lands, &c. as if he had

never

never been taken in Execution. *Cro. Jac.* 143. Stat.

21 Jac. 1. c. 24. 21 *Ja.* 1. cap. 24.

Leases for Life are not saleable for Debt, tho' the Sheriff may extend the yearly Profits, and Goods of a Stranger in the Defendant's Possession shall not be subject to the Execution; the Sheriff at his Peril must take Notice whose Goods they are. Also Goods bought *bona fide*, depending the Action, shall not be liable to Execution; and if there are Chattels sufficient, Lands ought not to be extended. 2 *Inst.* 472. If you sue forth a *Fieri Fa.* against the Goods of the Defendant, and levy Part of the Debt, but not the Whole; you may afterwards have a *Ca. Ca.* against his Body, or an *Elegit* for the rest. 8 *Rep.* 96. But when Lands are once taken upon an *Elegit*, and the Writ returned, &c. the Plaintiff shall have no other Execution.

Writs of Execution bind the Property of Goods only from the Time of the Delivery of the Writ to the Sheriff, &c. but Land is bound from the Day of the Judgment.

29 Car 2. c. 3. 29 *Car.* 2. cap. 3.

A Sheriff may bring Action of Trover or Trespass, for taking his Goods levied in Execution. 1 *Lev.* 280. If a Sheriff levies Money on an Execution and dies, Action may be brought against his Executors, for the Money, &c. And if a Sheriff procure Goods taken in Execution to be appraised at an Under-value, and delivered them to the Plaintiff accordingly, for this Oppression he may be indicted. *Cro. Car.* 539. *Cro. Jac.* 426.

If the Defendant do not surrender himself according to Law, in Discharge of his Bail, the Plaintiff may, at his Election, take Execution against the Principal or Bail: But if he takes the Bail, he shall never afterwards meddle with the Principal; and if the Principal be in Execution, he cannot take the Bail. *Cro. Ja.* 320.

4. The Office and Duty of an Under-Sheriff.

No Person to buy or sell the Office of Under-Sheriff, &c.

No Person shall buy, sell, let, or take to farm the Office of Under-Sheriff, or Deputy Sheriff, to act in his stead, Seal-keeper, County-Clerk, Shire-Clerk, Gaoler, Bailiff, or any other Office pertaining to the Office of High-Sheriff, in *England* or *Wales*, or contract for, promise or grant for Money or other Reward, any of the said Offices or Places, or give, take, promise or receive any other Consideration for the same, directly or indirectly, by themselves or any Person in Trust for them, on Forfeiture of 500 *l.* one Moiety to the Crown, the other to the Prosecutor, to be recovered by Action of Debt, &c. in any Court at *Westminster*, in which no *Essoin*, &c. provided that such Suit

Suit be commenced within two Years after the Offence, and not otherwise. 3 Geo. 1. cap. 15.

3 G. 1. c. 15.
Sheriff's Fees
on a Writ of
Possession.

It is not lawful for any Sheriff, Under-Sheriff, Bailiff, &c. for executing a Writ of *Habere facias possessionem aut seisinam*, to demand or receive any greater Fee or Reward than 12 *d.* for every 20 *s.* of the yearly Value of any Manor, Messuage, &c. whereof Possession or Seisin shall be by any of them given, where the whole exceeds not the yearly Value of 100 *l.* and the Sum of 6 *d.* only for every 20 *s.* per Annum above the yearly Value of 100 *l.* *Ibid.*

For the Oaths both of the High-Sheriff and Under-Sheriff, see Stat. 3 Geo. 1. cap. 15.

3 G. 1. cap. 15.
Sheriff punished
for a Misj
demeanor.

An Under-Sheriff seizing five hundred Pounds Worth of Goods for Three Shillings, and returning into Exchequer that he had seized but to three Shillings Value, and in undue Manner procuring one to be convicted, by returning two of his Servants of the Jury; this was adjudged a great Misdemeanor, and an Information awarded in *B. R.* 1 Cro. 567.

By Stat. 3 G. 1. cap. 15. on the Deaths of Sheriffs their Under-Sheriffs are to act in their Names, &c. till others are appointed, and be answerable.

3 G. 1. c. 15.

The High-Sheriff may grant the Office of Under-Sheriff at Will.

The Under-Sheriff is a Person the Law takes Notice of, who ought not to have any Estate or Interest in the Office itself; neither may he do any thing in his own Name, but only in the Name of the High-Sheriff, who is answerable for him. 9 Co. Rep. 49.

But in some particular Cases the High-Sheriff must execute the Office in Person, and the Under-Sheriff may not do it; as on a Writ of Partition, *Accedas ad Curiam*, *Waste*, *Redisseisin*, &c. where the Sheriff is commanded to go himself in his own Person; and in Writ of *Redisseisin*, the Sheriff is Judge; also in the County Court, the Under-Sheriff cannot hold Plea in a *Justicies*, for the Sheriff himself is Judge.

The High-Sheriff brought an Action of Covenant against the Under-Sheriff, on his being sued for an Escape, &c. who pleaded he saved the High-Sheriff harmless; but the Plea was adjudged ill; for he ought to have pleaded *Non damnificatus*. Style's Rep. 16.

5. Concerning Bailiffs.

If the Sheriff's Bailiffs lawfully arrest a Man, and the Persons standing by refuse to assist them, in Case

Persons not as-
sisting Sheriff,
&c. may be
of fined.

Sheriff. Shipp.

of Resistance, they shall be fined, *Winch, p. 72. Foster's Case.*

Bailiffs of Liberties cannot arrest a Man without a Warrant from the Sheriff of the County ; and yet the Sheriff cannot enter the Liberty himself at the Suit of a Subject (except it be on a *Quo minus*, or *Capias utlegatum*) without a Clause in his Writ, *Non omittas propter aliquam libertatem, &c.* If the Sheriff or his Officer enter the Liberty without such Power, the Lord of the Liberty may have an Action against him, though the Execution of the Writ may stand good. *2 Co. Inst. 453.*

A Bailiff of a Liberty or Franchise is an Officer which the Court takes Notice of ; and for insufficient Returns of Writs, or other Process, a Bailiff of a Liberty may be fined and amerced. *27 H. 8. c. 24.*

Bailiffs of Liberties may bail Persons as Sheriffs may, and take the Obligations for Appearance, &c. tho', if their Arrest be by Warrant from the Sheriff, the Bond to appear must be taken by the Bailiff in the Sheriff's Name. *23 H. 6. c. 10.*

An Action of false Imprisonment lies for Arrest on a *Sunday*, *Stat. 29 Car. 2. cap. 7. 1 Salk. 78.* Tho' a Person may be retaken on a *Sunday*, where arrested the Day before, and a Man shall be taken and arrested on a *Sunday* on an Escape-Warrant, where he escapes or goes at large out of the Rules of the *King's Bench* or *Fleet Prison*, &c. *5 Ann. cap. 9.*

Also Action of false Imprisonment lieth against a Bailiff, for arresting one after the Return of the Writ is past. If a Process be unduly obtained, and the Party against whom it is had be thereupon arrested and imprisoned, he may have Action of false Imprisonment against the Person at whose Suit he is imprisoned, but not against the Officer who executes the Process, and considerable Damages are recoverable in Actions of false Imprisonment. *2 Inst. 482.*

Shipp.

9 G. 2. c. 37. **B**Y 9 *Geo. 2. c. 37.* After 24 *June 1736.* all Foreign made Sail-Cloth, imported as Merchandize, shall be stamped at the Port of Landing, and the Commissioners of the Customs shall provide the Stamps, and any Person counterfeiting the same, shall forfeit 50 *l.* Selling with a counterfeit Stamp also forfeits 50 *l.*

After

After 29 Sept. 1736. The Makers of *British* Sail-cloth shall stamp their Names and Places of Abode on every Piece, on Penalty of 10 *l.* for each Piece, and the Cloth so fold, and 5 *l.* for wilfully obliterating the Stamp, or affixing another Person's Stamp; and a Penalty of 50 *l.* to be paid by the Maker, is laid on every Ship built in *Great Britain* or *British* Plantations in *America*, not having a compleat Set of Sails of *British* Sail-cloth, and every Person forfeits 20 *l.* on working up Foreign made Sail-cloth not stamped.

The Dimensions and Weight of *British* made Sail-cloth after 29 Sept. 1736. is to be

Number 1		44	}	Pounds each Bolt.
2		41		
3		38		
4		35		
5		32		
6		29		
7		24		
8		21		
9		18		
10		15		

The whitening Flax-yarn with Lime forfeits 6 *d.* a Yard; the Act, or an Abstract thereof, is to be put up in Shops and Work-houses, on Forfeiture of 40 *s.* All Forfeitures are to be recovered by Action of Debt, &c. one Moiety to his Majesty, and the other to the Prosecutor.

The Act to continue from 24 June 1736. for five Years, &c.

See *Wrecked Ships.*

Shoemakers.

BY Stat. 9 *Geo. 1. cap. 27.* If any Journeyman Shoemaker or other Person hired as such within the Bills of Mortality, be accused by the Master employing him, of fraudulently purloining, imbezilling, selling, pawning or exchanging any Boots, Shoes, Slippers, cut Leather, Lace, Lasts, or other Materials for making Boots or Shoes, &c. not being the proper Goods of the Person accused, any Justice of the County where, &c. on Complaint on Oath, may summon the Party accused, or grant his Warrant to apprehend him, and to bring him before the Justice, who on his Appearance or Default thereof, may proceed to examine the Fact, and either upon Confession, or the Oath of one credible Witness, may convict the Offender, and immediately award

9 G. 1. c. 27.
Journeyman
Shoemaker
imbezilling
Shoes or Mate-
rials, &c. how
to be punished.

Shoe-makers.

award the Party grieved reasonable Satisfaction ; and if not paid immediately, may grant his Warrant to levy it by Distress and Sale of the Offender's Goods ; and if no sufficient Distress, then to be whipt in the Parish where the Offence was committed ; and in Case of Conviction for any second or other Offence, to commit the Offender to the House of Correction to hard Labour for any Time not exceeding one Month, nor less than fourteen Days.

Persons buying or taking such Things in Pawn, how punishable.

Every Person who shall buy, receive, or take in Pawn from any Journeyman Shoe-maker, or any hired as such, or from any other Person whatsoever, any Boots, Shoes, &c. or Materials for making them, not being the proper Goods of him that sells or pawns, or offers to sell or pawn them, shall for every Offence (being lawfully convicted thereof in Manner aforesaid) make such reasonable Recompence within two Days after the Fact shall be determined, as shall be awarded, or else be subject to such Distress ; and for want of sufficient Distress, shall be liable to the like Punishment as is hereby inflicted on Journeymen so purloining, &c.

Any two Justices, &c. may grant a Search Warrant.

It shall be lawful for any two Justices dwelling within the Bills of Mortality, on Complaint upon Oath, to issue their Warrant for searching in the Day-time the House of any Person whom they shall suspect to have received, bought, or taken to pawn any such Goods so fraudulently imbezilled ; and on Refusal, to break open any such House. Persons opposing such Search, shall for every Offence forfeit 10 *l.* to any who will inform and sue for the same within two Kalendar Months, in the Courts at *Westminster*, by Action of Debt, &c. And if it shall appear by the Oath of one or more Witnesses, or on Search of such House, that such Person hath in his Custody any such Goods, the Justices shall cause them to be restored to the Owner, and oblige the Party offending to make Satisfaction to such Owner for the Damage in detaining the Goods, and Charges in getting the same ; and the Party refusing so to do, shall be subject to the like Punishment as is by the said Act provided to be inflicted on such Journeymen, &c. so fraudulently imbezilling, &c.

Shoe-maker leaving his Master and going to another before he has finished his Work, to be sent to Bridewell.

Any Person employed by one Shoe-maker and retained by another before he hath finished his Work, being convicted on Oath before one Justice, shall be sent to hard Labour in the House of Correction, not exceeding one Month.

There lies an Appeal to the next Sessions, giving eight Days Notice, whose Determination shall be final.

If any Shoe-maker shall make Shoes or Boots of insufficient Leather, or sew them slight or ill, &c. he shall forfeit 3 *s.* 4 *d.* for every Offence, and the full Value of all

all Wares thus made and sold. Conviction in the Quarter-Sessions. 1 Jac. 1. cap. 22.

1 Jac. 1. c. 22.

Shooting. Vide Game.
Silk. Vide Linen Cloth.

Silk-Throwing.

NO Person shall use, exercise, continue, or set up the Trade of a Silk-Thrower, unless he is or shall be Apprentice to that Trade, or have served seven Years Apprenticeship thereto, upon Pain to forfeit 40 s. for every Month; one Moiety to the King, the other Moiety to the Prosecutor, by Action of Debt, Bill, Plaint, or Information, or by other lawful Means (*inter alios*) before the Justices of Peace at their Quarter-Sessions. 14 Car. 2. cap. 15.

No Person to use the Trade of a Silk-throwster, without being Apprentice seven Years, &c. 14 Car. 2. c. 15.

If any Silk-Winder or Doubler imbezil, pawn, or detain any Silk delivered to them to wind or double, every Winder or Journeyman so offending, and the Buyers and Receivers thereof, being convicted by Confession or the Oath of one Witness, before any Justice of Peace of the County or Liberty; or if within a Town Corporate, before the chief Officer of the same, who may hear and determine, and give the Party damnified such Satisfaction for their Loss, Damage, and Charges, as they shall order, so as no more be awarded than the Party is damnified, and hath expended in looking after it. And if the Party be not able, or do not make Recompence in fourteen Days after Conviction, he shall for the first Offence be apprehended and whipped, or set in the Stocks in the Place where the Offence was committed, or some Market-Town of that County near thereunto; and for the second Offence shall be punished as before. *Ibid.* 20 Car. 2. cap. 6.

Punishment of Winder, &c. imbezilling Silk.

By the Stat. 8 & 9 W. 3. cap. 36. the Clause above extends to all Persons who shall imbezil Silk, or pawn, sell, or detain it, being delivered to any one who manufactures it, their Agents, Journeymen, Wapers, or Winders.

20 Car. 2. c. 6.
To whom it extends. 8 & 9 W. 3. c. 36.

The Receivers and Buyers of Silk imbezilled, knowing it to be so, shall be subject to the like Punishment as the Person imbezilling. *Ibid.*

Buyers of Silks imbezilled.

Any Freeman of the Company of Silk-Throwers may set on Work any native Subjects of his Majesty's, whether Men, Women, or Children, to turn the Mill-Work, tie Threads, double Silk, and wind Silk, as formerly, altho' they have not served as Apprentices to that Trade by seven Years. 14 Car. 2. cap. 15.

Silk Throwers may set on work any Native, &c. 14 Car. 2. c. 15.

Upon

Return of a
Certiorari, &c.
13 & 14 Car. 2.
c. 15.

Upon a *Certiorari* directed to the Lord Mayor of London, for all Orders by him made against one *B.* he returned that by Virtue of the Statute of 13 & 14 Car. 2. cap. 15. for the regulating the Trade of Silk-Throwing, he had convicted *B.* for buying Silk of the Winder, upon the Oath of the Seller, and had adjudged *B.* to pay the Value to the Owner, and his Charges: Exception was taken, that the Seller was *particeps criminis*, and so no competent Witness. 2. That Judgment ought to be given against the Seller, for the Act makes him an Offender also; but these were both disallowed, and the Return ruled to be good. *Pasch.* 33 Car. 2. *Jones's Rep.* 2. p. 155. *Rex versus Benison.*

An Order for the Payment of Monies to a Silk-Throwster by his Workmen, who imbezilled his Silk.

13 & 14 Car.
2. c. 25.
20 Car. 2. c. 6.
1 Justice.
1 Witness.
8 & 9 W. 3.
c. 36.

Essex, ff. **W** Hereas upon the Complaint of *A. B.* of *C.* Silk-Throwster, made that he having delivered to *C. D.* of *E.* Silk-Winder (or Doubler, or Journeyman) Ten Pounds of Silk to be by him silk-winded (or silk-doubled) for the said *A. B.* and that the aforesaid *C. D.* hath unjustly, (deceitfully, and falsely purloined, imbezilled, pawned, sold, or as the Case is) detained six Pounds of Silk, Parcel thereof: Which Complaint, upon my Examination of the same, (according to the Form of the Statute in that Case made) having been made apparent unto me to be true, I have thereupon determined the Offence aforesaid, and do hereby order and appoint the said *C. D.* to pay to the said *A. B.* the Sum of 40 s. for his Damages, Losses, and Charges thereabouts, within fourteen Days next ensuing. Given under my Hand and Seal, &c.

Silver. Vide Gold and Silver.

Smuglers. See Customs, &c.

8 Geo. 1. c. 18.
Smuglers, &c.
when guilty of
Felony.

BY Stat. 8 Geo. 1. cap. 18. any Persons found passing knowingly with any foreign Goods landed without due Entry and Payment of the Duties, from any of the Coasts, or within twenty Miles thereof, and shall be more than five in Company, or shall carry any offensive Weapons, or wear any Mask or Disguise, when passing with such Goods, or shall forcibly resist any Officer of the Customs

Customs or Excise, in seizing Run Goods, shall be Guilty of Felony, and be transported for seven Years; and if he return before that Time, it is Felony without Benefit of Clergy.

And all Persons receiving or buying any Goods, Wares, Merchandizes, clandestinely run or imported before the same shall have been legally condemned, knowing the same to be so clandestinely run or imported, being convicted on the Oath of one or more credible Witnesses or Confession, before one Justice of Peace, shall forfeit 20*l.* to be levied by Distress and Sale, &c. And for Want of Distress, shall be committed to Prison without Bail or Mainprize for three Months; the one Moiety of the above Penalty to the Informer, the other to the Poor of the Parish where the Offence was committed.

All Seizures of Vessels or Boats of 15 Tons or under, which shall be made after the 25th of March 1722. by Virtue of the Act 1 *Ann. cap. 7.* for granting to her Majesty new Duties of Excise, &c. and of an Act for continuing several Impositions, &c. to raise Money by Loan for the Service of the Year 1710. or any other Act relating to the Revenue of Customs for carrying uncustomed or prohibited Goods from Ships inwards, or for relanding Certificate, or Debenture Goods from Ships outward bound: And all Seizures of Horses or other Cattle or Carriages whatsoever, for being used in the Removing, Carriage or Conveyance of such Goods, contrary to the said Acts, are to be examined into, proceeded upon, heard, adjudged, and determined by two or more Justices of Peace, residing near the Place where such Seizure shall be made, whose Judgment shall be final, and not liable to Appeal or Certiorari. Stat. 8 *Geo. 1. cap. 18.*

Any two Justices for London and Westminster shall have the like Power in determining such Seizures as shall be made within those Cities, as any two Justices of any other County or Place have. *Ibid.*

This Act to continue for two Years, commencing from the 25th of March 1722. and from thence to the End of the next Sessions of Parliament.

By 6 *G. 2.* When any Officer of the Customs shall neglect to seize, and prosecute any Vessel, Horses, or Carriage, which shall be forfeited for running of Brandy, such Officer being convicted upon the Oath of one Witness before one Justice of the Peace, shall forfeit for every Neglect 50*l.* one Moiety to the King, and the other to the Informer; to be levied by Distress and Sale of the Offenders Goods, by Warrant of such Justice, and for Want of such

Distress such Offender shall be committed to Prison for six Months.

9 Geo. 2. c. 35. By the 9 Geo. 2. c. 35. intituled, *An Act for indemnifying Persons who have been guilty of Offences against the Lawes made for securing the Revenues of Customs and Excise, and for enforcing those Lawes for the Future*, it is enacted, That all his Majesty's Subjects, their Heirs, &c. who before 27 April 1736. have incurred any Penalty by clandestine Running of Goods, &c. making false Entries of Goods, or abusing Officers, &c. shall be indemnified, and may plead the said Act for their Discharge, paying only 1 s. 4 d. for entering the Plea, provided that they stop all Proceedings brought against Officers, or their Assistants, for or concerning any Matter, Cause, or Thing committed by such Officer, or his Assistant, on Occasion of any Offences, &c. intended by the said Act to be released and discharged, and in Case any Person shall claim the Benefit of this Act, and shall afterwards bring any Action against an Officer, &c. such Officer, &c. shall be discharged, may plead the general Issue, &c. and may recover Cost against such Plaintiff.

All Persons taking, or being intituled to, the Benefit of the said Act, and shall be afterwards guilty of the like Offences, shall be liable to be prosecuted for both the former and new Offence, and for Smuggling Bonds, &c. the Act is not to discharge any Judgment for Monies actually levied, nor the Informer's Part of the Penalty; and all Persons liable to be transported for any such Offences, committing the like after claiming the Benefit of the said Act, shall suffer Death as a Felon without the Benefit of Clergy; and all Persons neglecting to pay Composition Money (before agreed to be paid) shall be excluded from the Benefit of the said Act.

Excepted out of the said Act all Seizures of Goods, Vessels, &c. Money due on Entry of Goods, or Bond, Debentures fraudulently obtained, and Actions depending; and the Treasury may compound in Cases where Judgment was given for his Majesty on the 11th of May 1736. relating to Debentures, &c.

That from and after the 24th of June 1736. upon Information upon Oath before any one or more Justices of the Peace, that three or more Persons are, or have been after the said 24 June 1736. assembled together for any the Purposes aforesaid, and are or have been armed with Fire-Arms, or other offensive Weapons, may grant a Warrant for apprehending them, and may (if upon due Examination he or they find Cause) commit them to the next County-Gaol, there to remain without Bail or Mainprize until discharged by

by due Court of Law; and upon Conviction of their being assembled to assist in the Running of Goods, they shall be transported for seven Years, as other Felons by the Act of 4 & 6 G. 1. and returning before the Expiration of such Term, shall suffer Death as Felons without the Benefit of Clergy.

Any Person apprehending any other Person guilty of any of the last mentioned Offences, shall have a Reward of 50*l.* and the like Sum of 50*l.* shall be paid to any Person maintained in the Apprehending; and if any one is killed, his Executors shall have 50*l.* and Offender discovering two or more Accomplices within three Months after the Offence committed, to the Commissioners of the Customs, shall himself be discharged, and shall be intitled to the like Reward of 50*l.*

That from and after the said 24th of *June* 1736. if two or more Persons are found passing together within five Miles of the Sea, or a navigable River, with Horfe, Carts, &c. whereon shall be laden six Pound-weight of Tea, or five Gallons of Brandy, or other Spirits, &c. not having paid the Duty, and bearing offensive Arms, or being masked, &c. shall be deemed Runners of Foreign Goods within the Meaning of the Act of 8 *Geo.* 1. and the Proof of the Entry and Payment of the Duties shall lie on the Persons found with the Goods; such Persons, upon Conviction, shall be adjudged guilty of Felony, and be transported for seven Years; and returning before the Expiration of the Term shall suffer Death without the Benefit of the Clergy.

All Goods, Weapons, Cattle, and Package of Goods, &c. so found, shall be forfeited and lost.

The 50*l.* Reward to Persons wounded in apprehending, and to the Executors of Persons killed, and so the Discoverers of their Accomplices, are to be paid by the respective Receivers General, by Order of the Commissioners, on Certificates of the Judge of the Offender's Conviction; and the Commissioners shall adjust each Person's Share in Case of Difference.

Upon Information on Oath before one or more Justices of the Peace, that Persons are lurking within five Miles of the Sea or navigable River, and there is Reason to suspect that they wait with Intent to be aiding and assisting in the Running, Landing, or carrying away any prohibited or uncustomed Goods, may grant a Warrant for apprehending them; and they not giving a satisfactory Account may be sent to the House of Correction, and be whipp'd and kept to hard Labour for any Time not exceeding one Month, and the Commissioners shall pay 20*l.* to the Informer for every Offender so taken as aforesaid; yet Persons so apprehended, desiring Time to clear themselves of the Accusation, shall only be committed to Prison till Satisfaction or Security be given not to be guilty of the like Offences again.

Q₂

That

That after the said 24th of *Jan* 1736. Persons offering Tea, Brandy, &c. to Sale, with or without a Permit, may be stopped on Suspicion, and the Person stopping the same may prosecute in his own Name, and on Recovery shall be intitled to a third Part of the Produce on Sale; and the Commissioners shall advance one Shilling *per* Pound for Tea, and one Shilling *per* Gallon of Brandy so seized, to the Prosecutor till Sale.

That after the said 24 *June* 1736. all Watermen, Car-men, Porters, and other Persons whatsoever found with prohibited or run Goods, knowing the same to be prohibited or run, being lawfully convicted on the Oath of one or more credible Witnesses, or by Confession before one or more Justices of the Peace, where the Offence shall be committed, or the Goods found, shall forfeit treble the Value, Half to the Informer, and Half to the Poor, where, &c. to be levied by Distress and Sale of the Offender's Goods, by Warrant from the Justice or Justices before whom such Offender shall be convicted; and for Want of Distress the Offender to be committed to the House of Correction, there to be whipp'd and kept at hard Labour for any Time not exceeding three Months.

Vessels arriving from foreign Parts with six Pounds of Tea on Board, or Brandy, &c. in a Cask under sixty Gallons (except for the Use of the Seamen, not exceeding two Gallons a Man) hovering within a League of the Shore, all such Goods with the Package shall be forfeited.

After 29 *Sept.* 1736. Foreign Goods taken in or put out of any Vessel within four Leagues of the *English* Coasts, without Payment of Customs, (unless in Case of apparent Necessity) shall be forfeited, and the Master, &c. shall forfeit treble the Value; and the Vessel, if not above 100 Tuns, shall be forfeited, and Persons offering to bribe an Officer to Connivance shall forfeit 50 *l.* the Forfeitures one half to the King, the other to the Informer, who shall prosecute in any of the Courts at *Westminster*; and Actions, &c. for Assault upon Officers, may be tried in any County of *England*.

All Goods found concealed after the Master's Report at the Custom-house shall be forfeited, and the Master shall forfeit treble the Value; and Persons forcibly obstructing or wounding Officers on Board, in the Execution of their Offices, shall, on Conviction, be transported, not exceeding seven Years, and upon returning before the Expiration of the Time, shall suffer Death as a Felon without Benefit of the Clergy.

Officers may go on Board coasting Vessels, and search for prohibited and uncustomed Goods, and may continue on Board during the Vessel's Stay in the Port; and Persons obstructing

fructing such Officers forfeit 100*l.* and likewise 100*l.* Penalty is laid on Alehouse-men, &c. knowingly harbouring any Person against whom Process hath issued for obstructing Officers, &c. but no Forfeiture herein, unless publick Notice shall have been first given, in two successive *Gazettes*, of such Person's Absconding, and a Writing fixed to the Door of the Church.

Sheriffs, Mayors, &c. on Request in Writing of a known Solicitor for the Customs or Excise, to grant special Warrants for apprehending Offenders, and the Persons granting such Warrants shall be saved harmless from all Escapes.

In Trials of Seizures, Judges are to proceed according to the Merits of the Cause, without inquiring into the Fact or Form of making the Seizure; and Officers and their Assistants may oppose Force to Force, and when carried before a Justice for wounding or killing any Person, in such Cases shall be admitted to Bail.

The said Act shall not indemnify any Person prosecuted by the *East-India* Company.

Any Person sued for any Thing done in Pursuance of the said Act, may plead the General Issue, and give the special Matter in Evidence; and if found for him, shall have treble Cost.

Provided, That nothing in the said Act shall extend to restrain his Majesty's Court of King's Bench, or any of the Judges thereof, or the Court of Justiciary in *Scotland*, from bailing any Person committed for Felony by Virtue of the said Act, in such Manner as they may by Law do in other Cases of Felony.

A Warrant to bring Offenders before a Justice upon the aforesaid Smugling Act of 9 *Geo.* 2.

Essex, to **W** Hereas I have been informed upon Oath, wit. **W** That since the 24th Day of June 1736. A. B. of, &c. C. D. of, &c. and E. F. of, &c. have been assembled together for the Purpose of clandestine Landing and Running of prohibited or uncustomed Goods, and were armed with Fire-Arms and other offensive Weapons, contrary to the Form of the Statute in that Case lately made and provided: These are therefore to require you to apprehend and bring the said A. B. C. D. and E. F. before me or some other Justice of the Peace for this County, to answer the Premises aforesaid. Given under my Hand and Seal, &c.

A Commitment of the Offenders upon the said Statute.

To the Constable, &c. and to the Keeper of the Gaol for the said County.

Essex, to **W** *H*ereas it hath been duly proved before me, *wit.* That A. B. &c. have (as in the Warrant above): These are therefore to command you the said Constable to convey the said A. B. &c. to the common Gaol of the said County, and to deliver them to the Keeper thereof, together with this Warrant; hereby also requiring you the said Keeper to take the said A. B. &c. into your Custody, and them safely to keep (without Bail or Mainprize) until they shall be discharged by due Course of Law. Given, &c.

The other Warrants, Commitments, &c. upon this Act are easily formed from the above, &c. observing the Words in that Part of the Act for which they are made.

Soldiers.

43 Eliz. c. 3.
Q. Sessions to charge Parishes towards Relief of maimed Soldiers.

BY 43 Eliz. cap. 3. the Quarter-Sessions are to charge every Parish towards a weekly Relief of maimed Soldiers and Mariners, so as no Parish pay weekly above 10*d.* nor under 2*d.* nor any County which consists of above 50 Parishes pay above 6*d.* one Parish with another.

And by the same Statute, upon a Certificate, under the Hand and Seal of the chief Commander or Captain, under whom a Soldier or Mariner served, a Quarterly Pension is to be allowed him till revoked or altered; he who hath not born Office not to exceed 10*l.* an Officer under a Lieutenant 15*l.* a Lieutenant 20*l.*

Person absenting himself from Musters. A Person commanded to muster absenting himself without lawful Excuse, or not bringing his best Arms, is to suffer ten Days Imprisonment, unless he agrees to pay 40*l.* to be estreated into the Exchequer, by Stat. 4 & 5 P. & M. cap. 3.

Forfeitures of Persons discharging Soldiers for Reward. And by the same Statute, any Person authorized to muster or levy Soldiers, exacting or taking any Reward to discharge or spare any from the Service, forfeits ten Times so much as he shall exact or take; one Moiety to the Crown, the other to the Prosecutor. *Ibid.*

Thus

This stood the old Law ; but this is now of little Use since the Revolution in 1688. that the Right to the Crown became disposable, by some it has been thought advisable, by Consent of Parliament, to keep up a standing Army, and so that had several Acts of Parliament have from Time to Time been made for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters ; which being all much the same, I shall here give you a short Abstract of the last, which was passed Anno 13 Geo. 2. in Alphabetical Order.

Concerning Carriages.

All Justices within their several Counties, &c. upon Order from his Majesty, or the General of the Forces, or the Master General, or Lieutenant General of the Ordnance, are to issue out Warrants to the Constables, &c. to make Provision of Carriages, with able Men to drive the same, &c. for the Forces in their Marches (allowing sufficient Time) that the neighbouring Parts bear not always the Burden ; and the Officers are to pay down in Hand to the Constable 1 s. per Mile for every Waggon that travels with five Horses ; 1 s. per Mile for every Wain with six Oxen, or four Oxen and two Horses ; 9 d. per Mile for every Cart with four Horses ; and so proportionably for lesser Carriages ; and the Constables may appoint such Persons as they shall think proper, to furnish such Carriages ; and if any military Officer force any Carriage to travel above one Day's Journey, and do not discharge the same in due Time, &c. or suffer any to ride therein (except such as are sick) or force any Constable, &c. by Threats, to provide any Saddle Horses, or force Horses from their Owners, he shall forfeit 5 l. on Proof before two Justices, to be deducted out of his Pay.

Constables, &c. not executing such Warrants, or any other Person hindering the Execution thereof, are to forfeit not exceeding 40 s. nor less than 20 s. to the Poor of the Parish ; to be determined by two Justices of the Peace, and levied by Distress and Sale.

The Treasurers of the County are to pay the Constables all reasonable Sums laid out for Carriages, above what ought to have been paid by the Officer, out of the publick Stock, according to the Justices Directions ; Regard being always had to the Season of the Year, and Length and Condition of the Ways ; and if the publick Stock be not sufficient, the Justices are to raise Money in the same Man-

ner as for County Gaols and Bridges, to satisfy the extraordinary Charge.

No Waggon, &c. shall be obliged to carry above Twenty Hundred Weight, by Virtue of this Act.

Carriages for the Service of the Forces quartered or marching in *Scotland*, are to be provided and paid at the Rates, and in such Manner, as by the Laws in force in *Scotland* at the Time of the Union.

Persons refusing to provide Carriages for the King for Money tendered, or for refusing to appear, on the Constable's Oath or two Witnesses, forfeits 40 s. to be levied by Distress or Sale. 13 Car. 2. c. 8. 1 Jac. 2. c. 10. 5 & 6 W. & M. c. 22.

Upon Notice from the High Admiral or two principal Officers, Commissioners of the Navy, Master or Lieutenant of the Ordnance, of what Carriages are required for the King, Justices are to issue Warrants not twelve Miles from the Place of Landing, to send sufficient Carriages at 1 s. a Mile for every Tun of Timber, and 8 d. a Mile for all other Provisions. 13 & 14 Car. 2. c. 20.

Concerning Deserters.

Constables may take up any Man suspected to be a Deserter, and bring him before a Justice; and if upon Examination, &c. it shall be found that he is a listed Soldier, and ought to be with his Troop or Company, the Justice shall cause him to be conveyed to the County Gaol, and transmit an Account thereof to the Secretary at War, that he may be proceeded against according to Law.

And to encourage any Person to secure Deserters, the Justice is to issue his Warrant to the Collector of the Land-Tax Money for Payment of 20 s. for every such Deserter, to the Person who secured him, out of the Money arising or to arise in the Year 1740.

Persons concealing any Deserter, shall forfeit 5 l. And those who shall buy or receive from any Soldier or Deserter, any Arms, Clothes, Furniture, &c. belonging to the King, or shall change the Colour of such Clothes, are to forfeit 5 l. to be levied by Distress; one Moiety of either Penalty to be paid to the Informer, and the other to the Officer to whom such Soldier did belong; and if any Person convicted of harbouring any Deserter in *Ireland*, or of having there received any Arms, Clothes, &c. belonging to the King, shall not have sufficient to pay the Penalties in four Days, the Justice may commit him to the common Gaol, or cause him to be publickly whipped.

No

No Officer may break open any House to search for Deserters without Warrant from one or more Justices, on Forfeiture of 20 *l.*

Deserting beyond Sea, and coming into *England* or *Ireland* before he be tried by a Court Martial for such Offence, such Officer or Soldier shall be tried for the same as if the said Offence had been committed within this Realm. *Ibid.*

Concerning inlisting them.

After 25 *March* 1740. any Person inlisted as a Soldier for his Majesty's Land-Service, shall, within four Days after such inlisting, be carried before the next Justice of the Peace, or chief Magistrate of a City or Town-corporate, not being an Officer in the Army, and may declare his Dissent to such Inlisting, before them; and on such Declaration, returning the Inlisting-Money and paying 20 *s.* for the Charges expended on him, he shall be forthwith discharged, in Presence of the Justice or Chief Magistrate; but if he do not within twenty-four Hours return such Money, he shall be deemed to be inlisted as if he had given his Assent thereto before the said Justice or Chief Magistrate. If the Person declare that he voluntarily inlisted himself, the Justice or chief Magistrate is required forthwith to certify under his Hand, that such Person is duly inlisted, setting forth the Place of his Birth, Age and Calling, if known, and that the seventh and tenth Articles of War against Mutiny and Desertion were read to him, and that he has taken the Oath mentioned in the said Articles of War; and if any Person so certified as duly inlisted, shall refuse to take the said Oath of Fidelity before such Justice or chief Magistrate, the Officer from whom he hath received such Money, as aforesaid, may detain and confine him, till he shall take it; and every military Officer acting contrary hereto, shall incur the like Penalty and Forfeiture as is by this Act to be inflicted on any Officer for making a false Muster; to be recovered in the same Manner as any Penalties are by this Act to be recovered.

If any Person shall receive the Inlisting-Money from an Officer, knowing it to be such, and shall abscond or refuse to go before such Justice or chief Magistrate, in order to declare his Assent or Dissent, as aforesaid; he shall be deemed to be listed; and may be proceeded against, as if he had taken the Oath directed by the said Articles of War to be taken before such Justice or chief Magistrate.

Offences committed against former Mutiny Acts, may, during this Act, be tried, determined and punished by the same

same Means as the like Offences committed against this present Act.

Officers and other Persons employed in the Train of Artillery, shall be subject to the Penalties and Punishments of this Act during its Continuance.

This Act shall extend to Jersey and Guernsey as to the Clauses of Mustering and Paying, and the Penalties thereto belonging.

Departing.

A Captain (for Reward) licensing a Soldier to depart, forfeits ten Times the Value of the Thing taken, to be divided between the King and the Prosecutor, and to be recovered before the Justices in Sessions. 4 & 5 W. & M. cap. 3.

4 & 5 W. & M. c. 3.

And no Person acquitted or convicted of capital Crimes, Violences or Offences, by the Civil Magistrate, shall be punished for the same by a Court Marshal, otherwise than by cashiering.

Inn-keepers.

By the Stat. 13 Geo. 1. cap. 2. the Officer, when he receives the Pay of a Regiment, Troop, or Company, must, within four Days give publick Notice to Inn-keepers, and before they distribute the Money to the Soldiers, must pay and discharge the Inn-keepers, &c. Accounts, provided they have no more of a Commission Officer of Horse, under the Degree of a Captain, for Diet, Small Beer, Hay and Straw *per Diem*, than 2 s.

For such Commission Officer of Dragons, 1 s. 6 d.

For a Commission Officer of Foot, 1 s.

And if he has a Horse, then for that Horse, 6 d.

Light Horsemen, Diet, Small Beer, Hay and Straw, *per Diem*, 1 s.

Dragoon, 9 d.

Foot-Soldier, Diet and Small Beer *per Diem*, 4 d.

Officer refusing to pay the same, upon Account produced, and Oath made by two Witnesses at next Sessions, the Justices may certify to the Pay-Master of the King's Forces the Sum due, who shall pay the same out of the Arrears of the Offender, or lose his Place; and if no Arrears are due, then he shall deduct it out of the next which shall be due, and the Officers shall be cashiered. And where Quarters are not paid as the Act directs, and Horse and Foot are upon their March, so that no present Subsistence can be remitted, in such Case every Officer shall make up his Accounts before he leave his Quarters, and give a Certificate by him signed, to the Party to whom the Money is due, with the Name of the Regiment

ment, that it may be transmitted to the Pay-master, who is immediately to pay the same. *Ibid.*

Musters.

Any Person making or giving a false Certificate to excuse a Soldier to be absent at a Muster, forfeits 50 *l.* and to be cashiered, and disabled from holding any military Office. *Ibid.*

Officers making false Musters, &c. and Commissaries signing such Muster-Roll, on Proof, by Oath of two Witnesses before a general Court Martial shall be cashiered, and disabled from holding any Employment, and forfeit 100 *l.*

Every Commissary, &c. shall give Notice to the Mayor, &c. where the Soldiers to be mustered are quartered, who is to be present, and assist for discovering any false Muster, &c. and the Commissary not giving such Notice, shall forfeit 50 *l.* and be discharged from his Office; and no Muster-Roll shall be allowed, unless signed by the Mayor, &c. But if such Mayor, &c. shall not attend, or refuse to sign the Roll, then the Commissary may muster such Regiment, &c. without incurring any Penalty, and the Muster-Roll shall be allowed, on Oath, within forty-eight Hours after such Muster, before a Justice, and the Muster-Rolls shall be examined by the Justice, who is to sign the same.

Next Justice may commit to the House of Correction Persons falsely mustering or offering so to be, there to remain for ten Days. *Ibid.*

Lending a Horse to be mustered, forfeits the Horse, if his own; if not, then 20 *l.* upon Oath of two Witnesses before the next Justice; the Forfeitures to be paid out of his Pay or Goods by a Court Martial. *Ibid.*

And if he hath no Goods, he shall be sent to the Common Gaol, without Bail, for six Months; this Forfeiture to be paid to the Informer; and if he is a Soldier, shall be discharged, if he demand it: And Officers mustering any Person by a wrong Name, knowingly, shall suffer, as in Case of false Musters. *Ibid.*

No Muster in *Westminster* or *Southwark*, but in Presence of two or more Justices, not being Officers of the Army, under the aforementioned Penalty, unless the Justices, on forty-eight Hours Notice, refuse to attend, &c. and the Justices are to sign the Muster-Rolls, and examine the Truth thereof before they sign the same. *Ibid.*

The

Soldiers.

The Surgeon, or his Mate, shall, within the Cities of *London* and *Westminster*, and ten Miles of the same, certify on Oath to the Muster-Master, that he hath actually seen such Persons as he certifies to be sick; and the commanding Officer shall certify the Names of such others as shall be employed in raising Recruits; and if such Certificate prove false, he shall suffer such Penalties as those that make false Musters; and the Commissary is to insert in the Docket annexed to the Muster-Roll, the Place where and Day when taken. *Ibid.*

By 2 *Geo. 2. cap. 2. sect. 11.* within 48 Hours after any Muster made (where the Mayor, chief Magistrate, or other Officer to whom Notice was given to be present at such Muster, shall not have attended) to swear the Commissary or Muster-Master, who must then produce the Muster-Roll to be examined by the Justice, who must sign the same, if there be no Objection thereunto.

Mutiny.

Every Officer or Soldier in the Army, who shall, before the 25th of *March 1728*, excite, cause, or join in a Mutiny, either in or out of *England*, either on the Land or Sea, or shall refuse to obey his superior Officer, or resist his superior Officer in the Execution of his Office, or shall strike his superior Officer, or draw, or offer to draw, or lift up any Weapon against him, or desert or list in any other Regiment, &c. without a Discharge, or shall either upon Land or Sea hold any Correspondence with any Rebel or Enemy, or give them Intelligence by Letters, Messages, Signs, or Tokens, or any Manner of Way, or treat, or enter into any Condition with them, without Licence, shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted.

Pay.

4 & 5 P. & M.
c. 3.

By Stat. 4 & 5 P. & M. cap. 3. detaining Pay of Soldiers above ten Days, shall give the Soldier treble as much. Justices in Sessions may determine this Offence, and commit till Payment of the Forfeiture. 4 & 5 P. & M. cap. 3.

13 G. 1. c. 2.

But by Stat. 13 *Geo. 1. cap. 2.* aforesaid, it is enacted, That an exact Account shall be made of all Money due, according to the Muster-Rolls, to every Regiment in the Service, between the Pay-master General, &c. and the Colonel of every such Regiment, &c. *vix.* When four Months

Months become due, an Account shall be stated for the first two preceding Months, and registered in a Book to be kept in the Pay-Office, and subscribed by the Pay-master, &c. and Colonel, &c. and a Duplicate signed, given to a Colonel, &c. without Fee, who is to deliver to each Captain an Account of what belongs to him and his Troop or Company, and the Balance which shall remain; and all other Money then due to such Regiment shall be paid as his Majesty directs; the Pay-master General, or other Pay-master, offending herein, forfeit 100*l.* for every Offence; and any Pay-master, &c. offending, shall lose his Place, and pay 200*l.* to the Informer; and any Colonel offending shall forfeit 100*l.*

If any Pay-master, Agent, &c. wilfully detain any Officer's or Soldier's Pay one Month, (Cloaths and just Allowances deducted); or any Officers having received the Soldiers Pay, shall refuse to pay it when due, *viz.*

- | | | | |
|-------------------|---|--|------------------|
| Of the
Guards. | } | To a Corporal of Light Horse, 17 <i>s.</i> 6 <i>d.</i>
To a Trumpeter and Trooper, 14 <i>s.</i>
To a Dragoon, 11 <i>s.</i> 9 <i>d.</i>
To a Serjeant, 7 <i>s.</i>
To a Corporal and Drummer, 5 <i>s.</i>
To a Foot Soldier, 4 <i>s.</i> | <i>Per Week.</i> |
|-------------------|---|--|------------------|

- | | | | |
|-----------------|---|--|------------------|
| In the
Army. | } | To each Serjeant, 6 <i>s.</i>
To each Corporal and Drummer 4 <i>s.</i> 6 <i>d.</i>
To a Foot-Soldier 3 <i>s.</i> | <i>Per Week.</i> |
|-----------------|---|--|------------------|

And 6*d.* more to each Foot-Soldier at every two Months End: Neglecting, upon Proof to a Court Martial, forfeits 100*l.* to the Informer, and to be disabled; and the Informer, if a Soldier, shall be discharged.

Pay-master shall receive no Fees, nor deduct more than usual for Cloaths, besides One Shilling *per* Pound, to be disposed as the King shall think fit; and one Day's Pay in the Year to the Use of *Chelsea* Hospital; and such other Deductions as shall be directed under the Sign Manual.

Every Pay-master and Agent, who shall be liable to account with any Executors or Administrators of any Officer or Soldier, shall, on Demand, deliver a just Account to such Executors, &c. of such Sums as they shall have received for such Officer or Soldier, such Executors, &c. paying for the same. And every Pay-master, &c. offending herein, shall forfeit the like Penalty, and to be recovered in like Manner as is appointed by the Act for Colonels or Agents not giving due Accounts of the Pay to the Officers and Soldiers. *Ibid.*

Persons

Soldiers.

Persons sued upon this Act may plead the General Issue, and recover double Costs, &c.

This Act is to continue in Force from the 24th of *March* 1740 till the 25th of *March* 1742.

Process.

No Volunteer shall be taken out of the Service by any Law Process, other than for a criminal Matter, unless for real Debt or other just Cause of Action; in which Case, before the Taking out such Process or Execution, the Plaintiff, or some other Person in his Behalf, must make Affidavit before a Judge of the Court of Record, or other Court out of which the Process issues, that the Sum is really due, and that the Debt or Damages amount to 10*l.* at least: A Memorandum of which Oath shall be made on the Back of the Process, for which no Fee shall be taken. Any Person arrested contrary to this Act, the Judge, on Complaint by the Party himself, or by his superior Officer, may examine into it on Oath, and discharge the Soldier without Fees, and may award Costs to be recovered as the Plaintiff might have done.

Plaintiff, on Notice given in Writing of the Cause of Action, to such Person, or left at his last Place of Residence before Listing, may file a common Appearance in any Action to be brought for any Debt, so as to intitle him to proceed thereon to Judgment and Outlawry, and to Execution, other than against the Body of him so voluntarily listed.

This Act shall not exempt Officers or Soldiers from the ordinary Process of Law in criminal Matters, nor extend to the Militia of this Kingdom or *Ireland*. *Ibid.*

And no Person acquitted or convicted of capital Crimes, Violences or Offences, by the Civil Magistrate, shall be punished for the same by a Court Martial, otherwise than by cashiering.

Quartering of them.

None shall be quartered upon Persons without their Consent. 31 *Car. 2. cap. 1.*

During the Act of 4 *Geo. 2.* Constables, Tithingmen, &c. and in their Default, any one Justice, and no others, are to quarter Soldiers in Inns, Livery-Stables, Alehouses, Victualling-Houses, and all Houses selling Brandy, &c. by Retail, (Distillers Houses and Shopkeepers, whose principal Dealings shall be more in other Goods than in Brandy,

Brandy, &c. and who do not permit Tippling in their Houses, and all private Houses excepted) but may not order more Billets than there are effective Soldiers. Any Soldier billeted on private Houses without the Owner's Consent, he may have his Remedy at Law. Any military Officer quartering Soldiers otherwise than as allowed, or using any Menace to the Civil Officers, being thereof convicted before two or more Justices, by the Oath of two Witnesses, shall be cashiered; provided the Conviction be affirmed at the next Quarter-Sessions, and a Certificate thereof transmitted to the Judge-Advocate, who is to certify the same to the next Court Martial; and Persons grieved may complain to the Justices and be relieved; and the Justices may order so many of the Soldiers to be removed as they shall see Cause. *Ibid.*

Where Horse or Dragoons shall be quartered, the Men and Horses shall be billeted in the same House, (unless in Case of Necessity) but not less than one Man billeted where there shall be one or two Horses, nor less than two Men with four Horses; and in Proportion for any larger Number.

No Justice of Peace having any Military Office in England shall, during this Act, be concerned in quartering Soldiers under his immediate Command, and all Warrants executed by him concerning the same shall be void. Stat. 2 Geo. 2.

2 G. 2.

Officers and Soldiers shall pay reasonable Prices, to be appointed by the Sessions, who shall set reasonable Rates for all Provisions in their March.

By 14 G. 2. Officers and Soldiers when billeted shall be received and provided for with Diet and Small Beer, paying for it out of their Subsistence-Money, in Case the Innholder furnish them with Candles, Vinegar, Salt, Small Beer, or Cyder, not exceeding three Quarts each Day, and allow the Use of Fire and Necessaries to dress and eat their Meat, giving Notice to the commanding Officer, and performing the same; all non-commissioned Officers and Soldiers shall provide their own Diet, and be paid out of their Subsistence, and not the Innholder.

Officers taking Money for excusing Quartering Soldiers shall be cashiered and incapacitated.

If any High Constable, &c. shall receive or agree for any Money or Reward, to excuse any Person from quartering Soldiers, or if any Victualler shall refuse to receive them, and be thereof convicted before one or more Justices, &c. by Confession or Oath, such Constable, or other Person, shall forfeit any Sum not exceeding 5*l.* nor under 40*s.* to be levied by Distress and Sale of his Goods, by a

Warrant

Warrant of such Justice, directed to any other Constable of the County, &c. or any of the Overseers where the Offender shall dwell, to be paid to them for the Use of the Poor. *Ibid.*

Any one or more Justices may command the High Constable, &c. to give an Account in Writing of the Number of Officers and Soldiers billeted, with the Street and Place, &c. *Ibid.*

An Officer quartering Wives, Children, or Servants, without the Owner's Consent, if a Military Officer, he shall be cashired, upon Proof made to the Judge-Advocate; if a Civil Officer, he shall forfeit 20s. to the Party grieved, upon Proof made to the next Justice of Peace, to be levied by Distress and Sale. *Ibid.*

This Act to continue in Force in *Great Britain*, and the Dominions thereunto belonging, from the 24th of *March* 1730 till the 24th of *March* 1732; and within the Island of *Minorca* and *Gibraltar*, from the 24th of *March* 1730, till the 25th of *March* 1733.

13 G. 1. c. 2.

By the Stat. 13 *Geo. cap. 2.* Constables, &c. may quarter Soldiers of the Foot-Guards in *Westminster*, &c. in such Houses only as by that Act are limited, (*London* excepted) during the said Act.

Soldiers guilty of capital Crimes to be delivered up to the Civil Magistrate.

By the same Act, Officers or Soldiers accused of capital Crimes, Violences, or Offences, are punishable by Law: On Application to the commanding Officer, he is to use his utmost Endeavour to deliver over the accused Person to the Civil Magistrate, and be aiding and assisting to the Officers of Justice in apprehending him, in order to bring him to Trial; and any Commanding Officer refusing to deliver over an accused Person, or be assisting to the Officers of Justice, being convicted thereof before two Justices of the Peace, by the Oath of two Witnesses, he shall be cashired: Provided the Conviction be affirmed at the next Quarter-Sessions, and a Certificate transmitted to the Judge-Advocate, who is to certify the same to the next Court Martial. *Ibid.*

Justices shall set disbanded Soldiers to work.

If a Soldier come from beyond Sea to the Place of his Birth, and cannot get Work, two Justices shall take Order to set him to Work, or, for Want thereof, shall tax the Hundred for his Relief.

5 & 6 W. & M. c. 9 & 15. Person when listed must be carried before a Justice of Peace.

By 5 & 6 *W. & M. cap. 9 & 15.* no Person that shall be listed for the Land-Service, after the first of *March* 1693, shall be esteemed a listed Soldier, or be subject to any of the Pains and Penalties of that Act, or any other Penalty, for his Behaviour as a Soldier, who shall not have been brought before a Justice of Peace, not being an Officer in the Army, or Chief Magistrate of some City or

Town

Town Corporate, or High or Petty Constable in the Hundred, &c. where the Person shall be listed, and before such Justice, Magistrate, &c. declare his free Consent to be listed as a Soldier, before he be listed or mustered in any Muster-Roll of a Regiment, Troop, or Company. And every Military Officer offending herein shall incur the like Penalty as any Officer is liable to for making a false Muster.

But by Stat. 6 & 7 W. 3. cap. 8. no Person listed for Land-Service after the 10th of April 1695, shall be esteemed a listed Soldier, though he declares his free Consent to be listed as a Soldier before a Petty Constable; any thing in the last recited Act notwithstanding.

Disbanded Soldiers may settle in any Town of the County where born, and set up any Trade without serving an Apprenticeship, &c. by Stat. 10 & 11 W. 3. cap. 11.

Constables, &c. may Quarter Soldiers of the Foot-Guards in *Westminster*, &c. in such Houses only as by 13 G. 2. is limited during its Continuance.

Persons agrieved by Constables, &c. quartering Soldiers, more than they ought to have in Proportion to their Neighbours, one Justice, on Complaint, may order so many to be removed and quartered elsewhere, as he shall see Cause, who is obliged to receive them.

An Alphabetical Abstract of the Acts 13 & 14 Car. 2. cap. 6. and 15 Car. 2. cap. 4. for settling the Militia.

During the Time of the Grand Rebellion, there was nothing which the then Parliament seemed to grasp at with more Eagerness, or to usurp from the Crown with more Pleasure, than the Power over the Militia, or the Command of the Trained Bands, or the Military Force of the Kingdom.

But after the happy Restoration of King *Charles* the Second, when the Government was put into its antient Channel, two Acts of Parliament passed for settling the Power of the Militia in the Crown, the one in the 13 & 14 Car. 2. cap. 6. and the other 15 Car. 2. cap. 4. an Abstract of both which follows in Alphabetical Order.

The Lords Lieutenants, or their Deputies, may examine on Oath the Ability of the Persons to be charged, but not the Persons themselves.

Appearing.

If a Soldier neglects to appear, two Deputies may commit him for five Days, or fine him, if a Horseman 20*s.* if a Footman 10*s.* But if it is the Person himself who is charged, then three Deputies may fine him 5*l.* to be levied by Distress and Sale, &c.

Carts.

Deputy-Lieutenants, or their Officers, may charge Carts for carrying Powder and other Materials at 6*d.* per Mile, and for a Horse employed out of the Cart at the Rate of 1*d.* per Mile.

City and County.

Officers and Soldiers of Cities, which are Counties of themselves, shall not be compelled to appear out of their respective Liberties to exercise.

Constables.

If the Party charged neglects or refuses to provide the Foot-Soldiers, the Lieutenant or his Deputies may appoint Constables to provide them.

Covenants.

Covenants between Landlord and Tenant shall not be avoided by the Act.

He who is charged to find a Foot-Soldier, must have in Possession per Ann. 50*l.*

Or personal Estate, other than Stock on Ground (and so proportionably) 600*l.*

He shall have per Diem 1*s.* or else his Master shall forfeit to him 2*s.* to be demanded within six Weeks after Default, or before the next Muster.

Foot, and who shall be charged thereunto.

None who hath an Estate of 100*l.* per Ann. or personal Estate of 2400*l.* shall be charged to the Foot; but he who hath 100*l.* per Ann. and under 200*l.* per Ann. or is worth 1200*l.* in personal Estate, and under 2400*l.* may be charged either with Foot or Horse.

Horse, and who shall be chargeable.

Lieutenants, or three Deputies, may charge any; if with Horse and Arms, the Person must have in Possession per Ann. 500*l.*

Or in Goods or Money, besides the Furniture of his House, (and so proportionably) 6000*l.*

Horse.

None shall contribute to find a Horse, who hath not in Possession a Real Estate per Ann. of 100*l.*

And Personal Estate in Possession worth 1200*l.*

Not sending out Horse, &c. not paying the Money towards the Provision of Man an Horse, Lieutenant or three Deputies may fine him not exceeding 20*l.* to be levied

vied by Warrant under their Hands and Seals, and employed for the same Uses.

Horseman shall have to maintain himself and Horse, *per Diem* 2 s. 6 d.

Must bring Powder and Bullets, of each a Quarter of a Pound.

His Arms shall be Back, Breast and Pot, the two last Pistol-proof, a Sword, and a Case of Pistols fourteen Inches in the Barrel, a great Saddle with Burs and Straps, a Bit, Bridle, Pectoral and Crupper.

Lieutenant, or his Deputy, may commit Mutineers, and Imp:isonment. those who do not their Duties at Musters, the Commitment not exceeding twenty Days, and fine them not exceeding 5 s.

Two or more Deputies may commit him who imbezilleth Horses, Furniture or Arms, till he make Satisfaction.

No Alteration made as to the Militia in the Isle of Isle of Wight. *Wight.*

Commissions of Lieutenancy may be issued out by the Lieutenants: King, and the Lieutenants may call Persons together, and arm and form them into Companies, and conduct them to Places to suppress Rebellions or resist Invasions, as the King shall direct.

They may give Commissions to Colonels, Majors and Captains, and other Commission-Officers, and present the Names of Deputies to the King; who approving them, the Lieutenant shall give a Deputation.

They may hear Complaints, examine Witnesses on Oath, and give Redress.

Lieutenancy in *London* shall continue to list and levy the *London Militia* and Auxiliaries, as formerly. London Militia.

Upon Invasions or Rebellions, the Person charged shall provide a Month's Pay, &c. which shall be paid out of the publick Revenue; and the Officers shall likewise be paid out of that Revenue for the Time they were in actual Service; and no Person shall be obliged to provide another Month's Pay until the first be discharged. Month's Pay.

He must live in County, and once a Year every Horseman is to pay him 1 s. and every Footman 6 d. by the Direction of three Deputy-Lieutenants; and, in Default of Payment, it may be levied on the Goods of the Person charged, if Default be found in the Soldier. Muster and Muster Master.

R 2

Shall

- Musketeer.** Shall bring Powder and Bullet Half a Pound of each, and a Musket three Foot in the Barrel, and the Bore to bear a Bullet of twelve to the Pound; but if fourteen, it shall be allowed; a Collar of Bandaleers and a Sword; if with Match-Lock, he must have three Yards of Match.
- Notice to the Person.** If the Person doth not live in the County where he is charged, three Deputies shall give Notice to his Servant, or Chief Tenant, who are to convey it to the Landlord, and to bring his Answer: Then if he neglects to provide a Soldier, his Tenant shall do it; and if he refuse, then two Deputies may grant a Warrant to levy the Penalties; which see before in *Appearing*.
- Oaths.** Peers must take the Oath of Allegiance and Supremacy before six Lords of the Privy Council, or before others authorized by the King: One Justice of Peace may administer it to a Lieutenant not being a Peer: Lieutenants may administer it to Deputies, not being Peers; and they to their Officers and Soldiers.
- Officers of Foot.** Officers of Foot shall find no Soldiers or Arms in respect of their Estates.
- Pikemen.** Pikeman must bring Pikes made of Ash not under 15 Foot long; they must likewise have Back, Breast, Head-piece and Sword.
- Purbeck.** The Militia of the Isle of Purbeck shall remain separate from the County of Dorset.
- Peers, how to be charged.** By Commission from the King under the Great Seal, directed to twelve Peers, of whom five shall assess the Peer according to the Proportion in the Statute, (except only the monthly Taxes) and they shall put the Authorities in the Act in Execution, (excepting Imprisonment) the Charge and Penalties shall be certified to the Lieutenants; and then if any Default shall be made, &c. three of them may cause Distress to be taken, and sold, if no Satisfaction be given within a Week.
- Search.** Two Deputies, by Warrant, may employ Persons (of which a Commissioned and a Parish Officer shall be two) to search for and seize Arms of those who they shall think are dangerous; This Search must be after Sun-rising, except in Cities, Suburbs, Corporations and Market-Towns, and within the weekly Bills.
- Serving in Person.** None shall be compelled to serve in Person; those who are provided by others must be approved by the Captain, and

and may be altered upon an Appeal to the Lieutenant or two Deputies: Persons so found and approved must act under the same Penalties as in the Act; which see in *Appearing*.

The Persons thus approved must give in their Names and Places of Abode, at the next Muster, to two Deputies or to some whom they shall appoint, that they may be lifted; and if they afterwards desert, they shall forfeit 20*l*. Neither shall they be discharged without Leave of two Deputy-Lieutenants, or the Captain, on the like Penalty, to be levied by Distress; and if no Distress, then to be committed, not exceeding three Months.

The Exercising or Training of Soldiers must not be above four Times in a Year, without special Direction from the King and Council, and must not continue to be exercised above two Days at a Time. Training of Soldiers.

Tenants shall deduct the Money out of the next Rent, unless the Landlord, within two Months after such Levying, make it appear that the Fault was in the Tenant. Tenants.

Lord-Warden of the Stannaries, and such as he shall authorise, shall assess and muster the Tinnerns in Cornwall. Tinnerns in Cornwall.

Constable and Lieutenant of the Tower may continue to levy the Trained Bands as formerly. Tower.

And by Stat. 1 G. 1. *cap.* 11. the Collectors of the Trophy Money must account for it at the General Quarter-Sessions, within twelve Months after the Receipt thereof, and pay the Balance to the Treasurer appointed to receive the same, within one Month, on Pain of forfeiting treble the Sum unaccounted for or unpaid; one Moiety to the Use of the County, as the Justice shall appoint, and the other Moiety to him who will sue for it. 1 G. 1. c. 11. And Collectors of Trophy-Money must account for it at Quarter-Sessions.

By 9 *Geo.* 2. *c.* 30. it is enacted, That if any Subject of the Crown of *Great Britain*, after the 24th of *June* 1736. shall within the Kingdom of *Great Britain* or *Ireland*, or after the 29th of *September* next, without the said Kingdom, enlist or enter himself; or if any Person shall procure any Subject of his Majesty, or his Successors, to enlist or enter himself, or hire or retain any Person, being a Subject of his Majesty, or his Successors, with an Intent to cause such Person to enlist or enter himself, or procure any Person being a Subject, &c. to go beyond the Seas, or imbarck with an Intent to be enlisted to serve any foreign

foreign Prince, State or Potentate, as a Soldier, without Leave of his Majesty or his Successors first obtained for such inlisting, every Person so offending (being lawfully convicted) shall be adjudged guilty of Felony, and suffer Death as a Felon without Benefit of Clergy; and where any Offence shall be committed out of the Realm against this Act, the same may be alledged to be committed, and may be laid, inquired of, and tried in any County of England.

In Case any Person so inlisted or inveigled to go beyond the Seas, in Order to be inlisted as a Non-commissioned Officer or private Soldier, in any foreign Service, without his Majesty's Licence first obtained, shall, in fourteen Days after such inlisting or Agreement to go beyond the Seas, voluntarily discover, upon Oath before any Justice of Peace or other Civil Magistrate, the Person or Persons by whom he was so inlisted or inveigled, so as he or they may be apprehended and convicted of the said Offence, the Person so discovering shall be indemnified from the Penalty inflicted by this Act, and all other Penalties whatsoever on Account of the said Offence.

Persons concealing Deserters, or receiving from any Soldier or Deserter, the Arms, Clothes, Caps, or other Furniture belonging to the King, or causing the Colour of their Cloaths to be changed, forfeits 5 *l.* to be levied by Distress, &c. 9 *Geo. 2. c. 2. s. 10.*

9 *G. 2. c. 2.*
sect. 40.

Buying Arms, Caps and Clothes, see 7, 8 *W. 3. c. 23.* before-mentioned.

A Warrant to levy the Forfeiture of an Officer for killing Poultry, &c.

15 *G. 1. c. 11. Essex, ff.* **W** Hereas it hath been duly proved before me, that A. B. Gent. a Lieutenant of Foot in the Company of, &c. in the Regiment commanded by, &c. did on, &c. last past, in the Backside and Grounds of C. D. of, &c. kill and destroy several Cocks and Hens, and other Poultry, without Leave of the said C. D. the Owner of the same; whereby he hath forfeited the Sum of 5 *l.* for the Use of the Poor of the said Parish of, &c. These are therefore in his Majesty's Name, to command you to demand the said Sum of 5 *l.* of the said A. B. so by him forfeited as afore-said, and on Receipt thereof to pay and apply the same to the Use of the Poor of the said Parish of, &c. But if the said A. B. shall refuse to pay the said Sum of 5 *l.* that then you do certify the same to me, that such further Proceedings may be had as are agreeable to Law. Given, &c.

A War-

A Warrant to levy the Forfeiture for not appearing at a Muster, upon Notice.

W Hereas A. B. of, &c. Gent. Muster-master of the 13 & 14 Car. 2. County of, &c. aforesaid, has this Day given Information to us C. D. and E. F. Esq; Deputy Lieutenants of the said County, that G. H. of, &c. who had due Notice and Warning to appear at the Muster held at, &c. on, &c. refused and neglected to appear at the said Muster with a Horse and proper Armour, and to send thither any Horse or Armour on his Behalf, contrary to the Statutes in that Case made: These are therefore in his Majesty's Name to command you to levy the Sum of 20 s. which the said G. H. hath forfeited by the Offence aforesaid, on the Goods and Chattels of the said G. H. by Distress and Sale thereof; and for your so doing, this shall be your Warrant. Given, &c.

A Warrant to levy Muster-Money.

W E A. B. C. D. and E. F. Esq; three Deputy Lieutenants for the County of, &c. aforesaid, do hereby direct, charge, and require the several Persons mentioned in the List hereto subjoined, to pay to G. H. Gent. Muster-Master of the said County of, &c. the several Sums of Money expressed in the said List annexed, from them due and in arrears for one Year's Muster-Money; and in Case they or any or either of them shall neglect or refuse to pay the said several Sums of Money, or any or either of them, then we do hereby authorize and empower the said G. H. and the several Constables, &c. by him deputed in the Liberties or Divisions of, &c. to take and distrain the Goods of such of the said Persons as shall refuse to pay the same, and levy it by Distress and Sale thereof. Given, &c.

A Warrant to levy the Forfeiture of a Victualler refusing to Quarter Soldiers.

W Hereas A. B. Constable of, &c. hath this Day made Oath before me C. D. Esq; one of his Majesty's Justices of Peace, &c. that E. F. of, &c. Victualler, hath refused to quarter two Soldiers billeted upon him by the said Constable, according to the Statute, whereby he hath forfeited the Sum of 5 l. These are therefore to command you to levy

R 4 by

by Distress and Sale of the Goods of the said E. F. the said Sum of 5 l. and to pay the same to the Church-wardens of, &c. for the Use of the Poor there. And for your so doing this shall be your sufficient Warrant. Given, &c.

A Warrant to levy the Penalty against a Constable for taking Money to excuse the Quartering of Soldiers.

13 Geo. 1. c. 2 Essex, ff. **W** Hereas A. B. Constable of, &c. hath this Day been convicted before me J. S. Esq; one of his Majesty's Justices, &c. by the Oath of F. C. that be the said A. B. on, &c. last, did receive from L. M. Victualler, the Sum of 10 s. to excuse him the said L. M. from quartering of two Soldiers belonging to, &c. Company in the Regiment of, &c. contrary to the Statutes in that Case made: These are therefore to command you to levy, by Distress and Sale of the Goods of the said A. B. the Sum of 5 l. which he hath forfeited by the Offence aforesaid, and to pay the same to the Church-wardens and Overseers of the Poor of, &c. for the Use of the Poor there; and for your so doing this shall be your sufficient Warrant. Given, &c.

A Certificate of Justices in Sessions, to the Judge-Advocate, of an Officer's Arbitrary Quartering Soldiers, in order to his being Cashier'd.

T HIS is to certify, that A. B. Esq; Captain of a Company of Foot-Soldiers in the Lord M's Regiment, on the Day, &c. last past, upon the said Regiment's being ordered into this County, did, at, &c. in the County aforesaid, arbitrarily and unlawfully Billet and Quarter four of the private Men belonging to his said Company, viz. C. D. E. F. G. H. and J. K. on L. M. and N. O. Victuallers, over, above, and besides the Number of Soldiers quartered and billeted on the said L. M. and N. O. by S. T. Esq; Mayor of the said Town of, &c. according to the Statutes; and that the said Captain A. B. did threaten the said Mayor with Force and Violence, if he interposed in what he had so done, and the said L. M. and N. O. with Death or Bodily Harm, if they refused to receive the said Soldiers; of which the said Captain A. B. hath been legally convicted by the Oaths of, &c. before P. R. and T. W. Esq; two of his Majesty's Justices of Peace for this County. And the said
Conviction

Cognition of the said A. B. for bad of the Offence aforesaid, upon due Examination of the same, and the several Circumstances thereof in our Court of Quarter-Sessions, we do hereby affirm and confirm. Given, &c.

Spices.

ALL Sorts of Merchandises garbleable in *London* and the Liberties, shall for the usual Fees be garbled by the City Garbler or Deputy, before they be sold, upon Forfeiture thereof, or the Value sold; and so if afterwards mix'd with Garbles. 1 Jac. 1. cap. 19.

1 Jac. 1. c. 19.

The Garbler of *London*, his Deputy, or Assigns, may enter (in the Day-Time) any House, Shop, &c. to see if the Wares, &c. be garbled, if not, to cleanse them, &c. Forfeiture shall be to the King and Informer. *Ibid.*

But by 6 Ann. c. 16. this Act is repealed with a Proviso that the Mayor, Aldermen and Common Council from Time to Time may appoint a fit Person to execute the Office of Garbler in *London*, who at the Request only of any Owner of Spices, Druggs or other Garbleable Wares, shall garble the same, and receive for his Pains, what the Lord Mayor, Aldermen, and Common Council shall appoint, and no more.

6 Ann. c. 16.

Spirituous Liquors. See *Blouses*, Vol. I. 44.

Squibs.

BY Statute 9 & 10 W. 3. cap. 7. Making, Selling, or Uttering, or Offering, or Exposing to Sale any Squibs, Rockets, &c. Serpents, or other Fire-works, or permitting or suffering any Squibs, &c. to be cast, thrown or fired out of Houses into any publick Street, &c. or throwing, casting, or firing any Squibs, &c. or aiding and assisting therein, &c. is declared a common Nuisance.

9 & 10 W. 3. c. 7.
Making, &c.
Squibs is a
common Nuisance.

And if any Person shall make, or cause be made, give, sell, utter, or expose to Sale any Squibs, &c. and the same shall be proved by Confession or the Oath of two Witnesses, before one Justice of Peace, he shall forfeit 5 *l.* to be levied by Distress and Sale of Goods, and applied one Half to the Poor, and the other to the Prosecutor. *Ibid.*

Forfeiture of
making Squibs.

If

Forfeiture of
throwing
Squibs, &c.

If any Person shall throw, cast, or fire, or be aiding and assisting in throwing, casting, or firing Squibs, &c. into any publick Street (except the Master and Commissioners of the Ordinance, &c. and the Artillery Company, or Militia, or Trained Bands) he shall forfeit 20*s.* to be employed *ut supra*. And if the Forfeiture be not immediately paid to the Justice, the Justice may by Warrant, send the Offender to the House of Correction without Bail, there to be set to hard Labour for any Time not exceeding a Month, unless he sooner pay the Forfeiture. The Conviction is to be as above-mentioned. *Ibid.*

Penalty of suf-
fering Squibs,
&c. to be
thrown out
of a House.

If any Person shall permit or suffer any Squibs, &c. to be cast, thrown, or fired from, out of, or in his House, Shop, or other Part of his Dwelling or Habitation, into the Street, and thereof shall be convicted by Confession or Oath of two Witnesses, before one Justice, he shall likewise forfeit 20*s.* to be levied by Distress and Sale of Goods. *Ibid.*

If any Person is sued for putting this Act in Execution, and the Plaintiff is cast, the Defendant shall recover treble Costs.

A Warrant to levy the Forfeiture for
throwing of Squibs, &c. by Distress,
and if no Distress, to commit the
Offender.

W Hereas it has been duly proved before me, that on the 5th Day of November last, about Seven or Eight a Clock in the Evening of that Day, A. B. of, &c. threw and fired off several Squibs and other Fire-works in the publick Street called, &c. within the said City of, &c. to the Terror of the People passing the said Street about their lawful Occasions, and to the particular Damage of, &c. (or permitted Squibs, &c. to be fired out of his House, situate, &c.) contrary to Law, whereby the said A. B. hath forfeited the Sum of 20*s.* These are therefore in his Majesty's Name, to command you to levy the said Sum of 20*s.* on the Goods and Chattels of the said A. B. by Distress and Sale thereof, and pay one Half thereof to, &c. who hath informed me of the said Offence; and the other Half you are to apply to the Use of the Poor of the said Parish of, &c. and if there be no Distress whereof to levy the said Forfeiture; and if the said A. B. shall refuse to pay the same, then you are hereby required to convey the said A. B. to the House of Correction, there to remain and be kept at hard Labour for the
Space

Space of one Month, and until he shall be discharged by due Course of Law. Given, &c.

Stamp-Duties.

BY Statute 9 *Ann. cap. 23.* it was made Felony without Benefit of Clergy, to counterfeit or forge the Stamps on Paper, &c.

9 *Ann. c. 23.*
Felony without Benefit of Clergy to counterfeit Stamps, &c.

Every Commissioner and Officer acting in collecting the Stamp-Duties, is to take an Oath mentioned in that Statute, before two of the Commissioners, or before one Justice. (See the Form of the Oath there.) And the Justice is to give the Officer, *gratis*, a Certificate of his having taken the Oath.

Counterfeiting or forging any Stamp made or used in Pursuance of the said Statute, or counterfeiting or resembling the Impression of the same, upon any Parchment or Paper, to defraud the Crown of the Duty, or selling such Paper, &c. with a Counterfeit Mark, knowing it to be so, or privately and fraudulently using any Stamp thereby, to defraud the Crown, is Felony without Benefit of the Clergy. *Ibid.*

To cause or procure to be forged or counterfeited any Stamp or Mark, to resemble any Mark or Stamp, provided, made or used in Pursuance of that or any Act relating to the Stamp-Duties, or cause or procure any Vellum, Parchment, Paper, Cards, or Dice to be marked or stamped with such counterfeit Stamp or Mark, is likewise Felony without Benefit of Clergy, by Stat. 6 *Geo. 1. cap. 22.*

To cause or procure to be forged any Stamp, the same Penalty.

If any Person after First of *August 1712.* shall write or print any Surrender or Admittance of or to any Copyhold Estate in *Great Britain and Wales*, or any Grant or Lease by Copy of Court-Roll, &c. (except the Surrender to the Use of a Will) or any Matter directed to be stamped by Stat. 10 *Ann. cap.* --- the Offender forfeits 10 *l.* with full Costs of every Offence, one Moiety to the Crown, the other to the Prosecutor, with full Costs. *Ibid.*

Writing or printing any Matter directed to be stamped by 10 *Ann. c. 19.* forfeits 10 *l.* 10 *Ann.*

Every Steward of a Manor, or his Deputy, offending and being convicted, over and above the said Forfeiture, shall lose his Place, and the Writing shall not be good or given in Evidence until 5 *l.* shall be paid, as also the 10 *l.* before-mentioned, and a Receipt thereof be produced under the Hand of the Receiver General of the Stamp-Duties, or his Deputy, and until the Vellum, &c. be stamped.

Steward offending shall lose his Place, &c.

Persons

Persons writing or printing any Thing on stamped Paper, after the Crown shall think fit to alter or renew the Stamps, after the Expiration of sixty Day, after such Intention of altering or renewing shall be published by Proclamation, forfeit the same as a Person writing on a Paper not stamped.

Two Justices may hear and determine such Offences.

Two or more Justices residing near the Place where any pecuniary Forfeiture, not exceeding 20 *l.* upon any of the Statutes, relating to the Duties on Stamps, shall be incurred, may hear and determine the same in a summary Way, within a Year after the Offence committed, and may issue Warrants to levy the Penalties on the Goods of the Offender, and sell the same unless redeemed within six Days. *Ibid.*

5 & 6 W. & M. c. 21.

Vide Statutes 5 & 6 W. & M. cap. 21. and 9 Ann. cap. 23.

Q. Whether the Party offending may not be committed (if he has no Goods whereon to levy) till he pay the Penalty.

And mitigate the Penalties.

The Justices may mitigate the Penalties, the reasonable Charges and Costs of the Officers and Informers being first allowed, and so as such Mitigation doth not reduce the Penalties to less than double the Duties over and above the Costs and Charges. *Ibid.*

Persons aggrieved may appeal to Q. Sessions.

Persons aggrieved by the Order of two Justices may appeal to the next Quarter-Sessions, who may examine Witnesses on Oath, and finally determine the same, and issue Warrants to levy. *Ibid.*

No Writ of Certiorari lies, &c.

No Writ of *Certiorari* lies to supersede Execution or other Proceedings upon any Order made in Pursuance of the Statute. *Ibid.*

The Admittance of five Burgesses must have five Stamps. 2 *Raym.* 1445.

Stock of the Shire.

Who are to assess the Tax imposed at Easter-Sessions.

THE Parishioners, and in their Default, the Church-wardens and Constables are to assess the Tax imposed upon the Parish by the Justices at *Easter* Sessions, towards the Relief of the Prisoners in the King's Bench, Marshalsea, Hospitals, Losses by Fire, &c. In Default of them any Justice of Peace, dwelling in that Parish, (or if none dwell there) the next Justice may assess the same: And the same Justice of Peace, or any other Justice of Peace in that Limit, in Default of the Church-wardens and Constables, may levy the same by Distress and Sale of the

the Offender's Goods, rendering to the Party the Overplus; and in Default of Distress, may commit such Persons without Bail, till they pay the same, by Stat. 43 *El.* 43 *Eliz. c. 2.*

So toward Relief of maimed Soldiers, *mutatis mutandis*, only, the Justices may not commit. 43 *El. cap. 3.* 43 *Eliz. c. 3.*

If the greater Part will not meet, the Officers, and such as will meet may tax; and where a Man is charged by Goods, they must be *bona notabilia*. *Vid.* Taxations. 43 *Eliz. c. 3.* If the greater Part will not meet, such as will meet may tax.

Also for Goods a Man shall be charged only in that Town where the Goods be at the Time of the Assessment. And if a Man be assessed for his Goods in *D.* when he has no Goods there, and be distrained for such Assessment, he may have an Action of Trespass. Where Goods are to be assessed.

Where a Man is charged only by his Goods (in which Case desperate Debts are to be deducted) upon his Oath taken that his Goods, &c. are not of such Value as he is rated for them, the Justice must abate such Assessment accordingly. When Justice may abate the Assessment.

If a Township be amerced, and the Neighbours do (by Assent) assess a certain Sum upon every Inhabitant, and agree that *J. S.* shall gather it, and that if it be not paid at such a Day, that *J. S.* shall distrain for the same. In such Case a Distress taken by *J. S.* for such Rates behind is good. *Dalt. 339.* Where it is lawful for a Town to appoint one to distrain.

And Issues created upon the Parish may, by Order of Sessions, be equally rated upon the Inhabitants, and levied accordingly. *Ord. 16 May Car. lib. Sess. Pac. Midd. Consimil. Ord. for the Inhabitants of Fulbam. 9 April. 11 Car. 1. Inhabitants of Eling. Ord. 3 Dec. 9. Car. 1.*

Poor Prisoners.

THE Statutes relating to the Relief of poor Prisoners are 14 *Eliz. cap. 5.* 43 *Eliz. cap. 2.* & 19 *Car. 2. c. 4.* 14 *Eliz. c. 5.* 43 *Eliz. c. 2.* 19 *Car. 2. c. 4.*

By 14 *Eliz. c. 5.* Justices of Peace in their General Quarter-Sessions may tax every Parish in the County towards Relief of poor Prisoners in the common Gaol for Debt, so as it does not exceed 6 *d.* or 8 *d.* a Week for every Parish, to be levied by Church-wardens every Sunday, and paid once a Quarter to the High Constables or Head-Officers of every Town, &c. who are to pay it to the Collectors appointed by the Justices in their Sessions, under the Penalty of 5 *l.* 14 *Eliz. c. 5.* Sessions are to tax every Parish for the Relief of poor Prisoners.

By

And K. B. and
Marshallsea.

By 43 *Eliz. cap. 2.* Justices of Peace have Power at *Easter Sessions* yearly, to rate every Parish at a certain Sum, to be paid weekly; no Parish to pay more than 6 *d.* nor less than a Halfpenny, towards Relief of poor Prisoners in the King's Bench and Marshallsea, each respectively to receive out of every County 20 *s.* yearly.

Treasurers for the County are to be chosen at the said *Easter Sessions*, who refusing to execute the Office, distribute Relief, or to account, shall forfeit 3 *l.* to be levied by Distress.

19 *Car. 2. c. 4.*
And to provide
a Stock to set
poor Prisoners
to work.

By 19 *Car 2. cap. 4.* Justices in their Sessions may also provide a sufficient Stock to set poor Prisoners to work, committed for Felony and other Misdemeanors, by such Ways and Means as other County Charges are raised, provided no Parish be rated above 6 *d.* a Week, and they may appoint Overseers, examine their Accounts, and punish Abuses.

Stocks in Companies. Vide Felony.

8 *G. 1. c. 22.*
To counterfeit
Letters of At-
torney for
transferring
Stock, &c. is
Felony with-
out Clergy.

BY Stat. 8 *Geo. 1. cap. 22.* if any Person forge or counterfeit, or procure to be forged or counterfeited any Letter of Attorney, or other Authority or Instrument, to transfer any Share in any Capital Stock established by Act of Parliament, or to receive any Annuity or Dividend, or shall demand or endeavour to obtain any Shares in Stock transferred, or Annuities, or Dividends to be received by Virtue of such forged Letter of Attorney, &c. or shall personate any real Proprietors, and thereby transfer, or endeavour to transfer the Stock, or to receive the Money for the same, every such Person, being thereof convicted, shall suffer Death as a Felon.

Stocks. Vide also Lord's Day.

Constables may only confine Delinquents in the Stocks by Way of Security, but not by Way of Punishment, or of Imprisonment, for they cannot commit to Prison without a Warrant.

The Persons hereunder mentioned may be set in the Stocks by Way of Punishment after Conviction.

Artificers, Two Days and a Night refusing to work at Harvest.

may be set in the Stocks by Way of Punishment.

Clothiers Workmen imbezilling Goods, second Offence.

Drunkards, six Hours, if not able to pay 5 s.

Labourers refusing Work in Harvest, two Days and a Night.

Silk-Thrower, one who imbezils Silk delivered to him, if unable to make Satisfaction.

Sunday, Playing at any Sports, if he pay not 3 s. 4 d.

Suspected Persons Watchmen may put in the Stocks to secure them.

Swearing, Stocks for two Hours, if he does not pay 2 s.

Tippling, Stocks for four Hours, if not able to pay the Penalty.

N. B. Escaping out of the Stocks is a Breach of Prison.

Stolen Goods.

TAKING Money or Reward directly or indirectly, under Pretence, or upon Account of helping any Person to any stolen Goods or Chattels, unless such Person doth apprehend, or cause to be apprehended, such Felon who stole the same, and bring him to Trial, and give Evidence against him, shall be guilty of Felony, and suffer in the same Manner as if he had stole such Goods himself, by Stat. 4 Geo. 1. cap. 12.

Taking Money to help Owner to stolen Goods without apprehending the Felon, &c.

4 G. 1. c. 12.

Whoever will discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any Person for taking Money or other Reward, directly or indirectly, to help any Person to stolen Goods, (such Offender not having apprehended the Felon who stole the same, and brought him to Trial for the same, and given Evidence against him) upon a Certificate under the Hands and Seals of the two next Justices, shall receive the Sum of 40 l. to be paid by the Sheriff. Stat. 6 Geo. 1. 6 G. 1. c. 23. cap. 23.

Sunday. Vide Lord's Day.

Super:

Superfedeas.

Superfedeas good, though neither Bail or Sum named. If Superfedeas not obeyed Party may bring his Action.

S *Superfedeas* is sufficient, though it neither name the Sureties, nor contain the Sum wherein they are bound; but it is better if it doth both. *Lamb. 96.*

After *Superfedeas* delivered to the Officer, if he insist on new Sureties, the Party may refuse, and if he be committed, the Party may have his Action. *Lamb. 29.*

Superfedeas out of the Chancery will discharge Surety of the Peace in the King's Bench; and a *Superfedeas* either out of the Chancery or King's Bench, will discharge a Precept for the Peace awarded by a Justice of Peace. And an Attachment lieth against him, if he obeys not the Writ, and he may be imprisoned and fined for it. *Lamb. 90.*

What a Justice must do on Receipt of Superfedeas.

And when a *Superfedeas* is received by a Justice of Peace out of a higher Court, he should forbear to make any Warrant; or if one be made, he ought to send out his *Superfedeas* to the Sheriff or other Officer, to desist to put it in Execution, though awarded against Law. *Ibid.*

Certiorari is a Superfedeas.

Though a *Certiorari* to remove a Record is in itself a *Superfedeas* to the Justices, yet the Party may have a *Superfedeas* to the Sheriff, that he arrest him not upon the Justices Record. *Lamb. 525.*

An *Exigent* awarded against one indicted of Trespass before the Justices of Peace, may be stayed by *Superfedeas* out of the Chancery upon Surety found there to appear at the Day in the Writ, though he be taken upon it. *Lamb. Ibid.*

2. Whether the Party bound, sending the *Superfedeas* to the Sessions, be discharged of his Appearance there. The Precedents are that the Party appeared, and prayed Allowance, &c.

The Form of a Superfedeas by a Justice of Peace.

J. *S. Esq; one of his Majesty's Justices of Peace within the County of B. to all Constables, &c. in the said County sendeth Greeting: Forasmuch as A. B. of, &c. Gardener, hath personally come before me at N. &c. and hath found sufficient Sureties, viz. D. E. of, &c. Labourer, and F. G. of, &c. Yeoman, each of which hath undertaken for the said A. B. under the Penalty of 20 l. and he the said A. B. hath undertaken for himself under the Penalty of 40 l. that he the said A. B. shall well and truly keep the Peace towards*

towards our Sovereign Lord the King, and all his Liege People, and especially towards J. R. of, &c. Gent. and also that he shall personally appear before his Majesty's Justices of Peace, at the next General Sessions of the Peace, to be holden for this County, at R. in this County: Therefore on the Behalf of our said Sovereign Lord the King, I command you and every of you, that you utterly forbear to arrest, take, imprison, or otherwise, by any Means, (for the said Occasion) to molest the said A. B. and if you have for the said Occasion, and none other, taken or imprisoned him, that then you do cause him to be delivered and set at Liberty without further Delay. Given at N. aforesaid, under my Hand and Seal, this last Day of, &c.

Supplicabit. See Behaviour, &c.

THIS Writ of *Supplicavit* is a judicial Writ, granted out of Chancery or B. R. but not without Special Cause upon Oath, and by Motion in open Court; for it is in Effect an Accusation of the Justices below, as if the Party could have no Relief of them, and therefore was forced to apply himself to these above. 2 Cro. 669. the King *vers.* Lord. 2 Cro. 356. Steynbridge, Godb. pl. 451.

It is usually directed to one or more Justices, and sometimes to them and the Sheriff; but the Justice to whom it is first delivered ought to execute it, and to make Return. *Moor* 699.

And then the Justice acts as a Minister, and must execute it in every Particular, and make a Return under his Hand and Seal; and it is a judicial Writ, and cannot be executed by a Deputy.

The Form of the Writ.

GEORGE the Second, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c. To our faithful and well-beloved J. S. Esq; and his Brethren, our Justices assigned to keep our Peace in the County of Essex: A. B. hath besought us, That whereas he is grievously and manifestly threatened of his Life, and maiming of his Members, and also of burning of his Houses by R. G. We willing to provide for the Security of the said A. B. in this Particular, We command you, firmly injoin-

Q. And see that the King cannot take a Recognizance to his own Use. See Recognizance.

ing you, that you cause the said R. G. to come before us or you to find sufficient Manucaptors, who will undertake for him, or bail him under a certain Penalty to be reasonably imposed upon them by you or us, for which ye or you will answer to us; and if he shall refuse to do this before us or you, then do you or one of you commit the said R. G. to our next Gaol, therein to be safely kept until he will freely do it; and when ye or you shall so take such Security, do ye or you certify before as under the Seals of you or some of you, or under your Seal distinctly and plainly, without Delay, and then do ye or you return this our Writ to us. Witness, &c.

By the Clause in this Writ (for which ye will answer to us) it is discretionary in the Justice to take what Security he shall think to be sufficient, but sometimes the Sum is mentioned in the Body of the Writ, and then he is bound up to take that Security, and no other.

The Justice to whom this Writ is delivered may forthwith issue out his Warrant against the Party: The Form of which is thus:

The Form of a Warrant upon a Supplicavit.

Effex, ff. **J.** S. Esq; one of his Majesty's Justices of the Peace for the County aforesaid, to the Sheriff of the said County, and to the High Constable of the Hundred of C. and to the Petty Constables of, &c. and to the other Constables within the said Hundred of, &c.

Whereas I have received a Writ from the King, reciting that A. B. hath prayed his Majesty that he the said A. being in Danger of his Life, or of some other bodily Hurt from R. G. his said Majesty would provide for the Security of him the said A. B. And thereupon his said Majesty, by the aforesaid Writ hath commanded me to cause the said R. G. to be brought before me to find Security for the Peace, or to commit him to Gaol, if he shall refuse so to do, as by the said Writ, Relation being thereunto had, it doth and may more at large appear: Therefore I do hereby command you and every of you, immediately upon Receipt hereof, to apprehend the said R. G. and cause him to come before me, to find sufficient Sureties for the Peace, to be from henceforth kept by him as well towards his said Majesty as all his People, and more especially towards the said A. B. and if the said R. G. shall refuse so to do, that then you convey him to the common Gaol

Supplicavit.

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Goal for the said County at C. there to remain until he shall willingly do the same. Given under my Hand and Seal, &c.

The Party must be brought before no other Justice but him who grants this Warrant, neither can any other discharge him by a *Superfedeas*.

When he is brought before the Justice, and he hath taken Security, as directed by the Writ, then he may return it thus, written on the Back thereof.

The Execution of this Writ appears in the Schedule thereto annexed.

Then he may file the Return to the Writ thus, in a Piece of Parchment by itself.

I J. S. Esq; one of the Justices assigned to keep the Peace in the County of Essex, do humbly certify to our Sovereign Lord the King, That by Virtue of the Writ within written first delivered to me by the within named A. B. I have caused the said R. G. named in the said Writ, personally to come before me at such a Place on the 6th Day of September last past: And I also caused the said R. G. then and there to find sufficient Security of the Peace according to the Form and Effect of the Writ aforesaid. In Witness whereof I have to this Schedule set my Hand and Seal on the 18th Day of September in the Year of our Lord 1734.

The Justice need not return the Recognizance, which is the Security by him taken, as aforesaid, nor make a Certificate till a *Certiorari* come for that Purpose; and when he returns that Writ, then he may write on the Backside of it.

I J. S. Esq; one of the Justices, &c. by Virtue of the Writ within written, do humbly certify to our Sovereign Lord the King the Tenor of the Security of the Peace, whereof Mention is within made as in the Schedule annexed to this Writ. Dated the 20th of October in the Year of our Lord 1734.

Then write the Recognizance *verbatim*, and file it to the *Certiorari*, and so send it up together.

When this is done, the Justice may grant a *Superfedeas*, either in *Latin*, reciting the *Supplicavit*, or without it.

The Form of the *Superfedeas*.

To the Sheriffs, Bailiffs, Constables, and other of his Majesty's Officers within the County of *Essex*, and to every of them.

Essex, ff. **W** Hereas R. G. of, &c. hath personally come before me J. S. Esq; one of his Majesty's Justices of the Peace for the said County, and hath found sufficient Sureties (The best Way is to name the Parties, and in what Sums bound, but the *Superfedeas* is good without it) well and truly to keep the Peace towards his said Majesty and all his People, but more especially towards A. B. of, &c. and also that he shall personally appear before the Justices of Peace at the next General Quarter-Sessions, to be held for, &c. Therefore on the Behalf of his said Majesty, I command you and every of you to forbear to arrest, imprison, or otherwise molest the said R. G. for or on the same Account, and no other; and if he shall be taken or imprisoned for the same, that then you cause him to be forthwith discharged. Given under my Hand and Seal, &c.

The Party may also move the Court of B. R. for a *Superfedeas*; but this must be upon a *Supplicavit*, and not where the Justice proceeds *ex officio*; because by the Statute of 21 Jac. 1. c. 8. it must appear to the Court, that Process of the Peace or Good Behaviour is required against the Offender in that Court by the Party grieved, out of which the *Superfedeas* is desired.

Sureties of the Peace. Vide Behaviour.
Surveyors. Vide Highways.

Suspicion.

Where Suspicion is sufficient Cause for Justice to commit. **I**N many Cases, evident and positive Proofs cannot be had, and therefore probable Presumptions are good Causes of Suspicion, and sufficient for a Justice to commit the Person suspected.

Three Kinds of Presumptions. Presumptions are either *Violenta*, *Probabiles*, or *Leves*; some Presumptions of the first Sort are so violent, that scarce any Proof is able to contradict them: As if a Man is taken with a bloody Knife upon a Murdered Person, or flying

ing from the dead Man, though no Body saw the Stroke actually given, yet there scarce needs any further Proof.

When a Felony is committed, any Man may arrest suspicious Persons and carry them before a Justice of Peace, who may commit them, or take a Recognizance for their Appearance at the next Assizes or Sessions.

Any one may arrest Suspicious Persons after a Felony committed, but not unless Felony is committed.

Suspicion only, without Felony committed, is no Cause to arrest another.

A Felony being committed, any one may arrest suspicious Persons that be of evil Fame, &c. and if such Person make Resistance, the other may justify to beat him.

In an Arrest for Suspicion of Felony, the Party who causeth the Arrest must suspect him, and also shew some Cause of Suspicion; for otherwise every Man may arrest another for any Felony done. 1 Cro. 99. b. Nu. 44.

He who arrests must suspect.

Communis vox & fama that he did the Offence, is sufficient Cause of Suspicion, viz. Where such a Felony is committed, otherwise not. *Vanae autem vocis Populi non sunt audiende.*

What is sufficient Cause for Suspicion.

In Cases of Felony, &c. even the Confession of the Offender, upon his Examination before the Justice, is no Conviction, except he shall afterwards confess the same upon his Arraignment or Trial, or be found guilty by Verdict of twelve Men, &c.

Where Confession of Offender is no Conviction.

But at *Lent Assizes at Cambridge, Anno 4 Car. 1.* before Sir Francis Harvey, upon the Arraignment of a Prisoner for Felony, his Examination, which was taken before the Justice of Peace, wherein he had confessed the Felony, was only given in Evidence, no other Evidence then coming in upon his Trial, and the Prisoner, upon that his own Confession before the Justice of Peace was found Guilty by the Jury of Life and Death, and had Judgment, &c. and so is the Course since.

But allowed to be good Evidence.

At the Common Law, in an Action of false Imprisonment brought against the Constable or other Person, who has arrested another upon Suspicion of Felony, it is no Plea for them to say that the Plaintiff was suspected of Felony; but they must alledge that there was such a Felony committed, and that the Plaintiff was suspected for the same; for Suspicion only, without a Felony committed, is no Cause to arrest another. 8 E. 4. 4 & 5 H. 7. 4.

In Action of false Imprisonment, no Plea to say Plaintiff was suspected of Felony.

Also the Defendant must alledge some special Matter (in Fact) to prove that he who was arrested, was suspected of Felony; (as to say) that the Party arrested is a Man of an evil Fame, or a vagrant, idle Person, &c. otherwise one Man may arrest any other; yea, every Man in the Town may be arrested when any Felony is committed.

But

Suspicion. Swans. Swearing.

7 Jac. 1. c. 5.
But Constable
may plead Ge-
neral Issue and
give the Spe-
cial Matter in
Evidence.

But now by the Stat. 7 Jac. 1. cap. 5. the Constable &c. in the former Cases, may plead the General Issue (Not Guilty,) and give the Special Matters in Evidence.

Also if the Constable or other Person shall arrest another upon Suspicion of Felony by Virtue of a Warrant from a Justice of Peace, such Warrant shall excuse him, it being given in Evidence, &c. *Vide postea* Tit. Warrants.

Swans.

Punishment of
taking away
Swans, &c.

Taking away from his own or another Man's Ground, Swan's Eggs of another Man's, upon Conviction by Examination of Witnesses, is Imprisonment for a Year and a Day, and Forfeiture of ten Pounds. *Lamb.* 446.

1 Jac. 1. c. 27.

1 Jac. 1. cap. 27.

To steal Swans, though unmarked, if they are *domiti*, and kept in a Man's Manor, Moat, or private River, is Felony. So are Swans marked, though at large, so young Cignets. 7 Co. cap. 17.

Swearing.

21 Jac. 1. c. 20.
Penalty of pro-
phane Swear-
ing, &c.

By the Stat. 21 Jac. 1. cap. 20. if any Person prophanely swear or curse in the Hearing of any Justice, Mayor, &c. or shall be convicted of such Swearing, &c. by the Oath of two Witnesses, or Confession before any Justice or Mayor, &c. he shall forfeit for every such Offence, to the Use of the Poor, 1 s. 21 Jac. 1. cap. 20.

3 Car. 1. c. 4.
17 Car. 1. c. 4.

3 Car. 1. cap. 4. 17 Car. 1. cap. 4.

The Prosecution was to be within 20 Days after the Offence, and the Penalty was to be levied by Warrant and Distress, &c.

And if no Distress was to be had, the Offender being above Twelve Years old, was to be set in the Stocks Three Hours; if under that Age, and the said Penalty not paid, then he was to be whipt by the Constable, by Warrant of the Justice, or by the Parent or Master, in the Presence of the Constable. *Ibid.*

By 6 & 7 W. 3.
Conviction may be on
Oath of one
Person.

But by the Stat. 6 & 7 W. 3. cap. 11. which was made to amend and supply the Defects of the former Laws, the Conviction may be by the Oath of one Person. And the Forfeiture of One Shilling is confirmed to Day-Labourers, Common Soldiers and Seamen; but every other Person is to pay 2 s. for each Oath or Curse.

For the second Offence double the Forfeiture; for the third Offence, three Times as much as the first.

Offender above
17 Years old
to be set in
the Stocks.

In Default of Distress, the Offender being above sixteen Years of Age, shall be set in the Stocks for one Hour for every

every single Offence, and for more than one (if convicted at the same Time) then Two Hours.

If under Sixteen, and shall not immediately pay, &c. If under 16 he shall be whipt by the Constable, by Warrant of the Justice, or by the Parent, Guardian, or Master, in Presence of the Constable.

The Justice, who omits the Duty of his Office, forfeits 5 l. one Moiety to the Informer, the other to the Poor.

If any Action be brought against any Officer, &c. he may plead the General Issue, and give the Special Matter in Evidence; and upon Verdict for the Defendant, or Non-suit, or Discontinuance of the Plaintiff, the Defendant shall have treble Costs.

Every Offence against this Act shall be proved within ten Days after the Offence committed.

The Act is to be read in Churches quarterly, under the Penalty of 20 s. for every Omission.

The Justice, &c. or Head Officer, shall register in a Book all Convictions made before him upon this Act, and the Time, and shall certify the same to the next General Quarter-Sessions of the Peace for the County or Place, to be there kept upon Record by the Clerk of the Peace, to be seen without Fee or Reward.

Justice not doing his Duty forfeits 5 l.

Offence to be proved within 10 Days. Act to be read in Churches quarterly.

Justice must register Convictions.

A Conviction of profane Swearing, on Information upon Oath.

BE it remembered, That on, &c. A. B. of, &c. made Information before me C. D. Esq; one of his Majesty's Justices, &c. that E. F. on, &c. did profanely swear ten Oaths, contrary to the Laws of this Land and our most holy Religion, whereby he hath incurred the Penalty of 20 s. and the said E. F. being brought before me to make his Answer to the said Information given against him; but not being able to clear himself from the same, I do therefore hereby adjudge the said E. F. on the Oath of the said A. B. convicted of the Crime of profane swearing, and that the Forfeiture aforesaid ought to be levied. In Witness, &c.

6 &c. 7 W. 3. c. 4.

A Warrant to levy the Money for pro- phane Swearing.

6 & 7 W. 3. c. 11. One Jus-
tice, one Wit-
ness, 10 Day.

Essex, ss. **W** Hereas it was this present Day duly proved before me, that A. B. of, &c. did, on Thursday the 20th Day of this Instant October, being then above Sixteen Years of Age, prophaneley swear four Oaths in the Parish of L. in the said County, by Reason whereof he hath forfeited to the Use of the Poor of the said Parish, Two Shillings for every Time he did so offend: These are therefore to require you forthwith to levy the said Forfeiture, being 8s. in the whole, upon the Goods and Chattels of the said A. B. by Distress and Sale thereof, and that you pay the same when levied, to the Church-wardens or Overseers of the Poor of the said Parish of L. where the aforesaid Offence was committed, for the Use of the Poor of the said Parish. And if no Distress can be taken as aforesaid, and in Case the said A. B. shall not pay the said Forfeiture, or give Security for the same, that then you do set him in the Stocks, there to continue by the Space of Two Hours. Given, &c.

A Certificate of Conviction for Swearing.

Essex, ss. **I** J. F. Knt. one of his Majesty's Justices of Peace for the said County, do hereby certify to the Clerk of the Peace of the County aforesaid, that the Persons whose Names are hereunto subscribed, were since the last Sessions, viz. on the Day of last, convicted before me, for swearing four prophane Oaths a-piece. Given under my Hand and Seal, &c.

Tanners.

Vide also Leather.

NO Tanners shall cut or work Leather while they profess that Trade. None shall buy tanned Leather but such as work the same into Ware, on Forfeiture of

of the Leather or the Value. Sadlers and Girdlers may sell their Necks and Shreds, &c. Tanners over-liming Hides, or putting them into Tan-Fats before Lime be wrought out of them, or using in Tanning any thing but Ash-Bark or Oak, or use Tap-wort, Malt, Meal, Lime, Culver-Dung, or Hen-Dung, or suffer them to be frozen or parched with Fire or Sun; or that tann rotten Hides or work them in other Sort than is ordered, forfeit every Hide so tanned and put to Sale, or Value, to be divided, one Third to the King, another to the Prosecutor, and the other to the City, Burrough, &c. or Lord of the Liberty where Offence committed. No Hides for Upper-Soal Leather shall lie in the Woozes less Time than twelve Months, nor Upper Leather less than nine Months, on Penalty as before.

Sadlers may sell their Shreds, &c.

No Tanner shall raise any Hide for Soal-Leather by Mixtures not fit for that Use, on the same Penalty.

Tanner hastening the Tanning of his Leather, by giving it unkind Heats with hot Wooze or otherwise, forfeits 10*l.* to be divided as before, and stand in the Pillory the three next Market-Days. 5*l.* Penalty for denying Search, or seising bad Wares.

By Stat. 4 *Ja. cap.* 6. no tanned Leather is to be sold by Weight, on Forfeiture of the Leather.

4 *Jac. s. c.* 6. No tann'd Leather to be sold by Weight. 9 *An. c.* 11. Duty on Hides, &c.

By Stat. 9 *Ann. cap.* 11. the former Statute of King James I. was confirmed, and a Duty was laid on Hides and Skins tanned, tawed or dressed; and by it 'twas further enacted, That if any Butcher or other Person offering to Sale raw Hides or Skins gashed or cut, forfeit 2*s.* 6*d.* for every Hide, and 1*s.* for every Calf-Skin, to the Poor and Informer.

Officers to enter the Tan-yard in the Day time; on Refusal, the Tanner forfeits 10*l.* to be disposed of as before. Tanner, &c. using a private Tan-yard, &c. or not giving timely Notice of taking Hides, &c. out of the Wooze, &c. or not making due Entries, or removing the same, or concealing them, &c. forfeit 20*l.* to the King and Prosecutor, besides the Goods so concealed, &c. or Value. Tanner to give Notice two Days before Removal of Hides, &c. and to assist the Officer in telling and weighing the same, and to ascertain the Value by Oath, &c. Tanner not paying Duty within the Time, forfeits double the Sum; or carrying out more Hides, and before Duty first paid, forfeits double the Value of such Hides, &c. Tanner not keeping just Scales, &c. or removing Hides before Duty charged, or before marking, or not permitting them to be weighed, or not assisting in weighing;

Officers to enter the Tan-yard in the Day-time, &c.

Tanner to give two Day's Notice of Removal of Hides, &c.

Must keep just Scales, &c.

Collar-makers, &c. are Tawers. ing ; or any Buyer carrying away before marked, forfeit 50*l.* to the Queen and Profecutor, besides Hides, &c. which may be seized and forfeited. Collar-makers, &c. to be accounted Tawers, if they dress Skins. By Stat. 10 *Ann. cap.* 26. two Justices may hear and determine Offences, &c. within three Months. Party not appearing on Notice, Justices may give Judgment, to be levied on the Goods of the Offender and Sale in six Days ; if not redeemed, Appeal to Quarter-Sessions. Justices may mitigate Penalties not more than a fourth Part. Felony without Clergy to counterfeit Stamps on Hides.

Two Justices, &c. may determine Offences, and may mitigate Penalties. By Stat. 5 *Geo. 1. cap.* 2. Commissioners for the Duty on Leather may order new Stamps, if Occasion require. Offenders for counterfeiting new Stamps, subject to the same Penalties and Forfeitures as by 9 *Ann. c.* 11. All Tanners, Tawers, Dressers of Hides and Skins, &c. and Makers of Vellum and Parchment, shall keep their Hides, &c. and Vellum, &c. which have been duly stamp'd by the Officers for the said Duties, separate and apart from all other Hides and Skins, &c. which have not been duly stamped by the Officers for the said Duties : And shall also, from Time to Time, keep all such Hides, &c. as aforesaid, as from Time to Time shall have been last stamped by the Officers for the said Duties, separate and apart from all other Hides, and Skins and Pieces, &c. which at any Time or Times before shall have been stamped by the Officers for the said Duties, during their respective Times heretofore mentioned, (*viz.*) within the weekly Bills of Mortality, 24 Hours next after such Stamping ; in other Places two Days after Stamping, unless the same shall sooner be weighed, &c. by the Supervisors, on the Forfeiture of 10*l.*

5 G. 1. c. 2. Commissioners may order new Stamps.

Tanners to keep their Hides when stamp'd, separate.

Tanner not giving an Account of his Stock, forfeits 50*l.* besides the Stock concealed.

Penalty of Officer taking Bribes, &c. Officer taking any Fee or Reward for any Entry, Account, Permission, Certificate, Mark or Receipt, forfeits 5*l.* to the Party grieved for every Offence ; Conviction to be by two Justices upon Oath, and the Prosecution within three Months after the Offence, but an Appeal lies to the Sessions.

9 An. c. 11. Commissioners of Leather have the same Power as Commissioners of Excise, &c. *N. B.* Commissioners of this Duty, by 9 *Ann. cap.* 11. have the same Power as Commissioners of Excise, and all Commissioners and Officers are liable to the same Disabilities and Forfeitures as in 9 & 10 *W. 3. cap.* 24.

Stat. 10 Ann. cap. 26. lays additional Duties on Hides, 10 An. c. 26.
 &c. By the aforesaid Stat. 9 Ann. cap. 11. 'tis enacted,
 That after the Duty is paid, and Entry thereof made in
 the Officer's Book, he shall cause every Hide and Skin to
 be marked in such Place as the Tanner desireth; and if
 removed from the Yard or Drying-place by the Tanner,
 &c. or if any Buyer shall carry it from thence before it
 shall be marked, they shall respectively forfeit 50*l.* for
 each Offence, one Moiety to the Crown, the other to the
 Informer, and the Skins forfeited to the Crown.

Relanding or putting on Shore again within Great Bri- Relanding of
 tain any Hides, Calve-Skins, Boots, Shoes, Gloves, or Leather Ship
 or other Manufacturers of Leather, shipped to be exported, is for Exportation
 Forfeiture of the same, and the treble Value, one Moiety is Forfeiture of
 to the King, the other to the Informer: Mitigation, Pro- the same, &c.
 secution and Appeal, *ut supra*.

N. B. The Judgment of the Justices is final, &c. and
 no *Certiorari* to be brought or allowed, to remove any of
 the Proceedings of the Justices of Peace relating to Offences
 committed against Stat. 9 Ann. cap. 11. 9 An. c. 11.

Caration.

Taxation, whether for the Poor, maimed Soldiers,
 mending Bridges, Highways, &c. hath these
 Rules.

The yearly Value, not the Quantity of Land, is to be
 taxed. How Assess-
 ments are to
 be laid and
 made.

He who keeps Land in his Hands in several Parishes,
 shall be charged in every Parish proportionably.

The Farmer, and not the Landlord, must be charged,
 neither ought the Landlord to be rated for the Rent re-
 served.

One may be rated as well for Goods as Land, but not
 for both.

The Charge must be on the Person, and the Goods must
 be charged only where the Goods are at the Time of the
 Assessment. 5 Co. 67.

The Constable, &c. and major Part of the Parishioners, Rules of Taxa-
 upon Warning in the Church, may make the Assessment; tion.
 so the Churchwardens and greater Part of the Parishioners,
 for Church Charges.

Taxation may be made by the Officers, and such as
 will, where the greater Part will not meet; and Taxa-
 tion made for the Publick, as Making or Mending of
 Bridges,

Taxation. Taylors.

Bridges, Highways, Causeys, Sea-Banks, &c. shall be upon all Persons, though they assent not. 5 Co. 63.

It has been resolved, that if a Man live in a Parish where his Lands lie, and doth demise those Lands to others, the Poor's Rate in that Case ought to be charged on the Tenant, and not on the Landlord, in Respect of the Tenant's Occupation thereof.

A Man having Lands in other Parishes than where he lives, the same being in Lease, or not in Lease, he is to be taxed in the Parish where he lives, according to his visible Estate there, and not for his Lands or Rent in another Parish. *Dalt. 219. cap. 73.*

Taylors.

Vide also Buttons.

7 G. 1. c. 13.
All Combina-
tions of Tay-
lors, illegal
and void.

BY Stat. 7 Geo. 1. cap. 13. it is enacted, That all Contracts entered into, with or by or between Persons professing themselves to be Taylors, or Journeymen Taylors, in London or Westminster, or within the weekly Bills of Mortality, for advancing their Wages, or lessening their usual Hours of Work, shall be void; and every Person offending, being convicted thereof on the Oath of one or more Witnesses before two Justices of the Peace, shall be committed to the House of Correction, or the Common Gaol, for any Time not exceeding two Months. Prosecution to be within three Months after the Offence committed.

Penalty of
Taylors giving
greater Wages
than allowed
by Law, and
all such Agree-
ments void.

Taylors giving greater Wages than this Act allows, on Conviction within three Months after the Offence, forfeit 5 *l.* one Moiety to the Informer, and the other to the Poor of the Parish; and every Journeyman excepting the same, shall be sent to the House of Correction for two Months.

All Retainers, Promisses, or Securities for greater Wages shall be void; but where an Agreement is made for more Wages, to work before or after the Hours limited, or to be limited, in such Case more Wages may be paid and received.

The Rates al-
lowed by La.w.

The Wages ascertained are 2 *s.* per Diem, from the 25th of March to the 24th of June, and 1 *s.* 6 *d.* per Diem the rest of the Year. And the Hours of Work are from Six in the Morning till Eight at Night, with an Allowance of Half an Hour for Breakfast, and of one Hour for Dinner,

Justices

Justices within their Limits, at their Quarter-Sessions, may alter the Wages and Hours of Work, on considering the Plenty and Scarcity of the Time; and all Taylors and their Journeymen are to observe the same, on Pain of Imprisonment, for any Time not exceeding two Months.

If any Person retained as a Journeyman shall depart from his Service before the End of the Time agreed, or the Work for which he was retained shall be finished, or not being already retained, shall refuse to work the Hours for the Wages appointed, without some reasonable Cause, to be allowed by two Justices of Peace, he shall be sent to the House of Correction, and be kept at hard Labour for two Months.

Any two Justices, on Complaint for Non-payment of Wages, may summon the Party offending, and issue their Warrants for levying their Wages by Distress; and for Want of Distress, commit the Offender to the Common Gaol, there to remain till he gives Satisfaction.

Two Justices may levy Wages on Complaint, &c.

Persons aggrieved may appeal to the Quarter-Sessions, giving six Days Notice, &c.

Several Journeymen Taylors in *Cambridge* were indicted for a Conspiracy to raise their Wages, and being found Guilty, they moved in Arrest of Judgment, *viz.* That the Fact was laid in the Town of *Cambridge*, without setting forth in what County, and it shall never be intended, that the Town of *Cambridge* is within the County of *Cambridge*, because this is a criminal Case wherein Intendments are never allowed.

Besides this, Indictments ought to conclude, *contra formam Statuti*, because by Stat. 7 G. 1. cap. 13. Journeymen Taylors are prohibited to enter into any Agreement for the Advancement of their Wages.

But adjudged, that the Fact being laid within the Town of *Cambridge*, it shall be intended that the Town is within the County; and this in order to support all inferior Jurisdiction; and this being an Indictment for a Conspiracy, 'tis not material to conclude it *contra formam Statuti*, because Conspiracy is an Offence at Common Law. *Micó. 1721. The King versus Journeymen Taylors of Cambridge.*

A

A Commitment of a Journeyman Taylor, refusing to work for the Statute Wages.

7 Geo. 1. c. 13.

W Hereas A. B. of, &c. Taylor, hath this Day made Oath before us, J. F. and J. S. Esqrs; two of his Majesty's Justices of Peace for the County of, &c. that L. M. a Journeyman Taylor, hath refused to work with him the said A. B. for the Wages appointed by Statute: These are therefore to command you to apprehend the said L. M. and convey him to the House of Correction, and to deliver him into the Hands of the Keeper thereof: Hereby also requiring you the said Keeper to take the said L. M. into your Custody, and cause him to be kept at hard Labour for the Space of two Months. Given, &c.

A Warrant against a Taylor for giving greater Wages than the Statute allows.

W Hereas Information hath been given on Oath by, &c. to us J. F. and J. S. Esqrs; &c. that A. B. of, &c. Taylor, hath within three Months last past given to L. M. his Journeyman, greater Wages than the Law allows, viz. above 2s. per Day in the Month of June, &c. for the usual Hours of working: These are therefore to command you to levy on the said A. B. the Sum of 5l. which he hath forfeited by the said Offence, pursuant to the Statute in that Case made; and that you do pay one Moiety thereof to, &c. the Informer, and the other Moiety to the Poor of the Parish of, &c. Given, &c.

Tea. Vide Coffee.

Tenants.

11 Geo. 2.

BY 11 Geo. 2. it is enacted, That from the 24th of June 1738, if any Tenant for Life, or otherwise, of Lands or Tenements, upon the holding whereof any
 1
 Rent

Rent is due, shall fraudulently carry away his Goods from such Premises, to prevent Distress for Arrears of Rent, the Landlord, or any Person by him lawfully impowered, may, within 30 Days after conveying away the same, distrain them wherever they shall be found, and dispose of them in the same Manner as if they had been distrained on the Premises.

Provided, that no such Goods shall be distrained if sold *bona fide*, and for a valuable Consideration, before Seizure, to any Person not privy to such Fraud. And Tenant committing the said Fraud, or other Person assisting therein, shall forfeit to the Landlord double the Value of the Goods carried off, to be recovered by Action of Debt in any Court at *Westminster*, or Courts of Sessions in *Com' Chester, Lancaster, Durham*, and in *Wales*; wherein no *Essoin, &c.* is to be allowed, nor more than one Impar lance. Where the Goods carried off shall not exceed 50*l.* Value, the Landlord, or his Agent, may exhibit a Complaint in Writing before two neighbouring Justices of the County, not interested in the Lands, &c. whence such Goods were removed; who are to summon the Parties, and examine the Fact and Witnesses upon Oath, (or Affirmation if *Quakers*) and to enquire into the Value of the Goods; and upon Proof of the Offence, they are, by Order under their Hands and Seals, to adjudge the Offender to pay double the Value thereof; and upon his Neglect so to do, shall by Warrant levy the same by Distress and Sale; or for Want of Distress, commit the Offender to the House of Correction, without Bail, for six Months, unless the Money ordered to be paid be sooner satisfied. Any Person thinking himself aggrieved by Order of the said two Justices, may appeal to the Quarter-Sessions, which shall finally determine the Appeal, and award reasonable Costs.

Where the Appellant shall enter into Recognizance, with a sufficient Surety, in a double Sum so ordered to be paid, to appear at the next Quarter-Sessions; the Order of the two Justices shall not be executed in the mean Time.

Landlords or their Agents may, with the Assistance of a Constable or other Peace-Officer, seize any Goods fraudulently concealed in any House, &c. in Order to prevent a Distress for Rent; and in Case of a Dwelling-House, may, upon Oath first made to some Justice of a Reason to suspect that such Goods are therein, break open the same, or any Out-House, &c. and distrain them.

They

They may likewise distrain for Rent any Cattle or Stock of their Tenants, feeding on any Common or Appurtenant belonging to the Premises demised ; or any Corn or other Product growing thereon ; which they may cure and lay up when ripe, in any proper Place on the Premises ; or if there be none, in any near the same ; and dispose thereof towards Satisfaction of the Rent and Charges of Distress ; the Appraisalment thereof to be taken when cut and cured.

Notice of the Place where the Goods distrained are lodged, is to be given to the Tenant within a Week after the lodging them there : And if after Distress so taken, and before the Product be ripe and gathered, the Tenant, or his Executors, &c. shall pay the Landlord, or his Steward, the whole Arrear and Charges of Distress ; the said Distress shall cease.

After 24 June 1738. Persons may secure Distresses lawfully taken for Arrears of Rent, and sell them on the Premises, in like manner as may be done off the Premises, by the Acts 2 Gul. and Mar. and 4 Geo. 2. And any Persons may go to and from the Premises, to view, appraise, buy, or remove the same for the Purchaser ; and if any Rescous be made of the Distress, the Persons aggrieved shall have the Remedy given by the said Statutes.

Attornments of Lands or Tenements in *England* or *Wales*, made by Tenants to Strangers who claim Title to their Landlords Estates, shall, after 24 June 1738. be absolutely void ; and their Landlords Possession shall not be affected thereby : Provided that this shall not extend to vacate any Attornment made pursuant to some Judgment at Law, or with the Consent of the Landlord ; or made to any Mortgagee, after the Mortgage is forfeited.

Tenants to whom Declarations in Ejectment shall be delivered for any Lands or Tenements, shall give their Landlords or their Bailies Notice thereof, under Penalty of three Years Rack-Rent, to be recovered by Action of Debt in the Courts of *Westminster*, &c.

The Court where such Ejectment shall be brought, shall suffer the Landlord to make himself Defendant, by joining with the Tenant to whom the Ejectment shall be delivered, if he shall appear ; but if not, Judgment shall be signed against the casual Ejector, for want of such Appearance : But if the Landlord shall desire to appear by himself, and consent to enter into the like Rule, that the Tenant, if he had appeared, ought to have done, the Court shall permit him so to do, and order a Stay of Execution upon such Judgment, until they shall make further Order therein.

Where Demises are not by Deed, Landlords may recover a reasonable Satisfaction, in an Action on the Case for the Use of what the Tenants held; and if on the Trial any Agreement (not being by Deed) whereon a certain Rent was reserved, shall appear; the Plaintiff shall not therefore be nonsuited, but may make use thereof as an Evidence of the Damages.

If any Tenant for Life shall die before or on the Day on which any Rent was made payable by a Demise or Lease determining at his Death; the Executors, &c. may, in an Action on the Case, recover from the Under-Tenants, if such Tenant for Life die on the Day, the whole; or if before such Day, a due Proportion of such Rent.

If any Tenant, holding Lands, &c. at a Rack-Rent, or where the Rent shall be three Fourths of the yearly Value of the Premises, who shall be in Arrear for one Year's Rent, shall desert, or leave the Premises uncultivated or unoccupied, so as no sufficient Distress can be had; two Justices of the Place, not interested in the Premises may, at the Request of the Landlord, or his Bailiff, go upon and view the same; and affix on the most notorious Part of the Premises Notice in Writing, what Day (at the Distance of 14 Days at least) they will take a second View thereof; and if the Tenant, or some Person for him, shall not then pay the Rent, and there be not sufficient Distress on the Premises; the Lease shall from thenceforth become void.

The said two Justices Proceedings shall be examinable into, in a summary Way, by the next Justices of Assize, of the Counties wherein the Premises lie; and if they lie in *London*, or *Com' Middlesex*, by the Judges of the *King's Bench* or *Common Pleas*; if in *Com' Chester*, *Lancaster*, or *Durham*, before the Judges thereof; and if in *Wales*, before the Grand Sessions; who are respectively impowered to order the Tenant, if they see Cause, Restitution and Costs from the Landlord; or, if they affirm the Act of the said Justices, to award Costs, not exceeding 5 *l.* for the frivolous Appeal.

If any Tenant shall give Notice of his quitting the Premises holden, and shall not accordingly deliver up the Possession thereof at the Time notified; he shall thenceforward pay double Rent, to be recovered in the same manner as single Rent is recoverable.

After 24 *June* 1738. Distresses made for Rent justly due, shall not be deemed unlawful, nor the Distrainers Trespassers *ab Initio*, for any Irregularity in the Disposition of them: But the Parties aggrieved shall have full Satisfaction for the special Damage, in an Action of Tres-

pafs, or on the Cafe; and if the Plaintiffs recover therein, they fhall have full Cofts of Suit.

But no Tenant fhall recover by Action for fuch Irregularity, if Tender of Amends hath been made before the Action is brought.

In all Actions of Trefpafs, or on the Cafe, relating to any Entry, or Distrefs, or Sale, made by Landlords upon Premiffes chargeable with Rents, the Defendants may plead the General Issue, &c. and, if the Plaintiffs become Nonfuit, &c. may recover double Cofts of Suit.

Defendants in Replevin may avow generally, that the Plaintiff in Replevin, or other Tenant of the Lands or Tenements whereon Distrefs was made, held the fame at a certain Rent, during the Time the Rent diftrained for incurred; which Rent was then and ftill remains due; or that the Place where the Distrefs was taken, was Parcel of fuch certain Tenements, held of fuch Honour, &c. for which Rent was at the Time of fuch Distrefs, and ftill remains due; without fetting forth the Landlord's Grant or Title: And if the Plaintiff become Nonfuit, &c. the Defendant fhall recover double Cofts of Suit.

All Sheriffs and Officers having Power to grant Replevins fhall in every Replevin of a Distrefs for Rent, take in their own Names from the Plaintiff, and two Sureties, a Bond in double the Value of the Goods diftrained (the Value to be afcertained by the Oath of a credible Witnefs not interefted in the Distrefs) to profecute the Suit with Effect, and without Delay; and to return the Goods in cafe a Return be awarded before the Distrefs be delivered: And fuch Sheriff or Officer fhall at the Request and Cofts of the Avowant, affign him fuch Bond, by indorfing and attesting it under his Hand and Seal, before two or more credible Witneffes; which may be done without any Stamp, provided the Affignment be ftamp't before any Action brought thereupon: And if the Bond be forfeited, the Avowant may bring an Action, and recover thereupon in his own Name; and the Court where the Action fhall be brought, may, by a Rule of the fame, give reasonable Relief to the Parties; and fuch Rule fhall be a Defeazance to fuch Bond.

Thames.

6 & 7 W. 3.
c. 16.
Juftices of
Peace Com-
miffioners for
this Act.

BY Stat. 6 & 7 W. 3. cap. 16. after the firft of *May* 1695. the Juftices of Peace in the Counties of *Wilts*, *Gloucefter*, *Oxford*, *Berks* and *Bucks*, fhall be, in their refpective Counties, Commiffioners for putting that Act in Execution.

They,

They, or any five of them, shall at their Quarter-Sessions, make Orders for settling reasonable Rates and Prices, to be taken by the Owners of all Barges, Boats, or Vessels, and by the Tenants of all Locks, Weirs, Bucks, Winches, Turnpikes, Dams, or other Engines, within their respective Counties, upon the River of *Thames* and *Isis*, and make such other Orders concerning the same so as to prevent such Abuses as have formerly happened, as to the said Commissioners, or any five of them, shall seem meet.

Any five may make Orders. &c.

They shall assess the Rates of Carriage in such Boats, Barges, &c. in their Quarter-Sessions, after *Easter*, yearly, and give publick Notice thereof in Writing to every Mayor or head Officer in every Market-Town. And if any Owner of Boat, Barge, &c. takes above the said Rates for Water-Carriage, or any Person break the said Rules or Orders, he shall for every such Offence forfeit *5l.* to the Party grieved, with double Costs of Suit, to be recovered in any Court of Record at *Westminster*.

If any Person be aggrieved by any such Rules or Orders, Justice of Assize, upon Complaint made within the Space of one Year, may confirm, vacate or alter the same, as shall be thought convenient.

Persons griev'd may appeal to Judges of Assizes.

Such Rules and Orders (except those for Water-Carriage) shall be written in Parchment, and signed by five Commissioners, and so signed shall continue in Force for five Years, and from thence, till some new Rule or Order be made in the same Case.

Weirs, Locks, &c. shall be adjudged and taken to lie in that County, where the same are taxed and rated to the Church and Poor.

Weirs, &c. taken to lie in that County where rated to Church and Poor.

Nothing in this Act shall extend to give any Jurisdiction to the aforesaid Commissioners, to put this Act in Execution between the Village of *Bercol* and the City of *Oxford*, but that such Power shall still remain in the Commissioners appointed by the University and City of *Oxford*.

Nor shall any Thing therein lessen any Power or Jurisdiction of the Mayor and Citizens of *London*, or any other Person or Persons whatsoever.

The Barge-Master shall be answerable for Damages done by his Barge or Bargemen.

Barge-masters answerable for Damage done by Bargemen.

This Act to continue for nine Years, and from thence to the End of next Session of Parliament.

But by an Act made 3 G. 2. cap. 35. the Power of reforming Abuses, and settling the Rates of Water-carriage on the *Thames*, &c. is vested in Commissioners therein named for nine Years. See the Act.

3 Geo. 2. c. 35.

T 2

By

Threatning. Tiles, &c.

By the Act 3 Geo. 2. intituled, *An Act for reviving and amending an Act made in the 6th and 7th Years of the Reign of His late Majesty King William III. intituled, An Act to prevent Exactions of the Occupiers of Locks and Weirs upon the River of Thames Westward, and for ascertaining the Rates of Water Carriage upon the said River, which was to continue from 1 May 1730. for 9 Years, and to the End of next Session of Parliament, shall be further continued from the Expiration thereof till 1 June 1747.*

See Carriers and Carriages.

Threatning.

IF any threaten to hurt another in his Body by beating, wounding, &c. the Party threatened may go before a Justice of Peace, and make Oath thereof, and thereupon may pray Surety of the Peace against the Person so threatening.

Like Law is where any threaten to burn a Man's House or Goods.

A Husband may have Surety of the Peace against his Wife, or a Wife against her Husband; so against an Infant, or a Madman, capable of breaking it.

Threatning to imprison one, is no Cause for craving the Peace against him.

Tiles and Bricks.

17 E. 4. c. 4.

BY Stat. 17 Ed. 4. cap. 4. Earth for Tiles shall be cast up before the first of *November*, and must be stirred and turned before the first of *February*, and not made into Tile before the first of *March* next following.

Before the said Earth be wrought into Tile, it must be well worked and cleansed from Stones, &c.

A plain Tile offered to Sale is to be ten Inches and a Half long, and six Inches and a Quarter in Breadth, and three Quarters of an Inch thick.

Every Roof-Tile, in Length thirteen Inches, in Thickness three Quarters of an Inch, and of convenient Deepness.

Gutter

Gutter and Corner Tile must be ten Inches and one Half long, and of convenient Thickness, Breadth, and Deepness.

If any Person put to Sale any Tiles otherwise made, he forfeits to the Buyer double the Value of the same Tiles, and a Fine to the King.

Offences against this Act shall be heard and determined by Justices in Quarter-Sessions, and the Offenders fined not less than after the Rate of 5 s. per Thousand of plain Tile, 6 s. 8 d. per Hundred for Roof-Tile, and 2 s. per Hundred for Corner and Gutter Tiles.

Offences against the Act to be heard at Quarter-Sessions.

The said Justices have also Authority to appoint Searchers of Tile, who shall diligently execute that Office, on Pain to forfeit to the King for every Default 10 s. And they shall have of every Tile-maker, for such Search, after the Rate of 1 d. per Thousand for every Thousand of Plain Tile, a Half-penny for every hundred of Roof-Tile, and one Farthing for every Hundred of Corner or Gutter Tile, and shall make Presentment of all Defaults found at the next Sessions, which shall be as effectual in Law as a Presentment of twelve Men.

None shall put any Tile to Sale before such Search be made, on Pain to forfeit the same; and the said Justices have also Power to hear and determine the Default of the said Searchers.

By Statute made 12 Geo. 1. cap. 35. all Earth or Clay for making Bricks for Sale in England, shall be dug and turned at least once between 1 Nov. and 1 Feb. and no Part of such Clay shall be made into Bricks till after 1 March ensuing; and no Bricks shall be made but between 1 March and 29 Sept. and no Spanish after the said 29 Sept. shall be mixed with any Brick, Earth or Clay, nor any Breeze used in burning; and all Bricks shall be burnt either in Kilns, or in distinct Clamps by themselves, i. e. the Place-Bricks in Kilns or Clamps, and the Stock-Bricks by themselves; and all Place-Bricks shall, when burnt, be not less than nine Inches long, two Inches and one Half thick, and four and a Quarter wide; and all Stock-Bricks shall be of the same Lengths and Breadths, and one eighth Part of an Inch thicker; and all Pan-Tiles made for Sale shall, when burnt, be not less than thirteen Inches and an Half long, and nine Inches and a Half wide, and Half an Inch thick, on Pain of forfeiting 20 s. for every Thousand of Bricks, and 10 s. for every Thousand of Pan-Tiles.

12 Geo 1. c. 35. When Brick and Tile Earth is to be dug and turned, and Bricks made and burnt.

The Master and Wardens of Tilers and Bricklayers, or any two of them, or any four or more appointed by the Master, &c. may enter upon any Grounds within fifteen

The Siz of them. Master and Wardens may enter and search.

fifteen Miles of London, and search whether the Earth or Clay be good, or the Bricks or Pan-tiles well burnt, and of the Dimensions before prescribed; and if any be found otherwise, the Maker shall be fined by the Master, &c. after being summoned at the next Court; and if he shall refuse to pay, it may be recovered by Action of Debt, or be levied by Warrant under the Company's Seal, by the Clerk of the Company, by Distress and Sale.

Party grieved may appeal to Sessions.

Justice to appoint Searchers, &c.

Party grieved may appeal to the next Quarter-Sessions of the County, where, &c. who are finally to determine the same, and award Costs to either Party.

The Justices at Quarter-Sessions next after *Epiphany*, yearly, shall appoint two Searchers, for one Year only, to inspect the Earth or Clay designed for Bricks or Pan-tiles, and to enter into Grounds, &c. except within 15 Miles of *London*, and they are to make their Presentments at *Easter* and *Michaelmas* Sessions, of all Defaults against this Act; and if he refuses to appear, or be convicted at the next ensuing Sessions, then the several Penalties shall be levied on him, and distributed by the Justices, one Moiety to the Persons making such Presentments, the other to the Poor of the Parish.

The Searchers to be appointed by the Master and Wardens, or by the Justices, shall be paid by the Maker for every thousand Bricks one Half-penny, and for every thousand Pan-tiles one Penny.

The Master and Wardens of the Society, or any five or more of the Society, so as aforesaid appointed, shall have Power twice in a Year, or oftner, to search the Making all Plain Tiles, Roof or Gutter Tiles, made within *London*, or fifteen Miles thereof, and shall have the same Fees for Searchers as any Person, pursuant to Stat. 17 E. 4. cap. 4. and may summon and fine Offenders, and levy the Fines as the Company may, for bad Bricks; and the Justices, as well in *London* or fifteen Miles thereof, as of every County at their Quarter-Sessions, may inquire, on the Complaint of any Brick-maker or Tiler, of the Defaults and Misdemeanors of the Searchers, and fine them not exceeding 10 l. for their Defaults.

All Contracts, &c. illegal, and forfeit 20 l. each.

All Contracts between Brick-makers or Tilers, within fifteen Miles of *London* for ingrossing Bricks or Tiles, or restraining any Person from freely selling, or for fixing any certain Price under which they shall not be sold, are declared illegal; and the Offender, if a Brick-maker or Tiler within fifteen Miles of *London*, shall forfeit 20 l. and every Clerk, Agent, or Servant 10 l. one Moiety to the Poor of the Parish, &c. and the other to the Person

son suing for the same within six Months after the Offence.

This Act is a publick Act, and any Person sued for any Thing done in Pursuance of it, may plead the General Issue, and give the special Matter in Evidence; and no Person convicted by this Act shall be liable to be prosecuted on Stat. 17 Ed. 4. cap. 4. or any otherwise. Stat. 12 Geo. 1. cap. 35.

17 E. 4. c. 4.
12 Geo. 1. c. 35.
2 Geo. 2. c. 2.

But by a Stat. made 2 Geo. 2. cap. 25. 'tis enacted, That the Masters and Wardens of the Company of Tilers and Bricklayers of *London* shall be devided of all the Powers given them by 12 Geo. 1. cap. 35. and any three or more Persons, who shall be appointed Searchers for that Purpose by the Quarter-Sessions to be held for *London*, or any Place within fifteen Miles thereof, may enter and go in the Day-time upon any Grounds, Sheds and Places where any Clay or Earth shall be digged, or Bricks or Pan-tiles made, or exposed to Sale, there to view and search the same; and every Brick maker making Bricks or Pan-tiles for Sale, contrary to this or the said Act, shall forfeit 20 s. for every Thousand of such Bricks, and 20 s. for every Thousand of such Tiles, to be recovered by Action of Debt, &c. at *Westminster*, one Moiety to the Profecutor, the other to the Poor of the Parish.

12 Geo. 2. c. 25.

But no Penalty inflicted by this Act shall be recovered, unless Prosecution be commenced within one Year next after the Offence, and carried on with Effect, and without Delay; and none shall be convicted twice for the same Offence.

After 29th *September* 1729. when Ground shall be dug for making Bricks for Sale within fifteen Miles of *London*, the Owner shall uncallow and take off the Soil, Mould, and other Compost lying on the Earth; and none of the Soil, or Mud, or Dirt shall be mixed with the real Brick-Earth, under the same Penalties and Forfeitures as are to be levied for making bad Bricks.

This Act is to be deemed a publick Act; and if any Action be brought for any Thing done in Pursuance of this Act, the Defendant may plead the General Issue, and recover Costs in Case a Verdict shall pass for him, or the Plaintiff become Nonsuit or Discontinue, or Judgment be given upon Demurrer.

The Stat. 12 G. 1. cap. 35. and also this Act shall at the End of the Session of Parliament next after 25 *March* 1732. cease and determine.

12 G. 1. c. 35.

And by another Stat. made 3 G. 2. cap. 22. 'tis enacted, That any Person within fifteen Miles of *London* may make and burn Bricks for Sale, which when burnt shall

3 G. 2. c. 22.

Tiles and Bricks.

be eight Inches and three Quarters long, four Inches and one eighth broad, and two Inches and an Half thick.

Any Person may make and burn in Clamps for Sale Bricks made of real Brick Earth, wherein may be mixed any Quantity of Sea-Coal Ashes sifted and screened through a Sieve or Screen half an Inch wide, and not exceeding twenty Loads to the Making one hundred thousand of Bricks, each Load not exceeding thirty-six Bushels.

Any Person may use Cinders (commonly called Breeze) mixed with Coal in burning of Bricks in Clamps for Sale.

Stock-Bricks and Place Bricks may be burnt in one and the same Clamp, so as the Stock-Bricks be set in one distinct Parcel, and not intermixed with Place-Bricks.

Brick-makers making Bricks contrary to the true Intent of this or the former Acts, shall be liable to the same Penalties as by the former Acts are inflicted.

All Clauses in the former Acts not hereby expressly altered, shall be deemed to extend to this present Act; and this Act shall continue so long as the other Acts are to continue, and no longer.

This Act to be a publick Act; and if any Action be brought for any Thing done in Pursuance of it, the Defendant may plead the General Issue, &c. and on a Verdict, &c. recover Costs.

A Deputation for Tile-Searchers.

17 E. 4. C. 4. Essex, *ff.* **W**E whose Names are hereunto written, his Majesty's Justices of Peace of the said County, do, according to the Form of the Statute in that behalf made in the 17th Year of the Reign of the late King Edward the Fourth, ordain, assign, and depute A. B. and C. D. and either of them, during our Wills and Pleasure, to search and examine the digging, casting, turning, and ordering of Earth, for all Plain Tile, Roof Tile, Corner Tile, and Gutter Tile, to be made in the County aforesaid, and to search and examine all the Tiles aforesaid, that the same be good, and made according to the Statute in that Case made; and generally to do and perform all such other Things, as to the Office of Searchers do, by Virtue of the said Act, appertain; and to receive and have such Fees and Salaries for their and either of their Labour in the Premises, as by the said Act is appointed. Given under our Hands and Seals, &c. -

A Pre-

**A Presentment of Searchers of Bricks
made contrary to the Statute.**

The Presentment of *A. B.* and *C. D.* Searchers of Bricks at, &c. in the County of, &c. made at the General Quarter-Sessions of the Peace, held for the County aforesaid, the Day of, &c.

THE said *A. B.* and *C. D.* do hereby present that 12 G. 1. c. 35
E. F. of, &c. in the said County, did make and burn one thousand of Bricks in his Brick ground at, &c. aforesaid, after the 29th Day of September last past, viz. on the 16th, 17th, and 18th Days of October then next following, contrary to the Statute.

And further they present that *G. H.* of the same Place on, &c. last, had in his Custody two thousand Bricks burnt and made by him, which were not nine Inches long, as the Statute directs, as appeared unto them on several Searches made.

A. B.
C. D.

An Order of Sessions for paying the Penalties for making Tiles contrary to the Statute.

Effex, s. **W**HEREAS it has been proved before 17 E. 4. c. 4.
us by, &c. that *A. B.* of, &c. has exposed to Sale two thousand of Plain Tiles, not being of the Length of ten Inches and one Half, &c. as the Law directs, whereby he is liable to a Forfeiture of double the Value, and 5 s. per Thousand, for the Offence aforesaid: These are to empower and command you to ask, demand, and levy on the said *A. B.* the Sum of, &c. which he hath forfeited as aforesaid, according to the Direction of the Act of Parliament in that Case made; and for your so doing, this shall be your sufficient Warrant. Given, &c.

Timber. Vide Oak.

Tithes.

Tithes.

WHoever is desirous of a more full Information concerning Tithes, may consult the famous Mr. *Selden's* and the learned Dr. *Comber's* Treatises, where that Subject is excellently and learnedly handled. What I shall say on this Head, is only as they are taken Notice of in several Statutes, and, as such, relate to the Office and Duty of a Justice of Peace.

What Tithes are, and how due.

Tithes are, properly speaking, the tenth Part of all annual Profits, whether they be predial, personal or mixt, set apart for the Maintenance of the Clergy, and are generally esteemed to be due of divine Right: But, whether they are so or no, there was a Canon made at *Mascon* in *France*, so long ago as *Anno* 585. for Payment of Tithes, as founded on the Law of God, and the ancient Custom of the Church.

How differ from Oblation and Mortuaries.

Tithes differ from Oblations, which are voluntary Offerings from the Living; and from Mortuaries, which are only due on the Death of the Party, and are only due by Custom: Whereas Tithes are annually due of Common Right, and are Ecclesiastical Inheritances, collateral to the Estate in the Land, out of which they arise, and are of their own Nature, due only to spiritual Persons.

Tho' Tithes are due of Common Right, yet are they enjoined by particular Laws, both before and since the Conquest, by which Laws they are to be determined: But before we treat of them, if we consider the Nature of Payment of Tithes, we may find some general Rules relating to it, but not without some Exceptions.

Rules in Payment of Tithes. First Rule.

First Rule, That Tithes are regularly to be paid only of Things which annually increase *semel* and *semel*. But this Rule is to be understood where there is no Custom to the contrary; for in such Case the Custom prevails, and then they are to be paid for Coal, Chalk, Lead, Slate, Stone, Tin, Turf, which do not yearly increase.

As for Houses a customary Duty, or *Modus decimandi*, hath been anciently allowed in lieu of Tithes; but such a Prescription has likewise been denied, because a *Modus* is properly only payable for the Increase of Things.

By the same Rule, the Payment being only *semel in Anno*, then there can be no Tithes due for After-Pasture, where Tithe-Hay hath been paid in the same Year: But Custom likewise prevails in that Case.

Second

Second Rule. Things *Fera Nature* are not tithable, because a Man has no Property in them; but Pigeons, Rabbits, Bees, &c. cannot properly be called *Fera Nature*, because they are in Custody in particular Places. And Tithes are payable for such Things by Custom; and so also for Fish.

But Deer, Hares, Conies, Fish, Partridge, Feasant, &c. and all Manner of Game which are wild, are excused from paying Tithes. *Cro. Car.* 339.

Tithes being therefore due by the Laws of the Land, must be recovered by the Help of those Laws, when unjustly with-held: But in many Cases Exemptions are allowed; as,

How Tithes are to be recovered.

1. By Appropriations.
2. By Privileges of certain Orders.
3. By Prescription or real Composition.
4. By Unity of Possession.

Cases of Exemption.

1. By Appropriation; which is the Settling particular Churches, with their Tithes, on Ecclesiastical Communities, as Monasteries, Priors, &c. on Condition of finding a Vicar or Officiate: These, since the Statutes of Dissolution, are now become Lay-Inheritances. But in such Cases the Impropiator is to find a Vicar to attend the Cure.

1. Exemption.

And before the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 1. the Monks generally sent some one of their Convent, who from Time to Time served the Cure, and the Tithes were taken by the Convent; but by these Statutes he was to be no longer one of the Regular, but one of the Secular Clergy, and not only canonically instituted and inducted, but conveniently indowed; but it was at the Discretion of the Ordinary, or the Appropriation to be void.

15 R. 2. c. 6.
4 H. 4. c. 1.

And this Power in the Bishops is not taken away by the Statutes of Dissolutions, as appears by some Resolutions in Law: For a Vicar libelled for that the Church was appropriated, and he had not a sufficient Maintenance; and a Prohibition was prayed, but denied, because the Bishop might compel the Impropiator to enlarge it. 1 Roll. 337.

This Indowment of Vicaridges is usually of small Tithes, yet the Vicar may prescribe for Tithes not mentioned in the Indowment, because the Ordinary hath Power to increase his Allowance.

2. Ex-

2. Exemption. 2. Exemption by Privileges of certain particular Orders: For though at first most Orders of Monks were exempted from Payment of Tithes, yet in Time this was restrained to three Orders only.

Viz. to { Cistercians,
Hospitallers,
Templers.

Dissolved by the Statute of 17 E. 2. and their Possessions given to the Hospitallers.

How limited. But these Privileges had certain Limitations.

1. It must relate to Lands in their Possession before the Council of *Lateran*, 17 *Jobannis*, Anno 1215. for if given to them afterwards, such Lands had not this Privilege.

2. Where there was an ancient Composition, Lands were not discharged by this Privilege, but the Composition was still paid, and the Rectors and Vicars, who were able, did contest this Matter with the Monks, and prevailed.

These being Privileges united to particular Orders and Convents, when these Convents were dissolved, the Privileges were extinct, unless continued by those Acts which dissolved them.

Not taken Care of in Stat. 27 H. 8. But this was not done by the Statute of 27 H. 8. by which all the little Monasteries and Priories under 200 *l.* per Ann. Value were dissolved; so that this Privilege doth not prevail where the dissolved Monasteries, &c. were under that Value, because there is no Provision in that Act to exempt their Lands from Payment of Tithes.

But in 31 H. 8. And therefore Care was taken four Years afterwards in 31 H. 8. when the great Monasteries were dissolved, that the King should hold their Lands discharged of Tithes, as the Abbots had done before the Dissolution.

3. Exemption. Compositions usually entered in the Bishop's Book. 3. Exemption, This is by Prescription and ancient Composition. As to Compositions real, the Canonists say *non valet consuetudo ut minus quam decima solvatur*: But they allow it to be good where less is paid for personal Tithes, which arise out of the Profits accruing by the Labour and Industry of Men. The Reason of the Difference seems to be, that the one is not so visible and notorious as the other.

These Compositions are usually entered in the Bishop's Register, and were at first (as is presumed) made for a valuable

luable Consideration; but since that Time the Price of Things is much advanced; so that now, though such Compositions bear no Proportion to the real Value of the Tithes, yet Custom doth prevail; and from thence arises what is called a *Modus decimandi*.

But now since the Statute of 13 *Elix. cap. 10.* a real Composition, though made by the concurrent Consent of Parson, Patron and Ordinary, shall not bind the Successor; because by that Statute all Grants which are binding, are restrained to one and twenty Years, or three Lives. 13 Eliz. c. 10.

But as to Prescription, it is not allowed in Lay Persons *in non decimando*, because none but Spiritual People are capable of having Tithes: Though Lay Persons are allowed to prescribe in a *Modo decimandi*, but with some Limitations, *viz.* it must be immemorial and reasonable, that is, there must be some Recompence for the Parson, and it must be something which is certain and durable; for if otherwise, it shews an original Deficiency in the Custom, and therefore it is void. Prescription in non decimando not good. But good as to a Modus Decimandi.

4. Exemption is Unity of Possession, that is, where Lands formerly tithable were united by Appropriation, or otherwise, to some spiritual Person or Persons; for by this Means they were discharged of Tithes: But this holds only so long as they continue so united; so that this is more properly a Suspension than an absolute Discharge. 4. Exemption.

And in such Unity there must be Equality of Estate, that is, the Spiritual Person must have an equal Estate of Inheritance, both in the Land and in the Tithes.

And it ought to have been Time out of Mind.

If it belonged to a Religious House, it ought to be free and discharged of paying Tithes at the Time of the Dissolution, and then in the Possession of the Convent; for if it was let on Lease, and their Farmers paid Tithes to them, such Unity will not serve. Not to extend to Lands in Lease at Dissolution.

The first Statute made concerning Tithes was in the first Year of *Rich. 2. cap. 14.* which says that where, in an Action of Goods carried away, the Defendant maketh his Title for Tithes due to his Church; in such Case the Plaintiff's general Averment shall be taken without shewing Specially how the same were his Lay Chattel. First Statute about Tithes, 1 R. 2. c. 14.

The next is the 5 *H. 4. cap. 11.* by which the Farmers of Aliens shall pay Tithes to the Parsons and Vicars of the Parishes where the Lands lie; and this notwithstanding they shall be seized into the King's Hands, or any Prohibition made to the contrary. Second Statute about Tithes, 5 H. 4. c. 11.

In the 27 *H. 8. cap. 20.* a Statute was made to enforce the Execution of a Sentence of an Ecclesiastical Judge for Tithes, Third Statute about Tithes, 27 H. 8. c. 20.

Tithes, *vis.* Two Justices of Peace might commit him who refused to obey the Sentence, upon Complaint to them in Writing from such Judge.

Fourth Statute
about Tithes,
32 H. 8. c. 7.

By a Stat. made 32 H. 8. *cap.* 7. all Persons shall duly set forth and pay all Tithes and Offerings, according to the Custom of the Places where they grow due.

And if any Person after Sentences given by the Ecclesiastical Judge, refuse to pay the Tithes or Sums of Money adjudged, then two Justices of Peace (1. *Quor.*) shall upon Certificate thereof from the Judge, commit the Party so refusing to the next Gaol, there to remain until he have found Sureties to be bound by Recognisance (or otherwise, before the same Judge) to the King, to perform the said Sentence.

Fifth Statute
about Tithes
2 & 3 Ed. 6.
c. 13.
27 H. 8. c. 20.
32 H. 8. c. 7.

By a Statute made 2 & 3 E. 6. c. 13. the Statutes of 27 H. 8. *cap.* 20. and 32 H. 8. *cap.* 7. are confirmed, and several other good Clauses, for the further enforcing the Paying of Tithes are added, (See the Act); among others it is enacted, that Suits for subtracting or withdrawing of Tithes and other Profits Spiritual, shall be prosecuted in the Ecclesiastical Court, before the Ecclesiastical Judge, who hath Power (no Original or Prohibition hanging) to excommunicate the Party disobeying the Sentence. And if he stand excommunicate forty Days, to certify the Excommunication (after Publication thereof, at the Place or Parish where such Party dwells) into the Chancery, and thereupon to require Process *De Excommunicato capiendis* to be awarded against the Person so Excommunicate.

Sixth Statute
about Tithes,
7 & 8 W. 3.
c. 6.
10 & 11 W. 3.
c. 15.

By Statute 7 & 8 W. 3. *cap.* 6. for three Years; but by the 10 & 11 W. 3. *cap.* 15. continued for seven Years, and *per* 3 & 4 Ann. made perpetual, there is an easy and expeditious Way for Persons to recover small Tithes, &c. under 40 s. *per Ann.* The Person to whom it is due, may in twenty Days after Demand, and within two Years after it becomes due, exhibit his Complaint in Writing to two Justices, neither of them Patron of the Church, or interested in the Tithes.

These two Justices may summon the Party by a Writing under their Hands and Seals, to appear before them, &c. and after Appearance, or in Default thereof, (if the Service of the Summons be proved on Oath) they may hear the Complaint by Witnesses upon Oath, and may make a Judgment under their Hands and Seals, by making an Allowance for the Tithes, and give Costs not exceeding 10 s.

This Judgment must be inrolled by the Complainant at the next Sessions, for which he is to pay 1 s. to the Clerk

of

of the Peace; and this Inrolment and Satisfaction made shall be conclusive against any other Remedy for the same Tithes.

If the Party neglect or refuse to pay the Money so adjudged, in ten Days after Notice, the Constable and Headborough may levy it by Warrant of the said Justices, by Distress and Sale of the Goods of the Offender, which must be paid to the Persons complaining; and the Officers may retain such Charges for making the Distress, and for retaining it three Days, (before which Time they must not sell it) as the Justices shall think fit.

The Party grieved may appeal to the next Sessions, whose Judgment shall be final; and they may reverse the Judgment of the two Justices; but if they confirm it, they may give Costs against the Appellant, to be levied by Distress, &c.

If the Defendant removes out of the County, City, &c. after Judgment had, and before the Sum is levied, one of the two Justices, who gave the Judgment, may certify it under his Hand and Seal to any Justice of that Place where the Defendant is removed to, which Justice shall cause the Money to be levied by Distress, &c.

It is further enacted, that no such Judgment shall be removed or superseded by *Cartiarari*, unless the Title of the Tithes come in Question.

But if the Party against whom the Complaint is made, insist upon a *Modus*, and deliver the same under his Hand to the Justices, then he giving the Complainant such Security as the Justices shall think fit, to pay the Costs and Damages, which upon a Trial at Law shall be given against him, the Justices shall not proceed, but the Complainant must sue for his Tithes in the Courts above.

By Statute 7 & 8 W. 3. cap. 34. for seven Years, and by 1 Geo. 1. cap. 7. made perpetual, a Quaker refusing to pay or compound for his Tithes or Church-Rates, &c. may upon Complaint be summoned before the two next Justices, (other than such Justice who is Patron of the Church, or any wise interested in the Tithes) who may examine upon Oath the Truth of the Complaint, and ascertain what is due to the Person complaining; and if it is under 10 *l.* they may, by an Order under their Hands and Seals direct the Payment.

And if such Quaker refuse to pay, &c. one of the said Justices may, by Warrant under his Hand and Seal, levy the Money by Distress, &c.

If the Quaker finds himself aggrieved, he may appeal to the next Quarter-Sessions; and in such Case no Warrant

Seventh Statute about Tithes. 7 & 8 W. 3. c. 34. 1 Geo. 1. c. 7.

rant for Distress shall be granted till the Appeal is determined.

If the Sessions upon the Appeal continue the Judgment, they may give Costs against the Apellant, to be levied by Distress, &c.

No *Certiorari* to be allowed, unless the Title come in Question.

11 & 12 W. 3.
c. 16.

By 11 & 12 W. 3. c. 16. *sect.* 1. Every Person who shall sow Hemp or Flax, shall pay to every Parson, Vicar or Impropriator of such Parish or Place yearly 5 s. for each Acre of Hemp and Flax, before the same be carried off the Ground; for the Recovery of which, the Parson, &c. shall have the usual Remedy.

sect. 2. This Act shall not extend to charge any Lands, discharged by any *Modus decimandi*, antient Composition or otherwise.

sect. 4. This Law shall continue seven Years.

1 Geo. 1. c. 26.

By 1 Geo. 1. c. 26. Made perpetual.

3 Geo. 2. c. 33.

By an Act passed 3 Geo. 2. *cap.* 33. for providing a Maintenance for the Minister of the New Parish Church at *Depford*, it is enacted, That on Default of Payment of the yearly Sum of 70 l. or any Part thereof, by the Space of twenty-eight Days, after any of the Days of Payment in the Act limited for Payment thereof to the Rector by the Church-wardens, the Rector may make his Complaint to any two or more Justices of the Counties of *Kent* or *Surrey*; and on Oath of the Sum in Arrear, the Justices are to summon the Defaulters to attend them within four Days from the Date of the Summons, to shew Cause why such Arrears should not be paid; and if sufficient Cause be not shewn, to the Satisfaction of the Justices (Oath being first made of the Notice of Summons, in Case the Parties shall not attend) the Justices by Warrant, are to cause the Arrears to be levied by Distress, rendering the Overplus, after Charges and Costs deducted, to be ascertained by the Justices.

A Summons for a Person refusing to pay
Tithes, to appear before the Justices,
and be examined.

Essex, ss. **W** Hereas Complaint hath been made unto us
J. F. and J. S. Esqs; two of his Ma-
jesty's Justices of Peace for this County, that you the said
A. B. have refused to pay unto R. C. Vicar of the Parish of
M. the small Tithes due to him from you, contrary to the
Statutes in that Case made: These are therefore to require
you

ou to appear before us at the Sign of, &c. on Wednesday the 24th Day of March next, to be examined concerning the Premises. Given under our Hands and Seals, &c.

The Order.

Essex, ff. **W** Hereas Complaint hath been made unto us, Two Justices. two of his Majesty's Justices of Peace for this County, that A. B. being a Person commonly called a Quaker, hath refused to pay or compound for his Tithes arising in the Parish of L. in this County, and we having summoned the said A. B. before us, and having duly examined the Truth of the said Complaint upon Oath, do find that there is justly due from the said A. B. to the Vicar of the said Parish, the Sum of nine Pounds, being the Value of the small Tithes, for two Years last past: We therefore the Justices aforesaid, being neither of us Patron of the said Parish Church of L. or any Ways interested in the said Tithes, do order and appoint the aforesaid A. B. to pay or cause to be paid, unto the said Vicar the aforesaid Sum of, &c. within Ten Days after Notice of this our Order. Given, &c.

The Warrant to distrain in Case there is no Appeal.

Essex, ff. **W** Hereas A. B. being a Person commonly called a Quaker, hath been summoned to appear before two of his Majesty's Justices of Peace for this County, to be examined for Non-payment of his Tithes: And whereas the said Justices have ordered him to pay unto the Vicar of L. in this County, the Sum of nine Pounds, within Ten Days after Notice of the said Order: And whereas it appeareth unto me J. S. Esq; one of the said Justices, that the said A. B. had due Notice of the said Order, but doth refuse to pay the said Sum of Nine Pounds: These are therefore to require you forthwith to levy the aforesaid Sum of Nine Pounds by Distress and Sale of the Goods and Chattels of the said A. B. rendering to him the Overplus, if any shall happen to be: And hereof fail not. Given under my Hand and Seal, &c.

An Order for a Complainant to pay Costs for making a false Complaint relating to Tithes.

7 & 8 W. 3. c. Essex, ff. **W** Hereas A. B. of, &c. a Tenant to, &c. Rector of, &c. having lately made Complaint unto us J. F. and J. S. Esqrs. two of his Majesty's Justices, &c. that C. D. of, &c. with-held and detained from the said A. B. the Sum of, &c. due to him for Tithes for the Year last past; and the said C. D. appearing before us to be examined in the Premisses, the said A. B. was not able to make good his Complaint against him, or to prove that there was any Money due to him from the said C. D. for Tithes; whereby it appears that the Complaint of the said A. B. was false and vexatious: We do therefore hereby award and order that the said A. B. do forthwith pay to the said C. D. the Sum of 10 s. as Costs for his Trouble and Expences in appearing to defend the vexatious Complaint aforesaid. Given, &c.

Tobacco.

12 Car. 2. cap. 34.
None must set or sow, or plant Tobacco.

Justices, &c. must destroy it.

Opposers forfeit 5 l.

13 Car. 2. c. 14.

BY Statute 12 Car. 2. cap. 34. none shall set or im- prove Tobacco in England, Wales, Guernsey, Jersey, or Town of Berwick or Ireland, on Pain to forfeit it, or the Value of 40 s. for every Rod of Ground so planted; and so proportionably; one Half to the King, the other to the Informer.

Sheriffs, Justices of Peace, Mayors, Bailiffs, Constables, within Ten Days after Information of Tobacco set or growing, contrary to this Act, shall cause it to be destroyed.

They, who oppose the Execution of this Act, shall forfeit 5 l. to be divided as aforesaid. In Case of Nonpayment of Money to be paid by this Act, a Distress shall be taken and sold; and for want thereof, the Party shall be committed for two Months.

This Act shall not hinder planting Tobacco in Physick-Gardens of either University, or other private Garden for Physick or Chirurgery, so as the same exceed not one Half-Pole in each Garden. Confirmed by 13 Car. 2. cap. 14.

By

By Stat. 15 Car. 2. cap. 7. they that set, plant, or sow Tobacco in England, Wales, Guernsey, Jersey, or Town of Berwick, shall, besides the Penalty of 12 Car. 2. cap. 34. forfeit 10 l. for every Rod of Ground so planted, and so proportionably; one Third to the King, another to the Poor of the Parish, the other Third to the Informer.

Persons resisting the Execution of the Act of 12 Car. 2. cap. 34. shall, besides the Penalty therein mentioned, be committed to Gaol till they enter into Recognizances with Sureties of 10 l. Penalty not to do the like again.

The like Proviso for Physick Gardens and Gardens of Chirurgery as in 12 Car. 2. cap. 34.

In the 22 & 23 Car. 2. another Act was made against the increasing Tobacco in England, which was to continue for nine Years, and to the End of the then next Session of Parliament.

By 1 Jac. 2. cap. 17. continued for Seven Years, and from thence to the End of the then next Session of Parliament: By Stat. 4 & 5 W. & M. continued for Seven Years, and to the End of the then next Session.

By Stat. 1 Geo. 1. cap. 46. Person cutting or procuring to be cut, Walnut-Tree Leaves, Hop-Leaves, Sycamore-Leaves, or any other Leaves, Herbs, &c. or colouring them, to make them resemble Tobacco, or selling the same mixed or unmixed with Tobacco, shall forfeit 5 s. for every Pound, and so in Proportion: One Moiety to the Crown, (which is to be at the Charge of the Prosecution) the other Moiety to the Prosecutor; to be recovered with full Costs in any Court of Record at Westminster. The like Penalty is inflicted for exporting such Leaves, and the same, and the Materials or Engines for cutting, colouring, &c. are forfeited, and may be seized by Officers of the Customs, &c.

No House, &c. shall be opened to search for Leaves, &c. and Tools, but at reasonable Hours, and not without a Special Warrant from two Justices where the Search is made; and that the Leaves, &c. which shall be found within the Limits of any Port, or within six Miles thereof, shall be brought to the next Custom-House; and if seized at a greater Distance, shall be secured by the Order of two Justices, at the King's Charge, till the Cause of Seizure be determined at the next, or at the farthest the second Quarter-Sessions after the Seizure; and after such Determination, the same shall be burnt or destroyed by an Order of Sessions, at the King's Charge.

Servants and Labourers employed in cutting, colouring, &c. any Leaves, &c. to resemble Tobacco, or in making such Mixture as aforesaid, or knowingly selling the same, shall be committed.

and being convicted thereof by the Oath of one Witness before two Justices, shall be committed to Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding six Months, without Bail.

Persons sued may plead General Issue.

Persons sued for doing any thing in Execution of this Act, may plead the General Issue, and may give the Act and Special Matter in Evidence; and if he recover, shall have treble Costs.

Colouring Snuff forfeits 3 s. per Pound.

Mixing or colouring Snuff with Tobacco-Dust, Oker, Umber, &c. or knowingly selling or exposing to Sale such mixed or coloured Snuff, forfeits 3 s. for every Pound of Snuff, and all the Snuff. One Moiety to the Crown, the other to the Informer, or to him who shall seize or sue for the same in a Court of Record. Stat. 1 Geo. 1. cap. 46. Exporting Tobacco-Pipe Clay incurs Forfeiture of Three Shillings a Pound, to be divided between the King and the Prosecutor, by Stat. 13 & 14 Car. 2. cap. 18.

13 & 14 Car. 2. c. 18.

A Warrant to commit a Servant or Labourer for cutting Leaves to resemble Tobacco.

1 Geo. 1. c. 46.
Two Justices.
One Witness.

* Or cutting any Leaves, or colouring them, or mixing them with Tobacco, or knowingly selling the same, or as the Case is.

Midd. ff. **W** Hereas A. B. of, &c. hath on the Day of the Date hereof, been duly convicted before us J. F. and J. S. Esqrs. two of his Majesty's Justices of Peace for the said County, by the Oath of L. M. of, &c. that he the said A. B. was on the first Day of June last, employed as a Servant in cutting Walnut-Tree Leaves, in Imitation of the usual Sizes which Tobacco has been cut to; contrary to the Law in that Case made and provided: We do therefore require you or one of you forthwith to convey the said A. B. to the common Gaol at L. in the County aforesaid, and to deliver him to the Keeper thereof: And we do hereby command the said Keeper to receive the said A. B. into his Custody, and to keep him in the said Gaol to hard Labour for three Months, without Bail; and for your so doing this shall be your Warrant, &c.

Coll.

Toll.

TOLL is usually taken either in Fairs, or Markets, or at Mills.

As to Markets, the Owner thereof, if he hath the Toll, should have a Brass Measure chained in the Market-Place, or he forfeits 5 *l. per Stat. 22 Car. 2. cap. 8.* Owner of Market must keep a Brass Measure, &c.

Toll of Market seems to be taxable towards Relief of the Poor. *M. 27 Car. 2. Vid. Dalt. 148.*

As for Horses sold in Markets, if the Toll-Taker does not know the Seller, he must bring a Voucher who does know him; and if such Voucher asserts a Falsity to the Toll-Taker, he forfeits 5 *l. 31 Eliz. cap. 12.* How Horses sold must be tolled.

If a Thief sells a stolen Horse by a false Name, and is so entred into the Toll-Book, such Misnaming maketh the Sale void. *Ibid.*

Toll-Gatherer for Horses taking above a Penny for one Contract, or not entering the Parties Names, and that in the same Place only where the Fair or Market is, and between Ten of the Clock in the Morning and Sun-Setting, loseth Ten Shillings. *2 & 3 P. & M. cap. 4.*

If the Toll-Taker refuse to give the Buyer a true Note of the Entry, paying 2 *d.* he forfeits 5 *l. per Stat. 31 El. cap. 12.*

As to Millers, if they take Toll by heaped Measure, they are to be grievously fined. *31 E. 1.*

And by 51 *H. 3. cap. 3.* if they take more than the 24th Part of the hard Corn, or by a Toll-dish, which does not agree with the King's Measure, or otherwise than by Strike, they shall be grievously amerced. 31 E. 1.
51 H. 3. c. 3.
What Toll Millers must take.

And they shall have no more than three Wine Pints of a Bushel of Hard Corn, and one such Pint of a Bushel of Malt, if brought to the Mill.

The Owner of a Fair or Market not appointing a Toll-Taker (where Toll is paid) or a Book-keeper to sit there from Ten o'Clock in the Forenoon, till Sun-set, shall forfeit 40 *s.*

The Toll-Taker or Book-keeper, not delivering in one Day after the Fair, &c. unto the Owner, a Note of all the Horses, &c. sold there, forfeits as before, to be divided between the King and Prosecutor. Justices at Quarter-Sessions may hear and determine the Offences aforesaid. *2 & 3 P. & M. c. 7.*

2 & 3 P. & M. c. 7.

Towns Corporate. Vide Mayors.

U 3

Trade.

Trade.

TR A D E is necessary and beneficial to this Island, and therefore to restrain it, is against Law, which abhors Idleness, but encourageth Industry, agreeable to the Christian Law; he that will not labour shall not eat; and on the contrary, in all Christian Countries it seems reasonable that all who are willing to labour should earn their Bread.

Bond not to use a Trade is void.

Hence it is that a Bond conditioned not to use a Trade is void, though not to use it in such a particular Place is good, the Restraint not being Absolute and General. 11 Co. 86.

5 Eliz. c. 4.

By Stat. 5 *El. cap. 4.* none shall exercise or use a Trade to which he has not been Apprentice seven Years.

None must set up a Trade unless Apprenticed Seven Years.

And Debt may be brought upon this Statute in the Courts at *Westminster*; but an Indictment upon it for using a Trade, not having been Apprentice to it seven Years, may be tried at the Quarter-Sessions.

This Act was designed for the Improvement of Trade and Manufactures; but some great Men, and in particular Judge *Twyssden* was of Opinion, that this Statute ought not to extend to Traders in Country Villages, but only to such as used Trades in Market-Towns or Corporations, without having served their Apprenticeships to those Trades.

At common Law every Body might set up any Trade, &c.

It is certain at common Law, before the Making this Statute, every Body might use what Trade they pleased, though they had not been Apprentice to it; and if he did it unskilfully, the Party damnified might have an Action on the Case, which, together with the Loss of his Trade, which must follow where Skill is wanting, was thought a sufficient Punishment; and therefore this Statute has not been always favoured or extended beyond its due Bounds.

And so still in One's own House.

One never being an Apprentice may use any Trade privately in his own House, so it be not for Gain. 11 Co. 54. 8 Co. 129, 130.

And hire Servants, but not take Apprentices.

And he may hire a Servant skilful in his Trade, but not an Apprentice. 8 Co. 129.

So Trades not requiring Skill, as a Pippinmonger, are not within the Statute.

What Trades are within the Statute.

It was the Opinion of my Lord *Coke*, that an Upholster is not a Trade within the Statute; but the later Opinions are otherwise. 1 *Roll. Rep.* 1. 2 *Bullst.* 186, 187. 1 *Sid.* 361. 1 *Lev.* 243. 2 *Keb.* 366, 378, 390, 408, 436, *Seller's Case.*

Information

Information against the Defendant for exercising the Trade of a Dyer, not having served seven Years. It appeared at the Trial that the Defendant was a Felt-Maker and dyed Hats, which being Part of his Trade, he was acquitted.

Indictment against the Defendant for using the Trade of a Barber, and against another for using the Trade of a Salesman, not having served seven Years. Adjudged that both those Trades are within the Statute; and this was upon a Demurrer to the Indictment.

Indictment against the Defendant for exercising the Trade of a Merchant-Taylor, is not within the Statute, because not used here before that Statute was made; for which Reason it was quashed. What not.

A Brewer is a Trade within the Statute, so adjudged upon a Writ of Error. 2 Cro. 178. *Sboyle v. Taylor.* 8 Rep. 129. 1 Sand. 311. Sid. 312. Sid. 427. S. C. Brewer within the Statute.

Note; By 9 Geo. 2. c. 11. Persons who have followed Distillation for seven Years last past, or on the 25th of March 1736. were serving any Apprenticeship to the same, may follow any other Trade, Art, Business or Manufacture in any City, Town or Place in England.

An Indictment for using a Trade not having been Apprentice to it.

Essex, ss. **T**HE Jurors, &c. do present, That A. B. late of L. in the County aforesaid, Yeoman, on the 20th Day of May in the Eighth Year of the Reign, &c. and continually afterwards, to the Day of taking this Inquisition, that is to say, on the 20th Day of August, being for the Space of three whole Months, at L. aforesaid in the said County, unlawfully for his own Gain used, exercised and occupied the Art, Mystery, or Manual Occupation of a Baker, that being an Art, Mystery, or Manual Occupation within this Kingdom of England, on the 12th Day of January in the fifth Year of the Reign of our late Sovereign Lady Elizabeth late Queen of England, &c. Whereas the said A. B. on the same 20th Day of May in the eighth Year of the Reign of our said Sovereign Lord the King, did not lawfully use and exercise the said Art, Mystery, or Manual Occupation of a Baker aforesaid, nor any other Art, Mystery, or Manual Occupation; nor was ever educated in the said Art, Mystery, or Manual Occupation of a Baker aforesaid, for the Space of seven Years as an Apprentice against the Form of the Statute in such Case made

Transportation.

and provided; and also against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

Transportation. Vide Corn, and Deer-Stealing, and Felony.

The Prices when Corn may be transported. Statutes. 01 12 00

CORN may be transported when it is at the Prices following, or under, if not prohibited by Proclamation.

		l.	s.	d.	
Wheat per Quarter.	{	Per 1 Jac. 1. c. 25. 21	01	06	08
		Jac. 1. c. 28.			
		Per 3 Car. 1. c. 4. ———	01	12	00
		Per 12 Car. 2. c. 4. ———	01	02	00
		Per 15 Car. 2. c. 7. ———	02	08	00

But by 22 Car. 2. cap. 13. any Person, Native or Foreigner, may transport any Sort of Corn or Grain, although the same exceed the Prices mentioned in 15 Car. 2. cap. 7.

By Stat. 1 W. & M. cap. 12. Wheat may be transported, if it exceed not per Quarter ——— 02 08 00

00 16 00

Barley per Quarter.	{	Per 1 Jac. 1. c. 25. 21	00	15	00
		Jac. 1. c. 28.			
		Per 3 Car. 1. c. 4. ———	00	16	00
		Per 12 Car. 2. c. 4. ———	01	00	00
		Per 15 Car. 2. c. 7. ———	01	08	00
Beans per Quarter.	{	Per 3 Car. 1. c. 4. ———	00	16	00
		Per 12 Car. 1. c. 4. ———	01	04	00
		Per 15 Car. 2. c. 7. ———	01	02	00
Malt per Quarter.	{	Per 1 W. & M. c. 12.	01	04	00
Oats per Quarter.	{	Per 12 Car. 2. c. 4. ———	00	16	00
		Per 15 Car. 2. c. 7. ———	00	13	04
Pease per Quarter.	{	Per 1 Jac. 1. c. 25. ———	00	15	00
		Per 21 Jac. 1. c. 28. ———	00	16	00
		Per 3 Car. 1. c. 4. ———	00	16	00
		Per 12 Car. 2. c. 4. ———	01	04	00
		Per 15 Car. 2. c. 7. ———	01	12	00
Rye per Quarter.	{	Per 1 Jac. 1. c. 25. ———	00	15	00
		Per 21 Jac. 1. c. 28. ———	01	00	00
		Per 3 Car. 1. c. 4. ———	01	00	00
		Per 12 Car. 2. c. 4. ———	01	04	00
		Per 15 Car. 2. c. 7. ———	01	12	00
		Per 1 W. & M. c. 12. ———	01	12	00

And

And by the Stat. 1 *W. & M. cap. 12.* it is enacted, ^{But it must be} that Corn to be transported must be shipped in *English* ^{in English} Vessels, the Master and two Thirds of his Seamen being ^{Ships.} the King's Subjects.

A Certificate under the Merchant's Hand must be brought to the Collector of the Customs, &c. in any Port, both of the Quantity and Quality of the Corn shipped. ^{And a Certificate must be brought under the Merchant's Hand, and proved upon Oath.}

This Certificate must be proved before the Collector, &c. upon Oath, which he is impowered to administer.

The Merchant, or other Person, must give Bond in the Sum of 200 *l.* for every Tun of Corn shipped, and so proportionably : The Condition thereof must be, that it shall be exported beyond Sea, (Dangers of the Sea excepted) and not reloaded in *England.* ^{Merchant must give a Bond of 200 *l.*}

And then the Merchant shall receive of the Collector, upon Demand, *viz.*

- For every Quarter of Barley or Malt, 2 *s.* 6 *d.*
- For every Quarter of Rye, 3 *s.* 6 *d.*
- For every Quarter of Wheat, 5 *s.*

^{The Bounty-Money to be paid to the Exporter, on a Certificate of the Corn's being landed.}

And the chief Magistrate of the Place beyond the Seas where the Corn was landed, certifying it under the Common Seal, or two *English* Merchants there, under their Hands and Seals ; and this Certificate being brought to the Person who took the Bond, he shall forthwith deliver it to be cancelled without any Fee.

And this Money paid by the Collector shall be accepted in his Accounts as so much paid to the King. ^{And allowed in the Collector's Accounts.}

By Stat. 11 *W. 3. cap. 1.* this Bounty-Money allowed upon the Exportation of Corn by the Act of 1 *W. & M. cap. 12.* is taken away after the 29th of *February* 1699, till the 29th of *Sept.* 1700. <sup>11 *W. 3. c. 1.*
1 *W. & M. c. 12.*</sup>

By Stat. 4 *G. 1. cap. 11.* any Person of the Age of 15 Years, and under 21 Years old, willing to be transported, and to enter into any Service in the King's Plantations in *America* ; any Person may contract with him for such Service, not exceeding eight Years, so as such Person so binding himself come before two Justices of Peace, where the Contract was made, and acknowledge his Consent, and sign the Contract in their Presence, and with their Approbation ; which said Contract, and their Approbation thereof, must be certified by them at the next General Sessions, to be registered by the Clerk of the Peace without Fee. <sup>4 *G. 1. c. 11.*
How Persons above 15 Years old may transport themselves.</sup>

Where

Court may order Offenders intitled to Clergy, to be transported.

Where any Person shall be convicted of Grand or Petit Larceny, or any felonious Stealing, and who by Law may have the Benefit of Clergy, and liable to be burnt in the Hand, or whipt; the Court, instead thereof, shall order such Offenders to be sent to some Plantations in *America* for seven Years, and may transfer them over to the Use of any Person contracting with another whom the Court shall appoint for the Performance of such Transportation for seven Years.

So of Persons buying stolen Goods, knowing them to be stolen.

But when the Offender is to be punished with Death without Benefit of Clergy, and shall be pardoned in order to be transported, the same being signed by a Secretary of State, then the Court may order the like Transportation of such Offenders; and likewise of any Person convicted of receiving or buying stolen Goods, knowing them to be stole, for 14 Years, and the Person who transports them shall have a Property in their Service for such respective Terms.

Returning before the End of the Term, may be executed as Felons attainted.

Returning before the End of the said Terms, they shall be executed as Felons attainted; but the King may dispense with the Transportation, and allow Offenders to return, paying their Owner such Sum, as by two Justices residing where he dwelt shall be judged reasonable; and where such Offenders shall have served out their Time, it shall have the Effect of a Pardon for the Crime.

Persons contracting for the transporting Felons must give Security, &c.

The Person, who shall contract with him appointed by the Court to transport those Criminals, shall, before they are transferred to him, give Security to the Person with whom he contracts, to transport them to some Colony in *America*, as the Court shall order; and to procure a Certificate from the Governor, or chief Custom-house Officer there, that they were landed, and that they shall not be suffered to return by the wilful Default of the Contractor or his Assigns. Stat. 4 G. 1. cap. 11.

4 G. 1. c. 11.
6 G. 1. c. 23.
Rescuing Felons ordered for Transportation is Felony without Clergy.
So is Felon returning from Transportation.

By Stat. 6 Geo 1. cap. 23. rescuing Felons or Offenders ordered for Transportation, and the Person aiding or assisting them in making their Escapes, is guilty of Felony, without Benefit of Clergy.

A Felon ordered for Transportation, who shall be afterwards at large within the Kingdom of *Great Britain*, without some lawful Cause, before the Expiration of the Term for which such Felon was ordered to be transported, being lawfully convicted, is guilty of Felony without Benefit of Clergy, and may be tried either in the County where apprehended, or from whence ordered for Transportation.

And

And a Certificate of the Clerk of the Peace, containing the Effect and Tenor of the Indictment and Conviction of such Felon, produced in Court, is a sufficient Proof.

The Lord Mayor of *London*, or one Justice of Peace of the City of *London*, and in all other Places two Justices, may allow of Contracts by Persons above 15 and under 21 Years of Age, with Merchants or others, for serving in the Plantations not exceeding eight Years. Contracts to be certified to the next Quarter-Sessions, and there registered, without Fee, by the Clerk of the Peace.

The Court, before whom Felons are convicted, may nominate and appoint, if they think fit, two or more Justices to contract for the Performance of the Transportation of such Felons to any of the Colonies and Plantations in *America*, and to order such sufficient Security as directed by 4 G. 1. cap. 11. and also to cause such Felons to be delivered by the Gaolers to the Persons contracting for them. Stat. 6 G. 1. cap. 23.

The Contracts and Security to be certified by the Justices to the next Quarter-Sessions held for the County, &c. to be filed and kept amongst the Records of such Courts; and the Quarter-Sessions are to order the Treasurer of the County, &c. for which the Court was held that ordered such Felons to be transported, to pay all such Charges and Expences to such Person or Persons as shall be employed for the Purposes aforesaid. *Ibid.*

All Securities for Transportation of Felons are to be by Bond, in the Name of the Clerk of the Peace of the County, &c. which said Clerks of the Peace and their Successors shall prosecute such Bonds in their own Names, (to which Purposes they are a Body corporate) and to be paid such Costs, Charges, and Expences, as the Quarter-Sessions shall direct, out of the publick Stock, by the Treasurer of the County, &c. *Ibid.*

The Persons contracting, and to whom such Felons are delivered in order to be transported, or the Persons directed by the Justices, may carry and secure them in and through any County of *Great Britain*; and any Person or Persons rescuing them, or any of them, or aiding or assisting in their Escape, shall suffer Death, as in Felony, without Benefit of Clergy.

The Clerk of the Assize, and the Clerk of the Peace, where such Orders for Transportation shall be made, and their Successors, shall, at the Request of the Prosecutor, or any other on the King's Behalf, certify a short Transcript, containing the Effect of every Indictment, Conviction, &c. and of the Order and Contract for Transportation, to the Court where such Offender shall be indicted, for which

Lord Mayor or one Justice of Peace may allow Contracts for Transportation.

Court may appoint two or more Justices to contract for transporting of Felons.

4 G. 1. c. 11.

6 G. 1. c. 23.

Treasurer of the County to reimburse the Charges by Order of Quarter-Sessions.

Securities for Transportation are to be in the Name of the Clerk of the Peace, &c.

Clerk of Assize or Clerk of the Peace his Certificate is Proof on an Indictment for returning from Transportation.

2 s. 6d.

2 s. 6 d. and no more, shall be paid ; which Certificate shall be a sufficient Proof, that the Person hath been convicted and ordered to be transported. *Ibid.*

Travelling beyond Sea.

Officers suffering Women or Children to go beyond Sea, forfeit their Places, &c.

OFFICERS of Ports, or Owners of Vessels, suffering Women or Children, under twenty-one Years of Age, to go, or carry them beyond Sea, without License of the King, or six of the Privy Council, under their Hands, forfeit their Office and all their Goods, and the Master of the Vessel forfeits his Vessel and all his Goods, and must be imprisoned for twelve Months, by Stat. 3

3 Jac. 1. c. 4.
5.

Subject going to serve a foreign Prince, if he does not take the Oath, is a Felon.

Jac. 1. cap. 4 & 5.

Any Subject going beyond Sea to serve any foreign Prince, if he does not take the Oath of Allegiance before the Comptroller and Customer of the Port, or his or their Deputy, is a Felon ; and he before whom the Oath is taken must register it, and certify it into the Exchequer once every Year, or forfeits 5*l.* for every Oath not certified.

Any Gentleman, or of an higher Degree, or Captain, or other Officer in the Army, before his going beyond Sea to serve any foreign Prince or State, must be bound by the Comptroller or the Customer of the Port, with two Sureties (allowed by the Officer) to the King, in Twenty Pounds, with Condition not to be reconciled to the Pope, nor to practise any Thing against the King, but to reveal what he shall know against him. The Comptroller or the Customer of the Port must register the said Bond, and certify it into the Exchequer once every Year, or forfeit 5*l.* for every Default. *Ibid.*

They who send Children beyond Sea, forfeit 100*l.*
3 Jac. 1. c. 5.]

They who send Children beyond Sea, forfeit 100*l.* for so doing ; one third Part to the King, another to him who sues, and another to the Poor. 3 *Jac. 1. cap. 5.*

Travellers.

Travellers.

IF an Inn-keeper or Alehouse-keeper refuse to lodge a Traveller, or to let him have Victuals or Drink for ready Money tendered, he may be indicted, fined, and imprisoned, or the Party grieved may have his Action. *Dalt.* 30. *Br. Action sur le Case* 76.

If Inn-keeper, &c. refuse to lodge a Traveller, he may be indicted and fined.

Traverse.

Vide also Indictments.

TRaverse, from the *French* Word *Traverser*, to run cross, to deny or contradict, is the denying the chief Matter or Point in the Indictment.

Notwithstanding Offer of Traverse, upon Enquiry of Force, the Justice of Peace must make the Restitution by the Statute of 8 H. 6. *cap.* 9. or else deliver or certify the Presentment in the King's Bench. *Lamb.* 158.

Traverse lies not to a Record of two Justices, of forcible Entry in their View, because they are Judges in that Case. 8 Co. 121.

That Court, that may award Process *ad respondend'* upon an Indictment, may take a Traverse of it; and where Process *ad respondend'* goeth out upon an Indictment that is traversable, the Party may offer and have his Traverse. *Lamb.* 542, 543.

In case of forcible Entry, the Justice may make Restitution, notwithstanding any Offer of Traverse; yet in this Case, the safest Way is to send the Indictment into the King's Bench, or accept of the Traverse: For the Tender of a Traverse (to an Indictment of a forcible Entry) upon the Statute of 8 H. 6. *cap.* 9. is no Superseas, but in Discretion; so as the Justice of Peace or Court may grant or stay the Restitution at their Discretion, according as the Truth of the Right or Title shall appear to them; and so is the Use of the King's Bench, or else the Justices of Peace, before whom the Indictment was found, may, after Traverse tendered, certify or deliver the Indictment into the King's Bench, and so refer

The Meaning of the Word.

Where, notwithstanding Traverse, Justice must make Restitution.

Where Traverse lies, where not.

8 H. 6. c. 9.

fer the further Proceeding thereon to the Justices of that Court.

When the Justices ought to allow a Traverse.

After Process is awarded against the Party, he may come in and submit to pay his Fine; or else he may offer his Traverse to the Indictment, and the Justices ought to allow his Traverse; the formal Words whereof are in *Latin*, *Absque hoc, &c.*

After Traverse, 'tis safest for Justices to send the Indictment, &c. to K. B. or Quarter-Sessions.

But although the Justices of Peace have Power in diverse Cases, as aforesaid (out of their General Sessions) to take Indictments, to award Process, &c. and the Offenders also have Liberty to come in and offer their Traverse, which the Justices are to allow of, and to receive; yet it is made a *Quare* by some, Whether the Justices (out of their General Sessions) may try such Traverse tendered to them (except in Cases of Riots and forcible Entries;) without which Trial, all the rest may seem idle: Or, Whether upon the Traverse tendered, they should not certify or send the Inquisition of the Indictment, so found before them, into the King's Bench, or unto their Quarter or General Sessions of the Peace, there to be tried and determined. However, it is safest in all Cases (after such Traverse tendered) to certify or deliver such Inquisition or Indictment into the King's Bench, or to their next Quarter-Sessions, and so to refer the Trial of the Traverse, and farther Proceedings therein, to them.

If one Justice of Peace alone will take upon him to record a Riot, the Party shall not be concluded thereby, for he may traverse it. *Fitz. Tit. Justice del P. 9. Lamb. 185.*

Treason.

Treason.

1. What is Treason against the King, Queen, &c.
2. What is Treason with respect to the King's Seal, Coin, &c.
3. What Acts against the Protestant Religion create Treason.
4. How Treason is to be tried.
5. Concerning Petty Treason.
6. Misprision of Treason.

1. *What is Treason against the King, Queen, &c.*

Treason (from the *French* Word *Trahir*) in general, is divided into High Treason and Petty Treason; of each of which I shall speak in their Order: And, first, of High Treason, (in *Latin* *Crimen lese Majestatis*, in *French* *Crime de lese Majesté*) which is the highest and most grievous Offence a Subject can commit against his Prince, and consequently the most severely punished, and seems levelled at the Destruction of the King, or of his Authority, or of the publick Peace and Safety of the Kingdom; and therefore an Offence at Common Law before the Statute *de Proditionibus* of 25 *E. 3. cap. 2.* which was but declarative of the Common Law, and was rather restrictive than augmentative; for before that Statute it lay in the Power of the Judges to determine what Crimes were Treason, and what not; which being found very uncertain, and in some Cases dangerous, that Statute was made, which continues the general Standard to this Day; for though more Treasons were created by several subsequent Laws, as appears by the Statutes 22 *R. 2. 2 H. 5. 6. 3 H. 5. 6. 8 H. 6. 4 H. 7. 18. 22 H. 8. 9. 26 H. 8. 13. 27 H. 8. 2. 28 H. 8. 10 & 18. 31 H. 8. 8. 32 H. 8. 25. 33 H. 8. 21. 35 H. 8. 1. and 1 *Ed. 6. 12.* yet they were all repealed, and the old Statute of 25 *E. 3. cap. 2.* reinforced by Statute 1 *M. cap. 1.* so that now there are no Treasons but those specified in Stat. 25 *E. 3. cap. 2.* and those which have been created by Acts of Parliament since 1 *M.* and which may be ranged under these six Heads or Species.*

Prax. Rerum
Crim. fo. 130.
c. 60 per tot.
3 Inst. 4.
See the
Form and Me-
thod of Trial
for High Treas-
on, printed in
1709. by Au-
thority.

Statutes.

The six Species of Treason are these :

1. Death. {
 1. By compassing or imagining the Death of the King, Queen, or Prince, and declaring the same by some Overt-Act.
 2. By killing the Chancellor, Treasurer, Justices of either Bench or of Assize, Oyer, and Terminer, in their Administration of Justice.
2. Violation. {

To violate or carnally know the Queen, the King's eldest Daughter unmarried, or the Prince of *Wales's* Wife.
3. ——— Levying War.
4. ——— Adhering to the King's Enemies.
5. ——— {

Counterfeiting the Great Seal, the Privy Seal, or the King's Coin.
6. ——— {

Bringing counterfeit Money into *England*, like the King's Coin.

1. By compassing or imagining the Death of the King. 13 H. 8.
12. Dyer 128.
7 Rep. 10.

1. By compassing or imagining the Death of the King.

Any Overt or open Act, manifesting a settled Design of levying War, or of deposing or imprisoning the King, is a sufficient Declaration of Compassing or Imagining the King's Death, &c. as providing Arms to effect it, sending Letters to incite wicked Persons to attempt it; writing to foreign Princes or States to invade this Kingdom; assembling People to get the King into their Custody. These and such like are Overt-Acts, sufficient to make one guilty of High Treason within this Branch of the Statute, especially if there is any other concurrent or collateral Proof, signifying to what End and Purpose such Acts were done.

It has been formerly held, that bare Words themselves might be laid as an Overt-Act of Treason, as in *Cro. Car.* 332. *Croghan's Case*, *Keiling* 13. But my Lord *Coke* in his Pleas of the Crown, fol. 14. is of another Opinion; and so the Law seems to be at this Day.

Consulting to kill the King, an Overt-Act of Treason.

Charnock was indicted for High Treason; and at his Trial the Question was, Whether Words could be an Overt-Act of compassing the Death of the King? Adjudged that loose Words, without any Relation to the Act itself, could not; but Words of Persuasion to kill him, are Overt-Acts of compassing his Death; and so is consulting how and

In what Manner to kill him. It is the bare Imagination which makes the Treason; and any external Act, which may be a Manifestation of such Imagination, is an Overt-Act.

By Stat. 13 Car. 2. cap. 2. if any, during that King's 13 Car. 2. c. 2. Life, should intend Death or Destruction, or any bodily Harm, tending to Death or Destruction, Maim or Wounding, or Restraint of the King's Person, or to depose him from the Style or Honour of the Imperial Crown of any of his Dominions, or to levy War against him, or to move any Strangers to invade any of his Dominions; and any such Intentions declared by printing, writing, preaching, or advised speaking, such Persons being convicted on the Oath of two Witnesses, upon Trial, or otherwise attained by Law, should be adjudged Traitors.

And one *Stahy* was tried upon that Act, and convicted and executed; but this Statute expired at the Death of that King.

Tho' now it is agreed, that Words set down in Writing may be an Overt-Act to prove the Compassing the King's Death.

And this was the Case of *Williams*, who wrote a Book called *Speculum Regale*, wherein he foretold the King's Death. 2 Roll. 88. Co. 3. Inst. 6.

So is the Printing any treasonable Position, as in *Twynne's* Case; *Kel. Rep.* 22. Or to say, The King being excommunicated by the Pope, may be deposed and killed; *Owen's* Case, 13 Jac. 1. Godb. 263. 1 Ro. Rep. 185.

So is the gathering Men together to compel the King to comply with their Demands, or to remove evil Counsellors, or to conspire with a foreign Prince or State to invade the Kingdom. Lord *Cobham's* Case, *Keyling* 21.

But a Man *Non compos mentis* cannot be Guilty within this Branch, &c. because he has not the Use of this Reason; but he may be guilty by attempting any Violence upon the Person of the King, &c.

And because a Civil War, and the Destruction of the People, are the natural Consequences hereof, therefore this was Treason at Common Law.

Some Overt-Act must be alledged and proved in every Indictment, &c.

A King before his Coronation; a King *de facto*, is a King within this Act; but the Husband of a Queen Regent, or the Right Heir to the Crown, not in Possession, is not so.

To intend to deprive, depose or disinherit, arrest or imprison the King, is High Treason; for the bare Imagination is the Treason.

gination is the Treason, tho' it ought to appear by some open Act; for a Crown can scarcely be taken off a King's Head, without the Loss of his Life as well as his Crown; and there is generally but a short Space of Time between a King's Imprisonment and his Grave.

What Queen. A Queen must be absolutely, and not a Queen Dowager.

What the Prince. The second Son, after the Death of the Eldest, the eldest Son of the Queen Regnant; but the collateral Heir apparent is not within this Statute.

2. By violating the Queen. This doth not extend to a Dowager. If the Queen consents, it is Treason in her; but there must be some open Act to manifest it, which must appear by plain, and not conjectural Proof; and the Offender must likewise be attainted in his Life-time; for if he die before Conviction, he cannot be attainted but by Act of Parliament.

This Offence was Treason likewise before this Statute, because it utterly destroyed the Certainty of the King's Issue, and by Consequence raised Contention about the Succession; and therefore *Britton, fol. 43. and Stamford, fol. 1. b.* say, that it was Treason then for any Man to deflower any other of the King's Daughters.

3. By levying War. 3dly, By levying War. To levy War against the King, &c. is High Treason; and detaining or holding a Castle or fortified Place against the King, is to levy War against the King.

Conspiracy or Compassing to levy War is no Overt-Act, &c. unless a War is actually levied. This appears by Stat. 14 *Eliz. cap. 1.* which made such Conspiracy Treason during the Life of that Queen; but if a War is actually levied, then the Conspirators are all Traitors, tho' not actually in Arms.

14 El. c. 1. And yet the meeting and consulting to levy War, tho' no War is actually levied, will be a sufficient Overt-Act to prove the Compassing and Imagining the Death of the King. *Kelyng 20.*

It is true, my Lord *Coke* in his Pleas of the Crown, *fol. 14.* is of a contrary Opinion, but that Opinion has been denied to be Law.

And if a Meeting and Consulting to levy War, tho' no War is afterwards levied, shall be a sufficient Overt-Act to prove the Compassing the King's Death; *a fortiori* it is so where War is actually levied. *Kelyng 20.*

Raising Forces without the King's Authority is Treason. Raising Forces for any publick End or Purpose, without the King's Authority, is Treason; as was the Case of *Cotton* and other *London* Apprentices, who assembled to pull down *Bawdy-Houses*. They chose Captains among themselves

elves, and marched in a warlike Manner ; they wounded the Constables, and opposed the Guards. All which was found specially at the *Old Bailey* ; and upon mature Consideration of the Fact, it was held to be Treason, and some of them were executed for it. 2 *Sid.* 388.

So in *Oxfordshire*, several conspired to pull down Enclosures, and to go to the Lord *Norris's* House for Armour, Horses, &c. and from thence to *London*, and to join with more ; this was held Treason. 2 *And.* 67.

Two or more conspired to levy War, and one of them afterwards actually raised Forces. This was held Treason in all, by the Opinion of all the Judges in Sir *Nicholas Trogmorton's* Case, who conspired with Sir *Thomas Wyatt*. *Dyer* 98. p. 56.

Some *London* Apprentices were committed for a Riot, and some other Apprentices conspired to release them, and to kill the Lord Mayor, and to provide themselves with Armour, by breaking open two Houses near the *Tower*. They had a Trumpet and a Cloak on a Pole for a Flag, and were going to the Lord Mayor's House, but were opposed by the Sheriffs, whom they resisted ; and this was held to be Treason by levying War.

4thly, By adhering to the King's Enemies ; by aiding, assisting, comforting them ; by sending them Money, Provision, Ammunition, &c. by surrendering any Fort or Castle to them for Reward, by selling or going over with any of the King's Ships of War, or giving the Enemy any Intelligence or Assistance, &c.

If the King's Subject becomes a Rebel, and flies beyond Seas, he is nevertheless not properly called an Enemy, but a Traitor, and shall have Judgment against him as such, and not as an Enemy, because an Enemy owes no natural Allegiance to the King, as a Subject does. And therefore if such a Person is succoured out of the Realm ; this, as my Lord *Hale* says, is not adhering to any Enemy within this Clause.

An Enemy coming into *England* in a warlike Manner, shall be executed by the Laws of War or Martial Law, but a Subject assisting him is a Traitor.

But there is likewise another Treason created by the Acts made 4 & 5 *Ann. cap.* 8. and 6 *Ann. cap.* 7. and that is, if any one shall maliciously, advisedly, or directly, by Writing or Printing, declare or affirm that the Queen is not lawful Queen, or that the Pretended Prince of *Wales* hath any Title to the Crown, or that any other Person hath a Right to it, otherwise than according to the Acts of Settlement made 11 & 12 *W. 3. cap.* 2. or that the Kings and Queens of *England* are not able

& 5 *An. c.* 8.
An. c. 7.
To declare by
Writing or
Printing that
the King is not
lawful King,
or that any
other have a
Right to the
Crown, &c. is
able Treason.

able by the Authority of their Parliaments, to make Laws sufficient to limit and bind the Crown of this Realm, shall be guilty of High Treason, and being thereof convicted and attainted, shall suffer Death and all Losses and Forfeitures, as in Cases of High Treason.

On these Acts one *Matthews*, who had printed a Pamphlet, wherein he affirmed that the Pretender had Right to the Crown, was tried, and by the Opinions of all the twelve Judges, was found guilty of High Treason, and thereupon executed.

Soby Words, if proved in three Days, and Prosecution in three Months.

And the same Acts provide, that if any one by Preaching, Teaching, or advised Speaking, shall declare, maintain, and affirm as aforesaid, such Person, being lawfully convicted, shall incur the Penalty of a *Premunire*.

But if the Prosecution be for Words, there must be Information given of such Words, upon Oath, to one or more Justices of Peace, within three Days after the Words are spoke; and then the Prosecution must be within three Months after such Information; and the Conviction must be by Oath of two credible Witnesses.

*Tis Treason to rescue a Traitor.

So to suffer him to escape.

So to extol the Pope's Authority in this Realm, &c.

5 El. c. 11.

13 El. c. 2.

23 El. c. 1.

3 Jac. 1. c. 4.

One imprisoned for Felony breaketh Prison, whereby a Traitor escapeth, it is Treason in him by the Common Law. *Cro. 35. a. N. 5.*

Voluntarily to suffer one to escape that is committed, or under Arrest for Treason, is Treason by the Common Law. *Stamf. 32.*

To extol the Authority of the Bishop of *Rome*, within any of the King's Dominions, and the Procurers, Counsellors, Aiders, and Maintainers thereof, the first Offence is a *Premunire*, the second Treason. *1 El. cap. 1. 5 El. cap. 11. Lamb. 411.*

Refusing the Oath of Supremacy, the first Offence is a *Premunire*, the second Offence is Treason. *5 Eliz. cap. 11.*

To obtain from *Rome*, or by any Authority from thence, any Bull or Writing, to absolve and reconcile such as will forsake their Obedience to the King, and yield it to the Pope, or give or take Absolution by Colour of such Bull, or publish or put in Use such Bull. *13 El. cap. 2.*

To absolve, persuade, or withdraw any Subject from their Obedience to the King, or to reconcile them to the Pope, or to draw them to the *Romish* Religion for that Intent, or move them to promise Obedience to any other Statute, or procure, counsel, or aid them that do it, is Treason. *23 El. cap. 1. 3 Jac. 1. cap. 4. Lamb. 220, 226, 412.*

To

To be willingly absolved, persuaded, withdrawn or reconciled to promise such Obedience, or to procure, counsel, aid, and maintain the same, is Treason; except, within six Days after their Return into the Realm, they submit according to the Statute 3 Jac. 1. cap. 4.

3 Jac. 1. c. 4.

2. *What is Treason in respect to the King's Seal, Coin, &c.*

5thly, Counterfeiting the Great Seal is Treason, but Compassing to do it is not Treason; for it must be actually counterfeited, and it must be like the Great Seal.

5thly, Counterfeiting the Great Seal, &c.

If the Chancellor put the Great Seal to a Patent, without a Warrant, it is no Treason now, though it was otherwise before the Making this Statute of 25 Ed. 3. cap. 2. as appears by *Britton and Bracon*, who wrote before that Time.

Putting the Great Seal to another Patent is not Counterfeiting (as my Lord *Coke* says) but a great Misprision. And this was the Case of one *Leake* of the Six Clerks Office, who glewed two Skins of Parchment so close together that it could not be perceived, and put a Label through both; and upon the Uppermost he wrote a Patent, and got the Great Seal affixed to the Label; then he took off the written Parchment, and left the Label hanging to the Blank. This was held not to be Treason, but only a Misprision.

Those who aid and consent to counterfeiting are within the Statute; but the Counterfeiting the Privy Signet is not Treason within this Act; but it is declared so to be by a subsequent Statute, viz. by 1 & 2 P. & M. cap. 11.

The Privy Signet.

1 & 2 P. & M. c. 11.

One *Robinson* counterfeited the Privy Seal, but he omitted some Words in the Stile, and added other Words on Purpose that there might be a Difference between the true Seal and the Counterfeit. He likewise counterfeited a Grant; and by the Help of this Counterfeit Privy Seal, he got the Great Seal affixed to his Patent, and collected Money by these Patents. This was declared to be High Treason. 2 Roll. Rep. 51. *Robinson's Case*.

6thly, To forge the Coin was Treason at Common Law, although the Offender did not utter it, and to counterfeit it is made so by the Statute 25 E. 3. cap. 2.

6thly, Clipping, Coining, &c.

25 E. 3. c. 2.

Clipping was not Counterfeiting, within the Meaning of Stat. 25 E. 3. cap. 2. but afterwards by 5 El. cap. 11. Clipping, Washing, Rounding, or Filing the proper Money of this Realm (for Lucre sake) or of Foreign Money made current here, was made High Treason. 2 Jones

Clipping, &c. is Treason.

5 Eliz. c. 11.

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X 3

After-

18 Eliz. c. 1.

Afterwards by 18 *Eliz. cap. 1.* Impairing, Falsifying or making light our Coin or Foreign Money made current here (for Lucre sake) was made Treason. These are Crimes of the same Nature with Clipping, but they differ in the Punishment, for these latter Offences work no Corruption of Blood.

If one coining Money by the King's Warrant, make it less in Weight than it ought to be, or shall coin false Metal knowingly, it is Treason; but coining Half-pence is not Treason, but is punishable. See the 15th of his present Majesty under Title *Coining*.

6 & 7 W. 3.

But in 6 & 7 *W. 3.* A new Law was made to prevent the Clipping, Diminishing, or Impairing the Coin of this Realm.

The Punishment of buying or selling Clippings, &c.

By it the Buyer or Seller of Clippings or Filings, or any Person who shall knowingly have them in his Possession, shall not only forfeit the same, but likewise 100 *l.* one Moiety to the King, and the other to the Informer; and shall also be burnt in the Right Cheek with the Letter *R.* and be committed till he pay the Fine.

Two Justices and Wardens of Goldsmiths Company may enter, &c.

And in order to discover such Offenders, it is enacted, That two Justices of Peace in any County, and one or more Wardens of the Company of Goldsmiths, with two or more of their Assistants, if within the Weekly Bills, &c. may enter the House of any suspected Person; and if resisted, may with the Assistance of a Constable, break it open and seize the Bullion and the Person, and carry him before the next Justice, who is to examine him upon Oath. *&c. viz.* Whether it was lawful Silver, and whether it was not the current Coin of this Realm, or the Clippings thereof, before it was melted; and if it is not proved by Oath as aforesaid, or by the Oath of a credible Witness, that it is lawful, and that the same was not Clippings before it was melted, then the Justices may commit the Person and secure the Bullion, and compel the Witnesses to enter into a Recognizance to prosecute. And if the Person on his Trial, on an Indictment for melting the current Coin, &c. shall not prove by the Oath of one Witness, that it was lawful Silver, and not the current Coin, &c. nor Clippings thereof, before it was melted, he must be found Guilty, and be committed without Bail, for six Months.

Apprehending such Offender, has 40 *l.* Reward.

He, who apprehends and prosecutes such Offender to Conviction, shall receive of the Sheriff 40 *l.* within a Month after Conviction, producing the Judge's Certificate. Casting Ingots of Silver, or stamping any Marks to imitate *Spanish* Bars, Penalty 500 *l.* and Forfeiture of the Silver so cast.

By

By 14 *El. c. 3.* if any shall falsly forge or counterfeit any Coin of Gold or Silver not current in this Realm, he and his Procurers, Aiders, and Abettors (after Conviction) shall be imprisoned and forfeit their Lands and Goods, as in the Case of Misprision of Treason.

14 *Eliz. c. 3.*
Forging Foreign Coin is Misprision of Treason.

By Stat. 13 & 14 *Car. 2. cap. 31.* none shall melt the Silver Money of this Realm, on Pain to forfeit it and double the Value; one Half to the King, the other to the Informer. The Offenders, if Freemen or privileged Persons of Cities and Corporations, shall be disfranchised, and made incapable of exercising any Trade by Virtue of the Privilege of the said City or Corporation; if not, they shall be imprisoned for six Months.

13 & 14 *Car. 2. c. 31.*
None to melt the current Coin.

By Stat. 1 & 2 *P. & M. cap. 11.* if any Person bring from beyond Sea into this Realm, or any of the Dominions thereof, any false or counterfeit Coin or Money (allowed to be current in this Realm) knowing it to be so, with Intent to utter the same here, by merchandizing or otherwise, both he and his Accessaries shall be adjudged Offenders in High Treason, and shall be adjudged and convicted, or attainted for the same, by such Evidence, and in such Form, as hath been used within this Realm before the first of *E. 6.* It must be counterfeit and made in Imitation of *English Money*, and brought from Foreign Parts, not within the Dominions of the King. It must not barely be uttered here, but it must be brought in and uttered by one and the same Person: If so it is Treason.

1 & 2 *P. & M. c. 11.*
If any bring in any counterfeit Coin, it is Treason.

By Stat. made 8 & 9 *W. 3. cap. 26.* they who make Puncheons or Dies knowingly, or mending, beginning, or proceeding to make them, or assisting therein, or any Edging-Tool or Coining-Press, or Cutting-Engine, or having in their Possession any such Puncheon, without any lawful Authority, shall be guilty of High Treason.

8 & 9 *W. 3. c. 26.*
Making Puncheons or Dies, &c. is Treason.

So likewise any Person conveying out of the Mint any Puncheon, Die, &c. and the Persons knowingly concealing the same, shall be guilty of High Treason.

Or stealing them out of the Mint.

The like Penalty on Persons making the Edges of any counterfeit Coin, and likewise on those who colour or gild any Coin in Resemblance of the current Coin, or round Blanks of base Metal, or gilding Silver Blanks fit to be coined.

And if any Puncheon or Die is found in the Possession of any Person not lawfully employed in the Mint, it may be seized and produced in Evidence against such Person, and then it shall be broke into Pieces; and so shall all counterfeit Money produced in Evidence. And this must be done in open Court, or in the Presence of some Justice of Peace, and then delivered to whom of Right it doth belong.

Falfe Money broke in open Court.

Blanching
Copper, and
putting off bad
Money for less
than Value, is
Felony.

Persons blanching Copper for Sale, or mixing blanch'd Copper with Silver, or buying or selling, or offering to Sale any malleable Mixture of Metals which shall be heavier than Silver, and look, and touch, and wear like Gold; or he who shall take, pay, or put off counterfeit milled Money, or any milled Money unlawfully diminished, and not cut in Pieces, for less than its Denomination doth import, every such Person shall be guilty of Felony. But this Act makes no Corruption of Blood, or Loss of Dower.

This Act being at first but Temporary, was by the 7 Ann. cap. 25. made perpetual. And whereas the Prosecution upon that Act was to be within three Months after the Offence, that Time was enlarged by this subsequent Statute, as to any Prosecution for making or mending, or beginning, or proceeding to make or mend any coinage Tool or Instrument therein prohibited, or by marking Money round the Edges with Letters; for in all these Cases the Prosecution may be at any Time within six Months after the Offence committed.

9 & 10 W. 3.
c. 21.
Any one may
break bad Mo-
ney.

By an Act 9 & 10 W. 3. cap. 21. it was made lawful for any Person to cut or break in Pieces any Silver Money tendered in Payment, which shall be diminished, or which by the Impression, Colour, or Weight, shall be suspected to be counterfeited; and the Person tendering the same shall stand to the Loss; but if it is full Weight and good Money, then the Person breaking it shall receive it at the Rate for which it was coined.

If any Dispute,
it may be de-
cided by the
Justice.

Any Dispute arising whether the Piece cut is counterfeit, if in a City or Town Corporate, shall be determined by the chief Magistrate; if in the County, then by the next Justice of Peace, who may administer an Oath, if they shall see it convenient.

Tellers of Ex-
chequer must
weigh the Mo-
ney, &c.

The Tellers and Clerks of the Exchequer, and the General Receivers of every Branch of the Revenue and Taxes, must cut every counterfeit Piece that shall be tendered in Payment; and the better to discover the same, shall weigh in whole Sums, or otherwise, all Silver Money by them received.

5 Eliz. e. 11.
18 Eliz. v. 1.

Counterfeiting the Coin was Treason by the Common Law; and it is held that Washing, Filing, Diminishing, &c. for Lucre sake, is Counterfeiting within the Meaning of the Stat. of 5 El. cap. 11. and the Counsellors, Consenters, and Aiders within the Statute 18 El. cap. 1.

1 Mar. e. 6.

Forging our Coin is Treason, and Forging Foreign Coin made current here, is likewise High Treason. Per 1 Mar. cap. 6.

Importing or Bringing in counterfeit Coin knowingly, is Treason, by the Stat. of 25 E. 3. cap. 2. But then it must be brought from a Foreign Nation, not under the Dominions of *England*, and it must be in Likeness of our Money, and the Importer must know it to be counterfeit, and must make Payment thereof; and one Witness is sufficient to convict the Offender. *H. P. C.* 262.

Uttering false Money, knowing to be so, is not High Treason, but a great Misdemeanor, and fineable.

But if he who utters it doth know who coined it, or if he supplied the Coiner with coining Tools, or with Silver, and Money is coined accordingly; in either of these Cases he who utters it is guilty of High Treason, because he is aiding and assisting to the Coining. *Kelynge* 33.

And here it may not be improper to mention the Value of Foreign Coins which pass in our Plantations abroad, the Currency whereof was settled by the Queen's Proclamation in *June 1704.* and the true Values of them, according to their Weight and Assays, are as follows:

Sevil Pieces of Eight, old Plate, 4 s. 6 d.

Sevil Pieces of Eight, new Plate, 3 s. 7 d.

Mexico Pieces of Eight, 17 Penny-weight, 4 s. 6 d.

Pillar Pieces of Eight, 17 Penny-weight, 4 s. 6 d.

Peru Pieces of Eight, old Plate, 17 Penny-weight, 4 s. 5 d.

Cross-Dollars, 18 Penny weight, 4 s. 4 d.

Ducatoons of *Flanders*, 20 Penny-weight, 5 s. 6 d.

French Crowns, 17 Penny weight, 4 s. 6 d.

Crusado's of *Portugal*, 11 Penny-weight, 2 s. 10 d.

Three Gilder pieces of *Holland*, 5 s. 2 d.

Old Rix Dollars, 18 Penny-weight, 4 s. 6 d.

The Halfs, Quarters, and others in Proportion; but none of *Sevil*, *Mexico*, or *Pillar* Pieces of Eight, though of 17 Penny weight and an Half, shall pass for more than Six Shillings a-piece, and the *Peru* Pieces of Eight and Dollars and other Foreign Coins, shall be regulated according to their Weight and Fineness, in Proportion to the Pieces of Eight of *Sevil*.

By Stat. 6 & 7 W. 3. c. 17. any one who apprehends 6 & 7 W. 3. and takes any Person who counterfeits any of the Coin of this Kingdom, or for Gain shall clip, wash, file, or diminish the same, or shall bring such into this Kingdom, and prosecute such Offender to Conviction, shall receive from the Sheriff of the County, within one Month after Conviction, the Sum of 40 l. producing the Judge's Certificate, &c. The Sheriff for refusing such Payment, forfeits double, to be recovered by Action of Debt, &c. and treble Costs.

Uttering false Money knowing it to be so, is fineable.

Any Person guilty of Clipping, &c. who shall discover two or more of the like Criminals, so as they shall be convicted thereof, such Discoverer shall have his Pardon; and if he be an Apprentice, his Freedom.

Bullion seized on Shipboard, and questioned whether *English* or Foreign, the Proof shall lie upon the Owners that the same is Foreign.

6 & 7 W. 3.
c. 17.

Bullion to be transported, forfeited if not entered in the Name of the true Owner; by 6 & 7 W. 3. cap. 17.

7 & 8 W. 3.
c. 19.

No Bullion must be shipped without a Certificate from the Lord Mayor, &c. if it is, then it is forfeited one Half to the King, the other to the Seisor, &c.

By Stat. 7 & 8 W. 3. cap. 19. no Person whatsoever shall ship or cause to be shipped any molten Silver or Bullion, either in Bars or Ingots, or any other Form whatsoever, without a Certificate from the Lord Mayor and Court of Aldermen of *London*, that Oath hath been made before them by the Owner of the said Bullion, and likewise by two or more credible Witnesses, that the said Bullion, and every Part thereof, is Foreign Bullion, and that no Part thereof was the Coin of this Kingdom, or Clippings thereof; or Plate wrought within this Kingdom; which Certificate is to be entered in a Book kept for that Purpose by the said Court; and such Certificate must be produced to the Commissioners of the Customs, before any Cocquet be granted for exporting such Bullion.

And the Owner forfeits double the Value, &c. and the Captain forfeits 200 l.

Any Officer of the Customs, or any other Person, may seize any Bullion whatsoever that shall be shipped off without Oath, Certificate and Entry as aforesaid, as forfeited; one Moiety to the King, the other Moiety to the Seisor. And the Owner and Proprietor of such Bullion shall forfeit double the Value thereof, one Moiety to the King, and the other to such Person as shall sue for the same, to be recovered with Costs of Suit by Action of Debt, &c. wherein no Privilege, &c. shall be allowed. And the Captain or Master of such Vessel (if belonging to a Subject) who knowingly permits such Bullion to be put on Board, shall forfeit to such Person as shall sue for the same, the Sum of 200 l. And if the Ship belongs to his Majesty, then beside the Sum of 200 l. the Captain shall also forfeit his Employment, and be made incapable of any other.

Every Commissioner or Officer of the Customs granting such Cocquet, forfeits 200 l. and is made incapable of any Office whatsoever. Proof lies on Owner, &c.

Every Commissioner or Officer of the Customs, who shall grant any Cocquet for exporting any Bullion, otherwise than as in this Act is appointed, shall forfeit 200 l. and be made incapable of any Office or Trust whatsoever.

In Case any Seizure be made, or Action be brought on any of the Forfeitures incurred by this Act, and Question should arise whether the Bullion in Question be Foreign or not, the Proof shall lie on the Part of the Owner or Proprietor; and unless he proves it Foreign Bullion, and that

no Part thereof was the Coin, Clippings, or Plate of this Kingdom, it shall be adjudged to be forfeited Bullion by this Act. 7 & 8 W. 3. cap. 19.

The Value of Gold and Silver, and the Mixture of Alloy here in *England* is as followeth, *viz.* One Penny-weight of Angel Gold is worth four Shillings and two-pence Half-penny; of Crown-Gold three Shillings and ten-pence Half-penny, and of Sovereign Gold three Shillings and Six-pence Half-penny. The Standard of Sterling Silver is Eleven Ounces, and two penny weights of fine Silver, and Eighteen Penny-weight of Alloy of Copper; so that twelve Ounces of pure Silver, without any Alloy, is worth three Pounds four Shillings and Six-pence, and One Ounce Five Shillings and Four-pence Half penny; but with Alloy the Pound is worth but 3 *l.* and the Ounce only 5 *s.* The Standard for Gold is in the Pound *Troy* Eleven Ounces of fine Gold, and One Ounce of Alloy.

The Value of Gold and Silver.

Our Gold is of equal Fineness with the *Spanish*, *French* and *Flemish*, but our Silver Coin has less Alloy in it than either *French* or *Dutch*.

Clipping, Washing, Filing, &c. is made Treason by 5 *El. cap. 11.* but then it works no Corruption of Blood, or Loss of Dower. 5 *Eliz. c. 11.*

And Forging it, if not current here, is Misprision of Treason in the principal Forgers, their Aiders and Abettors, by 14 *El. cap. 3.* By Stat. 29 *El. cap. 2.* no Record of Attainder of Treason shall be reversed where the Party attainted is executed for the same Offence. 14 *Eliz. c. 3.*

By a Stat. made 7 *W. 3. cap. 3.* great Alterations were made in Trials of Traitors, for before that Statute Men were committed for Treason, and their Friends were not suffered to come near them; they had neither Pen, Ink, or Paper, and did not know for what Treason they were committed, or by whom accused: If by Chance any Person advised them without Leave of the Court, he was punishable; and if upon the Arraignment the Prisoner desired Counsel upon any Point of Law, those Counsel must be ready to argue it *instantly*, and the Court did give Judgment as soon. 7 *W. 3. c. 3.*
The Law and Method for Trials in High Treason, &c.

It is true he had Liberty to except against any of the Jury, but that could be no Advantage to him, because he never had a Copy of the Panel to consider against whom to except.

When he produced any Witnesses, they were not to be examined upon Oath, &c.

But by this Statute it is provided, that a Person indicted for Treason, whereby Corruption of Blood may be made, or for Misprision of such Treason, shall have a Copy of the whole Indictment five Days before his Trial, he desiring the

the same; but then this must be before he pleads, for afterwards it is too late. 2 *Salk*, 634. And this is, that he may advise with Counsel, by two of whom he may make a full Defence, and his Witnesses are to be examined upon Oath. He is to pay for his Copy, not exceeding 5 *s.* but he is not to have the Names of the Witnesses for the King.

3. *What Acts against the Protestant Religion create Treason.*

To extol the Authority of the Bishop of Rome within any of the King's Dominions, and the Procurers, Counsellors, Aiders, and Maintainers thereof, the first Offence is a *Premunire*, the second Treason. 1 *El. cap. 1.* 5 *El. cap. 11.* *Lamb.* 411.

So to extol the
Pope's Authority
in this
Realm, &c.
1 *Eliz. c. 1.*
5 *Eliz. c. 11.*

So to bring over any Books that shall maintain, set forth or defend such Authority, and the Readers and Hearers that shall justify them. *Ibid.*

So Deliverers of such Books to others, with Allowance and Liking of the same. *Ibid.*

5 *Eliz. c. 11.*

So the Printers and Utterers of such Books are all within the Meaning of 5 *El. cap. 11.* *Ibid.*

For Jesuit, Priest, or other Ecclesiastick Person, (made by Authority from the Pope) to come into or remain in any of the King's Dominions, contrary to 27 *El. cap. 2.* is Treason.

If any of the King's Subjects (not being a Jesuit or Ecclesiastical Person) brought up in any Seminary beyond Sea, shall not (within six Months after Proclamation made in *London*) return into this Realm, and within two Days after his Return, (before the Bishop of the Diocese, or two Justices of the Peace of the County where he shall arrive) submit himself to the King's Laws, and take the Oath of Supremacy, (set forth 1 *El. cap. 1.*) he or they shall be adjudged to be Traitors. *Ibid.*

To convey, deliver or send, yield or give any Relief to or for any Jesuit or Priest, &c. or other Person abiding in any Seminary beyond the Seas, &c. is a *Premunire*.

To bring into this Realm any *Agnus Dei* Crosses, Pictures, Beads, or such like superstitious Things, and to deliver them to any Subject of this Realm, is a *Premunire*.

26 *H. 8 c. 13.*

Treason committed out of the Realm, may be tried where the King pleases in the Realm.

4. *How Treason is to be tried.*

By Stat. 26 *H. 8. cap. 13.* Treason committed out of the Realm shall be inquired of in such County, and before such Persons as the King shall appoint by Commission. And upon every Indictment and Presentment so found and certified into the King's Bench, like Process and Proceedings

ings shall be there had and made against the Offender, as if such Treason had been committed within this Realm. And all Process of Outlawry against such Offender, though out of the Realm, shall be as good in Law as if the said Offender hath been resiant in this Realm, and shall incur the same Forfeitures, &c.

By Stat. 35 *H. 8. cap. 2.* all Treasons, Misprisions of Treasons, and Concealments of Treasons committed out of the Realm, shall be inquired, heard, and determined before the Justices of the King's Bench, or before Commissioners in such County as the King shall assign, in like Manner as if the Offence had been committed in the same Shire where it is so inquired, heard, and determined. But a Peer shall be tried by his Peers. 95 *H. 8. c. 2.*

By Statute 28 *H. 8. cap. 15.* all Treasons, Murders, Robberies, Piracies, and all other capital Offences committed on the High Seas, or within the Admiral's Jurisdiction, shall be inquired into, tried, heard, and determined in such Places and Counties within the Realm, as shall be limited by the King's Commission, in like Manner as if such Offences were done at Land. Though by the Civil Law it must be tried before the Admiral. 28 *H. 8. c. 15.*
60 if done on the High Seas.

Indictment of High Treason for adhering to the King's Enemies, setting forth that he, with many *Frenchmen*, Enemies to the King, did navigate a Ship called the *Clancarty*, with a Design to destroy the King's Ships. It was objected that the Adhering was not alledged to be against the King, and that the bare Navigating, &c. was not an Overt-Act of adhering, without fighting, or some Act done in an hostile Manner. Adjudged that an Indictment for levying War or adhering to the King's Enemies, is not good, without shewing some particular Instances: For these Words, *viz.* (And be probably attainted by some Overt-Act) do immediately follow, and are connected to those Treasons; and that a distinct Overt-Act cannot be given in Evidence, but only such Overt-Act which relates to prove the Treason alledged in the Indictment. But in the principal Case adjudged that Adhering to the King's Enemies, is an Adhering against him; and that joining with Rebel Subjects, and fighting under the Command of an Alien Enemy, is adhering to the King's Enemies; and that navigating that Ship, without doing any hostile Act, is an Overt-Act of Adhering. 2 *Salk. 634.*

And no Man shall be indicted, tried, or Attainted of such Treason or Misprision, &c. but upon the Oaths of two lawful Witnesses, who shall both speak to the same Overt-Act of Treason, or to two different Acts, but of the same Treason, unless the Party is mute, refuseth to plead,

or challengeth above thirty-five peremptorily, or confesseth his Crime.

But such Offender may be outlawed, and if attainted by Outlawry, yet he may come in and be tried by Law, after such Outlawry, and he shall upon his Trial have the Benefit of this Act.

Where two or more distinct Treasons of divers Kinds shall be alledged in one Indictment, one Witness to one Species of Treason, and another Witness to another, shall not be two Witnesses within the Meaning of that Law, and no Evidence shall be given of any Overt-Act which is not expressly laid in the Indictment.

The Prosecution must be within three Years after the Offence committed, except it be for a Treason in designing or attempting to kill the King, which may be prosecuted at any Time.

All Persons indicted of Treason or Misprision of Treason, shall have Copies of the Jurors, who are to try them, two Days at least before their Trial; and all Persons so indicted shall have like Process to compel their Witnesses to appear for them as is usually granted for Witnesses against them.

No Indictment for any of the Offences aforesaid, nor any Process nor Return thereupon, shall be quash'd on the Motion of the Prisoner, for Miswriting, false or improper *Latin*, unless Exception for the same be made by the Prisoner or his Counsel, before Evidence given in Court. Nor shall any such Miswriting, &c. after Conviction, be Cause to arrest Judgment; yet any Judgment given upon such Indictment may be reversed upon a Writ of Error in the same Manner as if the Act had not been made.

When a Peer or Peeres is to be tried for Treason or Misprision of Treason, all the Peers who have a Right to sit and vote in Parliament, shall be duly summoned twenty Days at least before the Trial, and vote at the same having taken the Oaths by Law appointed, and subscribed the

30 Car. 2. c. 1. Declaration specified in the Act 30 Car. 2. cap. 1.

Not to extend to coining, &c

This Act is not to extend to any Impeachment or other Proceedings in Parliament, nor to any Indictment of High Treason, or any Proceedings thereupon, for counterfeiting the King's Coin, his Great Seal, Privy Seal, Sign Manual, or Signet.

6 Ann. c. 23.

The Method of finding Bills of Treason in Scotland.

By 6 Ann. cap. 23. it is enacted, That for the Trial of any Peer of *Great Britain*, committing High or Petty Treason, or Misprision of Treason, Murder or Felony in *Scotland*, Commissions may issue under the Great Seal of *Great Britain*, constituting Justices to inquire, by the Oaths of good and lawful Men of such County of

Scotland

Scotland as shall be named therein, of all such Treasons, Misprisions, Murders or Felonies, committed by a Peer of *Great Britain*; which Inquisition shall be taken in Manner as Indictments before Justices of *Oyer and Terminer* of any County in *England*, and be proceeded on in the same Method as such Inquisition found before such Justices, whereby any Peer is indicted before such Offence.

And such Justices shall issue Precepts to the Sheriff of such County, to return so many good and lawful Men of the same County, as may be sufficient to enquire of the said Offence; and twelve or more returned, being sworn, shall be sufficient to make Enquiry, and find any Indictment.

And if such Sheriff shall not summon a sufficient Number, or any Person summoned does not appear, the Justices may impose Fines, to be levied by Process out of the Exchequer.

An *English* Traitor pleading that he is subject to a foreign Prince, shall, notwithstanding, upon a *Nihil dicit* (recorded) have Judgment as a Traitor. *Dyer* 300.

To set at large unlawfully any Person committed to Custody for Treason, is Treason by the Common Law. *H. 6. f. 5. Stam. 32. 1.*

If a Person outlaw'd for Treason surrenders himself to the Chief Justice within a Year and a Day after the Outlawry pronounced, he shall be admitted to Trial. A Special Verdict finds against a Prisoner, that he was present among Traitors hallowing; yet if he is not found to be consenting, he is not guilty. *Raym. 1585.*

5. Concerning Petty Treason.

Petty Treason is when a wilful Murder is committed upon a Subject to whom the Murderer oweth Faith and Obedience; as, where a Servant killeth his Master, a Wife killeth her Husband, or joins to kill him, or an Ecclesiastical Person his Bishop or Ordinary. *25 E. 3. cap. 2.* What is Petty Treason. *25 E. 3. c. 2.*

This extends likewise to the Mistress who hath no Husband, and to the Wife of the Master.

If a Servant hath Malice against his Master whilst he is in his Service, and afterwards, being out of his Service, killeth him, this is Petty Treason; but killing him upon a sudden Quarrel, is Manslaughter. *3 Inst. 20.* Cases of it.

If

If the Servant procure another to kill his Master, who does it in his Presence, this is Petty Treason in the Servant, and Murder in the other; but if killed in his Absence, then the Servant is only accessary to the Murder.

So where the Servant intends to Murder another, and the Master is killed.

A Servant of the Age of thirteen Years killed her Mistress; and it was adjudged Petty Treason. *Co. 118.*

If the Servant induces one to beat his Master, and he kills him, this is Petty Treason in the Servant, if done in his Presence. *Crompt. 20.*

A Wife maliciously killeth her Husband, this is Petty Treason: The Husband maliciously killeth his Wife, this is but Murder.

The Wife and a Servant conspire to kill the Husband, and the Servant killeth him in the Wife's Absence, this is Petty Treason in them both: But if it had been done by a Stranger, she had been only accessary to the Murder; and then she shall be hanged and not burnt, because she, as Accessary, cannot be guilty of Treason, where the Principal is only guilty of Murder. But it is Petty Treason in her, if she be present in the House, though not in the same Room.

The Wife lays a poisoned Apple in a Place on Purpose to poison another, and her Husband takes it by Chance, and eats, and dieth of it within the Year and a Day; this is Petty Treason in the Wife, for she intended Murder.

The Wife poisoneth an Apple or other Thing, and delivereth it to *B.* (knowing nothing of the Poison) to give to *C.* and *B.* giveth it to the Husband, (without the Assent of the Wife) who eateth thereof in the Wife's Absence, and he dieth thereof, this is Petty Treason in the Wife.

It was antiently held, that it was Petty Treason for a Child maliciously to kill its Father or Mother, (although the Father or Mother, at the same Time, gave neither Meat, Drink, nor Wages to such Child) in Respect of the Duty of Nature violated. *21 Ed. 3. 17. Co. 7. 13. b. B. Treas. 6.* But it not being mentioned in the Statute *25 Ed. 3. cap. 2.* it is since held that this Statute shall not be construed by Implication, or according to Equity, *2. 3 Inst. 20. Bacon 53.* And therefore it shall not be Petty Treason, unless he was a Servant receiving Wages, as well as a Child.

Cases of it.

The Son or Daughter-in-Law killeth Father or Mother-in-Law, with whom they dwell, and have Meat and Drink, it is Petty Treason, although such Child take no Wages

Wages; but the Indictment shall be by the Name of Servant. *Dalison's Rep. 2 M. 1.*

Unto the Bishop of every Diocese, the Clerks within their Diocese do owe Faith and Obedience, which is called Canonical Obedience; and therefore, if a Clerk, or any Ecclesiastical Person, maliciously kills his Ordinary or Superior, to whom he owes Obedience, this is Petty Treason.

Aiders, Abettors and Procurors, are adjudged to be within this Act.

And whatsoever Act will prove Murder between Strangers, the same will be Petty Treason from the Servant to his Master, from the Wife to the Husband, and from the Clerk to his Prelate, *mutatis mutandis.*

N. B. There can be no Petty Treason, but where it includes a wilful Murder: As if a Servant kill his Master upon a sudden falling out, without Malice precedent, or by Misadventure, or *se Defendendo*; this is no Petty Treason: So of the Wife or Child.

The Sessions cannot indict for Petty Treason. The Justices may take Examinations, and send them to the Assizes, bind over Witnesses to prefer Indictments at the Assizes, the Record to be certified thither. *Comb. 405.*

The Judgment in Petty Treason for a Man, is to be Drawn and Hanged; for a Woman, to be burnt alive. Judgment and Forfeiture in Petty Treason.

In Petty Treason the Offender shall forfeit his Goods and Chattels; and the King in his Fee-Simple Lands shall have *Annum, diem & vasum*; and the Ecclesiastical thereof shall be to every Lord of his own proper Fee; but if the Offender have but an Estate-Tail in his Land, he forfeits them but during his Life. *Stamf. 186, 187.* And for Petty Treason, if the Husband be attainted, the Wife shall be debarred of her Dower. *Co. Lit. 37.*

Suspicion of Treason.

Misprision, from the French Word (*Mépris*) signifieth, What is *Misprision* in our Law, Neglect, Negligence or Contempt, *in our Law* and is when one knoweth that another hath committed, *in our Law* or is about to commit Treason or Felony, but was not consenting thereunto, and does not discover it to the King or his Council, or to some Magistrate, but conceals the Offence, so making a light Account of such Capital Offences. *Treason.*

Judgment and
Forfeiture in
Misprision of
Treason.

The Punishment of Misprision of Treason is a perpetual Imprisonment, Forfeiture of his Goods and Chattels for ever, and the Profits of his Lands, during his Life to the King.

But for Misprision of Felony, the Punishment is only Fine and Imprisonment by the Justices before whom he is attainted. *Hale's P. C.* 128, 129.

The King may cause one that hath committed Treason or Felony to be indicted only of Misprision; for every Treason or Felony doth include Misprision

Compounding of Felony is also Misprision of Felony at the least, if it be not Felony.

Misprision of Treason must be a bare Knowledge only; for if the Person consents to the Treason, he is a Traitor; and therefore the Party ought, as soon as may be, to reveal it to some Magistrate.

Cases of it.

If one knows upon what Design Persons are to meet, and accordingly meets with them, and hears them discourse of Treason, though he says nothing himself, or doth any Act towards it, yet this is Treason; for it is more than a Concealment.

But if he does not know upon what Design they met, and he casually hears their Discourses, and says nothing, and never comes again to their Consultations, this Concealment is only Misprision of Treason; but if he comes into their Company again, and hears their Discourses, and then conceals it, this is High Treason; for it sheweth his Approbation of their Designs: And this was the Case of Sir *Everard Digby* in the Gunpowder Treason Plot: And therefore the safest Way in these Cases, is to discover the Treason to some Magistrate; for if to a Person who hath not Authority to take an Examination, it may be a Question whether such a Discovery will acquit him from Misprision of Treason. *Kelynge* 22.

Aiders and Maintainers of Persons reconciling and reconciled to the Romish Religion, must in 20 Days make a Discovery of it to a Justice of Peace or higher Officer, otherwise it is a Misprision of Treason.

Judgment in High Treason.

Judgment in High Treason in all Cases (except counterfeiting the Coin) is, That the Offender shall be drawn to the Gallows, and there hanged by the Neck, and cut down alive, his Entrails taken out and burnt, his Head cut off, his Body quartered, and his Head and Quarters disposed of at the King's Pleasure.

But

But for counterfeiting Money, 'tis to be drawn and hanged, but not quartered.

In both Cases, Judgment is for a Woman to be drawn and burnt.

Coining is esteemed an inferior Sort of Treason, in respect to such as concern the Person of the King: And therefore, if drawing and hanging, but without quartering, is the Judgment for Coining, then it seems but reasonable it should be so for Clipping. *2 Vent. 254.* Tho' some of our Law Books seem to speak otherwise, as *Cro. Car. 383. Dyer 230. b.*

In Petty Treason.

For a Man, is to be drawn and hanged.

For a Woman, drawn and burnt.

In Felony.

The Offender is to be hanged till Dead.

In Petty Larceny.

To be whipt, and Forfeiture of Goods.

In Death by Chance-Medley.

There is no express Judgment, but the Goods are forfeited.

In Death se Defendendo.

The like as in Chance-Medley.

In Misprision of Treason.

Forfeiture of Lands during Life, of Goods, and perpetual Imprisonment.

But the Goods of these Offenders are not to be seized before an Indictment found, or removed before Attainder.

As to what relates to Executions, 'tis usually said, that in Treason the King may remit all other Parts of the Sen-

Treason.

tence, except cutting off the Head ; but in Felonies, the Judgment must be executed in the Method prescribed by Law ; and therefore, if in such Case the King should order a Criminal to be beheaded, when the Judgment is to be hanged, it would be Murder in the Sheriff and his Officers, and they must suffer for it without a Pardon.

But this seems to be a Mistake, for in the Reign of *Ed. 6.* the Duke of *Somerset* was attainted in Parliament of Felony, and yet was beheaded, which is no Part of the Sentence. And in the Reign of *Car. 1.* the Lord *Andley* was condemned likewise for Felony, and, by the Opinion of all the Judges, the Execution was changed from Hanging to Beheading.

In High Treason the Offender forfeits all his Lands in Fee or in Tail, or for Life or Years, from the Time of the Treason committed, and all his Goods and Chattels, of what Kind soever, from the Time of the Attainder or Conviction.

All Treason includes Felony, therefore if the Indictment wants the Word (*Proditorie*) a Pardon of all Felonies discharges it. *Co. Pl. Coron. 3 Inst. 15.*

Precedents of Informations, Indictments, Examinations, Warrants and Mittimus.

Information against a Person who has committed Treason, whereon to ground a Warrant.

The Information of *A. B.* of, &c. taken upon Oath before me *J. S.* Esq; one of his Majesty's Justices of Peace for the County of, &c. the Day, &c.

One Justice.

THIS Informant saith, That on, &c. last past, and at divers other Times and Places, he was present with *C. D. E. F. J. M.* and others, and did then and there bear them consult and conspire how to levy War against, and to depose and assassinate his sacred Majesty King George the Second that now is ; and further, that he knows the said Conspirators have provided Arms and other

other Things in order for the Execution of their said traitorous Designs.

A Warrant on the preceding Information, to search for and apprehend Persons who have committed Treason.

Essex, ss. **W** Hereas A. B. and C. D. have committed *15 E. 3. c. 2:*
 Treason, whereof I have received Infor- One Justice.
 mation upon Oath, made this Day before me: These are The Method of
 therefore (in his Majesty's Name) streightly to charge and Justices Pro-
 command you, and every of you, upon Sight hereof, without ceedings on
 any Delay, to make diligent Search for the Bodies of the Information of
 said A. B. and C. D. and them or either of them so found, Treason.
 to take and arrest, and immediately upon such Arrest, to bring
 before me at my House at K. in the said County; whereof
 you are not to fail at your Peril. Given under, &c.

When any of the said Traitors shall be brought before the Justice, he must take the Examination of them in Writing, (but not upon Oath); as also the Informations of the Accusers, which must be upon Oath; together with such other Circumstances as he in his Discretion shall think proper for the Discovery of such Treason.

The Form of the Examination may be thus:

T HE Examination of A. B. &c. taken before me One Justice.
 J. S. Esq; one of His Majesty's Justices of Peace for
 the County of E. the 3d Day of July in the first Year of
 the Reign of our Sovereign Lord George the Second, by the
 Grace of God, of Great Britain, France and Ireland King,
 Defender of the Faith, &c. and in the Year of our Lord
 1728.

The said Examinant, being duly examined, saith, That
 &c. And so set down every particular Answer that the
 Prisoner makes to the Questions demanded of him.

This being done, the Justice of Peace must take the
 Information of the Accusers, and such others as can give
 any Evidence material against the Prisoner, and their In-
 Y 3 formations

formations must be taken in Writing severally, and that upon Oath.

The Form whereof may be thus :

One Justice.

THE Information of J. M. of, &c. taken upon Oath, before me J. S. Esq; one of His Majesty's Justices, &c. the 3d Day of July in the first Year of the Reign of our Sovereign Lord King George, &c.

This Informer, being this Day examined upon Oath before me, saith, That, &c. And to set down at large all the material Circumstances that he shall declare, to prove the Treason; &c.

This being done, the Justice must make a Mittimus to send the Prisoner to the Gaol.

A Mittimus to the Gaol.

To the Keeper, &c.

One Justice.

Effex, ff. **I** Send you herewith the Body of A. B. brought before me this present Day, and charged with Treason: These are therefore (in his Majesty's Name) to command you, that, immediately upon Sight hereof, you receive the said A. B. into your Custody, and him safely keep in your said Gaol, till he shall be from thence delivered by due Course of Law.

This being done, the Justice of Peace must take a several Recognizance of every one of the Accusers, and of every one who can give Evidence against the Prisoner, to appear at the Assizes, &c.

In High Treason there are no Accessaries, but all are Principals; and therefore my Lord Coke tells us, that what will make a Man accessory to a Felony before the Fact, the same will make a Man a Principal in High Treason.

And when the Justice of Peace has sent the Traitors to Gaol, he ought to dispatch a Messenger, with the Examinations he hath taken, to one of his Majesty's Secretaries of State, in order that they may be proceeded against by the Attorney General, and other his Majesty's Counsel at Law, &c.

A

A Warrant to apprehend a Person for coining Money, and to seize his Instruments, &c.

Essex, ff. **W** Hereas A. B. of, &c. hath this Day made One Justice. Oath before me, that on, &c. last past, at the House of C. D. situate in, &c. he being in the next Room to a private Shop or Warehouse of the said C. D. (who is by Trade a Silver-Smith) through a Hole or Cranny in the Partition, Wall or Door, saw the said C. D. busy with many Tools and Instruments, in Making and Moulding some Pieces of White Metal of a round Form, and about the Size of Shillings and Half-Crowns, which he takes to be Coining of Money: These are therefore, in his Majesty's Name, to command you to apprehend the said C. D. and seize his Tools and Instruments and Money, which you can find in the Shop or House of him the said C. D. and that you do bring him, together with the said Tools and Instruments and Money (if any such you can find) before me, or some other of His Majesty's Justices of the Peace for this County, to be examined concerning the Premises, and to be dealt with according to Law. Given, &c.

A Warrant to commit a suspected Person, who could not prove that the Bullion was lawful Silver.

Essex, ff. **W** Hereas a certain Quantity of Bullion hath 6 & 7 W. 3. been lately found and seized in the Possession of L. M. of, &c. which said Bullion, before the Melting thereof, is suspected to be unlawful Silver: And where-as, upon the Examination of the said L. M. taken before us this present Day upon Oath, he hath not made sufficient Proof that the said Bullion before the Melting thereof, was not current Coin, or Clippings of such Coin, according to the Form of the Statute in that Case made and provided: These are therefore to command you to convey the said L. M. to the common Gaol at C. aforesaid, and to deliver him there to the Keeper thereof, together with this Precept; commanding also you, the aforesaid Keeper, to receive the said L. M. into your Custody and Gaol aforesaid, and him there safely to keep until he shall be from thence delivered by due Course of Law. And hereof fail not. Given, &c.

An Indictment for Coining and Uttering false Money, and against another for Relieving after the Offence.

Essex, ff. **T**HE Jurors, &c. do present, That L. M. of (such a Place) Butcher, not having the Fear of God before his Eyes, but moved by the Instigation of the Devil, on the 25th Day of August in (such a Year) at S. in the County aforesaid, falsely and traiterously forged, coined, and counterfeited Thirty Pieces of Pewter and other mixt Metals to the Likeness and Similitude of good, lawful, and current Money of this Kingdom of England called Shillings; and knowing the said Thirty Pieces to be so as aforesaid falsely and traiterously forged and counterfeited, he the said L. M. afterwards (that is to say) on the said 25th Day of August in the eighth Year aforesaid, at S. aforesaid in the County aforesaid and elsewhere, deceitfully, falsely and traiterously exposed, payed away and uttered five Pieces thereof to divers Subjects of our said Sovereign Lord the King for true, lawful and current Money of this Kingdom of England, to the great Prejudice, Fraud and Deceit of the Subjects of our said Sovereign Lord the King, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity; and also against the Form of the Statute in such Case made and provided.

And that the said N. O. of such a Place, &c. knowing the said L. M. to have done and committed the Treason aforesaid in the Manner and Form aforesaid, afterwards, that is to say, on the 5th Day of January in the Year aforesaid, at S. aforesaid in the County aforesaid, received and gave Relief to the said L. M. and concealed the Treason aforesaid against the Peace of our said Sovereign Lord the King, his Crown and Dignity, &c.

An Indictment against a Servant for killing his Master,

Essex, ff. **T**HE Jurors, &c. do present, That A. B. of such a Place, &c. such a Day and Year, &c. in the Dwelling House of E. F. at A. in the County aforesaid, Gent. with Force and Arms, that is to say, with a Sword of the Value of two Shillings, which the said A. B. then and there held in his Right Hand,

Hand, wilfully, and of his Malice forethought, made an Assault upon the said E. F. then being his Master, and in the Peace of our said Sovereign Lord the King, and feloniously and traitterously then and there smote and wounded the said E. F. then his Master, with the Sword aforesaid; and feloniously, traitterously, and of his Malice aforesaid, gave the said E. F. at A. in the County aforesaid, with the Sword aforesaid, a Mortal Wound in and upon the Right Side of his Belly, two Inches in Length, and one in Breadth, of which said Mortal Wound, he the said E. F. from the said 10th Day of June in the Year aforesaid, until the 5th Day of July next ensuing, at A. aforesaid, lay sick and languished, upon which said 5th Day of July in the Year aforesaid at A. aforesaid in the County aforesaid, died of the Mortal Wound aforesaid. And so the said Jurors do upon their said Oath declare, That he the said A. B. on the said 5th Day of June in the Year aforesaid at A. aforesaid, in the County aforesaid, of his Malice forethought, wilfully, feloniously, and traitterously, killed and murdered the said E. F. in the Manner and Form aforesaid, against the Peace of our said Sovereign Lord the King, his Crown and Dignity: And that the said L. M. of A. aforesaid, before the Treason aforesaid, committed by the said A. B. so as aforesaid, to wit, on the 7th Day of June in the Year aforesaid, at A. aforesaid in the County aforesaid, feloniously advised, excited, and procured the said A. B. to commit the Treason aforesaid, in the Manner aforesaid, against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

Against a Wife for Murdering her Husband.

Essex, ff. **T**HE Jurors, &c. do present, That A. B. late of such a Place, Widow, late the Wife of G. B. of A. in the said County, Gent. not having the Fear of God before her Eyes, but being seduced by the Instigation of the Devil, against the due Bond of her Matrimony, and contrary to the Love which she the said A. B. ought to have born towards the said G. B. her late Husband, of Malice forethought, on the 10th Day of June in such a Year at A. aforesaid in the County aforesaid, with Force and Arms made an Assault in and upon the said G. B. her Husband, then and there being in the

the Peace of God, and our said Sovereign Lord the King &c. (as in the former.)

Treasurers of the County-Stock. Vide also Stock of the Shire, and Bridges.

THE two Treasurers of the County-Stock for Relief of the poor maimed Soldiers and Mariners, Governors of *Bridewell*, and Collectors for the Prisoners in the Common Gaol, are to be chosen by the Majority of the Justices of Peace at the Quarter-Sessions next after *Easter*, and not elsewhere. So also the Treasurer for the Relief of the Prisoners in the King's Bench and Marshalsea, is to be chosen by a Majority of the Justices of Peace at the same Quarter-Sessions, and not elsewhere, and is to continue but for one Year, and then at the next *Easter*-Sessions to give up his Account to his Successor, within ten Days after the Sessions; by Stat. 43 *Eliz. c. 3. sec. 14.*

43 *Eliz. c. 3.*
sect. 14.

The Collector of the Money for the Relief of the Prisoners in the Common Gaol, is to be chosen by the Justices in Quarter-Sessions, and not elsewhere, and may be longer than a Year in his Office; by Stat. 14 *Eliz. cap. 5.*

14 *Eliz. c. 5.*

And if he refuse the Office, or having accepted it refuse to give Relief, or Account, the Justices in Sessions may fine him, but not under Three Pounds, to be levied by Distress, &c. by Warrant of two Justices, to be appointed by the rest at Quarter-Sessions; by 43 *Eliz. c. 3.*

43 *Eliz. cap. 3.*
sect. 16.

The Money is usually collected by the Church-wardens of every Parish in the County, who are to pay it over to the High Constables, Ten Days before every Quarter-Sessions; and the High Constables are at the Sessions to pay the two Treasurers the Money collected for maimed Soldiers, but that collected for Gaols is to be paid quarterly to the Lord Chief Justice and Knight Marshal, in such Sums as the Justices of Peace shall think fit.

In Default of Payment of the Gaol-Money, the High Constable forfeits 20*s.* every Time, and 40*s.* for the maimed Soldiers Money.

If the Default is in the Church-wardens and Petty Constables, then for Gaol-Money they forfeit 10*s.* and for Soldiers Money 20*s.* each Time, which Forfeitures are to be

be levied by the Treasurer, by Distress and Sale of the Goods of the Defaulter.

See the late Acts for the better levying of County Rates.

Trees. Vide Blood and Hedge-breaking.

Trial. Vide also Jurors, Riot, and Treason.

Regularly Indictments must be found in the proper County where the Offence was committed, and the Trial must be by Jurors of that County, unless it be otherwise provided by Statute, as by 1 & 2 P. & M. 1 P. & M. c. 4. cap. 4.

But by Stat. 2 & 3 E. 6. cap. 24. where one is feloniously stricken or poisoned in one County, and dieth of that Stroke or Poisoning in any other County, the Offender may be tried thereupon in all Points, as if such Stroke or Poisoning had all happened in one and the same County, but the Jury to be of both Counties, and the Trial to be where the Party dies; so where Accessaries are in another County. 2 & 3 E. 6. c. 24. Trial of Indictment where one is struck in one County, and dies in another.

Also an Appeal may be so prosecuted as well against the Principal as Accessary, as well by Trial by a Jury as otherwise.

The Trial of an Alien who lives here under the Protection of our Laws in Petty Treason, Murder, or Felony, shall be (*per medietatem linguæ*;) but not in High Treason. 1 & 2 P. & M. cap. 10. Per medietatem linguæ, but not in Treason. 1 & 2 P. & M. c. 10.

But such a Trial *per medietatem linguæ*, is not to be allowed *ex officio*, or *ex debito Justitiæ*, but at the Prayer of the Offender; for if he doth not desire it, it is to be at Common Law, and by a Jury of *Englishmen*. *Dyer* 114. b. It must be on the Prayer of the Prisoner.

If a Man commits Treason in *Ireland*, he may be tried here, and this was *O Rook's Case*. 1 *And.* 362.

By Stat. of 20 H. 6. cap. 9. Trial of Peeresses for Treason or Felony, shall be as Noblemen Peers of the Realm, and not otherwise. 20 H. 6. c. 9. Noblewomen tried as Peeresses.

By Stat. 28 H. 8. cap. 15. Murder, Robberies, Piracies, and all other capital Offences committed on the Sea, or any other Place where the Admiral pretends Jurisdiction, shall be tried in such Counties within the Realm as shall 28 H. 8. c. 15. Murders, &c. on the Sea, to be tried in the Realm.

shall be appointed by the King's Commission, in like manner as if the same had been done at Land.

By Stat. 33 H. 8. cap. 23. it is enacted, That if a Person is examined by three of the King's Counsel upon Treason, Murder, &c. and confesseth it, or is suspected by the Counsel to be Guilty, in such Case the King by a Special Commission may have the Offender tried in any Place. 33 H. 8. cap. 23. 1 And. 194.

One Grewil was examined before the Council, as Accessary to a Murder in *Wackwickshire*, and it was adjudged that he should be tried there, because he was examined as an Accessary, and not for the Murder itself. 1 And. 194.

Where Peers are to be tried by a Jury. Though in Cases of Treason, Misprision of Treason, and Felony, Noblemen as well as Commoners are to be tried *per Pares*, *Magna Charta*, cap. 29. yet in Riots, Routs, unlawful Assemblies, and such like, the Nobility shall be tried by a Jury of Commoners. *Lamb.* 539.

All Foreign Pleas, triable by Jury, and pleaded by any indicted of Treason, Murder or Felony, shall be tried in the County where the Prty is arraigned, and by Jurors of that County. 22 H. 8. cap. 14. 35 H. 8. cap. 2.

Where Bishops, Judges, &c. are to be tried. He who is no Lord of Parliament being arraigned for Treason or Felony, shall be tried by the Knights and others, and not by Lords of Parliament. So shall Bishops, Judges, &c. by Reason that they are Lords of Parliament by their Office, and not in respect of their Birth; so of Lords Sons in their Father's Life-time. 1 Cro. 110. b. *Nu.* 6. *Stamf.* 143. a.

How Crimes committed in Scotland. Crimes (by the Law of England) committed in Scotland by Persons flying into England, and apprehended in *Northumberland*, &c. upon Examination and Proof before four Justices of Peace, may be remanded into Scotland by their Warrants under Seal, in order to be tried. 7 Jac. 1. c. 1.

How of Felony within the Verge. Trial of Felony, by a King's Servant conspiring the King's (or Lord's, &c.) Death, is by a Jury of the Check-Roll before the Steward, Treasurer, or Controller of the King's House.

Where Justices may convict by Examination or Witnesses. In some Cases the Justices may convict the Offender by the Examination of Witnesses, as on the Stat. 33 H. 8. cap. 1. for counterfeit Letters and false Tokens, and upon the Stat. 21 H. 7. cap. 17. for taking Hawks Eggs and Swans Eggs; so on the Stat. 43 El. cap. 6.

Demurrer to the Evidence. If the Prisofer will demur in Law upon the Evidence, the Justices ought to record it, that it may be argued. *Fitz. Endit.* 27.

Felons for Forgery by 5 *El. cap. 14.* after a former Conviction, cannot be tried by Justices of Peace. The like Law (as it seems) of a Servant taking his Master's Goods after his Death, because they cannot take Notice of his Default in the King's Bench. 33 *H. 6. cap. 1.* So likewise for imbezilling the Records in any Court at *Westminster*, 8 *H. 6. cap. 12.* nor of such as are indicted of Felony before the Coroners, Justices of Gaol-Delivery, and of Oyer and Terminer.

5 *Eliz. c. 14.*
What cannot be tried by Justices of Peace.

33 *H. 6. cap. 1.*
8 *H. 6. cap. 12.*

A *Scotchman* shall be tried by a Jury of *Englishmen*, and not by an Enquest *de medietate linguæ*, and this at Common Law, for he is reputed a Subject, and not an Alien. *Dyer. 304.*

Scotchmen not to be tried per medietatem linguæ.

You cannot indict and try the same Sessions, unless by Consent of Parties, unless in Cases capital. *Jones's Rep. 379. Cro. Car. 438, 448. 2 Roll. Abr. 625. 1 Sid. 99. 335. Co. 3 Inst. 164. 2 Cro. 404. Dyer 56. Sid. 335. Bamstead's Case, Hil. 11 Car. 1.*

Cannot indict and try the same Sessions, unless by Consent of Parties, or in Cases capital.

The Lord *Sanchar* at *Westminster* in *Middlesex* procured *R. C.* to kill *J. T. R. C.* with *J. J.* killed *J. T.* in *London.* *R. C.* and *J. J.* were tried as Principals, in Term-Time in *London*, and convicted; and the Lord *Sanchar*, as Accessary, was tried in *B. R.* in *Westminster*, upon 2 & 3 *E. 6. cap. 24. Trin. 10 Jac. 1. Co. Lit. 9. f. 117. a. Lord Sanchar's Case, 7 S. T. 86.*

Lord Sanchar's Case.

If a Man be feloniously Stricken or Poisoned in one County and dies in another County, the Indictment and Trial must be in the County where the Death doth happen. *Co. 3 Inst. p. 48, 49.* But if the Acts which make up a Felony be committed in two Counties, this is not holpen by any Statute yet made. *Co. 3 Inst. 73.*

But now by a Statute made 2 *Geo. 2. cap. 21.* where any Person shall be feloniously Stricken or Poisoned on the Sea, or at any Place out of *England*, and shall die of the same Stroke or Poisoning in *England*; or where any Person shall be feloniously Stricken or Poisoned at any Place in *England*, and shall die of the same Stroke or Poisoning on the Sea, or at any Place our of *England*; an Indictment thereof found by Jurors of the County, in which such Death, Stroke or Poisoning shall happen, whether it be before the Coroner on View of the Body, or before Justices of Peace, or other Justices or Commissioners, who shall have Authority to inquire of Murders, shall be as effectual in Law, as well against Principals as Accessaries, as if such Stroke, Death or Poisoning, and the Offence of such Accessaries had happened in the County where the Indictment shall be found; and the same Proceedings shall be had in all Courts, both against Principals and Accessaries, and the Offenders

2 *G. 2. c. 21.*

Offenders shall answer upon their Arraignments, and have the like Defences, Advantages and Exceptions, (except Challenges for the Hundred) and shall receive the like Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties as they ought to do, if such felonious Stroke or Poisoning and the Offence of such Accessaries had happened in the County where the Indictment shall be found.

Where the Offender may be indicted and tried the same Day.

The Defendant was indicted and tried the same Sessions for a Barretry, and was convicted and instantly fined 40 *l.* and committed *quousque*, &c. A *Certiorari* was brought, and the Proceedings removed, and a *Habeas Corpus*, and the Party brought up, who would have discharged himself by Exceptions to the Indictment; but resolved that he could not, because Judgment being given he must bring his Writ of Error; which he did, and assigned for Error that he ought not to have been tried the same Sessions, but the next; but not allowed, for the Party being present may be tried as well the same Day as at another Time. And presently after Conviction, the Justices of Peace may impose a Fine, and commit to Prison till the Fine be paid. *Trin.* 14 *Jac.* 1. 1 *Cro. Jac.* p. 404. *Jenk.* 317. *Rice v. Regem.*

With this Judgment agrees *Co. 4 Inst.* p. 164. *Co. 2 Inst.* 568. *Term Hill.* 14 & 15 *Car.* 2. *B. R. Sid. Rep.* 1. p. 99, 97. 2 *Keb.* 419, 427, 432, 434. *Rex v. Sadler.*

But it was the Opinion of the Court, that Justices of Peace cannot hear and determine the same Day, unless by Consent of Parties. *Pasch.* 19 *Car.* 2. *B. R. Sid.* 1. p. 334. 2 *Keb.* 212, 226. *Brown's Case*, where *Brown* was indicted of Barretry before the Justices of Peace, and tried the same Day, and Judgment against him. Upon a Writ of Error the Judgment was reversed. And the Court after considering it, declared that Justices of Oyer and Terminer, as well as of Gaol-Delivery, might try the same Day, without Consent of Parties; but Justices of Peace cannot hear and determine the same Day, unless it be in Capital Cases where the Offender is in Custody: And they reversed the Judgment, and so the Practice is at this Day.

Case of Trial for Burglary and Felony.

If one break a House in the Night, and steal Goods of several Men, and be indicted for that Burglary, and Stealing the Goods of one of the Men, and be acquitted, he cannot be afterwards tried for the Burglary, but may for the Felony, for stealing the Goods of the other Men. By the Opinion of Chief Justice *Hyde* and *Bridgman*, Judge *Kelynge* and *Wylde*, 20 *April.* 16 *Car.* 2. at *Newgate* Sessions.

sions. *Kelynge Rep.* 30. *William Turner's Case*, p. 52. Same Point in *Jones and Brewer's Case*.

As for the Trial and Conviction of Offenders before one or more Justices of Peace, out of the General Sessions, which is appointed and authorized by divers Statutes, it must be according to the said Statutes and not otherwise. Sometimes it may be before one, sometimes it cannot be before less than two Justices of Peace, sometimes it may be out of any Sessions, sometimes it must be at a private Sessions, sometimes it is by the Justices own View or Hearing, sometimes it cannot be done but by other Proof. But where the Statute does not direct the Way, but says Justices shall hear and determine, and says not how or where, as 26 H. 6. c. 10. 5 El. cap. 9. there it must be by the Ordinary Way, which is by Indictment. And so it may be also if the Justice please, where it may be done another Way.

Of Conviction before Justices of Peace.

26 H. 6. c. 10. 5 Eliz. c. 9.

Sometimes the Statutes speak of Proof, and then it must be by Proof of Witnesses only; sometimes it is by Examination and Proof. Sometimes the Conviction is to be by two Witnesses or Confession, sometimes by Witnesses or View, sometimes by View or Hearing only, sometimes by two Witnesses, View or Confession, sometimes by one Witness, View or Confession, sometimes by one Witness or View, sometimes by one Witness or Confession, sometimes by View or Information, sometimes by Proof of one Witness, sometimes by Proof of two Witnesses. In all Cases the Justices ought carefully and heedfully to pursue the Direction of the Statute.

N. B. In these Cases, and all other Cases where the Justice of Peace is to take such Examination of Witnesses, or such other Accusation or Proof aforesaid; tho' the Statute doth not expressly set down that 'it shall be upon Oath, yet it is fit that the Justice doth it upon Oath. For Mr. *Brook*, and also Mr. *Lamb*. 517. were of Opinion, that these Examinations taken by Justices of Peace, ought always to be upon Oath, the rather because the Trial in these Cases depends wholly upon these Examinations: Yea in all other Cases wheresoever any Man is authorized to examine Witnesses, such Authority to examine shall be taken and construed to be in such Manner as the Law will, which is only by Oath. *Dalt.* 377.

And in all Cases it is of common Right, that the Offender be heard, or at least summoned, and make Default, before he can be legally convicted. And the Justice ought to make and keep by him a Record of all the Proceedings, especially if there be a Commitment. 1 *Salk.* 181. 6 *Mod. Ca.* 41. 96 *Holt* 157.

A Sum-

T^rial. T^rophy-Money.

A Summons is necessary in all Summary Convictions; except the Party appears before the Justices without it. And upon Complaints made the Justices ought to make a *Memorandum*, and issue a Summons; and if the Person against whom such Complaint is exhibited will not appear, or cannot be found, the Justices may proceed. *6 Mod. Ca. 41. 1 Salk. 181. Holt 197.*

Infamy flows from the Nature of the Crime, and the Conviction thereof, and from the Punishment of it. *2 Salk. 690. Ford's Case.*

But a Defendant appearing excuses the Defect of Summons. *Black. 94.*

Trophy Money.

No Trophy-Money to be raised till the Quarter-Sessions have allowed last Accounts.

12 An. c. 10. 8.

1 G. 1. c. 11. continued for 7 Years by *9 G. 1. c. 8.* And Collectors of Trophy Money must account for it at Quarter-Sessions.

THE Lieutenant shall not issue out any Warrants for levying Trophy-Money, till the Justices of Peace, or the major Part of them at their Quarter-Sessions; shall have examined, stated and allowed the Accounts of the Trophy-Money last raised, levied, and collected, for any preceding Year, and certified such Examination of the said Accounts, under the Hands and Seals of three or more of them, to the respective Lieutenants or their Deputies. *Stat. 12 An. cap. 10. 12 Ann. cap. 8.*

And by *Stat. 1 G. 1. cap. 11.* the Collectors of the Trophy Money must account for it at the General Quarter-Sessions, within twelve Months after the Receipt thereof, and pay the Balance to the Treasurer appointed to receive the same, within one Month, on Pain of forfeiting treble the Sum unaccounted for or unpaid; one Moiety to the Use of the County, as the Justice shall appoint, and the other Moiety to him who will sue for it.

Turnpikes. See Highways.

Warrants,

Vagrants, Vagabonds, Rogues and Beggars. Vide also House of Correction.

1. Concerning Vagrants and Vagabonds.
2. Of Rogues and Beggars how to be punished.

THE Statutes which relate to Vagrants, Vagabonds, Rogues, &c. are 39 *El. c. 4*. 17. 43 *El. c. 2*. 1 *Jac. 1. c. 7*. 21 *Jac. 1. c. 28*. 7 *Jac. 1. c. 4*. 5 *El. c. 4*. 13 & 14 *Car. 2. c. 12*. 11 & 12 *W. 3. c. 18*. 1 *Ann. c. 13*. 2 *Ann. c. 6*. 5 *Ann. c. 32*. 12 *Ann. c. 23*. 6 *G. 1. c. 19*. 10 *G. 2*. 13 *G. 2*. 14 *G. 2. c. 33*.

And those who have a mind to read what the Law-Books speak more fully concerning them, may consult *Jenkin's Rep.* 318. 2 *Bull.* 251 & 358. 2 *Cro.* 577. *Jenkin's Rep.* 316. *pl. 16*. *Stili's Rep.* 168. The Parish of *Hardington* and *Brisly*. 2 *Roll's Rep.* 172. *Rex ver. Hollingfworth*.

But some of these Statutes being repealed wholly, and others in Part, by Stat. 12 *Ann. c. 23*. I shall first mention some Parts of the old Statutes, which still remain in Force, and then treat of the said Statute of 12 *Ann. c. 23*. which is now as it were the Standard of the Laws on that Head, at this Day.

1. Concerning Vagrants and Vagabonds.

A Vagrant in our Law, is one who wanders about without a lawful Passport, having no Place or Being from his last Place of legal Settlement.

A Vagabond, *Vagabundus, qui errat per mundum*, is one who without a lawful Passport wanders about from his Place of legal Settlement, and liveth idly and loitring.

The Wife being a Vagrant Rogue must be sent to her Husband, though he be but a Servant in another Town. The Wife to be sent to her Husband.

Before the Stat. 12 *Ann. cap. 23*. one who had gained a Settlement, and afterwards became a Vagabond, should have been sent to the Place of his Birth; but then he might have been sent from thence to the Place of his last legal Settlement, according to 43 *Elix. cap. 2*. 43 *Elix. c. 2*. *Salk.* 526.

I shall now proceed to the Stat. 12 *Ann. cap. 23*. which 12 *Ann. c. 23* reducing the Laws relating to Vagrants, Vagabonds, and Rogues, into one Act of Parliament, it will be proper to give you an Abstract of it, and conclude with proper Pre-

cedents suiting most Branches thereof, and some Law Cases on this Subject.

12 Ann. c. 23.
Who are
Rogues and
Vagabonds.

By Stat. 12 *Ann. cap. 23.* it is enacted, that all Persons pretending to be Patent-Gatherers or Collectors for Prisons, Gaols, or Hospitals, and wandering abroad for that Purpose; all Fencers, Bear-wards, common Players of Interludes, Minstrels, Juglers; all Persons pretending to be Gypsies, or wandring in the Habit or Form of counterfeit *Egyptians*, or pretending Skill in Physiognomy, Palmistry, or like crafty Science, or pretending to tell Fortunes, or like fantastical Imaginations, or using any subtil Craft or unlawful Games or Plays; all Persons able in Body, who run away and leave their Wives or Children to the Parish, and not having wherewith otherwise to maintain themselves, use loitering, and refuse to work for the usual and common Wages; and all other idle Persons wandring abroad and begging (except Soldiers, Mariners, or Sea-faring Men licenced by some Testimonial or Writing under the Hand and Seal of some Justice of Peace, setting down the Time and Place of their Landing, and the Place to which they are to pass, and limiting the Time for their Passage while they continue in the direct Way to the Place to which they are to pass; and during the Time so limited) shall be deemed Rogues and Vagabonds.

Constables or
any other may
apprehend
wandring
Beggars.

If any Person by this Act declared to be a Vagabond, shall be found wandring and begging, &c. in any Parish, the Constable, &c. may apprehend them and convey them to some neighbouring Justice. And if the Constable, &c. shall not use his best Endeavours to apprehend such Vagabond, it shall be deemed a Neglect of Duty.

And if any other Inhabitant, being charged by the Justice, &c. shall refuse his Endeavours to apprehend and deliver to the Constable, or to carry before some Justice any such Vagabond, and be found Guilty on Oath before the Justice, he shall forfeit 10 s. to the Poor of the Parish. And if any Person shall apprehend such a Vagabond, and bring him before some Justice, the Justice may reward such Person, by ordering any Constable, &c. where any Rogue or Vagabond was found begging and passed unapprehended, to pay 2 s. to the Person apprehending him; which if the Constable refuse to pay, such Justice may by Warrant levy 20 s. by Distress and Sale of such Constable's Goods, and thereout allow the said 2 s. and such other Recompence as he shall think fit.

Justices at
Meeting give
out Warrants
for a general
Privy Search.

Any two or more Justices, some convenient Time before their Quarter-Sessions, shall meet in their respective Divisions, and by their Warrant command the Constables of every Hundred, &c. (who shall be assisted with sufficient Men)

Men) to make a general privy Search in one Night, thro' the several Limits, for apprehending Vagabonds, and to cause such as they find to be brought before any Justice of the same Division.

If an hired Servant falling Sick, be turned out of Doors by her Master, and she begs in her Passage from the Place where she was at Service, to the Place where she was born; adjudged no Begging to make a Vagrant. *Styl's Rep.* 168.

Sick Servant turned off, no Vagrant.

Any Person apprehended as a Rogue or Vagabond, who shall refuse to be examined upon Oath, touching his Place of Birth, or last Settlement, or give a false or unsatisfactory Account thereof, shall be deemed as an incorrigible Rogue, and may be punished as such; of which Punishment the Justice shall inform him during his Examination.

If he refuse to be examined, he shall be deemed an incorrigible Rogue.

The Justice who shall make any Pass or Order for the passing or conveying of any Rogue or Vagabond to the Place of his or her Birth, &c. shall, at the same Time, with such Pass, cause to be delivered to the Constable, &c. a Certificate, ascertaining how the Person is to be conveyed by Horse, Cart, or on Foot, and in what Time, and what Allowance, such Officer is to have for conveying such Person to the Place he is to pass him, in the Form, and to the Effect following, *viz.*

With the Pass the Justice must give to the Constable a Certificate, &c.

W *Hercas by a Pass (reciting the Substance or Effect of the said Pass) I do hereby order and direct, that the said Person or Persons is or are to be conveyed on Foot (or in a Cart, or by Horse, &c.) to the said Parish or Town of Hampstead in three Days Time, for which the said Constable is to be allowed the Sum of ten Shillings, and no more. Given under my Hand this Day, &c.* 13 Geo. 2.

The Constable, &c. who shall receive such Pass and Certificate, shall convey the Persons named therein, in such Manner and Time as by the Pass is directed, the next direct Way to the Place whither sent, if such Place be in the same County, Division, &c. keeping separate Quarter-Sessions; or if not in the same County, &c. then to the first Town of the County, &c. named in such Pass, and deliver them to the Constable, &c. with the Pass, taking a Receipt of such Delivery upon the Certificate, under the Hand of such Constable, &c. who is to receive the same, and sign such Receipt, and apply to a Justice of his proper County, &c. who shall cause such Rogue to be stripped and openly whipped, or sent to the House of Correction, and there kept at hard Labour for two or

How Constable must convey the Vagrants.

three Days, and after conveyed, with the former Pass, and a new Order and Certificate, in like Form as before, to be by the said Justice made, and so from one County, &c. to another, until brought to the Place whither first ordered to be sent, and there delivered to the Constable of the Place, who is to receive him with the Pass, and sign a Receipt of such a Delivery.

Constable not obliged to receive Vagrant unless whipt.

No Constable shall be obliged to receive any Persons by any Pass, unless it appear by the said Pass, that the Persons, so ordered to be conveyed, have been whipped or sent to the House of Correction in the County, City, &c. through which they last passed (except Women with Child, Soldiers wanting Subsistence, having lawful Certificates from their Officers, or secretary at War, or such Persons as the Justices shall judge not able to undergo such Punishment,) which is to be certified in the said Pass.

Quarter-Sessions to settle the Rates of passing Vagrants, &c.

Justices of Peace, at their Quarter-Sessions, are to appoint what Rates or Allowances *per* Mile, or otherwise, shall be made for passing or maintaining Vagrants, and make Orders, &c. for the more regular Proceedings therein in their Limits, which shall be observed by all other Justices, Constables, &c. in the same Limits.

How Justices may raise Money, &c.

The Justices, at their Quarter-Sessions, may, by such Ways and Means as Money for County Gaols or Bridges may be raised, cause such Sums of Money to be raised within their respective Precincts for the passing and conveying Vagabonds, as shall be necessary; to be Quarterly paid to the Chief Constable of each Division, in such manner, as that such Constables may have a Quarterly Payment beforehand, who shall account twice a Year, or oftner, for the same, with the proper Treasurer.

High Constable may pay Petty Constable the Rates.

Any Petty Constables, &c. who shall bring to the Chief Constable any Certificate given him by any Justice, ascertaining how and for what Rates he shall be required to convey any Vagabonds, together with a Receipt from the Constable to whom the Person was delivered, the Chief Constable shall pay him the Rates ascertained in such Certificate, and no more, taking his Receipt, which the Chief Constable shall discount with the Treasurer of the County.

If Constable falsify a Certificate, forfeits 20*l.*

And if such Petty Constable, &c. shall counterfeit such Certificate, &c. or alter any Sums, and not convey the Person thereby intended to be conveyed, he shall forfeit 20*l.* above the Sum so fraudulently taken, one Moiety to the Poor of the Parish, the other to the Informer.

Justice may examine Constable on Oath.

The Justices may examine any Constable, &c. on Oath, Whether he did convey the Persons whom he was ordered to convey, by any Pass, and to whom delivered; and on

his refusing to be sworn, or if it shall appear he hath neglected his Duty, he shall lose the Allowance, which by the Certificate he would otherwise have been intitled to.

The Parish or Place, to which any Vagabonds shall be conveyed by Pass, shall employ in Work, or place in some Work-house or Alms-house, the Persons so conveyed to them, till they betake themselves to Service; and if they refuse to work, the Overseers may cause such Persons to be carried before some Justice, in order to be sent to the House of Correction to be kept to hard Labour.

And in case any Person shall not employ, but permit such Person to escape and wander again, and the said Person shall be afterwards taken up begging, &c. in any other Parish or County, any Justice, where such Vagabond shall be again apprehended, may compute what Charge the County shall be put to by Passing, &c. such Vagabond, and the Money ascertained the Justice may, by Warrant, order to be levied upon any of the Constables, &c. Goods, so making Default; and if the Parish in Default be in another County, then the Warrant ascertaining the Charge may be brought to some Justice of Peace of the same County, who shall cause the same to be levied and paid for the Use of the County where the Charges were expended: And the Constable, on whom the Monies were so levied, may put the same in his Rates, and shall be allowed it by the Inhabitants; and the Justices of the County whither such Vagabond shall be conveyed, may, at their Quarter-Sessions, to which their Pass is to be transmitted, inquire of the Default of any Officer, or Parson of any Parish, to whom such Vagabond shall be brought, in permitting his Escape, and punish the Person offending according to the Merit of his Offence. And after, if such Person shall be found wandering again and begging, &c. the Justices, on Proof thereof, shall send him to the House of Correction, to be kept at hard Labour till the next Quarter-Sessions; and such Person not giving Security for his Behaviour for one Year, they may adjudge him a dangerous and incorrigible Rogue, and order him to be punished accordingly.

Persons apprehended and brought before a Justice, and found to have no Settlement since their Birth, and to have committed any of the Acts of Vagrancy in this Act mentioned, or to have used Begging for two Years last past, although they had formerly a Settlement, or to be a Rogue, &c. the Justices, instead of punishing or passing them away, may, by Order, commit such Persons to the Custody of him or them who procured such Ap-

How Parish ought to provide for Vagrants.

If Neglect, must reimburse the other Parish's Charges.

If Vagrant be found begging again, must be sent to the House of Correction.

Beggar for two Years may be committed to those who apprehend them, and be transported.

prehension; and on their Refusal, to the Power of any other Persons, Bodies Politick or Corporate, willing to receive them as Apprentices or Servants for seven Years, and no longer; who may detain, keep, imploy, and set to Work, either in this Realm, or in any of his Majesty's Plantations, or *British* Factories beyond Seas, the Persons so committed to them during the seven Years.

But no such Person shall be transported till his Master shall become bound by Recognizance in the Penalty of 40*l.* that the Person shall be sent to and imployed in some of his Majesty's Plantations or *British* Factories, and supplied with Necessaries convenient, and at the End of seven Years discharged, and in the mean Time not to be sold to any Alien; which Recognizance any Justice may take and transmit to the next Quarter-Sessions, to be kept on Record.

Persons ag-
grieved may
appeal to Q.
Sessions.

Persons aggrieved may appeal to the next Quarter-Sessions of the County, where such Order was made, and shall not be sent away till such Quarter-Sessions, whose Determination shall be final; but may be kept in the House of Correction, if the Justices think fit.

Blind and
Lame to be
removed, &c.

Where any loose, idle, and disorderly Persons, Blind, Lame, or pretending to be so, or with distorted Limbs, or pretending some bodily Infirmity, shall be found begging in the Streets, &c. Complaint being made by two or more Inhabitants of the Parish, Town, &c. to the Constable, &c. such Constable shall, with Speed, cause the said Persons to be removed; and if they refuse to be removed, or being removed, shall offend a second Time, the Constable, &c. shall cause them to be stripped naked from the Shoulders to the Waist, and whipped till their Bodies be bloody. And if such Constable shall neglect to cause the same to be done, upon Oath, by two or more Witnesses, within 24 Hours before one Justice, he shall forfeit 10*s.* to the Poor of the Parish, &c. by Warrant of the Justice, &c. to be levied by Distress, &c.

How a Lunatick is to be ordered.
12 Ann. c. 23.
sect. 22.

Any two Justices, where a Lunatick shall be found wandering, by Warrant under their Hands and Seals to the Constables, may cause such Person to be apprehended and kept locked up in such secure Place as the Justices shall, under their Hands and Seals, appoint, and (if they find it necessary) to be there chained, if the last Settlement of such Person be in the said County; and if such Settlement shall not be there, then he shall be sent to the Place of his last legal Settlement, (as Vagabonds by this Act are directed to be sent) whipping excepted, and kept locked up, and the Charges of maintaining such Person during such Restraint, (which shall be only for such Time as the Lunacy

Lunacy shall continue) shall be paid, by Order of two or more Justices, out of the Estate of such Person, if he have any over and above what shall maintain his Wife and Children; and if he hath not such Estate, then it shall be paid by such Ways and Means as the Poor of the Parish, &c. are to be provided for. But this Act shall not extend to abridge the King's Prerogative, or Authority of the Lord Chancellor, &c. touching or concerning the Premises. *Stat. 23.*

By Stat. 6 Geo. 1. cap. 19. Justices of Peace within their respective Jurisdictions, may commit Vagrants, and other criminal Persons charged with small Offences, either to the common Gaol or House of Correction, as they in their Judgment shall think proper. 6 G. 1. c. 19. sect. 2.

A Vagrant Woman coming to *Shellingford* in *Berkshire*, was there delivered of a Child, and afterwards went to *Cockfowl* in *Gloucestershire*, and left the Child there, and ran away. Two neighbouring Justices, on Complaint made, and on Examination, made an Order to remove the Child to *Shellingford*. It was objected to this Order, that it was not set forth or adjudged to be a Bastard Child; *sed non allocatur*. 2. Objection, No Adjudication of its being likely to become chargeable; but to this the Court said it is a necessary Consequence, because it was said to be but two Years old. As to the Statute 13 Car. 2. cap. 12. being born in a Parish doth not make a Settlement, if born in lawful Matrimony; for there it must follow the Settlement of the Father. And in this Case, being not said to be a Bastard Child, and being upon Complaint, it therefore ought to follow the Parents. But the Court held this was a Settlement by Birth, till the Parents Place of Settlement could be discovered: Therefore the Order was confirmed, notwithstanding it did not say it was a Bastard Child. Adjudged *Pasch. 5 Ann. Reg. Sett. and Rem. 55. Black. 226.* Case of a Vagrant.

By the 10 Geo. 2. It is enacted, That from 24 June 1737. any Person, who shall for Gain, represent or perform any Interlude or Entertainment of the Stage, or any Part therein, not having a legal Settlement in the Place where the same is acted, without Authority by Letters Patent from his Majesty, or License from the Lord Chamberlain, shall be deemed a Rogue and Vagabond, and be subject to such Penalties, as are, by the Act 12 Annæ, inflicted on Rogues and Vagabonds; or otherwise shall forfeit 50 l. and be discharged from the said Penalties. 10 Geo. 2.

No Person shall, for Gain, act any new Play, &c. or any Addition to an old one, or any new Prologue or Epilogue, unless a true Copy thereof be sent to the Lord Cham-

Chamberlain 14 Days at least before, with an Account of the Place where, and the Time when, the same is intended to be performed, signed by the Master of the Playhouse, or Company of Actors.

¶ The said Lord Chamberlain may, as often as he shall think fit, prohibit the representing any Stage-entertainment; and if any Person shall represent such Entertainment, before a Copy thereof and Account, as aforesaid, be sent him, or contrary to his Prohibition; he shall, for every Offence, forfeit 50*l.* and the Company's License (if there be any) shall be absolutely void.

There shall be no Authority given for representing such Entertainment in any part of *Great Britain*, except in the City and Liberties of *Westminster*, or Places of his Majesty's Residence, during the Time of such Residence.

Pecuniary Penalties for Offences against this Act committed in *England* and *Wales*, shall be recovered by Prosecution in any Court at *Westminster*; and in *Scotland* by Action or summary Complaint, before the Court of Justiciary there; or throughout *Great Britain*, in a summary Way, before two Justices of the Division where such Offence is committed, by the Oaths of credible Witnesses, or Confession of the Offender; the same to be recovered by Distress and Sale; or, for Want of Distress, the Offender to be sent to the House of Correction or common Gaol, for any Time not exceeding six Months, without Bail. Any Person aggrieved by such Justice's Order, may appeal to the next Quarter-Sessions, the Order whereof to be final.

Any Entertainment as aforesaid, performed in any publick House, shall be deemed to be for Gain.

No Person shall be prosecuted for any Offence against this Act, but within six Months after the Fact: And any Action commenced against a Justice of Peace or other Person, for any Thing done in Pursuance of this Act, shall be brought within the said Time; and the Defendant may plead the General Issue; and if a Verdict pass for him, or the Plaintiff become Nonsuit, &c. he shall recover treble Costs.

13 Geo. 2.

By the 13 *Geo. 2.* it is enacted, That Persons threatening to leave their Wives and Children to the Parish; returning to a Parish from which they have been legally removed, without a Certificate from the Place or Parish to which they belong; living idly, and refusing to work for common Wages; or begging from Door to Door, or placing themselves in Streets, &c. to beg Alms in the Parish where they dwell, shall be deemed idle and disorderly Persons; and any Justice of the Peace may commit them to the House of Correction, to be kept to hard Labour,
not

not exceeding one Month. Any Person may apprehend and take before a Justice, People going from Door to Door, or placing themselves in Streets, &c. to beg in Places where they dwell, and if they resist, or escape, they shall be Subject to Punishment by this Act, as Rogues and Vagabonds; and 5 s. for every Offender so apprehended, shall be paid by the Overseer, and allowed him in his Account; but if the Overseer refuse to pay the said Sum, it may be levied (by Justices Warrant) by Distress and Sale of his Goods, and he shall not be allowed the same in his Account.

All Patent-Gatherers, or Gatherers of Alms, under false Pretences of Loss by Fire, &c. Collectors for Prisons or Hospitals, Fencers and Bearwards, Players of Interludes, &c. (having no legal Settlement at the Place where they Act) without Letters Patents (as by 10 Geo. 2. intituled, *An Act to explain and amend so much of an Act made in the 12th Year of the Reign of Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, &c.*) or without Licence from the Lord Chamberlain; all Minstrels, Jugglers, Gypsies, Pretenders to Physiognomy, or the like; Fortune-Tellers, or Persons playing at unlawful Games; Persons run away from their Wives and Children, whereby they become chargeable to the Parish: All Petty-chapmen or Pedlars without Licence or other Authority; all Wanderers, lodging in Barns or Outhouses, or pretending to go to work in Harvest, and all wandering Beggars, shall be deemed Rogues and Vagabonds.

This Act shall not extend to Soldiers wanting Substinance, having Certificate from their Officers, or the Secretary at War; or Mariners or Sea-faring Men, licensed by some Justices of Peace, setting down their Time and Place of Landing, or Discharge; whether going and limiting the Time of their Passage, and keeping in the direct way, to the Place whither they are going, or to any Persons going with Certificates abroad to work at Harvest, or otherwise.

All End-Gatherers offending against the Act 13 Geo. 1. intituled, *An Act for the better Regulation of the Woollen Manufacture, &c.* All Persons apprehended as Vagabonds, and escaping or refusing to go before a Justice, or giving a false Account of themselves after Warning of their Punishment. All Persons breaking Prison before the Expiration of the Term; or having been punished and discharged, commit a second Offence, shall be deemed incorrigible Rogues.

Vagabonds, as above described may be apprehended by any Parish Officer, or other Person dwelling near where
the

Tagrants:

the Offence is committed, to be conveyed before a Justice; and if any Officer refuse to use his best endeavour to take such Offenders, he shall be punished as after directed; and if any other Person being charged by any Justice so to do, shall refuse to apprehend and deliver such Offender to the Constable, &c. or to carry the same before a Justice, if an Officer cannot be found (being convicted on Oath) shall forfeit for every Offence 10 s. to be levied by Distress and Sale, and applied to the Use of the Poor; and if any such Inhabitant (not being an Officer) shall apprehend such Offenders, and deliver him or her to an Officer, or cause him or her to be conveyed, to some Justice as directed by this Act; the said Justice may make an Order in Writing upon such Constable, &c. where the Offender shall be apprehended, to pay 10 s. to the Person who apprehended the Offender within one Week after Demand, producing such Order, and giving his Receipt; which Money shall be repaid by the High Constable, who shall be allowed the same with his Account by the Treasurer of the County, Riding, or Division; and the Justices at General or Quarter-Sessions shall allow it in the Treasurer's Accounts; and in Places where there are no High Constables, the Petty Constables and other Officers shall be allowed in their Accounts, what they shall so pay by Virtue of this Act; and if any Petty Constable or other Officer shall refuse to pay the 10 s. as aforesaid, then any such Justice may by Warrant levy 20 s. by Distress and Sale of such Officer's Goods; 10 s. to be paid to the Person intitled to the same, and such other Recompence for his Trouble, Loss of Time, and Expences, as the said Justice shall think fit; and the Overplus (if any) to be returned to such Petty Constable, &c. on Demand, and if such Petty Constable, or other Officer shall pay the said 10 s. to the Person intitled, and the High Constable shall refuse to pay him again; then the Sum of 20 s. shall be levied on his Goods, to be disposed of to the Petty Constable, &c. in Manner as is just before directed.

The Justices for every County, &c. or any two, shall meet four times in a Year (or oftner if need be) in their respective Divisions, and by Warrant command the Constables or other Officers, with proper Assistance, to make a general privy Search in one Night, throughout their several Limits, for apprehending of Vagabonds; which shall be brought before any Justice of the same County, Riding, &c.

Whenever Vagabonds are apprehended, they shall be taken before a Justice, and examined on Oath, or by the Oath of any other Person, of the Circumstances of the Persons

sons so apprehended, and the Parish to which they belong; which Examinations shall be written, and signed by the Justice, and the Persons examined, and transmitted to the next General or Quarter Sessions, to be filed on Record; and if any legal Settlement is made appear, the Justice shall pass them thither, taking Notice of their Age, and the Reason of their being apprehended; and if no legal Settlement can be found, then they shall be conveyed to the Place of their Birth; if under 14 Years of Age, and have a Father or Mother living, then to the Place of their Abode; and if the Place of Birth, or Parents abode cannot be known, then to the Parish or Place where they were last found begging, and passed unapprehended, there to be delivered to some Officer of such Parish or Place: The Form of the Pass shall be as follows:

To the Constable of the Parish of _____ 13 Geo. 2.
 in the County of _____ or to the
 Tythingman, or other Officer (as the
 Case shall be) and also to the Govern-
 or or Master of the House of Cor-
 rection at _____ within the said Coun-
 ty; and likewise to all Governors or
 Masters of all Houses of Correction,
 whom it may concern, to receive and
 convey; and to the Church-wardens,
 Chapel-wardens, or Overseers of the
 Poor of the Parish, Place, or Precinct
 (as the Case shall be) of _____ in the
 County of _____ or either of them, to
 receive and obey.

WHEREAS _____ was or were ap-
 prehended in the Parish of _____ or in
 the Town of _____ or other Place [describing it] as a
 Rogue and Vagabond, or as Rogues and Vagabonds, and
 brought before me, or us, one, two, or more of his Majesty's
 Justices of the Peace for this County, Riding, City, Borough,
 Town-corporate, Division, or Liberty, and upon Examina-
 tion of the said _____ taken before me, [or us] upon Oath,
 it doth appear, that he, she, or they, is a Rogue and Vaga-
 bond, or are Rogues and Vagabonds, within the true Intent
 and Meaning of the Statute in that Case made and pro-
 vided;

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wided; and that his, her, or their last legal Settlement is at _____ in this County, or the County of _____ or that the said _____ was, or were born in the Parish of _____ in this County, or in the County of _____ and hath not since obtained any legal Settlement; or that the said _____ is or are under the Age of fourteen Years, and hath or have a Father or Mother living or abiding in the Parish or Town of _____ or other Place [describing it] or that the said _____ was or were last found begging, or misordering him, herself, or themselves, in the Parish or Town of _____ or other Place [describing it] and passed through the same unapprehended, and the Place of his, her, or their legal Settlement, Birth, or Parents Abode cannot be discovered: These are therefore to require you the said Constable, or other Officer, [as the Case shall be] to convey the said _____ in the next direct Way to the said Parish or Town of _____ or other Place, within the said County, or next adjacent County [as the Case shall happen, describing it] and there to deliver him, her, or them, to some Church-warden, Chapel-warden, or Overseer of the Poor of the same Parish, Town, or Place, to be there provided for according to Law: And you the said Church-wardens, Chapel-wardens, and Overseers of the Poor, are hereby required to receive the said Person or Persons, and provide for him, her, or them as aforesaid; or in case the said Place be not within the same or next adjacent County, Riding, City, Borough, Town-corporate, Division, or Liberty, then to convey the said _____ to the House of Correction at _____ in the said County or Place; and you the said Governor or Master of the said House of Correction to receive the said _____ into your Custody, and him, her, or them to convey, or cause to be conveyed to the first House of Correction in the next County or Place, in the direct Way to the said Parish or Town of _____ or other Place [describing it] and in like Manner every other Governor or Master of every House of Correction, to whom it may belong, to convey the said _____ from House of Correction to House of Correction, until, he, she, or they shall arrive at the House of Correction belonging to the County, Riding, City, Borough, Town-corporate, Division, or Liberty, to which the said Parish, Town, or Place doth belong; and the Master or Governor of the said House of Correction to convey and deliver, or cause to be conveyed and delivered the said _____ to some Church-warden, Chapel-warden, or Overseer of the Poor of the said Parish or Town of _____ or other Place [describing it] to be there provided for according to Law; and you the said Church-wardens, Chapel-wardens, and Overseers of the Poor, are hereby

by

by required to receive the said Person or Persons, and provide for him, her, or them as aforesaid. Given under our Hands and Seals, &c.

The Justice shall sign a Duplicate of such Pass, and transmit it to the next General or Quarter Sessions, there to be filed on Record; and the said Duplicate, or a Copy thereof may be read as Evidence in any Court of Record.

Any Persons herein before described to be Vagabonds being apprehended, the Justice before whom they are brought may commit them to the House of Correction, till the next General or Quarter Sessions, or any less Time as he shall think fit, according to the Nature of the Offence, and then pass them away as aforesaid.

Where any incorrigible Rogue, as before described, be taken before a Justice, he may be sent to the House of Correction, and kept to hard Labour, till the next General or Quarter Sessions, and if the Justices in General or Quarter Sessions assembled, shall adjudge the Person so committed to the House of Correction, to be an incorrigible Rogue, they may order him to be detained for any Time not exceeding six Months, to be kept to hard Labour, and corrected by whipping, in such Manner, Times, and Places, within their Jurisdiction, as they shall think fit; and the said Offender shall be afterwards passed away, as before directed; and if such Offender shall break Prison, or make his Escape, before the Time of his Confinement shall be expired, and being duly convicted, he shall be judged guilty of Felony, and be transported for any Time not exceeding seven Years, according to an Act made 4 Geo. 1. intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, &c.* and by another Act made 6 Geo. 1. intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons;* and if any Offender to be transported, shall escape before Transportation, or return from Transportation before his Time shall be expired, (being convicted thereof) shall be guilty of Felony, and suffer Death without Benefit of Clergy.

If any Offender being deemed an incorrigible Rogue, and sent to any Parish or Place, shall afterwards be found begging or misordering himself in another Place; such Offender may be committed to the House of Correction, to hard Labour for three Months, and be publicly whipp'd, in such Manner and as often as such Justice shall think fit, and afterwards be passed to the Place to which he was first sent.

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Vagrants.

The Justice who shall make any Pass, shall, at the same Time, give the Constable, or other Officer, a Certificate, ascertaining how they are to be conveyed, and whither, and what Recompence such Constable, &c. is to have, as follows :

W *Hereas by a Pass [reciting the Substance or Effect of the said Pass] I [or we] do hereby order and direct the said Person or Persons to be conveyed on Foot (or in a Cart, or by Horse, &c.) to the said Parish or Town of*
in *or other Place [describing it]*
or to the House of Correction, at *in the Way to such*
Parish, Town, or Place [as the Case shall be] in
Day's Time, for which the said Constable, &c. is to be allowed the Sum of *and no more.*

Given under my Hand (or our Hands)
 this Day, &c.

The Constable or other Officer, having such Pass and Certificate, shall convey the Persons named therein, in such Manner and Time as the Pass shall direct, the nearest Way to the Place where they are ordered to be sent, if such Place shall be in the same County, Riding, or Division, where the Persons were apprehended, or next adjoining thereto; but if the Place lies in some distant County, &c. the Constable or other Officer shall deliver them to the Governor or Master of the next House of Correction where they dwell, together with the Pass and Certificate, taking his Receipt for the same; and the said Master of such House of Correction is required to receive them, and give a Receipt, and convey them forward, with all convenient Speed, and deliver them with the Pass, to the Master of some House of Correction in the next County, &c. that lies nearest in the Way to the Place where such Persons are to be sent, who is hereby obliged to receive them, and give a Receipt; and shall, without Delay, apply to some Justice in the same County, &c. who shall make the like Certificate as before, (*mutatis mutandis*) and deliver it to the Master of the last House of Correction, who shall convey the Persons named in the Pass, together with the former Pass, unto the House of Correction in the next County, &c. in the Way to the Place where such Persons are to be conveyed; and so in like Manner, from the House of Correction in one County, to the House of Correction in another, till they come to some House of Correction in the County, &c. wherein the Place is, where they are to be sent, there to be kept to hard Labour, not exceeding one Month, and then such Persons shall be conveyed to such Place, and delivered to some Parish Officer,

cer, who is required to receive them, and the Pals, and provide for them accordingly, and give the like Receipt on their Delivery.

All Constables and other Officers within the Counties of *Cumberland, Northumberland, Durham, or Town of Berwick upon Tweed*, and all Masters of Houses of Correction within the said Counties or Town, shall, (upon any Person's being delivered to them by Pals, apprehended within the said Counties or Town, or brought to them according to the Direction of this Act, whose Settlement is in *Scotland*) convey such Persons to the next adjoining Shire, Stewartry, or Place in that Part of the United Kingdom, and deliver them to any Officer of the next Parish, District, or Place, within the said Shire, Stewartry, or Place, taking his Receipt; and such Officer is to receive such Persons, give such Receipt, and dispose of them according to Law.

Any Justice of Peace in *Scotland*, next adjoining to the Counties of *Cumberland, Northumberland, Durham, or Town of Berwick upon Tweed*, may cause any Constable or other Officer, to convey any Persons apprehended within their Jurisdictions, or brought to them from that Part of the United Kingdom, as Vagabonds, &c. whose Place of Settlement shall appear to be in *England*, to the first House of Correction in the said Counties or Town, and deliver them to the Master of the said Workhouse, taking his Receipt, who is required to receive such Persons, give such Receipt, and apply to some Justice in the same County or Town; who shall cause such Persons to be convey'd to the Place of their legal Settlement (if within the said Counties or Town) or else to be conveyed to the House of Correction in the next County, in the most direct Way to the Place of their legal Settlement.

The Justices of Peace of any County, &c. at the General or Quarter Sessions, shall direct what Rates per Mile, or otherwise, shall be made for passing Vagabonds; and also make such Orders for the more regular acting therein, within their Limits, as they shall think proper, and all Persons within the said Limits, are to give due Obedience to the same.

If any Petty Constable or other Officer, bring to the High Constable a Certificate given him by a Justice, ascertaining how, and for what Rates he shall be required to convey Vagabonds as aforesaid, with a Receipt from the Church-warden, Overseer of the Poor, or Master of any House of Correction, to whom the Person so to be conveyed were delivered; the High Constable shall pay the Rates so certified and no more, taking the Certificate, and a Receipt; and the High Constable shall be allowed

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the same in his Accounts, by the Treasurer of the County, &c. delivering up the Certificate and Receipt, and giving his own Receipt to the Treasurer; and the Justices at their General or Quarter Sessions, shall allow the same to the Treasurer in his Accounts, on his producing the Vouchers aforesaid; and if any High Constable refuse to pay the Petty Constable the Rates aforesaid, on Demand, any Justice may, by Warrant, levy double the Sum on his Goods, by Distress and Sale, and thereout allow the said Petty Constable the Sum so certified, and other Expences and Loss of Time, as the said Justice shall think fit, returning the Overplus on Demand; and in such Places where there is no High Constable, the Petty Constable or other Officer shall be allowed what they shall so pay, in their respective Accounts, on producing their Vouchers.

The Treasurer of the County, &c. shall pay out of the publick Money in his Hands, to the Master of the House of Correction within the said County, &c. all his Expences in passing Vagabonds; the said Master producing the Certificate, with a Receipt from the Master of the House of Correction, or the Church-warden or Overseer to whom such Persons are delivered, and giving his own Receipt for the same; and the Justices in General or Quarter Sessions, shall allow the same to the Treasurer, on producing his Vouchers.

If any Petty Constable, or other Officer, or Master of any House of Correction, counterfeit any Certificate, Receipt or Note, or permit any Alteration in the same, he shall forfeit 50 *l.* And if they do not convey the Persons to the Place where they ought to be conveyed; or shall refuse to receive any Persons sent to them, or give a Receipt as directed; in every such Case they shall forfeit the Sum of 20 *l.* to be levied by Distress and Sale of the Offender's Goods, by Warrant of the Justices at their General or Quarter Sessions; one Half to the Informer, and the other to the Treasurer, to be made Part of the publick Stock; the Overplus to be returned on Demand.

The Place where such Vagabond shall be passed to, shall employ them in some Work-house or Alms-house, till they betake themselves to some Employment; and if they refuse to work, or betake themselves to some Employment, the Parish Officers may take them before a Justice, to be sent to the House of Correction to hard Labour.

Lunaticks shall be apprehended by Warrant of two or more Justices, and locked up in some secure Place, or chained, if Occasion be, if the last legal Settlement of such Lunaticks be within the County; but if such Settlement be not there, then the Lunaticks shall be passed to their

their last Settlement, there to be locked up or chained as aforesaid; and the Charges of maintaining such Lunaticks shall be paid out of their Estates, if they have any, over and above what shall be sufficient to maintain their Families (if any) and if they have no Estate, they shall be provided for as other Poor are by the Laws in Being.

This Act shall not extend to abridge the Prerogative of the King, or the Authority of the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the Time being, or the Chancellor or Vice-chancellor of the County Palatine of *Lancaster*, or the Chamberlain or Vice-chamberlain of the County Palatine of *Chester* for the Time being, touching Lunaticks.

If any Constable or other Officer or Master of any House of Correction, shall refuse to apprehend or pass Vagabonds, or shall be otherwise remiss in his Duty; or if any Persons shall hinder the Execution of this Act, or rescue any Person apprehended, or passing from Place to Place by Virtue thereof, or shall be advising or assisting in their Escape, and shall be thereof convicted on Oath of one or more credible Witnesses, before one or more Justices, they shall forfeit any Sum not exceeding 5 *l.* or less than 10 *s.* to the Use of the Poor, to be levied by Distress and Sale of the Offenders Goods; for want of which the Offender shall be committed to the House of Correction to hard Labour, for any Time not exceeding two Months.

If any Person permits Vagabonds to lodge in their Houses, Barns or Outhouses, and shall not apprehend and carry them before some Justice, or give Notice to some Constable or other Officer so to do; such Person upon Conviction, on Oath, before two or more Justices, shall forfeit, not exceeding 40 *s.* nor less than 10 *s.* Half to the Informer and Half to the Poor; to be levied by Distress and Sale, rendering the Overplus on Demand: And if any Charge be brought on any Place, by Means of such Offence, it shall be levied by Distress and Sale as aforesaid; and for want of such Distress, the Offender shall be committed to the House of Correction, to hard Labour, not exceeding three Months.

Church-wardens and Overseers may relieve Persons whilst in their Parishes, who by sudden Sickness, or other accidental Misfortune, may not be removed without Danger of their Lives, and their Expences shall be allowed in their Accounts; and all Masters of Hospitals may provide for sick or impotent Persons, according to their respective Foundations, or give Money for Relief of such casual Poor.

Vagrants.

Persons aggrieved by any Justice's Pafs, may appeal to the next General or Quarter Sessions.

All Cities and Towns, where by special Acts of Parliament the Charge of passing Vagrants is to be otherwise defrayed than by this Act directed, or Passes managed otherwise, the said Rules shall be followed, as if this Act had never been made.

Nothing in this Act shall prejudice the Heirs or Assigns of *John Dutton of Dutton*, late of the County of *Chester*, Esq; concerning any Privilege they now use, or ought to use, in the County Palatine of *Chester*, and County of *Chester*, by reason of any ancient Charters, or any other Title whatsoever. This Exception is what History says of it.

If the Grand Jury at the Assizes held for any County or Liberty, present, that there is no House of Correction, or not a sufficient Number, or that those already erected ought to be enlarged or made more convenient; the Justices at their General or Quarter Sessions, may build or enlarge such Houses, to make them more convenient, and may raise Money sufficient for building, enlarging or purchasing Houses or Land for that Purpose.

The Justices for any County, &c. are to take effectual Care, that the Houses of Correction provided within their Jurisdictions, (except they are erected and maintained by any particular Founders) shall be duly fitted up, and supplied with all Necessaries for relieving, setting to work and correcting all idle and disorderly Persons who shall be sent to the same; and any two Justices appointed at the General or Quarter Sessions, shall visit the same twice or oftner in every Year, and make their Report to the next General or Quarter Sessions, that what is amiss may be reformed: And the said Justices shall have the same Power over the Houses newly erected, as they have over Houses erected under former Laws. And if Masters of Houses of Correction do not set to work and punish such Vagabonds, or are otherwise negligent in their Duty, they may be fined by the Justices in General or Quarter Sessions, as by the Act 7 *James I.* intituled, *An Act for the due Execution of divers Laws and Statutes, heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons*, which Fines shall be paid to the Treasurer, to be accounted for as Part of the publick Stock; and the said Justices may appoint or remove any Masters or other Officers of Houses of Correction, and make such Orders as they shall think fit, for the better governing the said Houses, and for employing, relieving, and punishing the Persons therein, or sending them to or from thence; and

if

if any Persons shall refuse to quit Possession of such House of Correction, after having an Order so to do from the General or Quarter Sessions, for the Space of ten Days ; any two Justices may by their Warrant to the Sheriff, remove them out of such House, in like Manner as upon a Writ of *Habere facias Possessionem*.

If Offenders are committed to Prison, and the Time and Manner of their Punishment is not limited by any Law in being, the Justice shall commit them to the House of Correction to hard Labour, till next General or Quarter Sessions, or till discharged by due Course of Law ; and two Justices (one being the Justice who committed them) may discharge them before Sessions, if they see Cause ; but if they be not so discharged, the Sessions may discharge them, or continue them if they think fit, not exceeding three Months.

All Money raised by Virtue of this Act, whether to pass or maintain Vagrants, Houses or Lands, or defray any other Expences concerning them, shall be paid to the Treasurer of the County, by an Act made last Session of Parliament, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates*.

The Defendant in any Actions prosecuted for Things done in Pursuance of this Act, may plead the General Issue, &c. and if Judgment be given against the Plaintiff, &c. may recover double Costs : To commence from 1 June 1740. and all other Acts are hereby repealed.

2. Of Rogues and Beggars how to be punished.

A Rogue, *qui ostiatim rogat*, is an idle Beggar, wandering from Place to Place, without a lawful Passport. Who a Rogue.

A Beggar, *mendicus, quasi manu dicens. Egenus silentio manuum extendit.* Who a Beggar.

Poor Persons appointed to ask Relief in the Parish where they dwell by the Overseers thereof ; if they shall beg in the Highways, though in their own Parish, are not to be sent to the Place of their Birth, or last Dwelling, but the House of Correction. *Lamb. 427.* Poor licensed to beg, must not do it in the Highways.

Rogues are not to be sent to the House of Correction, but by Passes to the Place of their Birth, or to the Parish where last legally settled ; and if those cannot be known, then to the Place he passed through last, without being punished ; and if that cannot be known, then to the House of Correction. *2 Bull. 357.* Where Rogues are to be sent.

Rogues may not be sent by a general Passport, but from Parish to Parish.

A Child no Rogue under Fourteen, and must be sent to their Parents.

7 Jac. 1. c. 4.

No Child under the Age of seven Years, by 12 Ann. under fourteen Years old, shall be adjudged a Rogue, within the Stat. 39 Eliz. cap. 4. But such Children being Vagrants, must be sent to and placed with the Father; and if he be dead, then with the Mother, where she was born or last dwelt, by the Space of one Year. And such Children once thus settled or placed, must there remain, and not be sent thence to the Place of their Birth, although after their Parents die or run away, or that the said Children grow above seven Years of Age.

By Stat. 7 Jac. 1. cap. 4. Part whereof is not repealed, there shall be an House of Correction provided in every Shire, to set Rogues and other idle People to work.

The Justices in Sessions shall from Time to Time appoint a Governor for the said House, who shall have Power to set such Rogues and idle People to work, and to punish them by moderate Whipping, or putting Fetters or Gyves on them; which Rogues and idle Persons shall not be chargeable to the Country, nor have other Allowance than what they shall deserve by their own Labour.

The Governors of the Houses of Correction shall have such a Sum of Money yearly as shall be thought fit by the more Part of the Justices of Peace in Sessions; the same to be paid quarterly before-hand by the Treasurers of the County, the Governors giving Security for their Continuance in their said Service.

If the said Governors shall not every Quarter-Sessions yield to the said Justices a true Account of all such Persons as shall be committed to their Custody; or if they suffer any within their Charge to escape, or be troublesome to the County, by going abroad, or otherwise, they shall incur what Fine the Justices in Sessions shall impose on them. The Fines to be paid to the Treasurers of the County, and by them to be accounted for.

13 & 14 Car. 2. c. 12.

12 An. c. 18. How Constables may reimburse themselves their Charge.

43 Eliz. c. 2.

By Stat. 13 & 14 Car. 2. cap. 12. by 12 Ann. cap. 18. made perpetual, Constables, Headboroughs, and Tithingmen, out of Purse, for conveying Vagabonds, &c. to Houses of Correction or Workhouses, they the Churchwardens and Overseers of the Poor, and other Inhabitants in the Parish, may tax all chargeable by 43 Eliz. cap. 2. which Rate being confirmed under Hand and Seal, by two Justices of Peace, the said Constables, &c. by Warrant under Hand and Seal of two Justices, may levy it by Distress and Sale of Goods.

Rogues may be transported.

In the same Act there is a Clause enacting, That Justices of Peace in their Quarter-Sessions, may cause to be transported Rogues, &c. duly convicted and adjudged incorrigible, to the *English* Plantations beyond Sea.

One

One Justice of Peace may grant a License to Soldiers, Mariners, or Sea-faring Men, to travel home, and they shall not be deemed Vagrants.

Any one Justice of Peace may License Labourers in Hay-time and Harvest, to pass from one County to another to work, but not to wander or beg; *per Stat. 5 Eliz. cap. 4.*

One Justice may license Labourers, &c in Harvest. 5 Eliz. c. 4.

Any two Justices of Peace may make a Testimonial to Serving Men (or other Servants) departing from their Masters; but they must not wander up and down idly, nor beg.

None may be suffered to take Relief at any Man's Door, though within his own Parish, unless it be by Order of the Overseers. Neither may any be suffered to beg by the Highway, though in their own Parish. If a Man gives Alms at his Door, unless to such Poor who are licensed to beg by the Overseers, he forfeits 10 s.

None may beg but by Order of the Overseers.

By Stat. 2 Ann. cap. 6. lewd and disorderly Servants, Rogues, Vagabonds, and sturdy Beggars (not being Felons) by 39 Eliz. cap. 17. may be taken up and sent into the Sea-Service of his Majesty.

Rogues, &c. may be sent to Sea.

Persons so apprehended and brought before a Justice, are to be thoroughly examined, as well by the Oath and Examination of the Person apprehended as of others, or by any other Means, of the Condition of the Person, and of the Place of his Abode or Birth, and cause it to be put down in Writing, and signed by the Persons so examined, and transmitted to the next Quarter-Sessions, there to be filed on Record. And if it appear such Person hath any legal Settlement, they shall be sent thither in such Manner as by the Laws other Persons likely to be chargeable to the Parish are to be sent; and if it cannot be found that he hath gained a legal Settlement since his Birth, then he shall be sent by a Pass (directly to the Constable, &c. where apprehended) taking Notice where and for what Cause he was apprehended; and whither, and in what Time he is to pass to his Place of Abode. Or if he be under the Age of fourteen Years, and have Father or Mother, to the Place of their Abode; but if that cannot be known, then to the Parish or Town where he was last found begging, &c. and passed unapprehended, and there to be delivered to the Constables, &c. The Pass is to be in this Form, or to the Effect following:

Rogues taken up to be examined, &c.

And sent by Pass.

A a 3

To

To the Constable of, &c.

The Form of
the Pass.

Midd. ff. **W** Hereas A. B. being, as he informs me, about the Age of *Years*, was apprehended in the Parish of Enfield wandering and begging there, and brought before me J. S. one of His Majesty's Justices of Peace for this County: And upon Examination of the said A. B. and of C. D. taken before me, on Oath, it doth appear, that the said A. B. was born at Hampstead in this County, or, in the County of, &c. or, that the said A. A. is under the Age of fourteen Years, and hath a Father living and abiding in the Parish of, &c. or, that he was found begging in the Parish of, &c. where he last passed through unapprehended (as the Case is) and the Place of his Birth cannot be discovered: And it doth not appear to me that the said A. B. hath obtained any legal Settlement since his Birth. These are therefore to require you to convey the said A. B. in the next direct Way to the said Parish of Hampstead, and there deliver him to the Constable or other Officer of the same Parish, to be there provided for according to Law.

But if the Place of his Birth be out of the County where he was taken, then the Pass is to be thus:

ff. **T**O convey the said A. B. to the Parish of, &c. in the County of Bucks, that being the first Town in the next Precinct through which he ought to pass to the said Parish of, &c. to be thence convey'd on to the Parish of, &c. and I do hereby allow the Space of three Days for his passing to the said Parish.

Beggar order'd
to be whipt.

If any Person, who has a legal Settlement, be found wandering and begging and misordering himself, he, as well as a Vagrant, may by such Justice, before being sent by such Pass, be ordered to be openly whipped, until his or her Body be bloody, or be sent to the House of Correction, and kept at hard Labour, at the Discretion of such Justice, and shall afterwards be sent away by such Pass, which the Constable, &c. shall see duly executed.

All such Persons apprehended on a general Privy Search, who on Examination shall appear to have committed Acts of Vagrancy, and to have no fixed Abode or Employment in the Place where apprehended, although they may have acquired a legal Settlement subsequent to their Birth, and be sent to the Place of their Settlement; yet the Charges shall

shall be born in the same Manner as conveying other Rogues and Vagrants is to be born ; and the Justices, if they shall have Cause to judge any such Vagabond to be dangerous to the People where taken, may cause him to be committed to the House of Correction, or County-Gaol, there to remain and be kept at hard Labour till the next Quarter Sessions ; and if the major Part of the Justices shall adjudge such Person a dangerous and incorrigible Rogue, they shall cause him to be whipped three Market-Days successively, and kept at hard Labour during such Time as they shall think fit ; and if he shall, before the Time expired, break out and make his Escape, he shall, for such Offence, be guilty of Felony, to be tried in the County where such Offender shall be apprehended.

Or sent to the House of Correction and whipt three Market Days.

If he break out, he is guilty of Felny.

Where any Person shall be brought before a Justice as a Vagabond, such Justice shall not make a Pats for conveying him to the Place of his Birth, if it shall appear such Person hath any legal Settlement on Pain of forfeiting 5 *l.* for every such Offence.

Must not be sent to a Place of Birth, if a Place of Settlement.

If any Master of a Ship, &c. shall bring into this Realm from *Ireland*, the *Isle of Man*, the *Isles of Jersey*, *Guernsey* or *Scilly*, or any of the Foreign Plantations, any Rogue, &c. or any Person likely to live by Begging, being a Native of any of the said Islands or Plantations, and the Persons so brought shall be apprehended wandring and begging, &c. such Commander shall forfeit 5 *l.* for every Rogue, &c. so brought over, over and above such Sum as shall be necessary to defray the Charges any Constable, &c. shall be put to, by apprehending and reconveying back such Persons : And the Constable, &c. where any such Person shall be found wandring, &c. may cause them to be apprehended and openly whipped, and after put on board any Ship, to be reconveyed and set on Shore in the same Island from whence brought, paying the Passage back of such Persons at so much *per Head* as the Justices at Quarter-Sessions shall appoint : And if the Constable makes it appear on Oath, what Expence he hath been put to on such Occasion, the Justices may direct Payment thereof, as also of the Penalty of 5 *l.* and on the Master's Refusal or Neglect to pay the same, may grant their Warrant to levy the same by Distress and Sale of the said Ship, or any Goods in her, whilst remaining in the Jurisdiction of such Justices ; and if gone away, the Order may be removed by *Certiorari* into the Court of King's Bench, and there filed on Record ; and being so filed, the Judges are to direct Process for staying and arresting the said Ship, until the Money mentioned in such Order, with Charges shall be fully satisfied,

Masters of Ships bringing over Rogues from *Ireland*, &c. forfeit 5 *l.* and as much if refuse to take 'em on board.

ti-fied, or to award Procefs by levying the fame by *Capias*, *Fieri Facias*, or *Elegit*, againſt the Maſter or Owners of the ſaid Ship, as the Court ſhall think moſt proper.

The Maſter, &c. on ſhewing any probable Ground of Grievance by ſuch Order, may tra-verſe the ſame, giving Security in the Penalty of 50 *l.* to ſatisfy the Charges of ſuch Traverſe, if determined againſt him.

All Maſters of Ships bound for *Ireland*, &c. ſhall, upon Warrant to them directed by a Juſtice of the County or Place where ſuch Ship ſhall lie, take on board ſuch Vagrants as ſhall be named in the ſaid Warrant, and convey them to ſuch Place in *Ireland*, &c. as ſuch Ship ſhall be bound to arrive at; and the Conſtable, &c. who ſerves him with ſuch Warrant, ſhall pay him ſuch Rate *per Head* as the Juſtices, at their Quarter-Sessions, ſhall appoint; and ſuch Maſter ſhall, on the Back of the ſaid Warrant, ſign a Receipt for the Money ſo paid, and alſo for the Vagrants delivered; which Warrant ſo indorſed, ſhall be produced to the Juſtice who ſigned the ſame, and on his Allowance thereof, the Money ſhall be repaid by the County, as by this Act the Money is to be paid for conveying Vagrants, and every Maſter refuſing to receive on board or tranſport ſuch Vagrants, or indorſe and ſign ſuch Receipt, ſhall forfeit 5 *l.* to the Poor of the Pariſh, to be levied by Diſtreſs or Sale of the Ship, &c. by Warrant of any Juſtice of the County.

Conſtable neg-
lecting his Du-
ty, forfeits 20s.

Any Conſtable, &c. who ſhall fail of his Duty in apprehending Rogues, &c. or any Perſon who ſhall hinder the Execution of this Act, or reſcue any Perſon apprehended, or be aiding in their Eſcape, and be convicted thereof, ſhall forfeit 20 *s.* to the Poor of the Pariſh, to be levied by Diſtreſs, &c.

39 Eliz. c. 4.
1 Jac. 1. c. 7.

The Act 39 *Eliz. cap. 4.* for puniſhing Rogues and Vagabonds, and the Act 1 *Jac. 1. cap. 7.* for the Continuance and Explanation of the ſame, and ſo much of another Act made 7 *Ja. 1. cap. 4.* for the Execution of divers Laws and Statutes heretofore made againſt Rogues, Vagabonds, &c. as relates to the privy Search thereby directed to be made, ſhall be and are hereby repealed.

An Account of
John Dutton's
Claim.

Randal Blanderville, (not *Glanville*, as ſome would have it) Earl of *Cheſter*, was about the End of the Reign of King *Richard the Firſt*, ſuddenly beſieged by the *Welſh* in the Caſtle of *Ruthelent* in *Flintſhire*, where he then was; whereupon he preſently ſends to his Conſtable of *Cheſhire*, one *Roger Lacy*, to haſten, with what Force he could, to his Relief: It happened to be on *Midſummer Day*, and a great Fair then held at *Cheſter*; whereupon *Roger* immediately got together a great lawleſs Mob of Fiddlers, Players, Coblers, &c. and marches immediately towards the

the Earl; and the *Welsh* perceiving a great Multitude approaching, raised the Siege and fled.

The Earl being thus freed, comes back with his Constable to *Chester*, and in Memory of this Piece of Service, by a Charter, grants to *Roger Lacy*, and his Heirs, Power over all the Fiddlers, Letchers, Whores and Shoemakers in *Chester*.

About the latter End of the Reign of King *John*, or Beginning of King *Henry* the Third, *Roger Lacy* being dead, his Son *John* by Deed, grants to one *Hugh Dutton* his Steward, and to his Heirs, the Rule and Authority over all the Letchers and Whores in all *Cheeshire*, in these Words: *Sciunt presentes & futuri quod Ego Johannes Constabularius Cestrie dedi & concessi & hac presenti Charta mea confirmavi Hugoni de Dutton & heredibus suis Magistratum Omnium Leccatorum & Meretricum totius Cestrie sic ut liberius illum Magistratum teneo de Comite salvo Jure meo mihi & Heredibus meis his Testibus, &c.*

Under this Grant by antient constant Custom, the Heirs of *Dutton* have and do claim and enjoy a Privilege and Authority over all the common Fiddlers and Minstrels in *Chester*, and in all *Cheeshire* to this Day, and, in Memory thereof, keep a yearly Court at *Chester* on *Midsummer* or *St. John's Day*, being *Chester Fair*, and in a solemn Manner, ride, attended through the City to *St. John's Church*, with all the Fiddlers of the whole County playing before them, and then at the Court renew their Licenses yearly. For to this Purpose a Court is also then held, where all the Fiddlers and Minstrels of the City and County are to attend and play before the Lord of *Dutton*; and none ought to use the Trade or Employment of a Minstrel or Fidler, either within the City of *Chester* or County of *Cheeshire*, but by an Order and License of that Court, under the Hand and Seal of the said Lord or his Steward.

In 14 *H. 7.* a *Quo Warranto* was brought against *Lawrence Dutton* of *Dutton*, Esq; to shew why he claimed that all Fiddlers and Minstrels of *Cheeshire* and the City of *Chester* should meet before him at the said City yearly on *St. John Baptist's Day*, each Fidler to give him four Bottles of Wine and a Launce, and every Minstrel to pay him 4 *d.* and every Whore in *Cheeshire* and the City of *Chester*, *Officium suum exercente*, 4 *d.* to which he pleaded Prescription.

And whereas by Stat. 39 *El. cap. 4.* Fiddlers and Minstrels are declared to be Rogues, yet by a special Proviso in that Statute, and in the Statute of 2 *Ja. 1. cap. 7.* an Exception is made of those in *Chester* and *Cheeshire*, who should be licensed by *John Dutton* of *Dutton*, his Heirs or Assigns;

39 *Eliz. cap. 4.*

2 *Jac. 1. c. 7.*

39 Eliz. c. 4.
2 Jac. 1. c. 7.

Assigns; and these Statutes being repealed by this of 12 Ann. cap. 23. therefore the Right of the said *Dutton*, his Heirs and Assigns, is saved by the Clause in this last mentioned Act, which is transcribed *verbatim* from the like Clauses in 39 *El. cap. 4.* and 2 *Ja. 1. cap. 7.* So that the Fiddlers and Minstrels of *Chesster* and *Cheshire*, if licensed by the Heirs or Assigns of *Dutton*, are no Rogues or Vagabonds within the Act, though they wander, &c.

Rogues must pursue their Testimonial, &c.

Though a Man have a certain Habitation, yet if he wander out of his own Parish begging, or otherwise mis-ordering himself, he may be punished as a Vagabond. 2 *Roll. Rep. 172. Rex v. Hollingsworth.*

A Rogue who hath a Testimonial, if through his or her Default they do not pursue the Order appointed by the said Testimonial, they are *toties quoties* to be whipped as Rogues; and so is a Rogue who shall carry his own Passport without a Guide.

Case of a Vagrant.

Eliz. B. being a Wanderer, with three Children, born in three several Parishes, came with them to *D. in Com' Wigorn'* to her Sister, where she died, the three Children being there left. Per *Jones* and *Whitlock* Judges of Assize, the Children ought to be sent to, and kept and provided for by the several Parishes where they were born, and not in the Parish where the Mother died. 2 *Bull. 351.* And accordingly an Order was made and signed by them, and the same delivered to the Clerk of the Assizes, to deliver the same to the Parties.

No one is to be put out of the Town where he dwelleth, nor to be sent to the Place of his Birth or Habitation, but only a Vagabond Rogue, such as wander abroad in the Country, and not such as are Vagabonds, and beg in the same Town where they dwell. 2 *Salk. 526.*

Inhabitant cannot seize a Beggar without Authority of a Constable, &c.

The Manner of apprehending Rogues and Vagabonds, being particularly directed in the Act, it seems the Direction ought to be strictly pursued, as that it be done by Warrant or Charge from a Justice. It is true the Constable being an Officer at Common Law, may apprehend without such Warrant or Charge. But any other Inhabitant (in that Section mentioned) must, I take it, have an Authority from the Justice, &c. And note; Inhabitants after such Authority received, must obey it, under the Forfeiture of 10 *s.* Yet a *Quere* may be made, Whether such Inhabitant or the Constable are obliged to apprehend, or such a Forfeiture can be for not apprehending idle Persons, but only where such Person is seen to resort to some House to beg.

And

And therefore the Penalty of 20 s. in Case of the Refusal or Delay of the Constable, &c. to pay the Reward of 2 s. to the Person apprehending, on Demand, seems only to be in those Cases where there is both a Wandering and Begging.

And note, that where corporal Punishments, as Whipping, &c. are left at the Justices Discretion, they would do well to be cautious in the Exercise of such Power; for Justices of Peace can have no Authority but what is given them by the plain Words of a Statute, which are to be strictly expounded, and in no Case by Implication or Construction, in Favour of any Authority which is not warranted by the Common Law.

W. B. was indicted at *Portsmouth*, for that he being an idle Person, did wander in that Town, selling Wares as a Petty Chapman; and upon a Demurrer to this Indictment it was insisted to maintain it, that a Petty Chapman is a Vagabond by the Statute 39 *El. cap. 4.* It is true by the Statutes of 8 & 9 *W. 3. cap. 25.* and 9 & 10 *W. 3. cap. 27.* some Petty Chapmen, (*viz.*) such as are qualified by those Statutes, may follow that Occupation; but by a Clause in the said Statute of 9 & 10 *W. 3. cap. 27.* they are not allowed to do it in Borough Towns or Corporations; so those Statutes do not give them Liberty to trade in such Places; but adjudged a Vagabond *quatenus* such, was not indictable, because at Common Law a Man might go where he would; but if he is an idle or loose Person, he might be taken up as a Vagrant, and bound to his good Behaviour, and might be compelled to work by the Statute of Labourers. This Indictment was quashed. 6 *Mod. Cases* 240. 3 *Salk.* 258. *Set. & Rem.* 222. *Holt* 709. *Branworth's Case.*

Whoever is able to work, but will not, and wanders abroad, not having wherewith to subsist but by their Labour, is a Rogue. *Dalt.* 308.

Persons to be taxed for conveying Vagrants, &c. by 13 & 14 *Car. 2. cap. 12.* are every Inhabitant of the Parish, *viz.* the Parson, Vicar, and all Occupiers of Houses, Lands, Tithes and Woods; but a Landlord is not to be taxed in respect of his Rent. And this Tax or Rate must be confirmed under the Hands and Seals of two Justices.

If a Child be duly settled with Father or Mother, and they die or run away thence, it must there continue, and may not be sent to the Place of its Birth. *Lamb.* 207.

The great Lord Chief Justice *Hale*, whose Name will ever be remembered with Veneration, in the Preface to his Book concerning the Relief of the Poor, has this memorable Passage. "Indeed were there a clear Means practised

Where Constable fornicits 20 s.

Justices must be cautious of Whipping &c.

39 Eliz. c. 4. 8 & 9 W. 3. c. 25. 9 & 10 W. 3. c. 27.

At Common Law a Man might go where he would.

Who taxable for conveying Vagrants, &c.

A Saying of the great Lord Chief Justice Hale.

“ tised for the employing poor Persons, it were an uncharitable Action to relieve them in a Course of Idleness ;
 “ but when I do not know that there is such a Provision,
 “ I do not deny my Relief, because I know not whether
 “ without it he may not be starved with Hunger, and
 “ that without his own Default.

Case of a Vagrant.

13 Car. 2. c.
12.

A Vagrant Woman coming to *Shellingford* in *Berkshire*, was there delivered of a Child, and afterwards went to *Cockfawell* in *Gloucestershire*, and left the Child there, and ran away. Two Neighbouring Justices, on Complaint made, and on Examination, make an Order to remove the Child to *Shellingford*. It was objected to this Order, that it was not set forth or adjudged to be a Bastard Child ; *sed non allocatur*. 2. Objection, No Adjudication of its being likely to become chargeable ; but to this the Court said it is a necessary Consequence, because it was said to be but two Years old. As to the Statute 13 *Car. 2. cap. 12.* being born in a Parish doth not make a Settlement, if born in lawful Matrimony ; for there it must follow the Settlement of the Father. And in this Case, being not said to be a Bastard Child, and being upon Complaint, it therefore ought to follow the Parents. But the Court held, this was a Settlement by Birth, till the Parents Place of Settlement could be discovered : Therefore the Order was confirmed, notwithstanding it did not say it was a Bastard Child. Adjudged *Pascb. 5 Ann. Reg'*.

Continuation of a Pass from one County to another.

I DO hereby order you to convey the above-named, or within-named Vagrant to, &c. in the County of, &c. in order to his being further conveyed to, &c. according to the above written Pass, and as the Law directs. Given, &c.

You may insert before the Word (convey) in the Pass, having first punished the Vagrant according to Law ; but this is generally understood to be done by the Constables of Course without any particular Direction.

A Li-

A License under the Hand and Seal of a Justice of Peace, for Soldiers and Mariners, and Sea-faring Persons to travel.

Essex, ff. **W** Hereas it appeareth unto me, that A. B. 17 Ann. c. 23.
 Mariner, did on the 8th Day of this In- One Justice.
 stant July land at H. in this County, and is travelling to-
 wards M. in the County of B. I do therefore hereby license
 him to pass the direct Way through this County from H.
 aforesaid towards M. in the said County of B. that being the
 Place to which he desires to pass; and that you do not dis-
 turb or molest him in his said Passage, he demeaning him-
 self orderly. This License to be in Force for the Space of
 Nine Days, within which Time he may travel thither.
 Given under my Hand and Seal, &c. this Ninth Day of
 July, &c.

A Lodging Warrant to search for Va-
 grants, &c.

Middlesex, ff. **W** Hereas the Suburbs of London, and 12 Ann. c. 23.
 Places adjacent, are now and so
 have been for some Time past, infested with Rogues, Vaga-
 bonds, and sturdy Beggars, and other idle Persons, who
 can give no good Account of their Lives and Conversation,
 to the Danger of the Inhabitants, and contrary to the Laws
 and Statutes of this Realm: These are therefore in his Ma-
 jesty's Name to charge and command you, that at all conve-
 nient Times hereafter, taking with you a sufficient Assistance,
 you do make diligent Search in the several Places aforesaid,
 and in all other suspected Places within your Limits and
 Jurisdiction, for all such Rogues, Vagabonds and sturdy
 Beggars, and other suspected and idle Persons. And in case
 you find any such, that then you do apprehend them and bring
 them before us or some other of his Majesty's Justices of
 Peace for this County, to be examined and dealt with ac-
 cording to Law. Given, &c.

A Warrant

A Warrant to Constables to make a general Privy Search for Vagabonds, &c.

To the High Constable of, &c.

22 An. c. 23. Middlesex, ff. **T**HESE are in his Majesty's Name to charge and command you, that you, together with the severall Petty Constables and Tithingmen, within the severall Parishes, &c. in your Hundred, taking proper and sufficient Assistance, do on, &c. next at Night, before the Quarter-Sessions, make a general Privy Search, within the severall Towns, Parishes, and Hamlets in your said Hundred, for the finding and apprehending of Rogues, Vagabonds, and idle and wandring Persons, and that you do cause such as you shall find to be brought forthwith before us, or some other of his Majesty's Justices of Peace for the said County, acting in the Divison where taken, to be examined and punished according to Law, and that you likewise give an Account in Writing of what you shall do in the Premises. Given, &c.

An Order for the Payment of 2 s. for taking a Rogue, &c.

22 An. c. 23. Essex, ff. **W**Hereas it appeareth unto me, that A. B. Vagrant, did wander and beg in the Parish of L. in the County of, &c. and passed through the said Parish unapprehended, and afterwards was taken in the Parish of C. in this County by C. D. an Inhabitant of the said Parish of C. wandering and begging there, and was by him brought before me J. S. Esq; one of his Majesty's Justices of the Peace for the said County, in order to be examined and punished as by Law he ought: Now I do hereby order the Headborough of the said Parish of L. thro' which the said A. B. passed unapprehended as aforesaid, to pay unto the said C. D. who did apprehend him, the Sum of 2 s. on Demand. Given under my Hand and Seal, &c.

A Warrant

A Warrant to levy 20 s. on the Headborough refusing to pay 2 s.

Essex, ff. **W** Hereas by an Order made under my Hand and Seal, I did lately appoint A. C. the Headborough of the Parish of L. in the County of, &c. to pay unto C. D. the Sum of 2 s. for apprehending A. B. a Vagrant, in the Parish of C. in this County, where he was taken by the said C. D. wandering and begging, who was also before that Time wandering and begging in the Parish of L. through which he passed unapprehended, which said 2 s. being lawfully demanded of the said A. C. the Headborough of the said Parish of L. he refused to pay the same: These are therefore to require you forthwith to levy the Sum of 20 s. upon the Goods and Chattels of the said A. C. by Distress and Sale thereof, out of which I do hereby allow unto the said C. D. who apprehended the said Vagrant, the Sum of 2 s. and likewise 10 s. more for his Trouble, Time, and Expences, which said respective Sums you are forthwith to pay unto him, and to render the Overplus to the said A. C. And hereof fail not. Given under my Hand and Seal, &c. 11 An. c. 23.

The Examination of a Vagrant.

THE Examination of A. B. a Vagrant, and of C. D. and E. F. touching his Vagrancy and Settlement, taken on Oath before us J. F. and J. S. Esqrs; two of his Majesty's Justices, &c. this, &c. 11 An. c. 23.

The Examinant A. B. (being this Day brought before us for wandering, begging, and committing other Acts of Vagrancy in, &c.) says on his Oath, that the Place of his last Abode was at, &c. but that he did not live there as a hired Servant, or in any other Manner to make him a Parishioner or gain a Settlement there, and being out of Employment, he was forced to wander to, &c. and from thence he came to, &c. the Place which he is informed is the Place of his Birth; and further saith not. And the said C. D. and E. F. both say that they know the said A. B. and that he is an idle Fellow, and that they are assured the said A. B. was born at, &c. aforesaid, they living in the said Parish at the Time of his Birth, and well knew his Parents; but whether he hath acquired any legal Settlement at any other Place since his Birth, they know not.

A War-

A Warrant to a Constable to whip a Vagabond wandring, &c. having a Settlement.

12 An. c. 23.

Essex, ff. **W** Hereas A. B. has been this Day apprehended and brought before me J. S. Esq; one of his Majesty's Justices, &c. by, &c. for wandering and begging in the Parish of, &c. in this County, having obtained a legal Settlement in, &c. contrary to the Statute in that Case made: These are therefore to command you to strip, or cause to be stripped, the said A. B. naked from the Waste upwards, and to bind him to the common Whipping Post in your Parish, and there whip him, or cause him to be publickly whipped, and afterwards to remove and convey the said A. B. to, &c. (as supra the Pass). Given, &c.

A Mittimus for a dangerous Rogue.

12 An. c. 23.

Essex, ff. **I** Send you herewithal the Body of A. B. a Vagrant, who was found wandering and begging this Day in the Parish of D. in this County, where he was apprehended and brought before me for the said Offence; and upon his Examination and other Circumstances, I have just Cause to believe the said A. B. to be dangerous to the People, and very unlikely to be reformed: These are therefore to require you to convey the said A. B. the next direct Way to the House of Correction for this County; requiring you also the Keeper of the said House of Correction, to receive the said A. B. into your Custody, and there keep him to hard Labour until the next Quarter-Sessions of the Peace, to be held for this County; and hereof fail not. Given under my Hand and Seal, &c.

A Warrant to levy 20 l. for not conveying a Vagrant to the Place whither he was ordered to be sent.

12 An. c. 23.

Essex, ff. **W** Hereas D. L. the Headborough of M. in the County of, &c. was ordered by a Pass, to convey A. B. a Vagrant, from the Parish of M. where he was taken wandering and begging, to the said Parish
1 of

of Q. in the County of, &c. where he was born; but the said D. L. did not convey, or cause to be conveyed the said A. B. to the aforesaid Parish of Q. he being the Person really intended by the said Pass to be conveyed thither, by Reason whereof he hath forfeited 20 l. These are therefore to require you forthwith to levy the said Sum of 20 l. on the Goods and Chattels of the said D. L. by Distress and Sale thereof, rendering to him the Overplus (if any such there be) and that you pay one Moiety thereof unto J. M. who first informed me of the said Offence, and the other Moiety to the Church-wardens and Overseers of the Poor of the Parish of, &c. where the said Offence was committed, for the Use of the Poor of the said Parish; and hereof fail not. Given, &c.

* Or did counterfeit a Certificate, Receipt, or Note, as the Case is. Or altered the Sum in the Certificate mentioned, as the Case is.

A Receipt from the next Constable, on Delivery of Vagrant, to be endorsed on the Certificate.

I A. B. Constable of, &c. in the County of, &c. do hereby acknowledge that I have received this Day, &c. of and from C. D. Constable of, &c. in the County of, &c. J. L. a Vagrant, by the said C. D. brought thither in his Way to, &c. the Place of his last legal Settlement, by Virtue of a Pass granted by, &c. Witness my Hand the Day and Year above written. 12 An. c. 23

A Receipt for Money for passing Vagrants.

Recieved this Day, &c. of A. B. High Constable of the Hundred of, &c. the Sum of, &c. for conveying J. L. a Vagrant, to the Town of, &c. being the Sum ascertained by the Justices Certificate withn mentioned. Witness my Hand this, &c. 12 An. c. 23.

E. M. Petty Constable of, &c.

A Justice's Allowance and Taxation of a Constable's Account for conveying Vagrants, to be added at the Foot of the Account.

I Having examined this Account of the Constables of, &c. for Conducting and Entertainment of Vagrants (by Virtue of Passes, which were allowed and signed by me) do think the same to be just and moderate; and hereby direct and order the same, amounting to, &c. to be reimbursed to the High Constables of the Hundred of, &c. for their Use. Witness my Hand, &c.

Mittimus of a Vagrant to the House of Correction, escaping from the Place to which he was sent.

23 Ann. c. 23. Essex, *ff.* **W** Hereas A. B. a Vagrant, was sent by a Pass from L. in the County of, &c. to the Parish of M. in the County of, &c. and delivered to the Church-wardens of the said Parish of M. or to one of them, but did soon afterwards escape from the said Church-wardens, and was found and taken wandering and begging in the Parish of H. &c. all which hath been duly proved before me: I do therefore herewithal send you the Body of the said A. B. requiring you to receive him into the House of Correction, and there keep him to hard Labour till the next * Quarter-Sessions of the Peace to be holden for, &c.

* If he do not then give Security for his good Behaviour for a Year, he shall be adjudged an incorrigible Rogue, and punished as such.

A Warrant against an Headborough for not removing the Lame and the Blind.

22 Ann. c. 23. Essex, *ff.* **W** Hereas A. B. and C. D. two of the Inhabitants of the Parish of M. in this County, did complain to J. L. the Headborough of the said Parish, in the Absence of M. W. the High Constable, that several blind Men did place themselves on the first Day of April last in the Highway in the said Parish of M. and did beg there, to the great Annoyance and Disturbance of the Passengers; and the said J. L. did not, upon due Notice thereof,

thereof, as aforesaid, cause them to be removed, but suffered them to continue still there begging: And whereas the said A. B. and C. D. did, within 24 Hours next after such Neglect, make Oath thereof before me J. S. Esq; one of his Majesty's Justices of Peace for this County where the said blind Men were found begging: These are therefore to require you to levy the Sum of 10s. by Distress and Sale of the Goods and Chattels of the said J. L. rendering to him the Overplus, if any such shall happen to be, and that you pay the same to the Church-wardens and Overseers of the Poor of the said Parish of M. for the Use of the Poor thereof, that being the Parish where the aforesaid Offence was committed. Given under my Hand and Seal, &c.

A Warrant to apprehend a Madman.

Essex, ff. 12 Ann. c. 23. Whereas A. B. a furious Lunatick and disorderly Person, has been lately seen walking in the Parish of M. &c. to the great Terror, Disturbance and frightening the People there: These are therefore to require you forthwith to apprehend the said A. B. and cause him safely to be locked up, until he shall be discharged by due Course of Law: And hereof fail not. Given under our Hands and Seals, &c.

The Condition of the Recognizance, that a Vagrant transported shall not be sold to an Alien, &c. to be transmitted to the Sessions.

T*HE Condition of this Recognizance is such, That 12 Ann. c. 23. whereas A. B. a Vagrant, being lawfully placed as an Apprentice or Servant to the above-bound L. M. for the Space of seven Years, is now about to be transported beyond the Seas: If therefore the said A. B. shall be sent and employed during all that Time in some of his Majesty's Plantations, or in some British Factory, and there supplied with Necessaries fitting and convenient for his Degree, and shall not be sold to any Alien, but at the End of his seven Years from the Commencement of his said Apprenticeship, shall be absolutely discharged and set at Liberty, then this Recognizance shall be void, otherwise shall remain in full Force and Virtue.*

A Warrant to the Master of a Ship to transport a Vagrant to *Ireland*, the Place of his Settlement, &c.

Essex, ff. **W** Hereas A. B. a Vagrant, was apprehended wandering and begging in the Parish of W. in the County of, &c. and upon his Examination and other due Proof, it appeareth unto me, that the last Place of his lawful Settlement was at N. &c. in the Kingdom of *Ireland*: I do therefore hereby order and require you to take the said A. B. on Board your Ship, now riding at, &c. within the Limits of this County, and to transport him from thence into *Ireland* aforesaid; and for your so doing, this shall be your Warrant. Given under my Hand and Seal, &c.

* Or in any of the Plantations, as the Case is.

A Warrant to levy the 5 l. on a Master of a Vessel refusing to transport a Vagrant.

22 Ann. c. 23: Essex, ff. **W** Hereas by a Warrant under my Hand and Seal, directed to M. C. Master of the Ship or Vessel called, &c. now riding at, &c. within the Limits of the said County, he was ordered to take on board his said Ship one A. B. a Vagrant, and to transport him from, &c. to *Ireland*, where he was last legally settled; but the said M. C. did and doth still refuse to take the said A. B. on board his said Ship, and to transport him to *Ireland*, as aforesaid; by Reason whereof he hath forfeited 5 l. These are therefore to require you forthwith to levy the said Sum of 5 l. by Distress and Sale of the said Ship, and Goods therein, or so much thereof as shall raise the said Sum of 5 l. and that you pay the same to the Church-wardens or Overseers of the Poor of the said Parish of, &c. where the said A. B. now lieth for Transportation, for the Use of the Poor thereof. Given under my Hand and Seal, &c.

Vellum and Parchment.

ONE Justice may take the Affidavit of the Maker of Paper, Vellum, Parchment and Pastboard, what the Value of the same is, for which he is to pay 20 l. per Cent. Tax. Stat. 8 & 9 W. 3. cap. 7.

One Justice may take the Affidavit of Maker of Paper, &c.

Where Complaint is made by the Owner of any Paper, Parchment, Vellum or Pastboard, that the same hath been seized for any Offence against the Act 8 & 9 W. 3. cap. 7. two Justices are to summon Witnesses, and examine the Cause of the Seizure upon Oath, and to hear and determine the Matter between the Owner and Seisor. *Ibid.*

But Complaint must be made in eight Days after the Seizure is made, and an Appeal lies to the Quarter-Sessions. *Ibid.*

Verdict.

Verdict, *quasi vere dictum*, is the Sentence of the Jury after Evidence given as to Matter of Fact: for *ad questionem Juris respondent Judices, sed ad questionem facti respondent Juratores.*

Verdict, what.

In capital Cases the Jury cannot be discharged before the Verdict is given.

In capital Cases Jury can't be discharged, nor no Privy Verdict.

And it must be given openly in Court; for no privy Verdict is allowed in such Cases, though a Special one often is.

But a special Verdict may.

If the Indictment is for Murder, they may find the Defendant guilty of Manslaughter, Chance-Medley, or *se Defendendo*; but then they must find in what Manner, that the Court may judge of the Law arising upon the Fact; and the Court, upon Examination of the Matter, may judge contrary to the Verdict. As the Jury found that *A.* kill'd *B.* *se Defendendo*; and, upon Examination of the Matter, the Court adjudged it to be Manslaughter, against the Verdict. 1 Cro. 114. a.

But a special Verdict may.

Mansell was indicted for Murder; the Foreman of the Jury said he was found guilty of Manslaughter, the rest of the Jury informed the Court that they did not agree to the Verdict. Then the Court asked *Mansell*, Whether he would be discharged of that Jury? He consented, and the Prisoner was tried by another upon the same Indictment, and found guilty of Murder, and had Judgment to be hanged.

B b 3

Though

Jury may find less than laid in Indictment, but not more.

Though the Indictment specify the Goods to be above Twelve-pence, yet the Jury may find that the Goods were worth but six Pence, or less; upon which Verdict it shall be taken to be but Petty Larceny. 1 Cro. 114.

So if one be indicted of Felony and Burglary, they may acquit him of the Burglary, and find him guilty of Felony only.

So one arraigned of Murder may be found guilty only of Manslaughter. *Ibid.*

For there is no Necessity of finding the Value of any thing as laid in the Indictment; more they cannot find, but less they may.

No Verdict can be found conditionally. *Yelv.* 15.

Victuallers and Victuals.

Forfeiture of Victuallers, &c. selling at unreasonable Prices.

A Lehouse-keeper,
Baker,
Brewer,
Butcher,
Cook,

Costard-monger, or
Fruiterer,
Fishmonger,
Inn-keeper,
Poulterer,

Or any other Sellers of Victuals, if they sell at unreasonable Rates or Prices, they lose double the Value, by Stat.

23 E. 3. c. 26. 23 Ed. 3. cap. 6.

By Stat. 13 R. 2. cap. 8. Victuallers shall sell their Victuals at such reasonable Prices as shall be set down by the Justices of Peace in two of the Sessions to be held betwixt *Easter* and *Michaelmas*, on Pain to be punished at the Discretion of the said Justices, where no Pain is limited in certain.

Punishment if any such agree or conspire to sell, &c.

If any of the said Trades conspire, or make Agreement together to sell at no other Prices but what they agree on, the first Offence is 10 *l.* or twenty Days Imprisonment, if they pay it not within six Days after Conviction; the second Offence is 20 *l.* and if they do not pay it in six Days; as aforesaid, they shall suffer the Pillory; for the third Offence shall forfeit 40 *l.* and that not paid within six Days, as aforesaid, shall again suffer the Pillory, lose one of their Ears, and be ever after taken as infamous, and not to be credited. And if such Conspiracy be acted by the major Part of the Company, the Corporation shall be thereupon dissolved, by Stat. 2 & 3 Ed. 6. cap. 15. continued and confirmed by 22 & 23 Car. 2. cap. 19. and 1 Jac. 2. cap. 17.

Statutes.

21 Jac. 2. c. 21.

By Stat. 21 Jac. 2. cap. 21. Inn-holders and Hostlers shall make no Horse-Bread, and shall sell their Hay, Provender,

vender, and Victuals at reasonable Prices, and shall take nothing for Litter.

If any Inn-holder, Hostler or other, offend this Law in any kind whatsoever, for the first Offence they shall be fined; for the second, suffer a Month's Imprisonment, without Bail; for the third, be in the Pillory; and for the fourth, shall be forejudged from ever keeping an Inn again.

To sell Swines Flesh mearled, or any Flesh that died of the Murrain, or other corrupt Victual, is fineable by the Statute of Pillory and Tumbrel. *51 H. 3. Stat. de Pistoribus. 31 E. 1.* *51 H. 3. 31 E. 1.*

Under-Sheriff. See Sheriff.
 Unlawful Assembly. Vide Riot.
 Unlawful Games. Vide Gaming.

Usury.

Indictment before the Justices at the *Old-Baily* for Usury, and Defendant being found guilty, he brought a Writ of Error, and the Judgment was reversed, because the Court of Sessions had no Jurisdiction in this Matter. *3 Salk. 188. Rex versus Bateson.*

Indictment before the Justices at *Hick's Hall* for Usury, *contra formam Statuti*, and Judgment against the Defendant; and on a Writ of Error brought in *B. R.* the Judgment was reversed, for the Justices of Peace have no Jurisdiction in this Case. *2 Salk. 680. Domina Regina versus Smith, Pasch. 4 Ann. B. R.*

Wages. See Servants and Apprentices.

THE Statutes for settling the Wages of Servants, Labourers, &c. are the *5 El. cap. 4.* and *1 Ja. 1. cap. 6.* By the Stat. *5 El. cap. 4.* such Wages of Labourers, Artificers, Servants and others, as have been formerly rated, or concern Husbandry, shall be yearly assessed for the County, by the Sheriff and Justices of Peace in Sessions, and in Corporations by the Head Officer, at their *Easter Sessions*, or within six Weeks after, and before the 12th of *July* following, shall be certified under their

Statutes for settling Servants Wages, &c.
5 Eliz. c. 4.
1 Jac. 1. c. 6.

B b 4

Handa

Hands and Seals into the Chancery. Whereupon the Lord Chancellor, or Keeper, shall send down printed Proclamations thereof into every County and Corporation before the first of *September* then next following; which the said Sheriffs, Justices, and Head-Officer, shall, before *Michaelmas* after, cause to be inrolled and proclaimed. But here, where the old Rates shall be certified to stand, no Proclamation is needful.

Every Justice absent at setting Wages forfeits 10*l.*

Every Justice of Peace or Chief Officer, who shall be absent at rating of Wages, (being not hindered by Sickness, or some other reasonable Cause to be allowed by the Justices, upon Affidavit) shall forfeit 10*l.*

Giver of greater Wages forfeits 5*l.*

He who gives greater Wages forfeits 5*l.* and may be committed for ten Days without Bail; and he who taketh more, being convicted before two Justices, shall be committed twenty-one Days without Bail.

And every other Retainer, &c. void.

And every Retainer, Promise, Gift, or Payment of Wages, or other Thing, contrary to the true Meaning of this Act; and every Writing and Bond to be made for that Purpose, shall be void.

1 Jac. 1. c. 6.
5 Eliz. c. 4.

And by Stat. 1 *Jac.* 1. *cap.* 6. the Stat. of 5 *El.* *cap.* 4. shall give Power to the Justices of Peace to rate the Wages of any Labourers, Weavers, Spinsters and Workmen, or Workwomen whatsoever.

Justices of Ridings, &c. may rate as well as Justices of Counties.

The rating of such Wages in Sessions by the major Part of the Justices, within any particular Riding, or Division, (where General Sessions have been used severally to be kept) shall be as effectual as those rated at the General Sessions of the whole County.

Sheriff may proclaim 'em, though not sent down.

The Sheriffs and Head Officers, within their several Precincts, shall cause the said Rates to be proclaimed in such Sort, as if they had been sent down printed from the Lord Chancellor or Keeper, which all Persons shall be bound to observe upon the Pains and Penalties mentioned in the said Stat. of 5 *Eliz.* *cap.* 4.

5 Eliz. c. 4.

None shall incur any Danger for not making Certificate of the Rates into the Chancery, according to 5 *Eliz.* c. 4.

Clothiers shall not rate any Workers in Cloth, &c.

A Clothier, being also a Justice of Peace, shall not be a Rater of Wages for any Artificers that depend upon making Cloth. *Ibid.*

An Indictment lies for giving more Wages than assessed by the Justices.

Wages in Husbandry shall be intended, if contrary does not appear.

An Order to pay 40*s.* generally for Wages, without saying for what Wages; and the Justices have Power only to settle Wages in Husbandry: Adjudg'd, upon a Motion to quash this Order, that it shall be intended for Wages in Husbandry, since the contrary doth not appear. 2 *Salk.*

484. *Gregory's Case.*

Order

Order that *W. R.* should pay to *W. W.* so much Money for Labour and Work done, without saying that *W. W.* was his Servant; Quashed, for it doth not appear but that the Work done might be Carpenters Work, or any other Trade. 6 *Mod. Cases* 91. 3 *Salk.* 261. *Sett. and Rem.* 229. *Corbett's Case*.

If an Order be general, *viz.* to pay so much to two of a Man's Labourers, or two of his Servants, the Court will suppose them Servants in Husbandry. 2 *Salk.* 442.

An Order to pay for Days Work and Labour done; which was held well; for the Court will intend it within their Jurisdiction upon general Words, unless the contrary appears upon the Face of the Order, as in the Case *ante*, 2 *Jones* 47. for a Coachman's Wages the Order was affirmed. 2 *Salk.* 441. *Domina Regina ver. Gouch*, 1 *Ann. B. R.*

Order reciting, that *W. R.* and *W. R.* were retained by one *London*, the King's Gardener at *Hampton-Court*, at so much *per Diem*, to work in the King's Garden there, and that they worked there so many Days, and that so much was due to them, which *London* was ordered to pay: This Order being removed from *Hick's Hall*, was quash'd; for the Justices have only Power to enforce the Payment of Wages in Husbandry, because they have Power by the Statute to settle such Wages, 'Tis true, where an Order is for Payment of Wages generally, it shall be intended Wages in Husbandry; but upon the Face of this Order, it appears to be otherwise; for Gardening is not Husbandry within the Statute, being making of ornamental Walks, and not for Profit. 2 *Salk. Rep.* 442. 6 *Mod.* 204. *Sett. and Rem.* 231. *London's Case*.

Moved to quash an Order made by two Justices for Wages, without alledging them to be Servants in Husbandry; for it did not appear the Justices had any Jurisdiction. Quash'd *Passib.* 5 *Ann. Dom' Reg' ver. Paine*, Clerk of the Peace of *Westmoreland*.

If the greatest Part of the Justices resident be not present at the Rating of Servants Wages, all that is done will be void; and the Justices are to consult considerate Persons of the County in Rating of Servants Wages, and have Regard to Plenty and Scarcity, and other Circumstances, and without them they cannot rate Servants Wages. *Bridg. Rep.* 118, 119.

A *Certiorari* was awarded to the Justices of Peace of *Middlesex* to remove an Order made by them; which was, that *Mr. Darval* should pay his Coachman the Wages agreed between them; against which it was moved that the Stat.

Stat. 5 *Eliz. cap. 4.* doth not extend to Coachmen, or any other Servants, than what belong to Husbandry; which was owned by the Court; and the Order was quash'd. *Pasch. 28 Car. 2. B. R. T. Jones Rep. 2. 47.*

Two Justices may hear and determine Wages in some Manufactures.

By Stat. 1 *Ann. cap. 18.* two Justices may hear and determine all Wages, Demands, Frauds and Defaults of Labourers in the Woollen, Linen, Fustian, Cotton and Iron Manufactures, for or concerning any Work done in the same Manufactures. Witnesses are to be summoned, and an Appeal lies to the Quarter-Sessions.

Master may gratify his Servant, tho' not by Way of Contract.

Tho' Masters ought not to give greater Wages than are settled by the Justices in Sessions, by Way of Contract; yet they may reward a well-deserving Servant, &c. (over and above his Wages) according as he shall deserve; so that 'tis not by Way of Promise or Agreement upon his Retainer.

Any two Justices of Peace may imprison, without Bail, the Master who shall retain or keep any Servant, Workman or Labourer, contrary to the Statute, *ff.* for retaining or hiring a Servant for less Time than one whole Year. But this extends to Artificers or Tradesmen, and only to such Trades as are named in this Statute, and not to Husbandry. *Dalt. 180.*

A Master convicted before two Justices, (one *Quor.*) by his own Confession, or the Evidence of two Witnesses, not to have observed the said Rates, by paying less than the Rates so appointed, shall forfeit 10*s.* to the Party grieved, to be levied upon Warrant from the same Justices, by Distress and Sale of his Goods. *Ibid.*

If a Servant hired according to the Statute, depart before the End of his Term, or at the End of his Term, without a Quarter's Warning, or refuse to serve for the Wages limited, or promise to serve, and do not serve, upon Complaint, any two Justices, or the Mayor or two Aldermen, &c. may commit him to Ward without Bail, until he be bound to the Party offended to serve as he ought. *Ibid.*

Wages of Justices, &c.

Justices of Peace must meet twice in a Year, to inquire of the Breaches of the Statute of 5 *Eliz. cap. 4.* and shall have five Shillings *per Diem*, out of the Fines and Forfeitures, for their Wages, for three Days. *Per 5 Eliz. cap. 4.*

5 *Eliz. c. 4.*

In Action for Wages, Master can't wage his Law.

Action of Debt for Wages lies against an Executor, where one is retained that is compellable to serve; and in an Action upon the Statute for Wages, a Master cannot wage his Law. *Moor 698. 1 Brownl. 62. Co. Rep. 9. f. 88.*

It

It seems that none are bound to observe the Wages settled by the Justices of Peace, 'till they are proclaimed.

If a Woman Servant marry, yet she must not be put away, but must serve her Time. So if two married People bind themselves, they must serve their Time.

If a Woman Servant marry she must serve her Time out.

Justice of Peace may have his Action of Debt against the Sheriff for his Wages at the Sessions. 1 Cro. 177. a. N. 23. N. 30.

Justices of Peace shall be paid their Wages out of the Fines and Amerciaments of the same Sessions; and they ought to assess the Fines in the Court, and the Clerk shall indent the Estreats betwixt the Justices and the Sheriff; and the Justices shall put their Names thereto, to the End the Sheriff may know to whom to pay Wages, and levy the same to pay the Justices; whereupon the Sheriff shall be allowed the same upon his Account in the Exchequer. 14 R. 2. cap. 11. Lamb. 628. Cro. 177. a. N. 30. And the Estreats of the Justices of Peace are an immediate Warrant for the Sheriff to levy the Fines, &c. arising before them. *Ibid.*

Method of paying the Justices their Wages.

Rates of Wages ingrossed in Parchment are to be kept by the *Cassus Rotularum*, and, if in a Corporation, amongst the Records thereof, and therefore may be seen with the Clerks of the Peace.

Wherefore it may seem needless here to insert a Table of Wages, and the rather, because they differ in many Counties, according to the Plenty or Scarcity of Provisions, &c.

And for Warrants relating to Wages, see in the Titles *Servants* and *Apprentices*.

Warrants. Vide also Constables and Offences.

THERE are two Sorts of Precepts of Justices of Peace, one a Precept by Word of Mouth, and the other a Precept in Writing, under the Hand and Seal of the Justice, or at least under his Hand.

Two Sorts of Warrants, by Word of Mouth, and in Writing.

For a Justice of Peace (being a Judge of Record) his Precept or Command by Word of Mouth is in some Cases as strong as his Precept in Writing; as where a Riot or an Affray, Assault, Threatning, or other Breach of the Peace, is done in his Presence, he may command an Officer or his Servant to arrest the Offender to find Sureties for the Peace.

And

And where a Justice of Peace commands one being present to arrest another, that is also in his Presence, it is good, and is reputed as an Arrest made by the Justice himself. *Br. Faux Impr.* 33.

Case of Arrest
by Word of
Mouth.

In false Imprisonment, Defendant justified that the Plaintiff being in Presence of a Justice of Peace, the Justice not having Opportunity to examine him, commanded the Defendant to take him into Custody and keep him safely till next Day, the which he being Constable did accordingly do; and this was held a good Justification, without shewing what Cause the Justice had to imprison him, and without shewing the Warrant, because it was done in the Presence of a Justice of Peace. *Broughton ver. Mulhroe, Trin. 37 Eliz. Moor's Rep.* 408.

Warrants in
Writing ought
to specify the
Cause.

Warrants in Writing if they be for the Peace or Good Behaviour, or the like, where Sureties are to be found or required, there the Warrant ought to contain the Special Cause and Matter whereupon it is granted, that the Party may provide his Sureties ready, and take them with him to the Justice of Peace to be bound for him, which he is obliged to tender, or the Justice may commit him for Want of Sureties.

Justice must
not grant a
blank Wa-
rant.

It is not safe for a Justice to grant a blank Warrant, and if he does, he may be fined. *Crompt. Aut des Courts* 34.

And he ought not to grant his Warrant against a Felon, without examining the Person upon Oath, who requires it, and binding him over to give Evidence. *Dalt.* 579.

The Warrant in Writing of the Justice of Peace should also be under his Hand and Seal, unless where the Statute says it may be under the Hand only of a Justice of Peace. *Ibid.*

The Justice of Peace may make his Warrant to bring the Party before himself. And yet upon a Warrant for the Peace, granted *ex officio*, the usual Manner is otherwise.

Also the Justice may in some Cases make his Warrant to attach the Offender to appear at the next Sessions of the Peace, there to answer his said Offence, &c. And where the Justice shall command one by his Warrant to be or appear at the next Sessions, &c. if the Party do not appear, then from that Sessions there shall go out a Precept to attach him for his Contempt. *Ibid.*

Also where any Statute doth give Authority to a Justice of Peace to cause another Person to do a thing, there it seems they have Power given them to grant their Warrant to bring such Person before them, that so they may take Order therein. *Ibid.*

If

If Justices of Peace bind over or grant a Warrant against an Offender, upon any penal Statute, to appear at the Sessions to answer to their Offence or Fault, though such Statute be within the Power of the Justice of Peace, yet such Warrant or Binding over such Offenders, may seem not warranted unless it be Specially so appointed in the Statute, as it is by the Statutes of 5 *El. cap. 4.* 23 *El. cap. 10.* 39 *El. cap. 11.* 33 *H. 8. cap. 1.* But such Offenders ought first to be indicted, and thereupon Process from the Sessions is to be awarded against them until they come in, &c.

5 *Eliz. c. 4.*
23 *Eliz. c. 10.*
39 *Eliz. c. 11.*
33 *H. 8. c. 1.*

No one or more Justices of Peace can make a Warrant upon a bare Surmise to break any Man's House to search for a Felon or stolen Goods; there must be a Felony actually committed and sworn to, whereon to ground their Warrant.

Warrant to break open a House must not be on a bare Surmise.

Where the Offence prohibited by any Statute amounts to a Breach of the Peace or Good Behaviour, there the Justice may (either upon Discretion, or Complaint of such an Offence and Breach of the Statute) grant out his Warrant, and bind over the Offender to the next Quarter-Sessions, &c. to answer his said Default, and in the mean Time to be of the Good Behaviour.

Where Justice may grant his Warrant discretionally.

The Constable is the proper Officer to whom a Warrant is to be directed; but a Justice may direct it to the Sheriff, Constable, or other Officer; and in some Cases (by particular Directions of the Statute) to the Church-wardens and Overseers, &c. or to any other indifferent Person by Name, though he be no Officer. But there is this Difference in the Execution of it, That if it be executed by a Sworn Officer, he need not shew his Warrant to the Person upon whom he serves it, though he ought to declare the Contents thereof; and if executed by a private Person, it must be produced if demanded, or else the Party may make Resistance, and needs not to obey it. *Br. Faux Impr. 23.*

Constable is the proper Officer to whom Warrant is to be directed, though it may be to others.

A Warrant directed by the Justice of Peace to two Men jointly to arrest another, &c. yet any one of them alone may do it, because it is done for the Execution of Justice, and for the publick Good. *Dalt. 577. cap. 169.*

A Warrant directed by the Justice of Peace to the Sheriff, he may by Word command his Under-Sheriff, Bailiff, Servant, or other known or Sworn Officer, to serve it without any Precept by Writing. *Ibid.*

Warrant to Sheriff, he need not execute it himself.

But if the Sheriff will command another Man, who is a Stranger, to serve it, he must deliver him a Precept in Writing; otherwise false Imprisonment will lie for the Arrest. *Ibid.*

A War-

But all others
must.

A Warrant directed by a Justice of Peace to any Person but the Sheriff, he to whom it is directed must serve it himself, for he can command no other to do it, neither by Word nor Writing, nor make any Deputy. *Dalt.* 578. *cap.* 169.

How a War-
rant must be
executed.

The Officer, to whom the Warrant is directed and delivered, ought with all Speed and Secrecy to find out the Party and execute the Warrant; and if it be a Warrant for the Peace or Good Behaviour, or in any Case where the King is Party, the Officer may break open Doors to take the Offenders; and if he is resisted or assaulted, he may justify the Beating and Wounding. *&c.*

When one is
obliged to sub-
mit to the Ar-
rest, when not.

If a Person says, I arrest you in the King's Name, *&c.* you ought to obey, though you know not whether he be an Officer or no; and if it appears afterwards that he was no legal Officer, an Action of false Imprisonment lies against him; but if you certainly know that the Person is no Officer, you are not obliged to obey. *Co.* 9. *Rep.* 69.

False Imprison-
ment.

Where a Warrant is granted to take *R. N.* the Son of *T. N.* and the Officer arrests *R. N.* the Son of *W. N.* though he is the Offender, yet it is false Imprisonment. *Dyer* 244.

If an Officer arrest a Person for the Peace, *&c.* without Warrant, and afterwards he receives a Warrant, yet this Arrest is wrongful, and false Imprisonment in the Officer. *Ibid.*

When Officer
can retake
one arrested,
when not.

If after an Officer hath arrested a Person, he shall suffer the Person to go at large upon Promise to return or appear, *&c.* though he makes Default in his Appearance, yet the Officer cannot retake him by Virtue of his first Warrant, because it was once executed, and his going at large was with the Consent of the Officer; but if the Party makes his Escape without the Consent of the Officer, then upon fresh Suit the Officer may take him again and again, so often as he escapeth, although he were out of View, or that he fly into another Town or County. *Co.* 58, 144.

Where an Officer has received a Warrant, he is bound to pursue the Effect of it in every Behalf, or otherwise his Warrant will not excuse for that which he does otherwise.

When Officer
is obliged to
execute a
Warrant, and
when not.

If a Justice of Peace exceeds his Authority in granting a Warrant, yet the Officer must execute it, and is indemnified in so doing; but if it be in a Case where he has no Jurisdiction, or in a Matter whereof he has no Conusance, the Officer ought not to execute such Warrant, for if he does he may be punished; as if a Poor's Rate is illegally assessed, and afterwards levied by a Warrant from
the

the Justice, &c. this will not excuse the Church-wardens. *Cro. Car.* 394. 10 *Co.* 76. and so note that the Officer is bound to take Notice of the Authority and Jurisdiction of the Judge.

If any Man shall abuse the Justice of Peace his Warrant, as by throwing it into the Dirt, or treading it under his Feet, &c. or shall refuse to execute it, it shall be adjudged a Contempt of the King's Process, for which the Offender may be bound to his Good Behaviour, and may also be indicted and fined. *Crompt.* 149.

Penalty of abusing Justice's Warrant.

All Warrants in Writing ought to be under the Hand and Seal of the Justice; for every Justice of Peace (being a Judge of Record) ought to have a Seal of Office. They must express the Year and Day when granted. And *Lambard* says that it is requisite the Place be likewise named, but this latter has been disused for a considerable Time. Upon a Warrant for the Peace, the Officer ought first to require the Party to go before the Justice before he does arrest him. *Dalt.* 580. *cap.* 170.

A Justice of Peace his Warrant of the Peace ought not to be granted against a Peer of this Realm, or Peerefs by Creation or Birth, but *B. R.* may; but if they are only noble by Marriage, and the Husband dies, and then they marry beneath the Peerage, they lose that Dignity.

No Man may commit another to Prison unless he be a Judge of Record. *Co.* 10. 103.

None can commit but a Judge of Record.

If the Warrant is general, *viz.* to be brought before the Justice who grants it, or any other Justice, &c. the Constable, who is the Officer and Minister of Justice, may carry the Party before any Justice of that County, &c. because he is presumed to be an indifferent Person, and sworn to execute his Office duly, and therefore it is reasonable that the Election should be in him. *5 Rep. Foster's Case.*

Constable is to have the Election what Justice to go before.

A *Mittimus* must not always conclude (until he be discharged by due Course of Law) but where it is for an Offence created by a particular Statute, it ought to conclude according to the Direction of that Statute.

How a *Mittimus* must conclude.

A Justice of Peace cannot command his Servant to arrest one in his Absence, without a Warrant in Writing. *1 Brownl.* 205.

If a Rate be unduly taxed, the Warrant of a Justice of Peace for the levying thereof, will not excuse the Officer. *Cro. Car.* 395.

Where Sureties are to be required, the Warrant ought to contain the Special Cause whereupon it is granted. *Palm.* 558.

A War-

A Warrant may be made to bring before a particular Justice. *Co. 5 Rep. 59. Foster's Case.*

Warrant shall be intended in Writing, tho' not so express'd.

In a Return of a Rescue *quod fecit Warrantum*, it shall be intended by Writing, though not expressed. *Co. 3 Rep. 44. 1 Cro. 181.*

A Warrant for Treason, Murder, or Felony, or other capital Offence, need not contain the Special Cause. *1 Cro. 148.*

The County writ in the Margin of the Warrant, albeit not expressed in the Warrant, and in *Com' pradiet'* shall have Relation to the County set in the Margin. *1 Cro. 102. Nu. 29.*

All Warrants made in the King's Name, ought to be directed to all Ministers, as well within Liberties as without. *Dalt. 355.*

A Warrant from a Justice of Peace to answer to such Things as shall be objected against the Party without alledging any Cause (in Cases not bailable) was said by *C. J. Coke* to be good in the Cause. *Wilson ver. Dodd. 1 Ro. Rep. 135, 176. 2 Bulst. 335. 2 D. 157. p. 10. 2 Ro. Ab. 546. a. p. 1.*

Mittimus must specify the Cause.

But he cannot commit to Prison for certain Causes, but must alledge the Cause. *Boucher's Case, Mich. 3 Jac. 1. Cro. Jac. 81. pl. 4.*

The Title of Direction may be either above the Warrant thus: *To the Constable of Dale*, or in the Body of the Warrant thus: *J. S. Esq; to the Constable of Dale: Whereas, &c.*

Justice in directing his Warrant must pursue the Statute.

A Justice is at Liberty to direct his Warrant to the Sheriff, all High Constables, Petty Constables, &c. in the County in general, or to any one in particular, unless the Statute do appoint him to whom to direct his Warrants, as several Acts of Parliament do; some of them appointing him to direct his Warrant to the Constables, some to the Constables and Church-wardens, some to the Church-wardens and Overseers of the Poor, and it is not safe for the Justice of Peace to vary from it.

It is not amiss to mention the Place where Offence committed.

It is not amiss if the Warrant on Conviction of an Offence recite where the Offence is committed, thus: *J. D. being convicted before me of being drunk (at Dale in this County;)* because in many Cases the Forfeiture is given to the Poor of the Place where the Offence is committed.

And also the Time.

So to mention the Time, when the Offence is by Law to be punished within a certain Time, as when Prosecution must be within three Months, &c.

If the Warrant say it was dated at one Place, and it be dated at another Place in the same County, yet the War-

Warrant is good, and it shall be taken to be dated where the Warrant doth say it was dated.

Though for Treason, Felony, &c. it is not necessary to mention the Crime; yet it is best to express the Cause; otherwise if the Prisoner escape it is no Offence; but if the Cause be set forth to be for Felony, &c. then a voluntary Escape will be Felony in the Officer, though the Prisoner be not Guilty of the Felony, &c.

It is best to specify the Crime.

Where an Act of Parliament doth say that the Justice shall do any Thing by Warrant under his Hand, there the Seal is not necessary; but where the Law says the Warrant must be under his Hand and Seal, there it must be so, or it is not good; and therefore it is better to put his Hand and Seal to every Warrant.

Indictment for not executing a Justice of Peace his Warrant. See *Constable*.

And for Warrants *sparsim per totum*, &c.

A general Warrant to search for Felons or stolen Goods seems illegal; for it is hard to leave it to the Discretion of a common Officer to arrest what Persons, and search what Houses he pleases. *Hawk. P. C. pt. 2. cap. 13.* yet see a Precedent of this in *Dalton* 114.

Watch. Vide also Constable.

IN walled Towns the Gates ought to be shut from Sun-set to Sun-rising, and none shall lodge in the Suburbs, except the Host will answer for him. *5 H. 4. c. 3. 5 Ed. 3. cap. 14.*

Every Justice of Peace may cause the Watch to be set and duly kept, and may direct the Manner of it; but no Man is compellable to watch unless he is an Inhabitant of the Town.

Any suspected Person passing by the Watch at unreasonable Hours, may be examined by the Watchmen; and if they find cause of Suspicion, or if they refuse to answer, they may justify the Apprehending them and Securing them till the Morning; and if they will not obey the Arrest of the Watchmen, they may levy Hue and Cry, or else they may justify the Beating them, or they may carry them to the Constable, who may carry them before a Justice of Peace, as they see Cause, by him to be examined, and be bound over or committed, until the Offender be acquitted in due Manner.

Gates of walled Towns to be shut from Evening to Morning. *c 11. 4. c. 3. 5 E. 3. c. 14.*

Suspicious Persons may be examined by Watch, &c.

In an Action of false Imprisonment the Defendant justified, because at that Time he was Constable of *D.* and appointed

Case of one appointed by Constable to watch, &c.

pointed the Plaintiff to watch, and he refused, for which he set him in the Stocks. Upon a Demurrer it was said by *Wray*, Chief Justice, that the Defendant ought to shew that the Plaintiff was an Inhabitant in the Town, and that it was his Turn to watch: And if such Inhabitant refuse to watch in his Turn, the Constable may set him in the Stocks. *Trin. Term. 30 El. B. R. Leon. Rep. 208. Stretton and Brown's Case. Cro. El. p. 204. S. C. and saith it was adjudged for the Plaintiff, because the Defendant did not shew that the Plaintiff was an Inhabitant there; and the Constable cannot appoint a Stranger to watch, neither by the Statute of Winchester, 13 Ed. 1. cap. 4. nor by Statute 5 H. 4. cap. 3.*

13 E. 1. c. 4.
5 H. 4. c. 3.

In the same Case these Points were resolved:

1. That no Man is compellable to watch unless he be an Inhabitant within the same Town.

2. That such as are Inhabitants within the Town, are not compellable to watch at the Will of the Constable, but only when their Turn comes; for the Statute of *Winchester* says that Watches shall be kept, as hath been used in Times past, which is commonly by Turn or by the House.

If such a one refuse to watch, Constable should complain to a Justice, or present him.

If a Person, who ought to watch, and is commanded by the Constable so to do, refuses, it is doubted whether he may put him in the Stocks; it is safer for him to complain to a Justice of Peace, who may bind the Offender over to his Good Behaviour, and so over to the Sessions, or the Constable may present him there, or at the Assizes.

Watching is properly intended of the Night, and Warding for the Day-time.

c Ann. c. 31.
Executor of Watchman killed is intitled to have 40 l.

By Stat. 5 Ann. cap. 31. a Certificate under the Hand and Seal of two Justices of Peace, that a Watchman or other Person was killed in endeavouring to take a Burglar or House-Breaker, intitles his Executor or Administrator to 40 l.

An Order of B. R. Mich. 16 Car. 2.

Term. Mich. 16 Car. 2. B. R. It was ordered by the Court, that as well in the Summer as in the Winter, Watch and Ward should be kept in the Night in every Street throughout *Westminster* and the Suburbs of *London*; and they directed their Order to the Justices of the Peace and the Sheriff, and charged the Sheriff with it in Court. And the Chief Justice said that a Rate should be made that every one who inhabits there, should contribute so much to such Charge. 1 *Sid. Rep. 218.*

5 H. 4. c. 3.

By Stat. 5 H. 4. cap. 3. Watches shall be kept upon the Sea-Coasts, as they were wont to be.

And in every Commission of the Peace, this Article should be inserted, *viz.* that the Justices of Peace shall have

have Power in their Sessions to inquire of Watches and to punish them who shall be found in Default, according to the Tenor of the said Statute.

The Constable *ex officio* is to order the Watch, and he may enlarge it as there is Occasion, but he cannot change the Course of it at his Pleasure, and make some watch, and excuse others.

Constable cannot excuse from watching in their Turn.

The Watch ought to be from *Ascension* to *Michaelmas*, from Sun to Sun; and the Warding then of Course must be the rest of the twenty-four Hours; and for Default of this Watch and Ward, the Township may be punished.

An Indictment against a Woman, for that being *debito modo requisita ad vigilandum non vigilavit*, was quashed, because it is not said, nor procured one to watch for her, which she might have done. *Comb. 243.*

Indictment of one good for not assisting to watch. *Blac. 305.*

By 9 Geo. 2. c. 6. for the better regulating the nightly Watch and Beadles within the Parish of *St. Martin in the Fields*, within the Liberties of the City of *Westminster*, the Vestry is to meet on the third of *May* and third of *November* yearly, and appoint the Number of Watchmen and Beadles, and to make and set down in Writing the Orders agreed on for regulating the Watch; and if any die or be removed for Misbehaviour; or if it be necessary to alter or amend any Orders, the same to be done by the Vestry, and Transcripts of the Regulations shall be signed by the Vestry Clerk and delivered to each Constable, who shall attend by Turns every Night, and keep Watch and Ward from nine in the Evening till seven next Morning, from the 29th of *September* till the 30th of *March*, and from the 30th of *March* from ten in the Evening till five the next Morning; and shall endeavour to prevent all Mischief, &c. and may apprehend Night-walkers, &c. and carry them to a Justice of the Peace to be examined and dealt with according to Law; and shall twice every Night go about the Parish and see if the Watchmen perform their Duty, &c.

9 Geo. 2. c. 6.

The Watchmen in Absence of the Constable may apprehend Night-walkers, &c.

The Charges are to be paid by an half-yearly Assessment, and may be levied by Distress, &c.

The Assessment for Ambassadors Houses is to be paid by the Landlord; Persons aggrieved may appeal to the next General Quarter-Sessions, whose Order shall be final.

The Assessment is not to exceed 4*d.* in the Pound. No Person paying such Assessment, or being chosen Beadle or Watchman, shall thereby gain a Settlement in the Parish,

nor shall any hired Servant be capable of being chosen a Beadle or Watchman during such Servitude.

The Collectors are to account to the Vestry on the 26th of *July* yearly, or oftner, if required, on Pain of Imprisonment; deficient and surplus Monies to be carried over to the next Year's Rate, and the yearly Accounts are to be adjusted and signed at a Vestry by the 20th of *August*, and lodged with the Vestry Clerk.

Persons paying the Rates are discharged from the Watch or Ward appointed by the Statute of *Winchester*.

All Actions brought against any Person for any Thing done by Virtue of the said Act, shall be commenced within six Months, and be laid in *Middlesex*, to which the Defendant may plead the General Issue, and if (any Ways) for him, shall have treble Costs. The Act is to be deemed a Publick Act.

A Warrant to distrain for the Assessment according to the aforesaid Statute 9 Geo. 2.

To the Collectors of, &c.

Westminster, **W** Hereas Complaint hath been made unto us, two of his Majesty's Justices of the Peace for the City of *Westminster*, that J. O. of, &c. being duly assessed in the Sum of 8 s. for his half-yearly Assessment, for and towards the Defraying the Expence of the nightly Watch for the Parish of *St. Martin in the Fields* within the said City, pursuant to the late Act of Parliament in that Behalf made and provided, hath and doth neglect or refuse to pay the same, as by Law he ought: These are therefore to command you, that forthwith, you, or one of you, do levy the said Sum of 8 s. upon the said J. O. by Distress and Sale of his Goods, rendering to him the Overplus, if any, after a Deduction of reasonable Charges of the Distress and Sale; and in Default of such Distress, that then you certify the same to us. Given, &c.

The

The Form of a *Mittimus* where a Distress cannot be found.

To, &c. and to the Keeper of the common Gaol, &c.

Westminster, **W** Hereas it appears unto us, two of his to wit. Majesty's Justices of the Peace for the City of Westminster, that J. O. of, &c. being duly assessed in the Sum of 8s. for his half-yearly Assessment for and towards the Defraying of the Expence of the nightly Watch for the Parish of St. Martin in the Fields within the said City, pursuant to the late Act of Parliament in that Behalf made and provided, hath and doth neglect to pay the same as by Law he ought, and thereupon a Warrant was directed to the Collectors, &c. under our Hands and Seals, to levy the same by Distress and Sale of the Goods of the said J. O. And whereas it also appears unto us that the said J. O. hath no Goods and Chattels upon which a Distress may or can be made: We do therefore herewithal send you the Body of the said J. O. commanding you to receive him into Custody, and him there safely keep until Payment thereof. Given, &c.

See several other Acts to the like Purpose made the same Sessions of Parliament in the ninth Year of his said Majesty King George the second, for the regulating the nightly Watch, &c. of the respective Parishes of St. Paul Covent Garden, St. Anne, St. Margaret, and St. John, within the said City of Westminster and the Liberties thereof.

An Indictment for not watching.

Middlesex, *ss.* **T**HE Jurors, &c. do present, That L. M. late of the Parish of St. Giles in the Fields in the County aforesaid, was, and long before had been an Inhabitant in the Parish aforesaid; and that he the said L. M. then and there, that is to say, on the 15th Day of June in the Year aforesaid, was duly summoned to watch with the Constable in the Parish aforesaid in the Night of the same Day; nevertheless the said L. M. neglecting his Duty in this Particular, did not watch with the said Constable at the Parish aforesaid in the said County, in the Night of the same Day in the Year aforesaid, or in any Part thereof, but wilfully and obstinately then and there neglected

neglected so to do, and made a Default therein, in Contempt of our said Sovereign Lord the King and his Laws, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

A Warrant by Order of Sessions to keep Watch and Ward.

Essex, ff. **W** *Hereas several Robberies, Felonies, and other Crimes have been lately committed in the County aforesaid, it was therefore ordered at the last Quarter-Sessions of the Peace, held at C. for the said County, that Watch and Ward be duly set and kept in all and every usual Place and Places within your Hundred: You are therefore to take care that the same be done pursuant to the said Order; and you are likewise to apprehend all idle and suspicious Persons, and bring them before us or some other of his Majesty's Justices of Peace for the said County, in Order to proceed against them according to Law; and hereof fail not at your Perils. Given under our Hands and Seals, &c.*

11 Geo. 2.

By 11 Geo. 2. It is enacted, That upon 1 June 1738. or within two Months after (and so yearly) the Vestry of the said Parish shall meet in their Vestry Room, upon Notice given in the Church the Sunday before the Meeting, and appoint a proper Number of Lamps to be set up at equal Distances throughout the Parish, where they shall be fixed, and how long lighted; and may contract with any Persons for the Management of them, and appoint a proper Number of Watchmen and Beadles; and set down in Writing the Manner and Number of the Watchmens Rounds, their Arms, Hours of Watching, and their Wages; and all other Orders suitable to each Service: And upon the Death or Default of a Watchman or Beadle, they may meet at intermediate Times of the Year, and appoint others in their Rooms, and may, if it be necessary, repeal former Orders, and make others.

A Copy of such Orders, written and signed by the Church-wardens and Vestry-Clerk shall be delivered to the Constable and Headboroughs, or their Deputies; one of whom together with a Beadle, is to watch every Night by Turns, from ten in the Evening, till four the next Morning, from 25 March till 29 Sept. and the other Half-year, from nine in the Evening, till seven the next Morning; and shall endeavour to prevent all Mischiefs and Disorders; and, to that End, shall arrest Malefactors and suspected Persons,

Persons, wandering and misbehaving themselves, and secure them, till they can be carried before a Justice; and shall twice, or oftner, go about the Parish, and observe if the Watchmen perform their Duties; and if they misbehave, shall give Notice thereof to the Church-wardens or Overseers of the Poor, who shall summon a Vestry for their Examination and Punishment.

If any Headborough or Deputy shall not attend in his Turn, at the proper Hours, or shall otherwise misbehave himself; he shall forfeit 20 s. for every Offence.

The Watchmen in the Absence of the Constable, &c. are required, during the Time of their Watch, to apprehend Rogues, and disorderly and suspected Persons, and deliver them to the Constable or Headborough, who is to carry them before a Justice.

Within one Month after the Nomination of Watchmen and Beadles, and so twice yearly, or oftner, if it be needful (after due Notice) the said Vestry are authorized to make a Pound-Rate on the Occupiers of Houses and Tenements within the Parish; which being first confirmed by two neighbouring Justices for *Middlesex*, shall be collected quarterly or half-yearly, by such Persons as they shall appoint: And in case any of the said Occupiers shall refuse to pay the Rate, the Collectors are, by Warrant of two such Justices, to levy the same by Distress and Sale; returning the Overplus, after deducting the Charges of Distress; and for want of Distress, by like Warrant to commit the Offender to the common Gaol for one Month, or until Payment.

If any Person appointed a Collector, shall refuse to act, he shall forfeit 10 l. or in case of Death or Removal, the said Vestry shall appoint another in his Room, who, upon Refusal to act, shall be liable to the said Penalty.

The Vestry are to assess all publick Buildings whatsoever within the Parish, except Hospitals, towards Maintaining the Lights, Regard being had to the Number of Lamps requisite.

The Head Officers and Occupiers of the said publick Buildings are required to pay the respective Rates assessed thereon.

No such Assessment shall exceed the Rate of 8 s. per Pound of the improved yearly Value of the Buildings.

The Justices at their Quarter-Sessions Com' *Middlesex*, are finally to determine all Appeals from Persons thinking themselves aggrieved by the said Rates.

No Person paying to any Rate made by Virtue of this Act, or being chosen a Watchman or Beadle, shall gain thereby any Settlement in the Parish.

The Collectors shall pay over the Monies arising from the Rates to such Persons as the Vestry shall appoint; and shall twice a Year, or oftner, upon fourteen Days Notice, account for the same to the Vestry; and all the Monies collected, and Forfeitures recovered, shall be applied wholly to the Purposes of the Act; and upon Default of the Collectors Account and Payment as aforesaid; any two neighbouring Justices may, upon Proof thereof, commit them to the County Gaol, there to remain till Account and Payment be made.

In case there shall be a Deficiency in any Rate, by Lands or Buildings being empty, or by Insolvency or Removal of the Inhabitants, so that the Charge of enlightening the Parish, and the Watchmen and Beadles Wages, &c. cannot be fully satisfied that Year; it shall be made good by the next Year's Rate; or if there be a Surplus, it shall go to the next Year's Account, and be applied for such Uses as the Rates.

An Account of the total Sum assessed and collected within the Parish, and of the Monies disbursed for the Purposes of the Act, shall be fairly entered in a Book; and by 1 Aug. yearly shall be examined and signed at a Meeting of the Vestry, or of Persons by them appointed and assembled within the Parish; the Book to be kept by the Vestry-Clerk, and to be inspected without Fee by any of the Inhabitants.

If any Person shall be convicted before a neighbouring Justice of extinguishing or damaging any of the said Lamps, or the Furniture thereof; he shall forfeit for the first Offence 20 s. for every Lamp extinguished or damaged; for the second Offence 40 s. and for the third 3 l.

The Property is vested in the Church-wardens of the said Parish; who are authorised to prosecute such Offenders.

If any Collector shall imbezel the Money by him received, the same shall be levied by a proportionable Re-assessment on all the Inhabitants.

Any two Justices for *Middlesex* residing in or near the said Parish, are empowered to hear and determine any Offences subject to pecuniary Penalties by the Act; and upon Information to summon the Party accused, and the Witnesses; and if the said Party do not appear on such Summons (and after Oath made of the Commission of such Offence) to issue a Warrant for the apprehending him; and upon his Appearance, or Contempt in not appearing, upon Proof of Notice given, to examine the Witnesses upon Oath, and give Sentence conformable to the Act. And where any Offender is convicted, the said Justice

are:

are to issue a Warrant for levying the Penalty by a Distress of Goods, which are to be sold if not redeemed within five Days: The Overplus, if any after deducting the Charges of Distress and Sale, to go to the Owner; or, for want of Conviction, the Offender to be committed to the House of Correction, to be kept to hard Labour, for any Time not exceeding three Months, unless the Penalty be sooner paid.

The said Justices may, where they see Cause, mitigate such Penalties, so as not to exceed one Moiety.

No Person paying to the said Rates, shall be liable to the Penalties of the Act 2 *W. & M.* for not setting out Lights; nor to any Watch or Ward, by Virtue of the Statute of *Winchester, &c.*

Actions brought against any Persons for Things done in Pursuance of the Act, shall be brought within three Months after the Fact in *Com' Middlesex*, and the Defendant may plead the General Issue, &c. and if Judgment be given against the Plaintiff, &c. the Defendant may recover treble Costs.

This Act shall be deemed a publick Act.

Watermen.

BY Stat. 11 & 12 *W. 3. cap. 21.* the Lord Mayor and Court of Aldermen shall yearly elect Eight of the best Watermen, and three of the best Lightermen, at the first Court of Aldermen next after the first Day of *June*, to be Overseers and Rulers of the said Wherrymen and Lightermen, who are made one Society.

The said Rulers, with the Auditors and Assistants of the said Company, to be chose from among themselves, may make Rules, with Penalties, for the good Government of their Society, which first approved by the Court of Aldermen, and after by the Lord Chief Justice of either Bench, shall be binding.

The Lord Mayor and Aldermen of *London*, and the Justices of Peace in the Shires next adjoining to the *Thames*, between *Gravesend* and *Windsor*, in their several Jurisdictions, upon Complaint of the Overseers and Rulers, shall hear and determine Offences contrary to this Act, and also that of 2 & 3 *P. & M. cap. 16.* and levy Penalties by Distress.

And by Stat. made *Anno 2 Geo. 2.* 'tis enacted, That no Person working any Wherry-Boat, Tilt-Boat, Barge, or other Vessel, for carrying Passengers or Goods for Hire

11 & 12 *W. 3. c. 21.*

Lord Mayor and Aldermen may elect eight Overseers, &c.

Who with Assistants and Auditors, may make By-laws, &c.

Mayors, &c. and Justices may determine Offences.

2 & 3 *P. & M. c. 16.*

1 *G. 2. c. 16. sect. 1.*

on the River *Thames*, between *Gravesend* and *Windsor*, shall take an Apprentice or Servant, unless he be a House-keeper, or have some known Habitation, where he may receive such Apprentice, and shall Register with the Clerk of the Company where he resides, or whereto he shall afterwards remove, on Pain of 10 *l.* on Conviction before the Lord Mayor, or one or more Justices for the Place where the Offender shall be found, by the Oath of two or more Witnesses, to be levied by Distress, or for want of Distress, to be committed to the next publick Work-house without Bail for any Time not exceeding one Month nor less than fourteen Days, and the Clerk is to register on Application, on Pain of 10 *s.* And if any such Waterman does not register, the Apprentice, on Application to the Rulers and Overseers, at their publick Courts, is to be turned over to any other Master.

No Apprentice shall take upon him the sole Care and Management of any Boat within the said Limits till sixteen Years of Age, if a Waterman's Son, and seventeen Years, if a Landman's; and unless he hath worked with some able Watermen for two Years at least, on Pain of 10 *s.* on the Master.

Oath being made of want of Distress, to satisfy the Penalties to be duly inflicted before the Lord Mayor, or Justice of Peace, where the Offender shall be found, they are to commit him to the House of Correction without Bail, for any Time not exceeding one Month, nor less than fourteen Days, such Offender being convicted on this Act, or the Act made 11 & 12 *W. 3. cap. 21.*

11 & 12 *W. 3.*
c. 21.

If any Person not having served seven Years to a Waterman, &c. (except *Trinity-men*, Fishermen, Ballast-men, and Persons belonging to Western Barges, Mill-Boats, Chalk-Hoys, Faggot or Wood Lighters, Dung-Boats, and Gardiners Boats, as are allowed by the said Act of 11 & 12 *W. 3. cap. 21.*) shall row any Boat or other Craft on the said River for Hire or Gain, he shall for every Offence forfeit 10 *l.* to be levied as aforesaid.

11 & 12 *W. 3.*
c. 21.

The Number of Assistants of the said Company at their Elections are reduced to Thirty, but to be elected as heretofore.

This Act not to prejudice any Rights of the Lord of the Manor of *Gravesend*, nor any Grants or Usages of the Mayor, &c. of *Gravesend* and *Milton in Kent*, relating to the Passage on the *Thames*, from the said Places to *London*.

The Lessees, Owners, and Occupiers of any Keys, betwixt the *Hermitage-Bridge* and *London-Bridge*, may use their Lighters or large Craft as before, accustomed for carrying

rying Goods and Merchandizes to and from their Keys and Wharfs, and Ships loading or unloading, and may employ any Waterman or Lighterman duly qualified as in the Act 11 & 12 W. 3. cap. 21. is directed.

11 & 12 W. 3.
c. 21.

All Forfeitures and Penalties incurred by this Act, shall be sued for by the Rulers and Overseers of the Company, or any two of them, in such Manner as is provided for by the said Act 11 & 12 W. 3. cap. 21. shall be paid to the said Rulers and Overseers, and be distributed for the Use of the Poor, as they shall think fit; and all Prosecutions must be commenced within one Month after the Offence committed.

If any Suit be brought for any thing done in Pursuance of this Act, or any former Act relating to the Water Service on the River, or the Regulating and Governing the Company, the Action must be brought within thirty Days after the Act committed, and the Defendant may plead the General Issue, and give this, or any of the former Acts in Evidence, and on a Verdict, &c. he shall recover treble Costs.

This Act to be deemed a publick Act.

Offenders punished by this Act shall not incur the Penalty of any other for the same Offence.

By Stat. 4 G. 2. No Ferry-Boats shall be deemed to be large Craft, and all flat-bottomed Boats and Barges, navigated from *Kingston*, *Windfor*, or any Places between the said Towns, to any other Place or Places on the said River, and from thence to the said Towns of *Kingston*, *Windfor*, or Places between the said Towns, shall be deemed to be Western Barges, and may navigate on the said River, as far as *London-Bridge*, as freely as any Western Barges; and no Person working or using any such Ferry-Boats, at or between the said Towns, or navigating such flat-bottomed Boats or Barges on the said Rivers shall be subject to any Pains, Penalties or Forfeiture, imposed by the Act 2 Geo. 2. or any Statute therein mentioned.

4 G. 2.

By Stat. 29 Car. 2. cap. 7. no Person shall use or travel on the Lord's Day, with any Boat, Wherry, &c. except on extraordinary Occasion, to be allowed by a Justice of Peace or Head-Officer of the Place, &c. on Pain to forfeit 5 s. to be levied by Distress; and in Case of Disability to set the Offenders in the Stocks for two Hours, being convicted on View of the Justice or Head Officer, or by Confession, or Oath of one Witness. Notwithstanding which Clause the said Rulers and Overseers, Auditors and Assistants, may by the said Statute of 11 & 12 W. 3. cap. 21. appoint forty Watermen to ply on every Lord's

29 Car. 2. c. 7.
None to go on
Thames on the
Lord's Day
without Li-
cense, except,
&c.

11 & 12 W. 3.
c. 21.

Day,

Day, between *Vaux-ball* and *Limehouse*, for carrying Passengers cross the River at a Penny each; which Watermen must account next Day for the Money to the said Rulers, &c. who are to pay them for their Labour, and apply the Overplus to the poor decay'd Watermen and Lightermen of the Company, and their Widows.

And the Waterman neglecting every *Monday* to pay the whole so earned and received, shall forfeit forty Shillings.

Watermen of
St. Margaret's
excepted.

This shall not hinder the Watermen of *St. Margaret's Westminster*, from plying cross the *Thames* from *Westminster-Bridge* to *Stangate*, and from the *Horse-Ferry* to *Lambeth-Bridge* on the Lord's Day by Turns, as of late, (the Monies earned thereby being applied to the poor decayed Watermen and their Widows, of the said Parish of *St. Margaret*) and any two Justices of Peace of the said Parish, may call the Watermen so working to Account, and cause the Money by them so earned, to be applied as aforesaid; which Watermen of *St. Margaret's* shall choose two Stewards and a Clerk on *April 23* yearly, and shall at a Meeting of their Society, appoint their Watermen so to work in their Turns, on the Lord's Day.

3 & 4 P. & M.
c. 16.
Dimensions of
a Wherry.

By Statute 2 & 3 P. & M. cap. 16. a Wherry that is not twelve Foot and one half long, and four Foot and one Half broad in the Midship, shall be forfeit, one Moiety to the King, the other to the Informer.

Penalty of
withdrawing
in Time of
Pressing, &c.

That Waterman that withdraws himself in Time of Pressing (it being proved by two Witnesses, before the said Mayor, Aldermen or Justice, and two of the said Overseers) shall suffer a Fortnight's Imprisonment, and shall be prohibited to row any more upon the *Thames* for a Year and a Day after.

Court of Alder-
men to assess
the Rates of
Watermen.

The Court of Aldermen shall assess the Fares of Watermen, (which being subscribed by two of the Privy Council at least) shall be set up in *Guild-Hall*, *Westminster-Hall*, &c. and the Waterman that takes more than according to the Fare so assessed, shall for every such Offence suffer Half a Year's Imprisonment, and forfeit 40 s. to be divided as before.

1 Jac. 1. c. 16.

By Stat. 1 Jac. 1. cap. 16. no Waterman was to retain any Apprentice or Servant not eighteen Years old, nor for less Time than seven Years, unless Watermen's Sons sixteen Years old, trained up to Rowing.

Orders of Ru-
lers, &c. to be
read twice a
Year, &c.

The eight Overseers shall Yearly upon the First Day of *March*, and the first Day of *September*, cause to be read openly in their common Hall, all their Orders made, or to be made; on Pain that every of them for every Default, shall forfeit twenty Nobles, to be divided between the King and Prosecutor.

By

By Statute 4 & 5 Ann. cap. 19. in Case such Number 4 & 5 An. c. of Watermen, Barge-men and Lightermen, working between *Gravesend* and *Windsor*, as the Lord High Admiral or Commissioners of Admiralty shall give Notice to the Company of Watermen from Time to Time to be necessary, (being summoned by Notice in Writing, at their usual Abode by the Company) within ten Days after, shall not appear before the Watermens Company, to be sent to his Majesty's Fleet, the Persons summoned being convicted before the Lord Mayor of *London*, and Court of Aldermen, or two Justices of the City, and two Rulers of the said Company, shall suffer one Month's Imprisonment, and be disabled working on the *Thames* for two Years. 4 & 5 Ann. cap. 19.

And by Statute 4 & 5 Ann. cap. 13. the Clause or Clauses in 1 Jac. 1. cap. 16. that restrains taking Apprentices till of Eighteen, and the Son of a Waterman till of sixteen Years of Age; and the Rules and Orders made by Virtue of 11 & 12 W. 3. cap. 21. by the Wherry-men and Lightermen, and all other Rules and Orders for restraining Watermen, Wherry-men and Lightermen, Free of the Company, from taking and breeding Apprentices, shall be void.

The Court of Lord Mayor and Aldermen of *London*, are authorized to alter and amend By-Laws relating to the Company of Watermen and Lightermen. The Amendments to be approved of by the Chief Justice of either of the Benches.

Court of Aldermen have Power to amend By-laws.

The Rates and Fares of Watermen, set forth by the Lord Mayor and Court of Aldermen.

	Oars.	Skull.
	s. d.	s. d.
From <i>London-Bridge</i> to <i>Lime-house New-Crane</i> , <i>Shadwell Dock</i> , <i>Bell-Wharf</i> , <i>Ratcliff-Cross</i> .	1 0	0 6
To <i>Wapping-Dock</i> , <i>Wapping New</i> , and <i>Wapping Old Stairs</i> , the <i>Hermitage</i> , <i>Rotberith Church Stairs</i> , and <i>Rotberith Stairs</i> .	0 6	0 3
From <i>St. Olave's</i> to <i>Rotberith Church-Stairs</i> , and <i>Rotberith Stairs</i> .	0 6	0 3
From <i>Billinggate</i> and <i>St. Olave's</i> to <i>St. Saviour's Mill</i> .	0 6	0 3
All the Stairs between <i>London-Bridge</i> and <i>Westminster</i> .	0 6	0 3

From

Watermen.

	Oars.		Skulls.	
	s.	d.	s.	d.
From either Side above <i>London-Bridge</i> to <i>Lambeth</i> and <i>Vaux-hall</i> .	1	0	0	6
From <i>Whitehall</i> to <i>Lambeth</i> and <i>Vaux-hall</i> .	0	6	0	3
From <i>Temple</i> , <i>Dorset</i> , <i>Black Fryers Stairs</i> and <i>St. Paul's Wharf</i> to <i>Lambeth</i> .	0	8	0	4
Over the Water directly, betwixt <i>London-Bridge</i> and <i>Limehouse</i> , or <i>London-Bridge</i> and <i>Vaux-hall</i> .	0	4	0	2

Oars.

	Whole Fare.		Com. pany.	
	s.	d.	s.	d.
From London to <i>Gravesend</i>	4	6	0	9
<i>Grays</i> , or <i>Greenhithe</i>	4	0	0	8
<i>Burstead</i> , or <i>Eriff</i>	3	0	0	6
<i>Woolwich</i>	2	6	0	4
<i>Blackwall</i>	2	0	0	4
<i>Greenwich</i> or <i>Deptford</i>	1	6	0	3
<i>Chelsea</i> , <i>Battersea</i> , <i>Wansworth</i>	1	6	0	3
<i>Putney</i> , <i>Fulham</i> , <i>Barnelmes</i> .	2	0	0	4
<i>Hammer-smith</i> , <i>Chiswick</i> , <i>Mortlack</i> , <i>Brentford</i> , <i>Isleworth</i> , <i>Richmond</i>	3	6	0	6
<i>Twickenham</i>	4	0	0	6
<i>Kingston</i>	5	0	0	9
<i>Hampton-Court</i>	6	0	1	0
<i>Hampton-Town</i> , <i>Sunbury</i> and <i>Walton</i>	7	0	1	0
<i>Weybridge</i> and <i>Chertsey</i>	10	0	1	0
<i>Staines</i>	12	0	1	0
<i>Windfor</i>	14	0	2	0

Rates for carrying Goods in the Tilt-Boat between Gravesend and London.

	l.	s.	d.
A Half Firkin	0	0	1
A whole Firkin	0	0	2
A Hoghead	0	0	2
A hundred Weight of Cheese, Iron, or any Heavy Goods	0	0	4
4			A Sack

	l.	s.	d.
A Sack of Salt or Corn _____	0	0	6
An ordinary Chest or Trunk _____	0	0	6
An ordinary Hamper _____	0	0	6
The Hire of the whole Tilt-Boat _____	1	2	6
Every single Person in the ordinary Passage _____	0	0	6

What Waterman takes or demands more than these Rates, lies liable to pay 40 s. and suffer Half a Year's Imprisonment.

And if he refuse to carry any Passenger or Goods at these Rates, upon Complaint made to the Lord Mayor and Court of Aldermen, he will be suspended from his Employ for twelve Months.

A Permit or License from a Justice of Peace for travelling by Water on the Lord's Day.

Middlesex, *J.* **I** J. S. Esq; one of his Majesty's Justices 23 Car. 2. c. 7. of Peace for the said County, do hereby allow L. M. Gent. and A. B. and C. D. two Watermen of, &c. in the said County, to pass and repass on the River of Thames with their Boat on, &c. next, being the Lord's Day, without Molestation or Disturbance. Witness my Hand, &c.

War.

BY Stat. 11 H. 6. cap. 16. no Wax-chandler shall sell or put to Sale any Candles or other Wares made of Wax at a dearer Rate than that he may have only 4 d. in every Pound of Wares above the common Price of plain Wax, on Pain to forfeit all such Wares put to Sale, and the Value of them sold, and besides to make Fine to the King.

11 H. 6. c. 16. Wax-chandlers must get but 4 d. per Pound.

Every Justice of Peace, Mayor, Bailiff, and Steward of Franchises, have Power to examine and search concerning the Breach of this Law, and also to hear and determine the Offences committed against it.

Every Justice has Power to examine these Offences.

By Stat. 23 El. cap. 8. none in mingling or making of Wax, shall use or cause to be used any Deceit by Mixture or mingling the same with Rosin, Tallow, Turpentine, or other deceitful Thing, to the Intent to sell it or put it to

23 Eliz. c. 8. Nothing to be mixed with Wax.

to Sale, on Pain to forfeit the same. And if such deceitful Wax happen to be sold before it be discovered, the Melter or Procurer thereof shall forfeit for every Pound thereof 2 s. to be divided between the King and the Party deceived, if he will sue; but if not, then the Profecutor.

Wax-chandler must have his Mark.

Every Melter and Maker up of unwrought Wax, shall have a Stamp or Mark of the Breadth of Sixpence, wherein the two Letters of his Name and Surname shall be graven, and with this shall stamp every such Piece of Wax triangularly in three Places, upon the Outside of every such Piece, on Pain to forfeit the Value of every Piece sold or put to Sale, not so stamped.

This Act not to extend to any selling the Wax of their own Bees in open Markets, nor to any Servant mingling or corrupting Wax by the Command of his Master, so as he does confests them.

Stamping with another's Mark forfeits 5 s.

None to counterfeit or stamp with another's Mark, without the Owner's Consent, on Pain to forfeit 5 s. to be divided as before, and if not able to pay it, to be set on the Pillory in the next Market-Town, and to suffer three Months Imprisonment, without Bail.

Weavers. See Cloth.

Weaver out of a City shall keep but two Looms. 2 & 3 P. & M. c. 11.

NONE using the Trade of Cloth-working, out of a City or Borough, &c. shall keep above one Loom in his Possession, or make Profit of setting and letting of a Loom, on Forfeiture of 20 s. by 2 & 3 P. & M. cap. 11.

No Woollen Weaver, living out of a City, &c. shall keep above two Looms, or make Profit by any other Loom, or forfeit 20 s. *Ibid.*

Nor keep a Tucking-Mill.

None using the Trade of a Weaver, and not Cloth-working, shall keep a Tucking Mill, or use the Trade of Tucker, Fuller, or Dyer, or forfeit for every Week 20 s. *Ibid.*

No Fuller or Tucker shall keep a Loom, or make Profit thereby, on Forfeiture of 20 s. for every Week. *Ibid.*

None shall use the Trade of a Weaver, &c. except he hath been an Apprentice to the Trade seven Years. *Ibid.*

The Forfeitures to be divided between the King and the Profecutor. This Act not to extend to the Counties of York, Cumberland, Westmoreland, and Northumberland.

No

No Woollen Weaver, living out of a City, &c. shall take any Apprentice, &c. except his own Son, or such a one whose Parent hath 3 *l.* per *Ann.* in Lands; and for every three Apprentices, shall keep one Journeyman. 5 *El. cap. 4.*

5 *Eliz. c. 4.*

But the Stat. of 5 & 6 *W. & M. cap. 3.* hath repealed this Clause of 5 *El. cap. 4.* concerning the taking Apprentices in the Woollen Manufactures. Clause of 5 *El. cap. 4.* repealed.

Weers.

WEERS in Rivers may be viewed by one Justice of Peace, and may cause them to be made of a reasonable Wideness. *Lamb. 194.* One Justice may view and alter Weers.

Any making Weers within five Miles of the Mouth of any Haven or Creek, or by them destroying any Fry of Fish of the Sea, forfeits ten Pounds, one Moiety to the King, the other to the Informer. 3 *Jac. 1. cap. 12.* 3 *Jac. 1. c. 12.*

Weights and Measures.

The Standard, How and by whom observed.

THE Statutes which relate to Weights and Measures, are *Magna Charta 25. Astita panis & cerevisie, 51 H. 3. Statute de Ponderibus & Mensuris, Statute of Pillory and Tunbrel, 51 H. 3. Statute de Pistoribus, 31 E. 1. and 14 Ed. 3. c. 12. 25 Ed. 3. c. 5 & 10. 27 E. 3. c. 10. 34 E. 3. c. 5. 13 R. 2. c. 9. 15 R. 2. c. 4. 16 R. 2. c. 3. 4 H. 4. c. 28. 1 H. 5. c. 10. 2 H. 6. c. 11. 8 H. 6. c. 5. 9 H. 6. c. 6. 9 H. 6. c. 8. 11 H. 6. c. 8. 7 H. 7. c. 4. 11 H. 7. c. 4. 12 H. 7. c. 5. 19 H. 7. c. 6. 28 H. 8. c. 14. 21 J. 1. c. 21. 16 & 17 Car. 1. c. 19. 22 Car. 2. c. 8. 22 & 23 Car. 2. c. 12. 1 W. & M. c. 34. 11 & 12 W. 3. c. 15. 13 W. 3. c. 11. 1 Ann. c. 15. 8 Ann. c. 18. 1 G. 1. c. 25.* Statutes about Weights and Measures.

By these Statutes every Measure shall be according to the King's Standard; and whosoever acts contrary shall, on Complaint made, be punished by the Quarter-Sessions, or by two Justices, 25 *E. 3. c. 10.* 34 *Ed. 3. cap. 6.* and 11 *H. 7. cap. 4.*

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There

There shall be one Weight and one Measure and one Yard throughout the whole Realm.

27 E. 3. c. 10.

27 E. 3. c. 10.
The Measure of a Ton, &c.
2 H. 6. c. 11.

Forfeiture of a City, &c. not having a Balance.

3 H. 6. c. 5.

11 H. 7. c. 4.
And a Bushel, &c.

11 H. 6. c. 8.
What the Mayor, &c. must take for sealing, &c.
7 H. 7. c. 4.

And twice a Year, or oftener, must examine Weights, &c.

There shall be one Weight, one Measure and one Yard throughout the whole Realm. Every Thing to be weighed by a Balance, the Founge of the Balance to be even without bowing to one Side or other, and without touching it: He who does to the Damage of the Seller, forfeit to the King the Value of the Goods weighed or measured. Party that complains, shall have the Quadruple of that which he shall be endamaged. Trespasser, one Year's Imprisonment, to be ransomed at the King's Will. Justices may enquire of and determine such Trespases. 27 E. 3. cap. 10.

Persons importing or making any Vessels for Wine less than 252 Gallons *English* Measure for a Ton, the Pipe 126 Gallons, Barrel of Herrings or of Eels 30 Gallons, and Butt of Salmon 84 Gallons, forfeit the same to the Lord of the Town where, &c. Prosecutor to have the fourth Part; to be heard and determined by Justices at Quarter-Sessions. 2 H. 6. cap. 11.

Every City, Borough and Town within *England*, that has not a common Balance with common Weights sealed, according to the Standard of the Exchequer, at the Costs of the City, &c. in the Keeping of the Head Officer or Constable, City shall forfeit 10 *l.* Borough 5 *l.* and every other Town 40 *s.* to the King. Inhabitants to weigh *gratis*: Foreigners to pay for 40 Pounds, or under, a Farthing; for between 40 and 100 Pounds, a Halfpenny; for between 100 and 1000 Pounds a Penny, towards maintaining the Weights. 8 H. 6. cap. 5.

Restrained only to Market-Towns or Towns Corporate, by 11 H. 7. cap. 4.

In every City, Borough and Town, there shall be a Bushel sealed, on the Penalty of 10 *l.* for a City, and for a Borough 5 *l.* and for a Town where a Constable is, 40 *s.* 11 H. 6. cap. 8.

Mayor or chief Officer in Cities and Boroughs shall have a special Mark wherewith the Measures and Weights shall be sealed, and shall take for sealing a Bushel one Penny; every other Measure a Half-penny; 100 Weight a Penny; Half a 100 Weight a Half-penny; every less Weight a farthing: Refusing or delaying to seal, or doing any thing contrary to the Statute, to be fined at the Justice's Discretion at Quarter-Sessions. 7 H. 7. cap. 4.

One Weight and Measure shall be delivered in such Cities and Market-Towns as are mentioned in the Act, according to the Standard of the Exchequer, from which others shall be made and marked. Mayor or other Head Officer of every City, Town, &c. shall twice every Year examine Weights and Measures; if found defective, to be im-

immediately broke and burnt, and shall pay 6 s. 8 d. for the first Offence, to the Officer who hath Jurisdiction in that Behalf; second Offence 13 s. 4 d. third Offence 20 s. and to be set in the Pillory withal. Two Justices (*Quor. one*) have Power to punish Defaults of Mayors, &c. and also of Buyers and Sellers doing contrary to this Act, and to set Fine at Discretion. Exception for selling on Ship-board. 11 H. 7. cap. 4. 12 H. 7. c. 5.

Persons selling or buying, or keeping any Weight or Measure not according to the Standard of the Exchequer, forfeit 5 s. to the Poor by Distress and Sale; in Default, to be committed till Payment, Conviction by one Witness before one Justice. Clerk of the Market, or other Officer, that seals any Weight or Measure not according to the Standard, or refusing to seal, &c. forfeits 5 l. Conviction, &c. as before. Officer taking any Fine, Fee or Reward, more than allowed by the Statute or antient Custom for Signing and Examining, &c. forfeit for the first Offence 5 l. second 10 l. and for every other 20 l. Conviction as before 16 Car. 1. cap. 19.

If any Officer authorized to execute this Statute shall be impleaded for any Act he shall do therein, he shall plead the General Issue, Not guilty, and may give this Statute or any other Special Matter in Evidence; and if he be found Not guilty, or the Plaintiff be nonsuited, he shall recover treble Costs. 16 Car. 1. cap. 19.

If the Clerk of the Market of the King's House within the Verge, or others authorized by Law, to mark or seal Measures, within their respective Jurisdictions, shall refuse, being required, to seal any Bushel, &c. duly gauged, they forfeit for the first Offence 5 l. and for every other 10 l. to be levied as aforesaid: Or if the said Clerk of the Market take more than the accustomed Fees; or if others take more than one Penny for sealing and marking a Bushel, than one Half-penny for an Half-bushel or Peck, or than one Farthing for any Measure containing one Gallon, Pottle, Quart, Pint, or Half-pint, they shall incur the Penalties contained in the said Statute of 16 Car. 1. cap. 19.

By Stat. 22 Car. 2. cap. 8. at their Charge who shall have the Toll or Profit of the Market, where no Toll is within any City, Corporation or Market-Town, there shall be one Measure of Brass provided and chained in the publick Market-place, on Pain to forfeit 5 l. one Moiety to the Poor of the Parish, the other to the Prosecutor, to be recovered and levied as by this Act is directed.

Constables may search and examine, if any use other Measures, or strike them in other Manner than this Act

11 H. 7. c. 4.
12 H. 7. c. 5.
Forfeiture of
keeping false
Weights or
Measures.

16 Car. 1. c. 19.

16 Car. 1. c. 19.

16 Car. 1. c. 19.

16 Car. 1. c. 19.

22 Car. 2. c. 8.
A Measure of
Brass to be
provided by
those who have
the Profit of
the Market.

22 Car. 2. c. 8.

directs; and if they find any unsealed Measure, may break the same; and for that and every other Offence against this Act, shall present the Offender at the next Quarter-Sessions. 22 Car. 2. cap. 8.

None punished by Virtue of this Act shall be questioned for the same Offence by Virtue of any other Act. 22 Car. 2. cap. 8.

It was resolved by all the Justices, *M. 39 & 40 El.* that if the Clerk of the Market take any Fee for examining or viewing only, and not finding Defect, nor sealing the same, 'tis Extortion. *Moor's Rep. 523.*

The Judges of Assize, and of Oyer and Terminer, may and do inquire of false Weights and Measures. *Co. 4 Inst. cap. 61.*

Justices may hear and determine the Faults of Head Officers, &c.

Two Justices of Peace (one being of the *Quorum*) may, by Examination or Inquiry, hear and determine the Faults of Head Officers in Cities, Boroughs, and Market-Towns, that do not twice every Year view and examine all Weights and Measures in their Towns, &c. and do not break and burn the defective.

And of those who do not buy or sell by lawful Weights.

Also two such Justices may, by Examination or Inquiry, hear and determine the Faults of all Buyers and Sellers, which do not buy and sell with lawful Weights and Measures: Also the said Justices may break and burn all defective Weights and Measures.

The said Justices may fine all and every the Offenders aforesaid by their Discretion, and make Process against them, as if they were indicted of Trespas against the Peace.

Parish Officers may levy 5 s. by Warrant of one Justice, on those who keep or use unlawful Weights, &c.

Any one Justice of Peace, Mayor, &c. upon Proof by the Oath of one Witness, that a Man hath bought or sold by, or doth keep any other Weight or Measure, whereby any thing is bought or sold, than according to the Standard, may send his Warrant to the Church-wardens and Overseers of the Poor of the Place where the Offence is committed, or one of them, to give them Notice thereof, who are thereupon to levy by Distress and Sale of Goods, five Shillings, rendring the Overplus. And if there be no Distress, he may commit the Offender to Prison till he pay the same Forfeiture. And by these Means, much of the Power of the Clerk of the Market is taken from him, so that he hath now little to do.

And *Dalton* says, that the Justices may and ought to sit with the Clerk of the Market in the Execution of his Office, and to see that he wrong not the Country.

The Justices of Peace may also, in their Quarter-Sessions, punish many other Offences relating to the making, buying and selling of Provisions for Man and Beast, and punish

punish Butchers, Fishmongers, Inn-keepers, Brewers, Bakers, Poulterers, and other Victuallers who do not sell at reasonable Prices. 17 R. 2. cap. 4. 2 E. 6. cap. 10. Statutes. 8 Eliz. cap. 8. 13 R. 2. cap. 8.

Also the Inn-keeper or Hostler that takes excessively for Hay, or any Kind of Provisions for Man or Beast. 13 R. 2. cap. 8. 4 H. 4. cap. 23. 21 Jac. 1. cap. 21.

Within the Cinque Ports the Lord Warden or his Lieutenant, is to order the Weights and Measures. 11 H. 7. cap. 4.

11 H. 7. c. 4. In the Cinque Ports Lord Warden is to order the Weights and Measures.

Officers of Corporations are to execute their Offices within their Precincts. 16 & 17 Car. 1. cap. 19.

Lords of Liberties are to execute their Offices within their Liberties, as formerly they have done. *Ibid.*

Sheriffs in their Tourns, do and may enquire of false Weights and Measures. Co. 4 Inst. cap. 61.

And Sheriffs in their Tourns.

Stewards, in their Leets, may enquire of the Affize of Bread and Ale broken, of the Measures of Cloth, of false Measures, of false Balances and Weights. And Lords of Leets are therefore to have a Pillory and Tunbrel to punish the Bakers and Brewers who offend herein, or they may be fined for want of it; yea, perhaps forfeit their Franchises. *Crompt.* 141, 148.

And Stewards of Leets and Liberties.

There is a Clerk of the Market for the King's Household only, called *Clericus Mercati Hospitii Regis*. And there is a Clerk of the Market for all other Places, and there are Laws for both of them.

There are two Clerks of the Market.

For the first, he is to execute his Office duly, and to burn false Weights and Measures.

2. He is to execute his Office within the Verge only, and not elsewhere.

3. He is not to ride with above six Horses, and to tarry no longer in a Place than Need requires.

4. He is not to take any common Fine, but to punish every one according to his Merit. Co. 4 Part, 273.

For the other Clerk of the Market, though his Power be much lessen'd, as is said before, yet his Office does still remain, and he hath a Jurisdiction still.

This Officer hath a Court which he may still keep, and hold Plea therein of that which belongs to his Office, and for that Purpose send out his Process and Warrants to the Sheriffs and Bailiffs, to bring a Jury before him, and give a Charge, and take a Presentment of such as keep not and use not Weights and Measures, or buy and sell by other Weights and Measures.

Clerk of Market may hold a Court, &c.

But it seems he can inflict no Punishment, nor proceed further than to take the Presentment of the Offenders, and then impose Fine or Amercement upon them according to the Statutes. And therefore, what he is to do, and uses to do in this Case, is to deliver in the Estreats of the Things, which touch his Office, into the Exchequer. *Co. 4 Part, cap. 51.*

And cause all the Weights and Measures to be brought before him and examine them.

But he is to cause all the Weights and Measures to be brought before him. And, among others, of the Pole or Perch, whereby Land is measured, and view and try them; and, for that End, he is to have all his Weights and Measures ready together, with the Marks of the Exchequer, and is to carry and bring them with him when he makes Essay of Weights and Measures; and according to these the Weights and Measures of every County are to be tried, reformed, and regulated.

But he may not take a common Fine from Men, and so dispense with them for their Offences herein.

Nor can he set Prices upon the Things to be bought and sold in the Market. *Co. 4 Inst. 274, 275.*

For View and Examination only of Weights and Measures, he may take no Fee. *Co. 4 Inst. cap. 51.* nor for Bills, &c. But for Sealing, and other Matters in his Office, it seems he may take what Time out of Mind he hath taken, as incident to his Office, unless as altered by *22 Car. 2. cap. 8.* And after he has once sealed, he must not take any thing for the Shewing thereof, or for the Sealing of it again.

Must not take any Fee for sealing twice.

And he ought to seal no Bushel, or other Measures or Weights but once, (and not yearly as they used to do): And if, after the first Sealing, he shall take any Thing for the Sealing thereof again, or for the Shewing thereof, &c. it will be Extortion in him, for which he may be punished. And his Duty is to take Charge of the King's Measures, and to keep the Standard and Patterns of all the Measures that are or may be used through the Realm, as of Ells, Yards, Quarts, Pottles, Gallons, &c. of Weights, Bushels, &c. and to see that all the Measures in every Place be answerable to the same Standard or Pattern.

22 & 23 Car.
2. c. 12.

Where there is no Clerk of the Market, the Head Officer, or Person having the Profit of the Market, may seal Measures, by *22 & 23 Car. 2. cap. 12.*

Clerk of the Market has nothing to do with any thing but Victuals, and therefore not with Candles; so resolved *Trin. Car. 1. Litt. Rep. 296. Case of the University of Cambridge. Het. 145. S. C.*

When

When Vessels are made contrary to the Statute, unless they are marked with the true and certain Number of the Contents, the Owner shall forfeit the Commodities therein contained to the Lord of the Town where found, he allowing the Prosecutor a fourth Part. 11 H. 7. cap. 4. 11 H. 7. c. 4.

And yet, notwithstanding the Statute of *Magna Charta* c. 25. and all the succeeding Statutes, and all that has been said thereon, there always has been, and still are, two Kinds of Weights used in *England*; the one called *Troy Weight*, the other *Averdupois Weight*, and both warrantable; the one used by Law, and the other by Custom; and for the readier Direction of the Justice of Peace herein, I think it will not be improper to set down the just and certain Contents of all (or most Sorts of) Weights and Measures, that so they may the better judge what are lawful or defective, and what not.

1. *Troy Weight*, by some called *Libra Medica*, by others, *Libra & uncia Trojana*, hath 12 Ounces to the Pound, or 20 s. *Sterling*, and no more; and by this are weighed Gold, Silver, Pearl, Precious Stones, Silk, Electuaries, Wheat, Amber, Liquors.

What is *Troy Weight*, and what sold by it.

2. *Averdupois Weight* from the two *French Words* (*Avoir* and *du Poids*) which is to say, to have Weight; this is by Custom, yet confirmed by 27 E. 3. cap. 10. and hereby are weighed all Kinds of Grocery Wares, Physical Drugs, Butter, Cheese, Flesh, Wax, Pitch, Tar, Rosin, Tallow, Woods, Hemp, Flax, Lead, Soap, &c. All base Metals and Minerals, as Iron, Steel, Lead, Tin, Copper, Allum, Copperas, &c. and, as it seems, most other Commodities not before named; especially Things that are garbled, and whereof comes Refuse; this is called *Libra Civilis*, and hath sixteen Ounces (or 25 s. *Sterling Weight*) to the Pound, and to every Hundred is allowed 12 Pounds; so that 112 Pounds makes a Hundred Weight, 56 Pounds Half a Hundred Weight, and 28 a Quarter, and 14 Pounds a Stone, or Half a Quarter of a Hundred, &c.

What *Averdupois Weight*, and what sold by it. 27 Eliz. c. 10.

Weights and Measures.

A Table of Troy Weight.

			Grains.
		P. W.	24
Ounce.		20	480
Pound.	12	240	5760

A Table of Avoirdupois Weight.

				Drams.
			Ounces.	16
		Pounds.	16	256
Qrs.		28	448	7168
Cent	4	112	1790	28672
Ton	20	80	2240	35840
				573440

N. B. 19 C. 1-half make a Fodder of Lead.

The Pound *Troy* is in Proportion to the Pound *Avoirdupois*, as 17 to 14, and the Ounce as 51 to 56; and consequently 11 Ounces *Troy* are equal to 12 Ounces *Avoirdupois*, and 14 Ounces 13 Penny Weights 8 Grains make a Pound *Avoirdupois*.

A Table of Apothecaries Weight.

				Grains
			Scruple.	20
		Drams	3	60
Ounces		8	24	480
Pound	12	96	288	5760

Note; The Apothecaries buy their Drugs by *Avoirdupois*, but sell their Medicines by *Troy* Weight.

There

There are three Sorts of Measures. 1. Dry Measure.
2. Liquid Measure. 3. Measure of Longitude, &c.

Mr. Dalton tells us, that 14 Ounces and one Half, and Two Penny Weight, *Troy* Weight, do make 16 Ounces *Avoirdupois* Weight.

And, according to that, the Measures of Corn, according to *Avoirdupois* Weight, are, 14 Ounces and one Half and Two Penny Weight, *Troy*, do make 16 Ounces *Avoirdupois* Weight.

<i>Avoirdupois</i> Weight	}	7	{ Pounds, or } <i>Avoirdupois</i> , make the
			Pints } Gallon.
		14	{ Pounds, or } <i>Avoirdupois</i> , make the
			Pints } Peck.
		36	{ Pounds, or } <i>Avoirdupois</i> , make the
			Pints } Bushel.

Measure of Grain according to *Troy* Weight.

<i>Troy</i> Weight and Dry Measure. See Stat. 12 H. 7. c. 5. 15 & 51 H. 3.	}	Thirty-two Wheat-Corns		} <i>Troy</i> Weight.		
		taken in the Midst of				
		the Ear, weigh one				
				Penny Sterling.		
				Twenty Pence Sterling make the Ounce		
				<i>Troy</i> .		
				Twelve Oun-	} Weight, one Pound <i>Troy</i> .	
				ces make in	} Measure, one Pint.	
				Two Pints or Pounds make the Quart.		
				Two Quarts make the Pottle.		
		Eight Pints				
		Four Quarts	} Make the Gallon.			
		Two Pottles				
		Eight Quarts make the Peck.				
		Sixty-four Pints				
		Thirty-two Quarts	} Make the Bushel or			
		Eight Gallons	} Firkin.			
		Four Pecks				
		Sixteen Gallons	} make the	} Kilderkin.		
		Two Firkins	} make the	} Half Barrel.		
				} Rundlet.		
		Two Hundred fifty-fix				
		Pints.				
		One Hundred twenty-				
		eight Quarts.				
		Thirty-two Gallons	} make the	} Comb		
		Four Firkins	} make the	} or		
		Two Kilderkins	} make the	} Barrel		
		Four Bushels				

Five

Weights and Measures.

Troy Weight and Dry Measure.	}	Five Hundred and twelve Pints	}	make the	}	Quarter or Hoghead.		
		Two Hundred fifty- six Quarts						
		Sixty-four Gallons						
		Eight Firkins						
		Four Kilderkins,						
		Two Barrels						
		Eight Bushels.						
		Five Quarters make a Wey.						
		Two Weys make a Last.						
		So the Pint and Pound,					}	Are of the like Content.
		Firkin and Bushel,						
Barrel and Comb,								
Hoghead and Quarter,								

Statutes.

The Bushel must contain eight Gallons or sixty-four Pounds or Pints of Wheat. 31 *Ed. 1. 12 H. 7. cap. 5.*

Eight Bushels stricken make a Quarter of Corn. 11 *H. 7. cap. 4. 25 Ed. 3. cap. 10.*

A Bushel, Water-Measure, contains five Pecks; some make six Quarters of Meal a Wey, and one Wey three Quarters a Last.

A Table of Dry Measure.

							Pints
							Quarts
							Pottles
							Gall.
							Pecks
							Bush.
							Qrs.
							Wey
Last	2	10	80	320	640	1280	2560
							2
						2	4
				2		4	8
			2	4		8	16
		4	8	16		32	64
	8	32	64	128		256	512
	5	40	160	320	640	1280	2560
	2	10	80	320	640	1280	2560

But *Note*, That in many Places and Counties the Measure of Corn doth much differ, and the Bushel in one Place is greater than in another.

And yet in the Measure of Corn, *Consuetudo Locæ est observanda*, if it be a Custom exceeding all Memory, and used without any lawful Interruption; for such Time and Usage sufficeth for a Law; though, regularly, Custom or Prescription against a Statute, is not good, except that such Custom and Prescription be also confirmed by Statute, or that they be saved by another Statute. *Dalt.* 365.

Liquid Measure.

Wine, }
Oil and } Their Measures are all one.
Honey, }

Two Pints }
Two Quarts } make a { Quart.
Two Pottles } { Pottle.
 } { Gallon.

A Rundlet }
A Barrel } is { 18 } Gallons.
A Tierce or Awm } { 32 }
A Hoghead } { 42 }
A Pipe or Butt } { 63 }
A Tun } { 126 }
 } { 252 }

Vid 23 *El. c. 8.*

Ale Measures.

					Pints
				Quar.	2
			Pottles	2	4
		Gall.	2	4	8
	Firk.	8	16	32	64
	Kild.	2	16	32	64
Barrels.	2	4	32	64	128
					256

Beer

Beer Measures.

						Pints					
						Quar.	2				
						Pottles	2	4			
						Gall.	2	4	8		
						Firk.	9	18	36	72	
						Kild.	2	18	36	72	144
Barrels	2	4	36	72	144	288					

23 H. 8. c. 4.

Coopers must take their Vessels of these Measures, or set a Mark upon them when they are otherwise. And the Brewer must sell by these Measures, and not otherwise.

23 H. 8. c. 4.

Wardens of Coopers may search if the Vessels are duly made, &c.

The Wardens of Coopers, in all Cities, &c. where there are such Wardens; and in all other Towns or Boroughs, the Mayor, Sheriff, Bailiff, Constable, or other Head Officer, may search and gauge all such Vessels, &c. whether they be of such Sizes as aforesaid; and if they find any defective, they may mark or amend the same, or else cause the same to be burned. *Ibid.*

The Barrel, Half-Barrel, and Firkin of Soap, shall be of the same Measure with Ale. And the empty Barrel must weigh twenty-six Pounds, the empty Kilderkin thirteen Pounds, and the empty Firkin six Pounds and a Half. *Ibid.*

Measures of Longitude, &c. or Land Measure.

27 H. 8. c. 6.

Three Barley Corns make one Inch, and four Inches a Handful. 27 H. 8. cap. 6. Three Feet nine Inches, an Ell; Five Feet, a Geometrical Pace; Six Feet, a Fathom.

Inches

				Inches	
			Feet	12	
		Yards	3	36	
	Poles	5 $\frac{1}{2}$	16 $\frac{1}{2}$	198	
Furlongs	40	220	660	7920	
Miles	8	320	1760	5280	63360

In this Table the Pole or Perch is computed to be 16 Feet and one Half, which is the Statute Measure ; but there are some customary Measures which are more : As for Fens and Woodlands, they reckon 18 Feet to the Pole, and for Church-Lands 21. For Forest 21, and in some Places 24.

Superficial or Square Measures.

				Feet	
			Yards	9	
		Poles	30 $\frac{1}{4}$	272 $\frac{1}{4}$	
	Roods	40	1210	10890	
Acres	40	160	4840	43560	
Miles	640	2560	102400	3097600	27878400

In this Table, you have in a Square Mile 640 Square Acres, 2560 Square Roods, &c. In a Square Acre 4 Square Roods, 160 Square Poles, &c. In a Square Pole 30 and one Quarter Square Yards, and 272 and one Quarter Square Feet, and in a Square Yard 9 Square Feet. Which being rightly understood, all these Tables of Reduction are sufficiently explained.

Note ; The Clerk of the Market may enquire of the Pole or Perch, whereby Land is measured, as well as of other Measures. *Cromp. aut des Courts* 221. But the Justices of Peace are not to meddle therewith, especially out of Sessions. *Dalt.* 370. Clerk of the Market may enquire of the Pole, &c.

The

What Millers
ought to take.

The Miller's Toll-Dish ought to be according to Standard, and he ought to take one Quart for grinding a Bushel of hard Corn, *viz.* Wheat, Rye, or Meslin (which is Wheat and Rye mixed) brought to his Mill; but if he fetch it and carry it home, then two Quarts.

For Malt he is to take but half the Toll he taketh for Corn, because it is easily grinded.

These Offences are punishable in the Leet; but for changing the Gritt, a Miller may be indicted at the Sessions, for it is a Wrong done by Disceit, and is *contra pacem*.

Millers not to
be common
Buyers of
Corn.

N. B. Millers are not to be common Buyers of any Corn to sell the same again, either in Corn or Meal, but ought only to grind the Corn brought to their Mills.

A TABLE

A TABLE of the Affix of Bread, as limited by 8 *Ann. cap.* 18. in Pounds, Ounces, and Drams, *Avoirdupois* Weight.

The Penny Loaf.

Price of a Bushel of Wheat and Baking.		White.		Wheaten		Household		Price of a Bushel of Wheat and Baking.							
		Os.	Dr.	Os.	Dr.	Os.	Dr.			Os.	Dr.	Os.	Dr.	Os.	Dr.
2	0	23	3	34	12	46	5	8	9	5	7	15	10	9	
2	3	10	10	30	14	41	3	9	0	5	2	7	12	10	5
2	6	18	9	27	13	37	1	9	3	5	0	7	8	10	0
3	0	15	7	23	3	30	14	9	6	4	14	7	5	9	12
3	3	14	4	21	6	28	8	9	9	4	12	7	2	9	8
3	6	13	4	19	14	26	8	10	0	4	10	6	15	9	4
3	9	12	6	18	9	24	11	10	3	4	8	6	13	9	1
4	0	11	9	17	6	23	3	10	6	4	7	6	10	8	13
4	3	10	14	16	6	21	13	10	9	4	5	6	7	8	10
4	6	10	5	15	7	20	10	11	0	4	3	6	5	8	7
4	9	9	12	14	10	19	8	11	3	4	2	6	3	8	4
5	0	9	4	13	14	18	9	11	6	4	0	6	1	8	1
5	3	8	13	13	4	17	10	11	9	3	15	5	15	7	14
5	6	8	7	12	10	15	14	12	0	3	14	5	13	7	12
5	9	8	1	12	1	16	2	12	3	3	13	5	11	7	9
6	0	7	12	11	9	15	7	12	6	3	12	5	9	7	7
6	3	7	7	11	2	14	13	12	9	3	10	5	7	7	4
6	6	7	2	10	11	14	4	13	0	3	9	5	6	7	2
6	9	6	14	10	5	13	12	13	3	3	8	5	4	7	0
7	0	6	10	9	15	13	4	13	6	3	7	5	2	6	14
7	3	6	6	9	9	12	13	13	9	3	6	5	1	6	12
7	6	6	3	9	4	12	6	14	0	3	5	4	15	6	10
7	9	6	0	9	0	11	15	14	3	3	4	4	14	6	8
8	0	5	13	8	11	11	9	14	6	3	3	4	13	6	6
8	3	5	10	8	7	11	4	14	9	3	2	4	14	6	9
8	6	5	7	8	3	10	14	15	0	3	1	4	10	6	3

N. B. That the White Loaves are only one Half, and the Wheaten three Quarters of the Weight of Household Loaves. As also that Six-penny, Twelve-penny, and Eighteen-penny Loaves, are generally made of Wheaten and Household Bread.

Explanation

Explanation of the Table.

IN the first Column is the Price of the Bushel of Wheat, with the Magistrate's Allowance for the Baking; and in the other Columns is the Weight of the Bread; so that if the Price of Wheat be 5 s. per Bushel, and the Magistrate allow 1 s. 6 d. the Bushel for Baking, then even with 6 s. 6 d. in the first Column, will be found the Weight of the Loaves. By this Table you may ascertain the Weight of large Loaves by Addition: As for Example: A Six-penny Loaf, when Wheat is at the same Rate, is six Times as much as the Penny Loaf; a twelve-penny Loaf, twelve Times, and eighteen-penny Loaf eighteen Times as much, &c.

A Baker was indicted, and three Exceptions taken to the Indictment. 1. That he was indicted for using *facultatem pistoris*, and does not say *panis humani*. 2. For Baking *panis tritici*, *Anglice* Household Bread; whereas it signifies only Bread made of Wheat, and not Household Bread, for that may be made of other Corn. 3. For Baking *panis Assis*, without a Dash for *panis Assisæ*. And for these Exceptions the Indictment was quashed. *Hill. 23 Car. 1. B. R. Style's Rep. 24.*

A Baker was indicted for selling of Bread under the Assise, and the Indictment was quashed, because it did not shew where he sold the Bread, nor to whom. *Mich. 1649. Style's Rep. 106.*

Concerning Corn, Meal, Bread, Salt, Apples, &c.

King's Purveyor, or any other, buying or taking any other Measure of Corn than eight Bushels stricken for the Quarter, forfeits 5 l. to the King, and as much to the Party grieved, with one Year's Imprisonment. 1 H. 5. cap. 10.

1 H. 5. c. 10. sect. 2.

Or to sell Corn or Salt by the Bay, or shake the Bushel

16 Car. 1. c. 19.

No Person shall buy or sell any Corn or Salt by the Bay without measuring, or shake the Bushel; and if any sell Corn or Grain or Salt by other Bushel or Measure than according to the Standard, and the Bushel stricken even by the Brim, and sealed according to Law, he shall forfeit 40 s. to be levied in such Manner, and such Penalties to be inflicted for Want of Distress, as by 16 Car. 1. cap. 19. is directed by Warrant of a Justice of Peace.

If Head Officers of Cities, &c. wilfully suffer any to sell or buy Corn or Grain, or Salt by other Measure, or in other Manner than this Act directs, or, on Complaint, shall not punish and reform the same, upon Conviction thereof

thereof at the General Sessions of the Peace, shall forfeit *s. l.* one Moiety to the Informer, the other to the Poor of the Parish where the Offence was committed, to be levied by Distress and Sale, and for Want thereof, by Imprisonment, till Payment.

No Person shall buy or sell any Corn or Salt by the Bay without measuring, or shake the Bushel, on Forfeiture of the Corn, &c. besides the Penalty in 22 *Car. 2. cap. 8. 22 & 23 Car. 2. cap. 12.*

On Complaint made to any Justice of any Corn, &c. being sold or bought contrary to this Act, the Defendant must make it appear by Oath of one or more Witnesses, that he or they did sell or buy the same in every Respect, according to this and the former Act. Penalty to the Poor and Informer, on Conviction by one Justice, by Distress and Sale. Rent-Corn and Tithe-Corn are excepted. 22 *& 23 Car. 2. c. 12.*

Measure, called Water-measure Bushel, shall be round, and in Diameter 18 Inches and a Half within the Hoop, and 8 Inches deep, and so in Proportion for a greater or lesser Measure. Apples and Pears to be sold by Water-measure, and shall be heaped, on Penalty of 10 *s.* for any selling by other Measure, to the Poor and Informer, by Oath of one Witness, before any Justice, &c. by Distress and Sale, (on Refusal of Payment) not to extend to sealed Measures allowed by the Fruiterers Company of London, or within three Miles. 1 *Ann. cap. 15.*

An Acre is said to be a certain Quantity of Land, containing in Length 40 Perches, and 4 in Breadth, or that Quantity, be the length more or less. And so if a Man erect a new Cottage, he is to lay four Acres of Land to it after this Measure, by 31 *El. cap. 7.* And in the Statute made of Sowing of Flax, 24 *H. 8. cap. 4.* Eight-score Perches made an Acre, which is 40 multiplied by 4. See the Ordinance *de terris mensurandis*, 34 *E. 1. Stat. 1.* But some say an Acre is as much as may be ploughed in one Day by a Yoke of Oxen.

A Hide of Land, or Carve of Land, or Plow-Land, (which are all one) was formerly 100 Acres, now 80 Acres.

Some say every Plow-land contains commonly 120 Acres, and every Plow-land is four Yard-lands: Every Yard-land contains 30 Acres; and yet, after some Computations, every Yard-land contains but 20 Acres, and in some Places 24 Acres, as in some Parts of *Cambridgeshire*. *Librata terra* contains 4 Oxgangs, and every Oxgang 13 Acres.

No Person must buy Corn or Salt by the Bay, or shake the Bushel, &c. 22 *Car. 2. c. 8. 22 & 23 Car. 2. cap. 12.*

22 & 23 *Car. 2. c. 12.*

1 *Ann. c. 15.*

Apples and Pears how to be sold.

1 *Ann. c. 15.*

What an Acre is.

31 *Eliz. c. 7. 24 H. 8. c. 4.*

What a Hide of Land.

What a Plow-land.

What a Ridge of Land, &c. A Selion, otherwise called a Ridge of Land, is of no certain Quantity, but sometimes contains half an Acre, sometimes more, sometimes less.

What a Yard-land. A Yard-land is either 20, 24 or 30 Acres, according to the Estimation of the different Countries; and therefore it is that a *Fine de Virgata Terræ* is not good, but void for Incertainty. But an Acre of Land is certain by the Statute *de terris mensurandis*. Co. Lit. 69.

But Custom of the Place must be observed. But as to all these Quantities, the Custom and Practice of the Country therein, except it be very unreasonable (as is said before) is to be observed. And therefore, in the Measure and Estimate of Lands, and in all Contracts for Lands and other Things, as in the Buying or Selling any thing by the Tod, Tun, Bushel, Yard, Ell, or the like; and in all Grants of Land, as a Hide, Oxgang, Selion or Acre of Land, the Estimate shall be according to the usual Estimate of the Place, where the Thing contracted for lies, and where the Parties contracting live and do make their Contract.

How other Things are numbered and sold. Other Things are numbered and sold after this Manner. Allom, Cinnamon, Nutmegs, Pepper and Sugar, have but 13 Pounds and a Half to the Stone, or Half Quarter of a Hundred, 27 Pounds to the Quarter, 54 Pounds to the Half, and 108 Pounds to the whole Hundred, though sold by *Avoirdupois* Weight.

In *Essex* Butter and Cheese are weighed by the Clove or Half Stone, allowing 8 Pounds to each Clove, and 32 Cloves, or 256 Pounds to the Weight. Wool is sold by the Clove, allowing but 7 Pounds to the Clove, 14 Pounds to the Stone, 28 Pounds to the Tod, 182 Pounds to the Wey, or 6 Tod and one Half, 364 Pounds to the Sack, and 4368 Pounds to the Last. A Faggot of Steel is 120 Pounds. A Burthen of Gad-Steel is 9 Score, or 180 Pounds. 56 Pounds of Butter, or 60 Pounds of Soap, make a Firkin, and two Firkins of either make a Barrel; for Butter must be measured as Soap. 14 *Car. 2. cap. 26.*

A Bin of Skins consists of 33 Skins.

Butchers allow but 8 Pounds to the Stone in selling Flesh; in some Counties more.

Cattle, Six-score make a Hundred.

Coals, a Sack is three Bushels.

A Cheff of Fustian consists of 14 Ells.

A Cheff of Sindon of 10 Ells.

All Sorts of Sea-Coals brought into the *Thames* must be sold by the Chalder, containing 36 Bushels heaped. And all other Coals commonly sold by Weight, after 112 Pounds to the Hundred, on Pain to forfeit all the Coals, and

Weights and Measures.

and the double Value thereof. 16 & 17 Car. 2. 16 & 17 Car. 2. cap. 2. c. 2.

Every Chaldre is to weigh at *Newcastle* 5300 l. Weight,
Every Wain-Load must be 1700 Pounds and a Half, and
every Cart-Load 800 Pounds and three Quarters. 6 & 7 5 & 7 W. 3. W. 3. cap. 10. c. 10.

A Dicker of Gloves is 10 Pair.

A Dicker of Horse-shoes consists of 10 Horse-shoes.

A Dozen of Gloves is 12 Pair.

A Dozen of Iron is six Pieces.

Hemp, 20 Pounds make a Stone. 21 H. 8. cap. 12. 21 H. 8. c. 12.

Hard Fish, Eight-score make the Hundred.

Herrings, a Barrel must be 32 Gallons. 11 H. 7. c. 23. 11 H. 7. c. 23. & 13 El. cap. 11. If sold by Tale, then 120 go to the Hundred.

Hides of } A Dicker is 10 Hides,
Leather, } 20 Dickers is a Last, or 200 Hides.

Hops, 112 Pounds make the Hundred.

Last is ten Thousand.

Laths must be } 5 Foot in Length,
 } 2 Inches broad, and
 } Half an Inch thick.

Linen Cloth or Canvas, every Hundred contains Six-score Ells.

Nails, Pins, &c. and all other headed Things are sold 120 to the Hundred.

All other Things have but Five-score to the Hundred.

Paper, } 10 Reams or 200 Quires make a Bale.
 } A Ream is 20 Quires or 500 Sheets.
 } A Quire is 25 Sheets.

Parchment } A Dozen is 12 Skins.

and Vellum } A Roll is 5 Dozen or 60 Skins.

Salmon, the Butt is 84 Gallons. 11 H. 7. cap. 23. Statutes. 13 El. cap. 11. 16 H. 6. cap. 17.

Seem of Glas contains 24 Stone, and every Stone 5 Pounds; so it is 120 Pounds

Tiles, 120 make the Hundred.

Timber hewed and squared, 50 Foot is a Load.

Timber of Coney-Skins and Greys, is 40 Skins.

Weight } Of Cheese in *Suffolk*, is 250 Pounds.
 } In *Essex* 300 Weight, after the Rate of 112 Pounds to the Hundred.

 } A Stone is 14 Pounds.

Wool } Tod is 28 Pounds.

 } Sack is 26 Stone. 11 H. 7. c. 4. of 364 Pounds,

 } Weigh is 182 Pounds, or six Tod and one Half.

Weights and Measures.

In every Principal or Shire Town at least there ought to be kept Standards of Brads for Weights and Measures, by 11 H. 7. cap. 4. 12 H. 7. c. 5.

Which Towns are as follow :

Bedfordshire, Town of *Bedford*.
Berkshire, Town of *Reading*.
Bristol, the same Town.
Bucks, the Town of *Buckingham*.
Cambridge, the University of *Cambridge*.
Cheeshire, the City of *Chester*.
Cixque Ports, the Castle of *Dover*.
Cornwal, the Town of *Lestytbiel*.
Cumberland, the City of *Carlisle*.
Derby, The Town of *Derby*.
Devon, the City of *Exeter*.
Dorset, the Town of *Dorchester*.
Essex, the Town of *Chelmsford*.
Gloucester, the City of *Gloucester*.
Hampshire, the City of *Winchester*.
Hertford, the Town of *Hertford*.
Hereford, the City of *Hereford*.
Hunt. the Town of *Huntingdon*.
Kent, the Town of *Maidstone*.
Lancast. the Town of *Lancaster*.
Leicester. the Town of *Leicester*.
Lincoln. the City of *Lincoln*.
London, the same City.
Middlesex, the City of *Westminster*.
Norfolk, the City of *Norwich*.
Northamp. the Town of *Northampton*.
Northumberland, the Town of *Newcastle*.
Notting. the Town of *Nottingham*.
Oxford. the University of *Oxford*.
Rutland. the Town of *Uppingham*.
Shropshire, the Town of *Shrewsbury*.
Stafford. the Town of *Stafford*.
Somerset. the Town of *Ilchester*.
Southamp. the same Town.
Suffolk, St. *Edmund's Bury*.
Surry, the Town of *Guilford*.
Suffex, the Town of *Lewes*.
Warwick. the City of *Coventry*.
Westmoreland, the Town of *Appulby*.
Wiltshire, the City of *Salisbury*.
Worcester. the City of *Worcester*.
Yorkshire, the City of *York*.

Though

Though it was formerly doubted whether Justices of Peace had Power to take away unlawful Bread, and give it to the Poor, or to fine Bakers on their being convicted of breaking the Assise of Bread, because the Justices of Peace have no Authority by 12 *Ed. 4. cap. 8.* as Mayors, Bailiffs, or Lords of Leets have, of correcting those Offenders, which is by Pillory. And that Proceedings on Indictments against Bakers were stopped by an Order of Sessions, 7 *Car. 1.* yet for selling by false Weights and Measures, an Indictment would lie notwithstanding a Punishment appointed by the Statutes above-mentioned in another Method, because this was an Offence at Common Law.

But now this Matter is fully settled by the Statute 8 *Ann. c. 18.* by which so much of 51 *H. 3.* and 17 *Ed. 2. c. 2.* as relates to the Assise of Bread, is repealed; and the Court of Lord Mayor and Aldermen in *London, &c.* or Lord Mayor by Order of the said Court, and the Mayor, Bailiffs, &c. of other Cities or Towns Corporate, &c. or two Justices in Towns or Places where no Mayor, &c. shall, from Time to Time, as there shall be Occasion, set (within their Jurisdiction) the Assise and Weight of all Sorts of Bread to be sold by Baker or other Person; having respect to the Price of Grain, Meal and Flower, whereof such Bread shall be made; making reasonable Allowance for their Charges, Pains, and Livelihoods. Assise to be in *Acquidupois*, and not *Troy* Weight. No Baker shall sell above three Sorts of Bread, White, Wheaten and Household, except any other Sort shall be licensed by the Officers aforesaid: Baker to mark on the Loaf, the Sort, Price, and Weight of every Loaf. Officers aforesaid to appoint how and in what Manner such Sort of Bread shall be marked for knowing the Baker, Price, Weight, and Sort thereof. Baker not observing the Orders made or to be made by Virtue of this Act, being thereof convicted by Confession or Oath of one Witness before Officers aforesaid, or one Justice of the County, &c. forfeits 40 *s.* by Distress, &c. by Warrant from a Justice. Forfeiture to Informer; Convictions certified to next Quarter Sessions, to be recorded. Prosecution in three Days. Appeal to Quarter-Sessions, Costs allowed to the Gainer of the Cause. Mayor or Justice may enter, in the Day-time, into any Baker's House, Shop, &c. to view, weigh, try, &c. all his Bread: if any be found wanting in Goodness of Stuff, in Baking, Weight, or not duly marked, it shall be lawful to seize the Bread, and give it to the Poor. Baker opposing, &c. to forfeit 40 *s.* to Informer, to be levied as aforesaid. All

22 Car. 2. c. 8. Justices, Constables, &c. are required to see the Acts 22
23 Car. 2. c. 12. Car. 2. cap. 8. and 22 & 23 Car. 2. cap. 12. put in Ex-
ecution. If any Action is brought against Defendant for
what he has done in Execution of this Act, he may plead
General Issue, and shall have double Costs. This Act not
to prejudice any Right of the City of *London*, or the Lord
of any Leet, nor of the Clerks of the Markets. This Act
not to effect the two Universities. Bakers putting into
Bread for Sale, any Mixture of Grain, other than what
shall be appointed; or if any Magistrate shall be negli-
gent in the Execution of this Act, after Information made
to him of any Offence, he shall forfeit 20 s. to be reco-
vered in the Courts at *Westminster*, and disposed of as be-
fore. This Act was to continue for three Years, and to
the End of the next Session of Parliament.

Continued by
1 Geo. 1. c. 26.

By Stat. 1 Geo. 1. cap. 26. the Act 8 Ann. cap. 18.
was continued for three Years, and from thence to the
End of the next Session of Parliament, and the Penalty of
40 s. for want of Weight, or not being marked as di-
rected in the Act 8 Ann. cap. 18. is repealed. And if any
Baker shall make or expose to Sale any Bread wanting an
Ounce or more of due Weight, being thereof lawfully
convicted, he shall forfeit 5 s. for every Ounce wanting,
and wanting less than an Ounce 2 s. 6 d. Complaint being
made, and the Bread weighed before a Magistrate within
24 Hours after it is baked or sold, if within the Bills of
Mortality, and within three Days elsewhere; the said
Forfeitures to be levied and disposed of as in the Act 8 Ann.
cap. 18. Every Baker may make and expose to Sale, Peck,
Half-Peck, Quarters, and Half-quarter Loaves, so as the
same be made and sold, both as to Weight and Price, in
Proportion to the Assise-Table contained in the said former
Act.

8 Ann. c. 18.
Baker if sells
Bread wanting
Weight, for-
feits 5 s. an
Ounce, and 2 s.
and 6 d. under
an Ounce.

Continued by
12 Geo. 2. till
June 1748. and
to extend to
Scotland.

When Assise
is altered,
Price of Corn
must be given
in upon Oath,
&c.

Every Time the Assise shall be altered, the Price of
Grain, Meal and Flower in the adjacent Markets (to be
ascertained according to *Winchester* Measure) shall be given
in upon Oath before the Mayor and Aldermen of *London*,
or to the chief Magistrate or Justice, who by the said Act
are empowered to set such Assise, by the Clerks of the ad-
jacent Markets, or such other Person as the said Magi-
strate shall appoint; so that they may set the Assise accord-
ingly, and make such Allowance to the Bakers, as here-
tofore hath been accustomed. And the Assise of Bread for
the City of *London* and Bills of Mortality (*Westminster*,
Southwark, and Bills of Mortality in *Surrey* excepted)
shall be set by the Court of Lord Mayor and Aldermen,
or by the Lord Mayor, by Order of the said Court.

By

By Stat. 5 Geo. 1. cap. 25. It is enacted, that the said Act of 8 Ann. cap. 18. shall continue and remain in full Force, with such Alterations as were made by the Act 1 Geo. 1. cap. 26. for five Years, and from thence to the End of the next Session of Parliament. Continued further by 5 G. 1. c. 25.

By Stat. 10 Geo. 1. c. 17. the said Act of 8 Ann. cap. 18. with the said Alterations, is further continued from the Expiration thereof for seven Years, and from thence to the End of the then next Session of Parliament. Further continued by 10 G. 1. c. 17.

By Stat. 3 G. 2. cap. 29. the said Act 8 Ann. cap. 18. with the said Alterations, is further continued from the Expiration thereof, till 25 March 1738. and to the End of the then next Session of Parliament. 3 Geo. 2. c. 29.

And 'tis further enacted, That if any Baker, or Person exposing Bread to Sale, shall sell any Peck, Half-peck, or Quarter Loaf at any higher Price than shall be set by the Lord Mayor and Aldermen of London, or by the chief Magistrate of any other Place, or two Justices, he shall forfeit 10 s. to the Informer, to be levied as the Penalty of 40 s. is by the Act 8 Ann. cap. 18. to be levied.

Before Reduction is made in the Assise of Bread by the Court of Lord Mayor and Aldermen, a Copy of the Prices delivered in by the Meal-weighers shall be left at the common Hall of the Bakers twelve Hours before Reduction, that the Company may be heard before the Court.

N. B. That within every Leet or Market, there ought to be a Pillory, and a Tunbrel, to punish the Bakers and Brewers that offend, &c. and for want thereof, the Lord of such Leet or Market shall make a Fine to the King. In every Leet or Market there ought to be a Pillory and Tunbrel, or forfeit their Franchise.
Cro. 149.

Also they who have the Keeping and Correction of the Assise of Bread and Beer, if they have not a Pillory and a Tunbrel to punish Bakers and Brewers that are faulty, they shall forfeit their Franchise. Cro. 148.

Also a Leet may be seized into the King's Hands, if the Steward there shall take Money to spare the Punishment of the Tunbrel, where one shall offend in the Assise of Bread.

Concerning liquid Measure.

And by Stat. 1 W. & M. cap. 34. No Retailer of Wines shall utter them, other than in Measures made of Pewter, and seal'd according to the Statute, on Pain to forfeit 5 l. for every such Offence to the Informer, to be recovered by Action of Debt, Bill, Plaint or Information, &c. cap. 34.

All Retailers of Beer and Ale must sell in sealed Measure.

11 & 12 W. 3. c. 15.

13 W. 3. c. 11.

Sessions may inquire of Offences of Bakers, Brewers, &c.

Inn-keepers, Alehouse-keepers, and Retailers of Beer, shall sell the same by Standard-Measure in marked Vessels, on Penalty of not less than 10 s. nor more than 40 s.

Collector of Excise not providing Ale-Quarts and Pints of Brals, according to the Standard-measure, forfeits 5 l. Mayor or Chief Officer, in every Corporate or Market Town, &c. for such Neglect, forfeit the same. 11 & 12 W. 3. cap. 15. But this extends not to the Universities, by 13 W. 3. cap. 11. Mayor, &c. to cause all sized Measures to be marked with W. R. and a Crown, on a Penalty of 5 l. to the Poor and Prosecutor. Conviction by Oath of one Witness before one Justice of, &c. where, &c. within thirty Days, by Distress, &c. deducting Charges. Justices to give this Act in Charge every Quarter-Sessions.

The Justices of Peace may, in their Sessions, inquire of, hear and punish the Offences of Bakers, Brewers, Vintners, Cooks, Butchers and others, that offend in the Weight, Measure or Price of their Bread, Beer, Meat or the like, or Butchers that sell unwholsome Meat, &c.

A Warrant to summon Persons using Weights and Measures, to appear and have them examined, &c.

These are in his Majesty's Name to require you and every of you, upon Sight hereof, to summon and give Notice to the severall Inhabitants within your respective Divisions, that buy and sell any Goods, Wares, Commodities, or Liquors by Weight or Measure, that they do appear before me on, &c. next, at, &c. in the County aforesaid, to have their respective Weights and Measures tried and examined by the Standard; and that you do likewise appear at the Time and Place aforesaid, and deliver to me in Writing a List of the Names of every such Inhabitant whom you shall summon, with their respective Callings. Given, &c.

Indict-

Indictment against the Clerk of the Market, or against a Mayor, for taking excessive Fees for sealing Weights, &c.

Essex, ff. **T**HE Jurors, &c. do present, That A. B. of M. in the County aforesaid, Clerk of the Market in and for M. aforesaid, such a Day and Year at M. aforesaid, by Colour of his Office aforesaid, he the said A. B. then being Clerk of the Market aforesaid unjustly and extorsively took and received of L. M. ^o Four-pence for ^o It is but one Sealing a Measure, called a Busbel, contrary to the Form of Penny per Star. the Statute in such Case made and provided, and against the ²² Car. 2. c. 8. Peace of our said Sovereign Lord the King, his Crown and Dignity.

The like Indictment may be (*mutatis mutandis*) for neglecting or refusing (being required) to seal, &c. Forfeiture for the first Offence 5 *l.* and for the second Offence 10 *l.*

A Warrant to levy the Forfeiture of an Officer for sealing Weights and Measures not agreeable to the Standard, &c.

Essex, ff. **W**Hereas it hath been duly proved before me, ^{16 & 17} Car. ^{1. c. 19.} that A. B. Bailiff of the Town of, &c. ^{One Justice.} hath lately sealed several Weights and Measures not agreeable to the Standard in his Majesty's Exchequer, and particularly one Half Hundred Weight belonging to, &c. and one Busbel for, &c. which Weights and Measures have been used in the selling of Goods and Commodities to the Deceit and Cheating of several Persons: These are therefore in his Majesty's Name to command you to levy the Sum of 5 *l.* on the Goods and Chattels of the said A. B. which he hath forfeited by the Offence aforesaid, by Distress and Sale thereof, and that you do imply the same, when levied, for the Use of the Poor of the said Parish, &c. Given, &c.

An

An Indictment against a Mayor for suffering any unlawful Measure to be used.

22 Car. 2. c. 8.
Forfeiture 5 l.
to Informer
and Poor.
Conviction
must be by In-
dictment in
Sessions.

Essex, ff. **T**HE Jurors, &c. do present, That one A. B. Mayor, and Chief Officer of the Burrough of M. in the said County (mentioning the Day and Year) knowingly and wilfully permitted one L. M. within the Limits of the Burrough aforesaid, and within the Jurisdiction aforesaid, he the said A. B. then being Mayor and Chief Officer of the said Burrough, to sell two Quarters of Wheat at M. aforesaid in the County aforesaid, measured by a Busbel not agreeable to the Standard signed in the Exchequer of our said Sovereign Lord the King, commonly called Winchester Measure, contrary to the Form of the Statute in such Case made and provided, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

The like Indictment (*mutatis mutandis*) for suffering Corn or Salt to be bought or sold in a Bushel not stricken by the Brim; or if upon Complaint he shall not punish or reform those who offend in these Cases, the Forfeiture is 5 l. for every Offence: The Conviction must be by Indictment or Presentment at Sessions, and then to be levied by Distress and Sale of the Goods of the Offender; and if that cannot be had, then he may be committed till it is paid; but there must be two Justices at least to sign the Warrant of Commitment.

A Warrant to levy the Value of the Corn sold, together with the 40 s. Penalty for selling heaped Measure without striking the Bushel.

22 & 23 Car.
2. c. 12.
One Justice.
One witness
on Oath, per
17 Car. 1. c. 19.

Essex, ff. **W**HEREAS Complaint hath been made unto me, that A. B. of, &c. did on the 9th Day of July last past, in the Parish of M. in the said County, sell Corn by a Busbel not agreeable with the Standard, in his Majesty's Exchequer, commonly called Winchester Measure, (or, that the Buyer did shake the Busbel, or, that the Busbel was unsealed, or, that it did not contain eight Gallons, as the Case is). And whereas the said A. B. hath failed to prove before me, by the Oath of one or more credible Witnesses, that he did sell (or buy, as the Case is) the same

same by a Bushel, agreeable to the said Standard, (or as the Case is) and thereupon be found legally convicted of the said Offence: These are therefore to require you forthwith to seize the said Corn, the same being forfeited; and if that cannot be had, then the Value thereof, as also the Sum of 40s. which he hath also forfeited for the said Offence, and to levy the same upon the Goods and Chattels of the said A. B. and that you distribute one Half thereof to the Poor of the said Parish of M. where the said Offence was committed, and the other Half to G. H. of the Parish of, &c. who informed thereof: And hereof sail not. Given, &c.

A Warrant to levy the Penalty on a Baker for selling Bread not of due Weight, &c.

Surrey, J. **W** Hereas Complaint hath been made unto us, ^{1 Gen. 1 c. 25.} two of his Majesty's Justices of Peace ^{Two Justices.} for the said County, that A. B. of, &c. did on the 5th Day of April last past at M. in the said County (there being no Mayor, Bailiff, Alderman or Chief Magistrate of the said Place) * expose to Sale Bread wanting its due ^{* Or as the Offence is.} Weight.

We therefore, pursuant to the Statute in that Case made and provided, did cause the said Bread to be weighed before us at M. aforesaid, and within three Days after it was baked, and it then wanted an Ounce or more of its due Weight, by Reason whereof the said A. B. hath forfeited 5s. * These are therefore to require you to levy the said Sum of ^{* If less than an Ounce it is 1s. 6d.} 5s. on the Goods and Chattels of the said A. B. by Distress and Sale thereof, rendering to him the Overplus, if any such shall happen to be, and that you then pay the same to A. B. of, &c. who first informed us of the said Offence. Given, &c.

A Conviction of selling by false Weights and Measures.

Memorandum, that A. B. of, &c. came before me J. S. Esq; one of his Majesty's Justices, &c. and then and there made Oath, that C. D. of, &c. last past, did sell ten Bushels of Wheat, in a Bushel or Measure not being agreeable to the Standard in his Majesty's Exchange, but less than the same, contrary to the Statutes: I do therefore

therefore adjudge him the said C. D. guilty of the said Offence, and hereby pronounce him convicted thereof, as the Law directs. Given, &c.

Westminster. Vide Building.

Westminster-Hall. Vide Sessions.

Windows. Vide Houses of Habitation.

Wines.

Statutes about
selling Wine by
Retail, &c.

Several Statutes have been heretofore made about the selling Wine by Retail, particularly 28 *H. 8. cap. 14.* whereby the Lord Chancellor, Treasurer, President of the Council, Privy Seal, and the two Chief Justices, or five, four, or three of them, had Power at their Discretions to set the Prices of all Sorts of Wines; and those who sold at any other Price forfeited 40 *l.* and Justices of Peace had Power to hear and determine these Offences.

37 *H. 8. c. 23.*

And by 37 *Hen. 8. cap. 23.* if any refuse to sell their Wines according to the Prices so set in *London*, the Mayor, Recorder, and two ancient Aldermen, and in other Places the Mayor, Bailiffs, Aldermen, and other Officers, (whereof the chief Officer is to be one) may enter the Houses of such Persons, and sell their Wines at the said Prices.

5 *Eliz. c. 5.*

27 *Eliz. c. 11.*

And by 5 *El. cap. 5.* and 27 *El. cap. 11.* any licensed to retail Wine, selling above the Price limited by Proclamation, lose three and four-pence for every Gallon.

7 *E. 6. c. 5.*

By Statute 7 *Ed. 6. cap. 5.* none were to utter Wine by Retail in any City, Burrough, or Corporation, but by License under their Common Seal, nor in any Place not corporate, without License of the Justices of Peace of the County in Sessions under their Seal, on Pain to forfeit 5 *l.* for every Day they sold otherwise; Prosecution to be within a Year, and two Justices of Peace had Power to inquire of Offences committed against this Act.

But by 12 *Car. 2. c. 25.* Wine Licenses settled on the King.

But by Statute 12 *Car. 2. cap. 25.* the Power of granting Wine Licenses was settled in the Crown to be managed by Commissioners, and so it still continues.

By the said Act it is enacted, that all Persons who sell Wine in Gross or Wholesale, mingled, sophisticated, or adulterated, shall forfeit 100 *l.* for every Offence; and all selling such Wine by Retail, forfeit 40 *l.* one Half to the King, and the other to the Informer.

And by Statute 1 *W. & M. cap. 34.* if any Merchant, Vintner, Wine-Cooper, or other Person selling Wine by wholesale or Retail, shall corrupt or adulterate any Wine, or shall utter any Wine corrupted or adulterated; they shall forfeit 300 *l.* for every such Offence; one Moiety to the King, the other to the Prosecutor, by Action of Debt, Bill, Plaint, or Information, &c. and shall suffer three Months Imprisonment.

1 *W. & M. c. 34.*
Persons adulterating Wines, &c. forfeit 300 *l.*

By the said Stat. 12 *Car. 2. cap. 25.* no Spanish or sweet Wines shall be sold at above 18 *d.* per Quart; no French Wines above 8 *d.* no Rhenish Wine above 12 *d.* and so proportionably, on Pain to forfeit 5 *l.* for every Quart sold at higher Price; one Half to the King, the other to the Prosecutor, unless the Chancellor, Treasurer, &c. as aforesaid, shall by Proclamation set other Prices. The Commissioners shall take no Fees, other than 5 *s.* for a License, 4 *d.* for an Acquittance, and 6 *d.* for a Bond, under Pain of 10 *l.* Half to the King, the other Half to the Prosecutor.

12 *Car. 2. c. 25.*

By Stat. 2 *W. & M. cap. 14.* if any sell any Wine or any Liquor exposed to Sale as Wine in any Bottle or Bottles, or other Measures not made of Pewter, and sealed according to Law, and shall be thereof convicted by the Confession of the Party, or by the Oath of two credible Witnesses, before a Justice of Peace of the County where, &c. he shall pay 50 *s.* for every Offence, upon Demand; if not paid, to be levied by Distress by Warrant of the said Justice; and for Want thereof to be committed to Gaol without Bail till he pay the Money and Penalty, and all necessary Costs and Charges of Prosecution and Conviction; the Costs to be taxed by the said Justices.

2 *W. & M. c. 14.*
Selling Wine in Bottles not sealed 50 *s.*

One punished by this Act not to be punished by any other for the same Offence; no *Certiorari* to be granted or allowed. *Ibid.*

The next Justice may commit to Prison those who beat or abuse the Officers or Informers, or such as act in their Behalf, &c. to remain till Quarter-Sessions; the Sessions may punish the Offenders by Fine not exceeding 5 *l.* and the Offender to remain in Prison till he be discharged both of the Fine and Imprisonment, by Order of the said Justices, or any two of them. *Ibid.*

One Justice may punish those who abuse Informers.

Witchcraft.

1 Jac. 1. c. 12.
What is Witch-
craft.

Is Felony with-
out Benefit of
Clergy.

To tell where
hidden Trea-
sure, &c. is to
stand in the
Pillory, &c.

Case of Witch-
craft.

BY Stat. 1 Jac. 1. cap. 12. Conjuratiō, Invocatiō, Consultatiō of any Evil Spirit, or taking up dead Bodies, or any Part thereof, to be imployed in Witchcraft or Charms, or Using any Manner of Witchcraft, whereby any Person shall be killed, or any Part of his Body wasted or lamed, both the Principal and the Accessories before the Fact, are Felons without Benefit of Clergy.

If any shall be convicted to have by Witchcraft, Sorcery, Charm, or Inchantment, undertaken to tell where any hidden Treasure or Goods lost or stolen may be found, or are become, or to provoke unlawful Love, or to destroy or hurt any Cattle, Goods or Person, albeit the same be not effected; they shall for the first Offence suffer one Year's Imprisonment without Bail, and stand in the Pillory six Hours every Quarter of that Year, in some open Fair or Market, and there openly confess his Offence. The second is Felony without Benefit of Clergy. But in these Cases there shall be no Loss of Dower, nor Dishonour of Heir or Corruption of Blood; and a Peer (being an Offender) shall be tried by his Peers.

A. C. was indicted at *Southwold* in *Suffolk*, for Felony and Witchcraft, before Justices of Peace; and being brought up by *Habeas Corpus*, and Counsel assigned her, several Exceptions were taken to the Indictment. 1. To the Caption, wherein it was expressed, that the Indictment was taken in *pena Sessione*, where it should be in *plena Sessione*. *Rolle* answered, if the Word *pena* was left out, the Indictment is good without it. 2. That the Indictment doth not say, that the Justices before whom it was taken were *Justiciarii ad pacem tenendam in villa præd'*, and then they might have no Power to find the Indictment; but this was over-ruled. 3. That the Indictment was too general; for it only says that the Prisoner *practicavit diabolicas artes*, and doth not express what. *Rolle* Justice answered, that the Implying of wicked Spirits to any Intent whatsoever, is Felony within the Statute; and the Intent why they were imployed is well expressed in the Indictment; and if an Indictment fail in one Part, it may be good in another; and therefore the Indictment was good. *Trin. 24 Car. 1. B. R. Style's Rep. p. 116. Rex vers. Camel.*

Dr. Lamb was indicted for Sorcery and Witchcraft, viz. *quod exercuit quasdam malas & execrabiles & diabolicas*

licas artes, Anglice Witchcraft; but this Indictment was quashed, because there was no Word in the Indictment which signifies Witchcraft. It was said *incantatio* is the proper Word for Witchcraft. *Litch Rep.* 156. *Dr. Lamb's Case, Noy's Rep.* 185. *Hill. 1 Car. 1. B. R. Benloe's Rep. S. C. in Mich. Term. 2 Car. 1.* and says the Court came to no Resolution.

But now the 9 *Geo. 2. c. 3.* is the only Law against Witchcraft, which begins with repealing the aforesaid Statute of *Jac. 1.* (except so much thereof as repeals the Statute of 5 *Qu. Eliz.*) and it also repeals the Statute in *Scotland* of 9 *Queen Mary*, intituled, *Aventis Witchcraft*; and then enacts, That no Person shall be prosecuted for Witchcraft, &c. in any Court of *Great Britain*; and further, That any Person pretending to exercise Witchcraft, tell Fortunes, or by crafty Science to discover stolen Goods, and being convicted on Indictment or Information in *England*, or on Indictment or Libel in *Scotland*, shall be imprisoned for a Year without Bail or Mainprize, and once in every Quarter stand on the Pillory in a Market-Town for one Hour; and if the Court think fit, shall give Sureties for Good Behaviour.

Witness.

BY Stat. 5 *El. cap. 9.* none served with Process out of a Court of Record to testify as a Witness (being tendered convenient Charges, and having no reasonable Let) shall therein make Default, on Pain to forfeit to the Party grieved 10*l.* and besides, to yield him such further Recompence as the Judge of the same Court shall think fit, according to the Damage sustained; which said Sums shall be by him recovered in any Court of Record, by Action of Debt, in which no Wager of Law, *Essoin*, &c. shall be allowed.

5 *Eliz. c. 9.*
Witness must
appear or for-
feit 10*l.*

Insufficient Witnesses are, one Convict of Perjury, *Præsumptio*, Forgery, or other infamous Perçon, an *Infidel*, *Non Compos*, a Party, nor a Wife for or against her Husband. *Co. Lit. f. 6. b.*

Who are insuffi-
cient Witness-
es, &c.

Nor one set on the Pillory. *Co. 3 Inst. 219. Hale P. C. 163. Lewinn 3. Rep. 426.*

A Party outlawed (especially of Felony) is no lawful Witness. *Trin 32 Car. 2. B. R. Cellier's Case.*

In an Information in the Crown-Office for a Riot; two of the Defendants, no Proof appearing against them, were allowed and sworn as Witnesses on Behalf of the other Defendants. *Sid. 237. Rex vers. Bodder.*

A Sub-

A Suborner of Perjury is for ever disabled of being a Witness. 5 *El. cap. 9.*

Prisoners Witnesses are to be upon Oath as well as those for the King, by 1 *Ann. cap. 9.*

Women. Vide also Felony.

Takers away of Women, &c. are Guilty of Felony without Clergy, &c. 3 *H. 7. c. 2.*

Formerly Women having Substance in Goods, Lands, and Tenements, and some being Heiresses at Law, were taken away for the Lucre of their Substance against their Wills, and married and defiled; to prevent which a Statute was made the 3 *H. 7. cap. 2.* by which it was enacted, that he who taketh away any such Woman, the Procurer, Aider, Abettor, and wilful Receiver of such Woman, shall be Felons; and by Stat. 39 *Eliz. c. 9.* Clergy is taken away from all such Offenders. But then these must be.

- (1.) A Taking away by Force.
- (2.) She must have Substance in Goods, Lands, &c.
- (3.) Or she must be Heir apparent.
- (4.) She must be married or defiled.

And the Crime of taking away by Force is not mitigated, though the Marriage afterwards is by the Woman's Consent.

Cases of it.

A Man inticed the only Daughter of her Father, (who would be worth 5000 *l.*) to see a Ship, and when he had her on the *Thames*, he carried her by Force and Threats into the Country, and there married her; but the Truth was she had a Brother living at that Time; and this was held not to be within this Statute, because she had neither Substance in Lands, Goods, &c. her Father being alive, nor was she Heir apparent, for her Brother was living. *Hut. 2. Hob. 182.*

But another Question has been raised upon this Statute, and that is, Whether the Taking away by Force a Woman who has Substance, &c. or who is Heir apparent, and threatening her to make a Contract for Marriage, is Felony, or not? and held in the Negative; for though in the Body of the Act it is said that the Taking by Force is Felony, yet it must be not only a Taking by Force, but Marrying or Defiling. 1 *And. 1. 25. Savil 99.* But if the Contract be made by Words *in presenti, Quare*; for Justice *Croke* was of a contrary Opinion.

Three were indicted on this Statute, for that *S. C.* having a Portion of 1300 *l.* they to gain her Portion, took her against her Will, at *Newington in Middlesex*, and carried

ried her to St. *Saviour's* in *Surrey*, and there one of them by the Procurement of the other two Defendants, married her, &c. It was insisted that she consented to be married; but adjudged that the Taking her away, being unlawful and against her Will, though the Marriage was with her Consent, it is Felony; and though it was not a Marriage *de Jure*, because she was under a continual Fear, yet it was a Marriage *de Facto*, and Felony within the Statute, without Clergy. *Fulwood's Case*, *Cro. Car.* 482, 484, 488, 492.

One *Bainton*, pretending to be a Country Lady, took Lodgings where one *Rawlins* an Heiress lodged, and introduced one *Swanston*, whom she pretended to be her Brother, into *Rawlins's* Company, and managed the Heiress so, that she declared she wished he would marry her; but *Bainton* finding that she could not effect her Design without parting *Rawlins* from her Aunt who lodged with her, *Bainton* persuaded them to go to Church along with her, and in their going to Church, got both *Rawlins* and her Aunt to be arrested by two Bailiffs, who carried them into two separate Rooms in a Tavern, and then carried *Rawlins* to another Tavern, where *Swanston* came to bail her; and *Bainton* told her, that if she did not marry him, she must go to *Newgate*; whereupon she married him under the Arrest. Now though the Heiress perhaps had a Fancy to the Man, yet she not knowing of his Contrivance, nor consenting to come to him after this Manner, and being married under his Restraint, though she consented to the Marriage, yet it was Felony by this Statute; for here was a forcible Taking away, and her subsequent Consent, whilst under the Restraint, shall be accounted as the Effect of the continuing Force, and both *Bainton* and *Swanston* were condemned; for all Aiders and Assisters to this Fact are Principals. *Micb. 1 Ann.* 5 S. T. 469.

Cases of it.

All Aiders and Assisters to this Fact are Principals.

Lucy Ramsey of the Age of 14 Years, and 5000 *l.* Portion, was persuaded by *M. P.* to go to *Hyde-Park* in a Coach; and being there, the Coachman drove from the Company, and one *Brown* came up to the Coach in a Mask, and persuaded *M. P.* to come out of the Coach, which she did, and then he pulled Mrs. *Ramsey's* Servant out, and got into the Coach himself, and carried her to his Lodgings in the *Strand*, where, after threatening to carry her beyond Sea, he prevailed to marry her, but was taken the same Day, and she was admitted to be a Witness against him, being only a Wife *de facto*. She proved the forcible Taking away, and there was Proof of her Substance, and of her Marriage, though not deflowered.

Vol. II.

F f

He

He was hanged. 1 *Vent.* 243. *Brown's Case*, 3 *Keb.* 193. S. C.

4 & 5 P. & M.
c. 8.
Statutes about
taking away
Girls under 16.

There is another Statute, something of this Nature, made 4 & 5 P. & M. *cap.* 8. by which 'tis enacted, That if any Woman-Child, under 16 Years of Age, and unmarried, be taken away out of the Custody, and against the Will of the Father or Mother, or of the Guardian, or against their Consent, &c. that the Party shall suffer two Years Imprisonment, without Bail, or pay such Fine as shall be imposed upon him by the Court of Star-Chamber. None shall take away and deflower, or contract Matrimony with any such Child, against the Will of her Father, if he be living, or of her Mother, having the Custody of her, if the Father be dead; on Pain to suffer five Years Imprisonment, or else to pay such Fine as shall be assessed by the said Court of Star-Chamber.

The said Fines shall be divided between the King and Party grieved. 1 *Mod.* 84, 163.

The said Court of Star-Chamber, and Justices of Assize, have Power to hear and determine these Offences.

If such Child above 12, and under 16 Years old, do consent to any such Contract of Matrimony, the next of Kin to whom her Inheritance should come, shall enjoy it during her Life: But, after her Decease, it shall revert to the Inheritor, other than to him that did so contract Matrimony.

This Statute seems to be in Affirmance of the Common Law; for if (before the Statute) a Man came to the Father's House, and contracted Marriage with his Daughter under 15 Years of Age, and, by Appointment, meeting and marrying him, this was punishable by Fine and Imprisonment. *Sid.* 387.

A Freeman of *London* devised the Custody of his Daughter to C. and died, the Daughter being then in the Country; C. gets a Warrant from the Chief Justice to take her, which he did, but she was then married to B. This was held to be out of the Statute, because the Child never was in Possession of the Guardian. *Sid.* 363.

Cases of it.

An Information was exhibited against the Defendant for an unlawful Practice and Combination in procuring a clandestine Marriage in the Night between a Maid-Servant and a young Gentleman, who was Heir to an Estate, and this was without Bans or License; and the Person being drunk, they were fined to the King, and 100 Marks a-piece to the Plaintiff, and committed till paid. *March* 52. *Cro. Car.* 557.

The

The Defendant was indicted on this Statute before the Judges of *B. R.* in *Middlesex*: It was objected, that it was *coram non iudice*, because the Statute directs that it shall be determined by a Judge of Assize, or Court of Star-Chamber; now there are no Judges of Assize in *Middlesex*, and the Court of Star-Chamber is taken away: The Court doubted on both Points.

But there being no negative Words in the Statute, *B. R.* seems not to be excluded. 2 *Lev.* 179. 3 *Rep.* in *Ratcliff's Case*.

The Testator having a Son and Daughter, appointed by his Will, that their Mother should educate them; she married again, and the Daughter being in the Father-in-Law's House, and being above the Age of 14, and under 16, went from thence, by his Consent to *London*, and was there married to *W. R.* Adjudged, that the Mother had the Custody of the Daughter at the Time of the Contract and Marriage, within this Statute, both as Guardian by Nature, and by the Will of her Father; and though she was gone six Hours before she was married, yet, in Judgment of Law, the Mother had the Custody of her at the Time of the Contract, because it was a Thing inseparable from her Person.

Women arraigned for Felony can plead the Benefit of their being pregnant but once. *Lamb.* 563.

A Woman being delivered of a Bastard Child, and born alive, that endeavours privately, by drowning, burning, or other Way by herself, or procuring others to conceal the Death thereof, as that it cannot come to Light, whether it were born alive or dead, shall suffer as in wilful Murder, unless she can prove by one Witness that the Child was born dead. 21 *Jac.* c. 27.

Women delivered of Bastard Children; and concealing them, &c.

21 *Jac.* c. 27

A Feme Covert cannot be indicted of Barretry, but it shall be quashed. 2 *Roll.* 39.

A Feme Covert is punishable for a Riot, and shall answer and be Party to the Judgment alone.

Women and Children may commit a Force, or Larceny, and may be bound to the Peace.

A Woman may (by Custom) be chosen Constable, but shall execute the Place by Deputy. 1 *Car.* 1.

A Woman may be chose Constable. 1 *Car.* 1.

Woods. See Fuel and Hedge-breaking.

3^d H. 8. c. 17.
When Coppices
are felled, what
Standils shall
be left, and till
what Age.

BY Stat. 35 H. 8. c. 17. where Coppices are felled at or under 24 Years Growth, there shall be left in every Acre 12 Standils of Oaks; and if so many do not grow there, then it shall be supplied with the like Number of Elm, Ash, Asp, or Beech; or for every Standil not so left, the Owner forfeits 3 s. 6 d.

These Standils must not be felled till they are ten Inches Square, within three Feet of the Ground, under the Forfeiture of 3 s. 6 d.

If felled above 24 Years Growth, and not leaving so many Standils, &c. forfeits per Standil 6 d. 8 d.

Must not fell such Standils which are left till twenty Years afterwards; Forfeiture for every Tree so felled within that Time, 6 s. 8 d.

But such Standils may be felled for the Use of the Owner of the Soil in Building, &c.

Under-woods
must be pre-
served.

Under-woods felled at 14 Years Growth, or under, shall for six Years afterwards be preserved from Destruction of Cattle, or the Owner shall forfeit for every Rood per Month unfenced, 3 s. 4 d. This must be done by him who hath a lawful Interest and Possession in the Woods, and it must be set forth in the Information, or it is ill. *Cro. El. 127.*

Not converted
into Tillage.

Coppice Woods, containing two Acres and upwards, and being two Furlongs Distance from the House of the Owner, shall not be converted into Tillage or Pasture. Penalty is 40 s. for every Acre.

These Forfeitures are to be recovered in any Court of Record, and go to the King and Prosecutor.

The Method of
the Lord's in-
cloing Wood
where others
have Commo-

Where there is a Wood or Coppice, wherein others have Common, the Lord or Owner of the Soil shall not fell or cut down the same, except to his own Use, before he and the Commoners shall agree in the setting out the fourth Part thereof to be severally inclosed for the Lord's Use. And, in case they cannot agree thereupon, two Justices of Peace, appointed by the major Part of the Justices in Sessions, shall have Power to call together twelve of the Commoners and Inhabitants there, and, with the Lord's and their Consent, to set out the fourth Part thereof, to be severally inclosed by the said Lord within one Month after, and then to be felled at his Pleasure; and also to be subject to the aforesaid Laws of other Coppices, upon such Penalties as aforesaid. Only, if any Beast be suffered

suffered to come into such fourth Part within seven Years after they are felled, the Owner of such Cattle shall forfeit for every such Beast 4*s*. And if the Owner of such Wood or Coppice cut down any Trees or Underwoods there, contrary to the Form aforesaid, he shall forfeit for every Tree so cut down 6*s*. 8*d*. and during that seven Years the Commoners shall have no Right of Common there, and the Lord shall be barred to common in the Residue; but, after the seven Years, they may both intercommon in the Whole. And, in Case the Lord doth not fell the fourth Part within a Month after it is inclosed, the Commoners may put in their Cattle as before.

This Act doth not extend to Underwoods in *Kent*, *Surrey*, and *Suffex*, save only to the common Woods there.

By Stat. 13 *El.* c. 25. all Woods or Coppices mentioned in Stat. of 35 *H.* 8. c. 17. if above fourteen Years, and under twenty-four Years Growth, must be preserved for eight Years.

If above twenty-four Years, must be preserved for nine Years.

No Cattle shall be put in from the Time of Felling such Coppices, till five Years afterwards; nor then neither, but Calves or yearly Colts, until the End of six Years, if the Coppice was under four Years Growth.

By Stat. 1 *Eliz.* c. 15. none shall convert or employ to Coal, or other Fuel for the Making of Iron, any Timber Trees, or Trees of Oak, Beech, or Ash, of the Breadth of a Foot Square, at the Stubs, and growing within fourteen Miles of the Sea, or of any Part of the *Thames*, *Severn*, *Wye*, *Humber*, *Dec*, *Tine*, *Tees*, *Trent*, or other navigable River, on Pain to forfeit 40*s*. for every Tree so converted; to be divided between the King and Prosecutor.

This Act not to extend to *Suffex*, the Wild of *Kent*, or to the Parishes of *Charlewood*, *Newdigate* or *Leigh*, in the Wild of *Surrey*.

By Stat. 23 *Eliz.* cap. 5. Woods or Underwoods shall not be converted in Coal for making Iron, which grow,

1. Within 22 Miles of *London*, or Suburbs.
2. Or within that Distance of the *Thames*, from *Dorchester* in *Oxfordshire* downwards.
3. Or within four Miles of the Foot of the Downs, between *Arundel* and *Pevensey*, in *Com' Suffex*.
4. Or within four Miles of *Winchelsea* or *Eye*, two Miles of *Pevensey*, three Miles of *Hastings*.

11 *Eliz.* c. 10.
Woods above
14 Years only,
and under 24,
must be pre-
served for 8
Years.

1 *Eliz.* c. 15.
None shall
convert to
Coal, see any
Timber, &c.

23 *Eliz.* c. 5.
Woods, &c.
not to be con-
verted into
Coal, &c.

The Penalty is 50 *s.* per Load, between King and Prosecutor.

This Act doth not extend to Woods growing in the Wilds of *Surrey, Suffex, or Kent*, within 22 Miles of *London* or *Thames*, so as they are distant above 18 Miles from *London* or *Thames*.

No new Iron Works to be set up.

No new Iron Works shall be erected within 22 Miles of *London*, 14 Miles of the *Thames*, or 4 Miles of the said Downs, *Pewenssey, Winchelsea, Hastings, or Rye*, on Pain of 100 *l.* to be divided as aforesaid.

27 Eliz. c. 19. No Furnaces, &c.

By Stat. 27 *Eliz. cap. 19.* Furnaces, &c. shall not be erected in *Suffex, Surry, or Kent*, otherwise than upon old Bays, or Fens, where such Works have been lately standing, or upon Lands, where such Works may be continually supplied with Woods of the Owner of such Furnace, without committing Waste; nor shall convert to Coal or other Fuel, for the making any Iron, any sound Timber Tree of Oak, Ash, or Elm, which shall bear a Foot square at the Stub, or any Part thereof, on Pain for every new Work set up, of 300 *l.* and for every Timber Tree so converted 40 *s.* to be divided betwixt the King and Prosecutor.

But Lops of such Trees may be coaled, &c.

Lops of such Trees may be coaled in those Counties, but not within 18 Miles of *London*, 8 Miles of the *Thames*, 4 Miles of *Rye* and *Winchelsea*, 3 Miles of *Hastings*, or 4 Miles of the Foot of the Downs, between *Arundel* and *Pewenssey*.

An Information for cutting Wood, and not leaving Standils, &c.

BE it remembered, That A. B. of L. in the County of *Essex*, who in this particular prosecutes, as well for our Sovereign Lord the King, as for himself, comes here into this Court of our said Sovereign Lord the King, before the King himself at Westminster, in his own Person, on Thursday next after 15 Days of Easter, to wit, such a Day of the Month this same Term; and as well for our said Sovereign Lord the King, as for himself, gives this Court to understand and be informed, That one C. D. of L. in the County aforesaid, Gent. on the 3d Day of May last past was and now is possessed, for a Term of seven Years then and yet to come, of the Soil of certain Wood, called Broad-woods, containing Sixty Acres lying and being in the Parish of L. in the said County, and Proprietor of 100 Oaken Trees there growing; and be the said C. D. on the same 3d Day of May aforesaid, and at divers other Days and Times between

between that Day and the Day of exhibiting this Information, caused and commanded ten Acres of Wood, Part of the said sixty Acres, to be hewen down and cut at L. aforesaid in the County aforesaid, and that the said Wood so hewen down and cut, was and that the said C. D. at the Time of cutting the said Wood did not leave twelve of Oak growing upon every Acre so cut down as aforesaid, according to the Form of the Statute in such Case made and provided; whereupon the said A. B. as well for our said Sovereign Lord the King, as for himself, prays the Advice of this Court in the Premises; and that the said C. D. may forfeit, to wit, for every so not left standing and growing upon every Acre of the said ten Acres of Wood, 3 s. 6 d. according to the Form of the said Statute, and that he the said A. B. may have a Moiety thereof, as he ought according to the Statute aforesaid.

Wool and Woollen. See Cloth.

IN the former Part of this Treatise, (Title *Cloth*) Mention has been made of the great Care which has been all along taken to support and maintain the Manufacture of Woollen Cloth, and of the many Statutes relating thereunto; and, the better to keep it in this Kingdom, several other Laws to prevent the Exportation of Wool, &c. under severe Penalties, have been made, viz.

By the Statute of the Staple, made above 350 Years ago, Statuta Statu- none shall transport Wool, Leather, or Wool-fells, to Ber-¹²wick or elsewhere into Scotland; or if they do, they shall be Felons.

And by a Stat. made 27 Ed. 3. cap. 3. it was made Felony, with the Forfeiture of Lands and Goods, for any English, Welsh, or Irishman, to transport Wool, Leather, Woolfells, or Lead: Nor no English, Welsh, or Irishman, shall transport Wool, Leather, Woolfells, or Lead, in a Stranger's Name.

'Tis true this Punishment continued but 11 Years; for Anno 38 Ed. 3. cap. 6. that Part of the Statute which made the Offence Felony, was repealed; but the Forfeiture of Lands and Goods still remained.

And by Stat. 23 Ed. 3. cap. 9. none shall buy or sell Wool at more Weight than 14 Pounds to the Stone, on

Pain to forfeit double to the Party grieved, and a Fine to the King.

But these, and some other old Laws relating to this Subject, being grown obsolete, and great Quantities of our Wool being from Time to Time transported beyond Seas to the great Detriment of the Woollen Manufacture, soon after the Restauration of King Charles the Second, viz. Anno 12 Car. 2. cap. 32. a new Statute was made, by which those who exported or loaded on Carriages, in Order to be transported to Jersey, Guernsey, Sark, and Alderney, from England, Wales, Town of Berwick or Ireland, any of the following Goods, forfeit the same.

These Goods not to be transported on Pain to forfeit them.

Fullers Earth or Clay.
Morrings.
Sheep.
Shorlings.
Wool, *English* or *Irish*.
Woolfels.
Yarn made of Wool.

And other Penalties.

And over and above these Forfeitures, for every Sheep exported 1 *l.* and for every Pound Weight of the other Goods 3 *s.* And the Owners of such Ships, knowing such Offence, forfeit all their Interest in the said Ships; and Masters and Mariners assisting, forfeit all their Goods, and to be imprisoned three Months without Bail; one Half of the Forfeitures to the King, the other to the Prosecutor, in any Court of Record, &c.

Those who were convicted of having transported, or caused to be transported, any of those Goods, were disabled to sue for any Debt.

Prosecution must be in three Years.

9 & 10 W. 3. c. 40.

These Forfeitures were to be recovered at the Sessions in that County where the Offence was committed, or where the Offender shall be taken; but it was to be within a Year. But by Stat. 9 & 10 W. 3. cap. 40. the Time is enlarged to three Years after the Offence committed.

Any one may seize them.

If any one find such Goods on Board, or packed or loaded on any Carriage, or laid near any Water to be exported into *Scotland*, or any foreign Parts, he may seize the same, and shall have the full Moiety to himself; but then he shall not be an Evidence upon Oath to convict the Offender, &c.

Aliens Vessels forfeited.

All Vessels whereof any Alien or natural-born Subject, if not inhabiting in *England*, shall be Owner or Part-Owner, wherein any of the Goods aforesaid shall be shipped

shipped contrary to this Act, shall be forfeited to the King.

Lamb-skins ready dressed are excepted, and Necessaries for the Ships and Persons therein.

None of the Goods aforesaid shall be transported out of England, Wales, Berwick, or Ireland, into Jersey, Guernsey, Sark, or Alderney, only Wool for the Port of Southampton, for the Use of the Inhabitants of those Isles; and the Exporter must give a Writing under the Seal of the Governors of those Isles, or their Deputies, purporting that the Party is authorized to export so many Numbers of Tods, and hath entered into sufficient Bond, to his Majesty's Use, for landing them there. The Wool, so exported, not to exceed yearly unto Jersey 2000 Tods of uncomb'd Wool, to Guernsey 1000, to Alderney 200, to Sark 100.

The Customer of the Port of Southampton shall keep an Account of the Wool so permitted to be laden, on Pain to forfeit 100 *l.* to him who will sue for the same, and to lose his Place. And if any of the Governors aforesaid, or their Deputies, license to export more, they shall forfeit 20 *l.* for every Tod licensed above the Proportions aforesaid.

No more than 12 *d.* shall be taken for writing such License, and entering a Memorandum of it, on Pain of 5 *l.* for every Penny taken over, to the Party grieved.

But, notwithstanding this Law, great Numbers of Sheep, and much Wool, were transported to foreign Parts; and therefore two Years afterwards, another Act passed to make it Felony to export any of the Goods above mentioned, or to pack or load upon any Carriage, or lay on board in any Vessel, any such Sheep, Wool, &c. to export the same. 14 Car. 2. cap. 18.

And Owners of such Vessels, and their Horses, Carts, and Carriages, upon which the Sheep, or other the Goods aforesaid, shall be exported or carried to such Intent, knowing thereof, and consenting thereunto; and also Masters and Mariners of such Vessel, wherein any Sheep or other the said Goods, shall be so exported or laid on Board to any such Intent; and all other Persons knowing thereof, and consenting thereto, shall be adjudged Felons.

The said Offences are declared by the said Act to be a common Nuisance.

None shall press together with any Screws, Presses, or other Engines, into any Sack, Bag, &c. nor shall put or press any Wool, Yarn made of Wool, into any Cask or Vessel; nor shall lay or cause to be laid near the Shore or Coasts of the Seas, or any navigable River, or into any House

If transported to Jersey, &c. must be from Southampton, and only to the Quantity of, &c.

Customer of Southampton to keep an Account.

But 12 *d.* Fee, &c.

14 Car. 2. c. 18.

14 Car. 2. c. 18.

Transporting Wool a common Nuisance. None shall press Wool, &c. with Screws.

House or Place adjoining thereunto, any such Wool, Wool-flocks, or Yarn made of Wool, to export the same, on Pain to forfeit it, or the Value.

No Tobacco-pipe Clay to be transported.

Nor carried from Place to Place but in the Day time.

No Tobacco-pipe Clay shall be exported out of *England, Berwick, Ireland* or *Wales*, on Pain to forfeit 3 s. for every Pound so exported.

None of the Goods aforesaid shall be laid on any Carriage, or be conveyed from Place to Place, from the first of *March* to the 29th of *September* yearly, but between the Hours of Four in the Morning and Eight in the Evening, and from the 29th of *September* to the first of *March*, yearly, between Seven in the Morning, and Five in the Evening, on Pain to lose all such Goods, or the Value thereof, one Moiety to the King, the other to the Professor.

12 Car. 2. c. 32.
If Masters of Vessels, &c. discover in three Months, shall not be punished as Felons.

This Act not to make void any Penalties or Clauses in the said Statute of 12 *Car. 2. cap. 32.*

Owners of any Vessel, or Master, or Mariners, knowing of such Transportation, and who, within three Months after such Knowledge, or after their Return to *England, Berwick, Ireland, or Wales*, shall give the first Information thereof, before any of the Barons of the Exchequer of *England* or *Ireland*, or the Head Officer of any Port where they shall first arrive, upon Oath, of the Number and Quantity of the Goods so transported, and by whom, where, and in what Vessel, and afterwards shall be ready to prove the same, shall not be punished as a Felon, but shall be subject to all other Penalties in this Act contained. Offences against that Act may be tried at Sessions. 14 *Car.*

14 Car. 2. c. 18.

2. cap. 18.

7 & 8 W. 3. c. 28.

So much of the last mentioned Act as relates to the making the said Offences Felony, is repealed by Stat. 7 & 8 *W. 3. cap. 28.*

13 & 14 Car. 2. c. 19.

By Stat. 13 & 14 *Car. 2. cap. 19.* the Importation of Foreign Wool, Cards, Card-wire, &c. is prohibited. *Vid.* the Act.

No Wool, Cards, &c. to be imported, &c.

1 W. & M. ●

32. Wool carried to the Sea-Coasts must be entered, &c.

By Stat. 1 *W. & M. cap. 32.* Owners of Wool, or their Agents, who shall at any Time carry, or cause to be carried, any Wool, to any Port or Place on the Sea-Coasts, to be conveyed to any other Port or Place on the Sea-Coasts, or to be conveyed to any other Port or Place in *England, Wales, or Berwick*, from whence the same may be transported into Foreign Parts, shall first cause a due Entry to be made at the Port from whence it shall be intended to be conveyed, containing the Weights, Marks, and Numbers thereof, before they carry it within five Miles of any such Port or Place, or else the Goods carried are forfeited, and so are the Beasts and Carriages; and the Persons

Persons conveying, driving or abetting, shall forfeit and suffer as by the Laws and Statutes in Force against the Exportation of Wool.

1 W. & M. c. 32.

But People may carry their Wool from the Shearing Place to their own Houses, though within five Miles of the Sea, so as within ten Days after the Shearing, and before they dispose of the same, they certify, under their Hands, to the Custom-house Officer of the next Port, the Number of Fleeces, and where housed, and do not remove the same, without certifying the Officer again, under their Hand, of their Intention to remove it, at least three Days before the Removal, or else shall be liable to all the Penalties against the Exportation of Wool.

But People may carry their Wool from Shearing to their own Houses, &c.

And the Officers must keep and register such Certificates; and Cocquets for carrying Wool from any Port in *England, Wales, or Berwick*, shall be written upon Paper, and signed by three chief Officers of such Port at least; and Certificates of landing them again in any other of the said Ports, or from *Ireland*, shall be so signed; and all such Wool, both at shipping and landing, shall be weighed in the Presence of the said Officers, giving such Cocquets and Certificates; and the Weights, Marks, and Numbers of such Wool shipped and landed, shall be expressed in both Cocquet and Certificate.

Officers must register Certificates, &c.

Officers not observing the Directions of this Act, shall be adjudged Abettors of the Transportation, and suffer the Penalties contained in the Statutes of 12. c. 32. & 14 Car. 2. cap. 18. against Transportation of Wool.

Or be punished as Transporters of Wool, &c.
14 Car. 2. c. 18.

It shall be lawful to transport from *Southampton*, for the Use of the Inhabitants of *Jersey, Guernsey, Alderney, and Sark*, 1000 Tods of uncomb'd Wool for *Guernsey*, 2000 for *Jersey*, 200 for *Alderney*, and 100 for *Sark*, more than by the Act made 12 of Car. 2. cap. 18. is provided for the same, to be done according to the Directions and under the Penalties therein appointed, and under the further Penalty of 20 *l.* for every Tod of Wool, and Forfeiture of the Wool itself, (one Half to the King, one Quarter to the Informer, and one Quarter to the Poor of the said Islands) in Case of transporting, or attempting to transport any of the Wool from the said Islands, for every Offence therein; and every Offender shall be incapable of a Grant of any Wool from the said Port of *Southampton*, nor ever after have any Warrant granted him for that Purpose.

The Quantity to be transported to *Jersey*, &c.

12 Car. 2. c. 18.

And by Stat. 5 Geo. 1. cap. 11. the Provisions which are made against exporting Wool by the Statute 1 H. & M. cap. 32. shall extend to Woolfels, Mortlings, Shortlings,

5 G. 1. c. 11.

lings, Woollen Yarn, Woolflocks, Fullers Earth, Fulling Clay, and Tobacco-pipe Clay, carried coast-wise.

7 & 8 W. 3. c. 28.

By Stat. 7 & 8 W. 3. cap. 28. all Certificates for the landing Wool, shall be written upon Paper, and not Parchment, and not obliterated or interlined.

No Wool, &c. to be carried within 5 Miles of the Sea, but in Day-time, &c. 7 & 8 W. 3. c. 28.

No Wool, Woolfels, Mortlings, Shortlings, Yarn made of Wool, Woolflocks, Fullers Earth, or Scouring Clay, shall be carried or conveyed by Land to or from any Place in the Counties next adjoining to *Scotland*, or within five Miles of the Sea-Coasts, but between the Sun-rising and Sun-setting, under Penalty of Forfeiture of the said Commodities, and the Horses and Carriages employ'd in carrying the same; and no Ship or Vessel shall export the same to any Port beyond the Seas, under the Penalty and Forfeiture of the said Vessel, and treble the Value thereof, with treble Costs of Suit. And the Inhabitants of the

Hundred thro' which, &c. forfeit 20 l.

Hundred or Place next adjoining to the said Kingdom of *Scotland*, or to the Sea-Coasts, out of or through which any of the said Commodities shall be carried or exported, shall forfeit 20 l. if the Wool so carried be under 10 l. Value; if above, then treble the Value and treble Costs.

All which Forfeitures go to the Prosecutor to be recovered by him who will sue for the same in any Court of Record at *Westminster*, where no *Essoin*, &c. shall be allowed, nor but one *Impar lance*.

Execution may be had against two or more of the said Inhabitants.

Execution for the Informer may be had against two or more of the said Inhabitants; and after such Execution, the Justices of Peace (upon Complaint of the Party or Parties so charged) may at their Quarter-Sessions assess and tax ratably and proportionably, all the Towns, Parishes, and Hamlets in the said Hundred or Place, in the same Manner or Form as an Hundred ought to be charged in Case of Robbery, by the Statute of 27 *El.* cap. 13. and thereby reimburse the Parties charged.

27 Eliz. c. 13.

Offenders to be imprisoned 3 Years without Bail, &c.

All who are convicted of Aiding, Abetting, or Assisting to the Carrying or Exporting any of the said Commodities, shall be committed three Years without Bail; and both they and the Owners of the said Goods shall satisfy treble the Value of such Forfeitures, with which the Inhabitants of those Hundreds shall be charged, and treble Costs of Suit; and this shall be for the Use of the said Inhabitants, to be recovered by Action of Debt, &c. in the Name of the Clerk of the Peace of such County (without naming his Christian or Surname) to the Use of the said Inhabitants; and notwithstanding the Death or Removal of each Clerk of the Peace, the said Suit shall not discontinue, but be prosecuted to Judgment.

But

But the Jury must not be of that County where the Fact was committed.

The first three Persons who have been aiding or assisting in carrying out or exporting Wool or any of the said Commodities, and who shall inform any Justice of Peace of those Northern Counties, whereby the aforesaid Punishment and Penalties may be inflicted and recovered, such Discoverers, not being the Owner of the Wool, &c. shall be acquitted.

If any Person, to whom any Forfeitures by this Act are given, shall compound for the same for less than what is given by the said Act, it shall be lawful for any other Person to sue for and recover the same, in Manner and Form as aforesaid; and the Person compounding shall suffer three Years Imprisonment.

If any Action be brought against any Justice of Peace, or other Person employed in the Execution of this Act, for any thing done by Virtue of this Act, the Action shall be laid in the proper County, and the Defendant may plead the General Issue, and give the Special Matter in Evidence; and if the Plaintiff be nonsuit, or discontinue, or the Jury find for the Defendant, he shall have treble Costs. And every Suit or Information, by Virtue of this Act, shall be commenced within one Year after the Fact committed.

The first Act 1 W. & M. cap. 32. was Temporary, but continued by 7 W. 3. cap. 25. which was also continued by 9 & 10 W. 3. cap. 40. that being explanatory of the former Laws. And by which it is enacted, that no Fuller's Earth or scouring Clay shall be exported out of this Kingdom into Ireland, Scotland, or any other Foreign Parts, but the Exporter shall forfeit one Shilling for every Pound Weight.

All Owners of Wool shorn, housed, or lodged within Ten Miles of the Sea-side in Kent and Sussex, shall give an exact Account in Writing, within three Days after Shearing, of the Number of Fleeces, and where lodged or housed, to the next adjoining Port or Officer of the Customs, and the like Notice before Removing thereof, and the Name and Abode of the Persons, and to whom disposed, and where intended to be carried; and shall take a Certificate of such Entry, on Forfeiture of the Wool not entred, or otherwise disposed of, and a Penalty of three Shillings per Pound for such Wool, as if it had been actually transported; which Entries are to be made Gratis, and Certificates given without Delay, specifying the Names of the Owners and Buyers thereof, and limiting it to such Times and Places to be removed, taking Six-pence, and no more for such Certificate.

No

Persons within
15 Miles of the
Sea, must give
Bond.

No Persons residing within fifteen Miles of the Sea, in *Kent* or *Suffex*, shall buy any Wool before they enter into Bond to the King, with Sureties not to sell the said Wool to any Person within fifteen Miles of the Sea; and if any Wool be carrying towards the Sea-side in those Counties, unless entred and Security given, the same shall be forfeited, and three Shillings for every Pound Weight.

Nor Wool must
not be re-
moved.

No Wool removed from the Place where it was first housed after Shearing, within ten Miles as aforesaid, shall be lodged after the first Removing, within fifteen Miles of the Sea in those Counties, on Pain of Forfeiture if found; but if carried away, then the Owner to forfeit three Shillings per Pound Weight.

Wool not en-
tered forfeited.

All Persons laying or hiding any Wool within fifteen Miles of the Sea not entred, such Wool shall be seized and forfeited, and the Persons claiming the same, shall give Security in the Exchequer (if cast upon a Trial) to pay treble Costs over and above the Penalties and Forfeitures.

The General Issue may be pleaded, and the Special Matter given in Evidence; and if the Plaintiff is nonsuit or discontinued, or the Jury find for the Defendant, the Defendant shall have treble Costs.

The Forfeitures are to be divided, *viz.* one Third to the King, the other two Thirds to him who seizes or sues for the same.

Offenders may
be prosecuted
in 3 Years.

The King may cause such Persons as are Guilty of transporting any Wool, Woolfels, Fuller's Earth, or Scouring Clay, to be prosecuted at any Time within three Years after the Offence committed.

Persons lodg-
ing Wool
within fifteen
Miles of Scot-
land, must give
an Account.
1 W. & M. c.
32.

All Owners of Wool shorn, laid up or lodged within fifteen Miles of the Borders of *Scotland*; shall give an exact Account of the Number of Fleeces, and where lodged, to the Persons appointed, pursuant to the Act of 1 W. & M. cap. 32. which Persons shall give Attendance for that Purpose at the several Ports and Market-Towns within the aforesaid Distance, and shall make a true Entry of such Wool in a Book for that Purpose; and the Owners of such Wool neglecting or refusing to give such Notice, or removing such Wool after Notice given, without License, shall forfeit three Shillings, for every Pound-Weight of such Wool. And all the Wool found within the Distance aforesaid of the Borders of *Scotland*, not entred, shall be forfeited.

Hundred of
Winchelsea,
shall be 100
Hundreds.
7 & 8 W. 3. c.
28.

The Hundred of *Winchelsea* in the Cinque Ports, being divided by a navigable Arm of the Sea, shall be taken, in respect of the Act of 7 & 8 W. 3. cap. 28. as two distinct Hundreds, *viz.* the Part of the one Side of the said Arm, and that on the other, each as an entire Hundred;

bred; and the Penalties for suffering such Exportations shall be levied on that Part of the said Hundred only, which lies on the same Side of the said Arm out of which such Exportation was made and permitted. But the said Hundred shall not be divided in any other Particulars but this only.

By Stat. 10 & 11 W. 3. cap. 10. none shall export or convey out of *Ireland* into any Foreign Parts, other than in *England* or *Wales*, any of the Goods following:

10 & 11 W. 3. c. 10. None to transport Wool, &c. out of *Ireland*. &c.

Bays,
Cloths,
Cloth Serges,
Druggets,
Drapery Stuffs,
Frizes,
Kerseys,
Mortlings,
Says,
Serges,

Shortlings,
Wool,
Woolfels,
Woolflocks,
Worsted Bays,
Woollen Yarn, or made or mingled therewith.
Or Woollen Manufactures whatsoever.

Or load any such Goods on any Horse, Cart or Carriage, in any Place of *Ireland*, with Intent to transport or convey the same out of *Ireland* into any Ports or Places, except as above said.

All Offenders and Offences aforesaid shall be liable to the following Penalties, viz. the said Goods so exported, &c. conveyed, or loaden, shall be forfeited, and the Offender shall forfeit 500 *l.* for every such Offence. And every Ship and Vessel, wherein any of the said Commodities shall be so laid on Board, shall be forfeited, with all her Tackle and Furniture. And the Masters and Mariners thereof, or any Porters, Carriers, Waggoners, Boatmen, or others, wittingly aiding or assisting therein, shall forfeit 40 *l.* one Moiety to the Prosecutor in *England* or *Ireland*, and the other to the Encouragement of the Linen Manufactures in *Ireland*, to be disposed of by the Court of Exchequer there for that Use only.

No Acquittal, nor any Indictment, Information, or Suit (unless the Offender be thereupon convicted) in *Ireland* for any the said Offences, shall be pleaded or allowed in Bar or Delay of any Indictment, Information or Prosecution in *England*.

No Acquittal to be pleaded in Bar, &c.

Any Person may seize and carry to the King's next Ware-house, all such Goods, &c. as shall be laid on Board any Vessel, or laid on Shore at or near the Sea or any navigable River, or shall otherwise be laden with Intent to be transported or conveyed out of *Ireland* into any Foreign Parts;

Any Person may seize Wool, &c.

Parts ; and the Ship or Vessel, wherein any of the said Commodities shall be put on Board, may be also seized, and the Persons seizing are indemnified by this Act for so doing.

Bond must be given for every Ship sailing from Ireland, &c.

For every Ship or Vessel which sails from *Ireland* with any of the said Commodities to this Kingdom, sufficient Bond shall be given to the Chief Officers of the Customs there, in double the Value of the Goods intended to be transported before the Lading thereof, that all the said Goods shall be brought to some Port in *England* or *Wales*, and there unloaded, and the Customs paid ; and if loaded before such Bond given, the Ship or Vessel is forfeited.

A Register must be kept at the Custom-house.

A Register is to be kept at the Custom-house, *London*, of all the said Goods imported from *Ireland* into *England*, or *Wales*, with the Quantities or Qualities thereof, the Owners and Masters Names, and to whom consigned.

All Cocquets and Warrants for such Goods must be written on Paper, and not Parchment, and signed by three of the chief Custom-house Officers where loaden, and the Quantities, Qualities, Marks and Numbers of the said Goods, shall be indorsed on the Cocquet Warrant, and on the Certificate for discharging the Bond.

The Quantities, Qualities, Marks and Numbers in the Certificate, shall not be obliterated or interlined.

Commissioners, &c. in Ireland must transmit an Account every six Months, &c.

The Commissioners of the Revenue, or Farmers of the Revenue in *Ireland*, shall once every six Months transmit to the Commissioners of the Customs in *England*, an Account of all such Goods exported from *Ireland*, and Duplicates of the Bonds, in what Ships exported, and to what Ports consigned, and who signed the Certificates of Landing the same, and when, in order to be compared with the Register.

Goods may be transported, &c.

But such Goods may be transported

From { *Cork,* | *Kingale,* } in *Ireland*,
 { *Drogheda,* | *Waterford,* }
 { *Dublin,* | *Youbgal,* }

To { *Barnstaple,* | *Chester,* } in *England*.
 { *Biddisford,* | *Liverpol,* }
 { *Bridgewater,* | *Milfordharven,* }
 { *Bristol,* | *Minehead,* }

On giving Notice, &c.

So as Notice be first given to the Commissioners of the Customs here, or to the Customer or Collector in the Port to which the same is intended to be brought.

I

Quality,

Of the { Quality,
Quantity,
Package,
Marks,
Number thereof,
Name of the Ship,
Name of the Master,
Place or Port,
Where intended to be brought.

And Bond entered into to the King, with one or more Sureties, in treble the Value of Goods, that the same (Danger of the Seas excepted) shall be landed accordingly. And Bond entered into to the King, &c.

And there must be a License under the Hands of three of the Commissioners, or under the Hand of the Chief Customer or Collector of the Port where the Bond is given for the Lading and importing such Goods, &c. And License obtained, &c.

The Penalties and Forfeitures of the Bonds for any Wool, &c. so exported, shall not be assigned over to any other Person. Which must not be assigned.

If any Commissioner or Farmer of the Revenue in *Ireland*, or their Officers, shall sign any Cocquet or Warrant for an Entry outward, for exporting such Goods into Foreign Parts, or connive at the same, contrary to this Act, or neglect their Duties required by this Act, he shall forfeit his Office and five hundred Pounds for every such Offence. Penalty of signing any Cocquet, &c.

Every Offence contrary to this Act may be tried where such Goods shall be put on board, or in the County in *England* or *Ireland* where the Offender shall be apprehended, or the Ship or Vessel seized.

If sued for any thing done in Pursuance of this Act, the General Issue may be pleaded, and the Special Matter given in Evidence; and if the Plaintiff is nonsuit or discontinued, or a Verdict or Judgment pass against the Plaintiff, the Defendant shall have treble Damages and treble Costs.

The Lord High Admiral of *England*, or Commissioners of the Admiralty, shall appoint two fifth Rate, and two sixth Rate Ships, and eight armed Sloops to cruise on the Coasts of *England* and *Ireland*, and between the *North* of *Ireland* and *Scotland*, to seize all Ships and Vessels exporting Wool to Foreign Parts, and shall send a List of such Ships and Sloops, and their Commanders Names, and Copies of their Instructions to the Commissioners of the Customs in *London* within ten Days. Admiral to appoint four Men of War, &c. to cruise, &c.

All Wool, Ships, and Vessels so seized, shall be forfeited, and the Wool lodged in the King's Warehouse till condemned, and then sold after one and twenty Days publick Notice at the Custom-house, and at the *Royal Exchange* in *London*, by Inch of Candle, with the Guns, Tackle, &c. of such Ships and Vessels, whereof one fourth Part to be to the Commander, another to the Officers who took the same, another to the Mariners, the other to the King, the Charges of Prosecution being deducted out of the King's Part.

Penalty of Commander neglecting his Duty.

Every Commander of such Ship, &c. neglecting his Duty, or conniving at the Exportation of any Wool, shall lose his Wages, and suffer six Months Imprisonment, and be incapable of any Office in the Navy.

No Wool, &c. to be shipped from Plantations.

No Wool, Woolfels, Yarn, Cloth, or Woollen Manufactures of the *English* Plantations in *America*, shall be shipped in any of the said *English* Plantations, or otherwise loaden in order to be transported thence to any Place whatsoever, under the said Penalties and Forfeitures; and the Governors of the Plantations and Officers of the Customs and Revenues there, are to see this Act, as it relates to the Plantations, duly executed.

Offenders, &c. may be sued by *Capias*, &c.

All Offenders against this Act, or any other for preventing the Exportation of Wool, may be prosecuted in any of the Courts at *Westminster*, by *Capias* in the first *Process*, and shall give good Bail for their Appearance, and answering the Penalties in Case of Conviction.

Wool for Ship's Use allowed.

But some Disputes having arisen concerning this Act last mentioned, therefore by another Act made in the very next Year 11 & 12 *W. 3. cap. 31.* it is declared that that Act shall not subject any Person or Vessel to the aforesaid Penalties, for or concerning such Woolfels as shall be necessary for the Gunner or Boatwain's Stores, or for such other Woollen Manufactures as shall be for the proper Use for Cloaths of Seamen, or Passengers for their own Wearing, and shall not exceed above 40 *s.* for one Mariner.

11 & 12 *W. 3. c. 31.*

4 *Ann. c. 7.* New Ross made a Town for exporting Wool, &c.

By Stat. 4 *Ann. cap. 7.* the Town of *New-Ross* in the County of *Wexford* in the Kingdom of *Ireland*, was made a Port for the Exporting Wool from *Ireland* to this Kingdom.

5 *G. 1. c. 11.* No Wool to be laid near the Sea in *Ireland*.

By Stat. 5 *Geo. 1. cap. 11.* all Wool, Woolfels, &c. or any Drapery Stuffs, or Woollen Manufactures whatsoever, which shall be brought and laid on Shore near the Sea, or any navigable River whatsoever, with Intent to be exported out of *Ireland* contrary to the Meaning of the Act 10 & 11 *W. 3. cap. 10.* shall be forfeited, and the Offenders shall be liable to the like Forfeitures, &c. as Persons

10 & 11 *W. 3. c. 10.*

sons by that Act are subject to, and such Forfeitures, &c. shall be recovered and distributed as the other Forfeitures, &c. in that Act are to be.

By Stat. 4 Geo. 1. cap. 11. it is enacted, that if any Person, in Prison for want of sufficient Bail for unlawful Exportation of Wool or Woolfels, shall refuse to appear or plead to a Declaration or Information, to be delivered to him or to the Gaoler or Turnkey at the said Prison, by the Space of one Term, Judgment shall be entred against him by Default; and if Judgment be obtained against him by Default, Verdict, or otherwise, and he shall not pay the Sum recovered against him within three Months after entring up of such Judgment, the Court before whom Judgment shall be obtained, shall cause him to be transported as Felons are, for seven Years; and if he shall return into *Great Britain or Ireland* before the Expiration thereof, he shall suffer as a Felon, and have Execution awarded against him as Persons attainted of Felony, without Benefit of Clergy.

4 G. 1. c. 11.
Offender not pleading Judgment shall be entred against him by Default, and he shall be transported.

This Act shall not extend to Persons convicted or attainted in *Scotland*, shall not extend to the Plantations in *America*, and be taken as a publick Act.

By Stat. 3 Geo. 1. cap. 21. the Moiety of the Penalties and Forfeitures, which by the Act 10 & 11 W. 3. cap. 10. were inflicted for preventing the Exportation of Wool and other Woollen Goods therein mentioned, out of *Ireland*, other than into *England and Wales*, (after a Deduction made out of the said Moiety, of the Charges of Prosecution and Condemnation) shall be to the Use of his Majesty, his Heirs and Successors.

3 G. 1. c. 21.
One Moiety of Forfeiture to the King, &c.

All Actions and Informations which shall be commenced or prosecuted by Virtue of any Act for preventing the Exportation of Wool or Woollen Manufactures from *Ireland*, shall be tried in any of the four Courts at *Dublin*, by a Jury of Freeholders, to be summoned out of any other County than that wherein the Fact was committed: And to encourage Persons to discover the said Crime, the first Three, who have been aiding, abetting, or assisting in carrying out or exporting Wool, or Woollen Commodities, who shall inform any Justice of Peace thereof, whereby the Punishment and Penalties appointed by this Act may be inflicted and recovered, such Discoverer (not being the Owner or Part-Owner thereof) shall not suffer any of the Penalties and Punishments to be inflicted by this or any other Act.

Where Actions, &c. shall be tried.

The first three Informers shall not suffer any Penalties, &c.

By 13 G. 2. it is enacted, if any Persons hired to work on any Woollen, Linen, Fustian, Cotton, or Iron Manufactures, shall, after 1 May 1740. imbezil, or any Ways illegally

13 G. 2.

illegally dispose of any Materials they were intrusted to work up, or shall reel short or false Yarn; the Persons so offending, and convicted as prescribed by the said recited Act, shall forfeit double the Value of the Damages, which the Owners of such Goods (whether manufactured or not) shall sustain, with Costs of Prosecution for every Offence, as shall be judged reasonable by the Justice of the Peace before whom such Offenders respectively shall be convicted; and if immediate Payment of the Forfeitures, with Costs of Prosecution, shall be refused, that then the same Justice before whom the Offenders were convicted, shall commit them to the House of Correction, to be whipp'd and kept to hard Labour for any Time not exceeding 14 Days: And for every second or other subsequent Offence, to forfeit four times the Value of the Damages and Cost of Suit, to be settled by the Justice; and if immediate Payment be refused, then any Justice for the County, Riding, &c. shall commit such Offenders to the House of Correction, there to be kept to hard Labour for any Time not exceeding three Months, nor less than one Month, and publickly whipp'd at the Market-Cross once or oftner, at the Discretion of the Justice.

All Persons who from 1 May 1740. shall buy, receive, take in Pawn, &c. from any the aforementioned Persons, any Woollen, Linen, Fustian, Cotton, or Iron Manufactures, whether before wrought or after, knowing the same to be purloined, &c. and being lawfully convicted shall suffer the same Penalties, as the said Purloiners or Embezzlers, shall suffer, by any former or this present Act.

The Forfeitures incurred by this Act, shall be divided, Half to the Use of the injured Party, and Half to the Poor of the Parish where the Offence is committed.

The Acts of 30 Car. 2. cap. 3. and 32 Car. 2. cap. 1. for burying in Woollen.

Acts 30 Car. 2. c. 3. and 32. Car. 2. c. 1. for burying in Woollen.

By Stat. 30 Car. 2. cap. 3. every Corpse must be wrapped up and buried in Woollen, nor must it be put in any Coffin lined or faced with any thing but Sheep's Wool only, on Pain of forfeiting 5 *l.* one Moiety to the Poor of the Parish where buried, and the other to the Prosecutor.

All Ministers, &c. must keep a Register; and an Affidavit must be brought in 8 Days, &c.

All Rectors, Vicars, Curates, &c. must keep a Register of all Persons buried within their Parishes, Bounds or Burying-Places; and some Person, within eight Days after the Burial, must bring to the Minister an Affidavit under the Hands and Seals of two Witnesses, and the Justice of Peace, Master in Chancery, Ordinary or Extraordinary, Mayor, Bailiff, or chief Officer, &c. before whom

whom it shall be sworn, for which no Fee shall be paid; purporting that the Party deceased was wrapped up in and buried in Woollen, and was not buried in any Coffin lined or faced with any thing but Sheep's Wool only. And if such Affidavit be not brought to the Minister within eight Days, then the Minister shall give Notice, and certify under his Hand, to the Church-wardens and Overseers of the Poor of the Parish where the Deceased was buried, who shall within eight Days after such Notice, bring the Certificate of the Minister to the Justice of Peace, who shall thereupon grant a Warrant to levy the Forfeiture of 5 *l.*

The Penalties,
&c.

1. On the Goods of the Party deceased; and if he hath none, then
2. On the Goods of the Person in whose House he died.
3. Or on the Goods of any who had a Hand in putting him into the Coffin, or that ordered the same.
4. And if a Servant, and dying in his Master's Family, then on the Master's Goods.
5. And if a Child, then on the Parents Goods.

The said Forfeitures to be first paid out of every such Offender's Estate, before any Debt or Duty whatsoever.

Ministers, Justices of Peace, Magistrates, neglecting their Duties, forfeit 5 *l.* for every Offence; to be recovered by Action of Debt, Bill, Plaint, or Information, so as it be commenced within six Months after the Offence. One Fourth to the King, two other Parts to the Poor, &c. where the Offender dwells, the other fourth Part to the Informer.

Ministers or
Justices, &c.
not doing their
Duties, forfeit
5 *l.*

And in the said Register-Book to be provided at the Charge of the Parish, and kept by the Minister as aforesaid, shall be entred all the Burials and Affidavits concerning the same; and where no Affidavit shall be brought, a Memorial thereof shall be entred against the Name of the Party interred, and of the Time when he notified the same to the Church-wardens or Overseers of the Poor.

Where no Affidavit, a Memorial must be entred in the Register.

And when such Overseers of the Poor give up their Accounts at the General, or Special Sessions, or to any two Justices of Peace, at their monthly Meetings, they shall give an Account of the Name and Quality of every Person interred since their former Account, and of such Certificates above-mentioned, and of their levying the Penalties aforesaid, and Disposal of the same, on Pain of 5 *l.* to be levied by Distress, by Warrant from the said Justices, or two of them. And no Account of any Overseers of the Poor shall be allowed until they shall account for such Burials, &c. but this Act shall not extend to Persons dying of the Plague.

Overseers must
give an Account of Burials, &c.

32 Car. 2. c. 1. By Stat. 32 Car 2. cap. 1. where no Justice of Peace doth reside, or be not to be found in any Parish where any Person shall be interred, the Oath or Affidavit for burying in Woollen may be administered not only by such Magistrates as are mentioned in the former Act, but also by the Parsons, Vicars, and Curates in every Parish or Chapel of Ease within the County where the Party shall be interred (except the Parson, Vicar, or Curate of the Parish or Chapel of Ease where the Party is interred) who are authorised and required to administer the said Oaths or Affidavits, and to attest the same, under their Hands *gratis*.

Where no Justice of Peace, Ministers may give the Oath, &c.

For burying in Church-yard no Fees are due; in Churches as can be agreed. 1 Salk. 334.

15 Geo. 2.

By Stat. 15 Geo. 2. One Justice of the Peace, upon Complaint within ten Days after any Cloth, Woollen Goods, Woollen Yarn, or Wool, by the Owner of such Cloth, &c. by Warrant, &c. directed to any Constable, &c. in the Day-time may enter into and search such Houses, Outhouses, &c. and apprehend the Person in whose Custody the same shall be found; he not giving a satisfactory Account how he acquired the same, or shall not within the Time mentioned by the Justices produce the Party of whom he received the same, or other due Proof of his Right to the said Goods, shall be deemed guilty of the Offence, and forfeit treble Value, to be levied by Distress, &c.

Or in Default three Months Imprisonment.

Second Offence six Months.

Third Offence Transportation for seven Years.

Parties aggrieved may appeal to the Quarter-Sessions, whose Determination shall be final.

The Form of an Affidavit that one was buried in Woollen.

30 Car. 2. c. 3. Midd. ff. and 32 Car. 2. c. 1.

J. *S. of the Parish of St. Martin in the Fields, in the County aforesaid, Gent. maketh Oath that M. S. his late Wife, now deceased, was interred in the Parish Church of St. Martin aforesaid, on the Day of last past; and that the said Deceased was not put in, wrapped or bound up, or buried in any other Thing than what is made of Sheep's Wool only, nor in any Coffin lined or faced with any other Material, or Thing whatsoever, but Sheep's Wool only.*
Dated the Day of in the fourth Year of the

the Reign of our Sovereign Lord George the Second, of Great Britain, France and Ireland King, Defender of the Faith, &c. Anno; D'ni 1731.

J. S.

Jur' coram, &c.

Signed and Sealed according to the several Statutes in this Case made and provided, by us who were present and Witnesses to the Swearing this Affidavit. *A. B. C. D.*

A Certificate by a Justice of Peace of the making the above-written Affidavit.

Midd. *J.* **M**emorand', that J. S. of the Parish of St. Martin in the Fields in the County aforesaid, Gent. came this present Day of 1731. before me J. S. Esq; one of his Majesty's Justices of Peace for the said County, and made such Affidavit as is above-written, pursuant to an Act of Parliament made in the 30th Year of his late Majesty King Charles the Second, entituled (An Act for burying in Woollen). Witness my Hand the Day and Year above-written.

Or thus.

One of the Masters of his Majesty's Court of Chancery in Ordinary or Extraordinary, or, Mayor of the Town of L. or, one of the Bailiffs of the Town of L. or, other Chief Officer or Magistrate of any Town Corporate, Franchise or Liberty, as the Case is,

The like Certificate by a Parson,
Vicar, &c.

Midd. *J.* **M**emorand', that A. B. of the Parish of Pancras in the County aforesaid, Cow-keeper, came this present Day of 1731. before me C. D. Clerk, Vicar of the Parish Church of St. Pancras aforesaid, and made such Affidavit as is above specified, pursuant to an Act of Parliament made in the 32d Year of the Reign of his late Majesty King Charles the Second,
G g 4

Wool and Woollen.

cond, entitled (An Additional Act for burying in Wool-
len.) Witness my Hand the Year and Day above-
written.

The Minister's Notice to the Church-
wardens, &c. of the Parish where
the Deceased was buried, that no
Affidavit of the Corpse being bu-
ried in Woollen had been brought
to him in eight Days.

Liberty of **F** *Orasmuch as the Corpse of A. B. of this*
West. ff. Parish, Single-woman, was on the
Day of this Instant, buried in some usual Burying-
Place within the same, as appears by the Register of the Bu-
rials of this said Parish: These are therefore, in Pursuance
of the said Act, to give you Notice, that no Affidavit that
the said Corpse was buried in Woollen hath been brought to
me before the Day of the Date hereof, being above eight Days
from the Day of the said Burial. In Witness whereof, I
have hereunto set my Hand, this, Day of
Anno; Dom. 1731.

The Minister's Certificate to a Justice
of Peace, that no such Affidavit was
brought to him within eight Days af-
ter the Deceased's Interment, accord-
ing to 30 *Car. 2. cap. 3.*

To Sir *A. B.* Knight, one of his Majesty's
Justices of Peace for the Liberty of the City
of *Westminster*, the Certificate of *C. D.* Mi-
nister of the Parish Church of *St. Mary le*
Savoy, within the said Liberty.

T *These are to certify, that the Corpse of A. B. of the*
Parish aforesaid, Single-woman, was buried in the
said Parish on Thursday the 12th of this Instant April, as
appears by the Register of the Burials of the said Parish;
and that within eight Days next after the said Burial, no
Affidavit hath been brought to me concerning the Burial of the
said

said A. B. in *Woollen*, pursuant to the Statute of 30 of the late King Charles the Second, in that Case made and provided. Witness my Hand this 30th Day of April, &c.

A Warrant to levy the Penalty of Five Pounds for Want of such an Affidavit.

Liberty of **W** Hereas I have received a Certificate under Westm. ff. **W** the Hand of C. D. Rector of the Parish of St. Mary le Savoy, bearing Date the 30th Day of, &c. that A. B. was buried in the said Parish on Thursday the 12th Day of April last, and that no Affidavit was brought to the said C. D. within eight Days afterwards, that the said A. B. was buried, or wrapped in no other Materials but Sheep's Wool only, pursuant to the Statute in that Case made and provided: By Means whereof the Sum of five Pounds is forfeited by the said Act, to be levied by Distress and Sale of the Goods and Chattels of such Persons as are in the said Act specified to be liable thereto, and herein after particularly expressed: These are therefore in his Majesty's Name, strictly to charge and command you, that you, or some of you, do forthwith levy, or cause to be levied, the said Sum of five Pounds so forfeited as aforesaid, by Distress and Sale of the Goods and Chattels of the said A. B. deceased; or in Default thereof, by like Distress and Sale of the Goods and Chattels of the Person in whose House the said Party deceased died; and, for Want thereof, of the Goods and Chattels of such Person that had a Hand in putting the said Deceased in any Shirt, Shift, Shroud or Coffin, contrary to the said Act, or of any Person that did order or dispose the doing thereof. And if the said Party deceased were a Servant, and died in the Family of her Master or Mistress, then upon the Goods or Chattels of such her Master or Mistress; and in Case the said A. B. died in the Family of her Father or Mother, or other Relation, that then you, or some of you, do levy the said Forfeiture upon the Goods and Chattels of such Parent or Relation, returning the Overplus, (if any such shall be after your reasonable Charges and Expences shall be first deducted,) to the respective Persons whose Goods you shall so distrain as aforesaid: One Moiety of the said Forfeiture by the said Act to be applied to the Use of the Poor of the said Parish where the Party deceased is buried, and the other Moiety to the Use of him or them who will sue for the same. And hereof fail not. Given, &c.

A like

A like Warrant may be made, *mutatis mutandis*, to levy five Pounds upon the Overseers of the Poor of any Parish, who shall neglect or refuse to give an Account of their Burials to the Justices, from Time to Time, as is required of them by the Act 30 Car. 2. cap. 3.

Words.

WORDS spoken against the King's Title to the Crown must be informed of within three Days, to one Justice by two Witnesses, by 4 & 5 Ann. cap. 6. and 6 Ann. cap. 7.

4 & 5 An. c. 6.
6 An. c. 7.

No Indictment shall lie for Words that are actionable, as was adjudged in *Freak's Case* for calling one Thief. *Comb. p. 13.*

Wreck'd Ships, Goods, &c.

3 E. 1. 4 E. 1.
No Wreck where any living Creature gets ashore.
17 E. 2.

BY Stat. 3 E. 1. & 4 E. 1. *de Officio Coronatoris*, where a Man, Dog, or Cat, escape alive out of the Ship, neither the Ship, or other Vessel, or any thing therein, shall be adjudged Wreck.

And by Stat. 17 E. 2. *de Prærogativa Regis*, the King shall have Wreck of the Sea, Whales and great Sturgeons, taken in the Sea and elsewhere, throughout the whole Realm, except in Places privileged by the King.

1 An. c. 9.
Mariners wilfully destroying Ships guilty of Felony without Clergy.

By Stat. 1 Ann. cap. 9. Captains and Mariners belonging to Ships, wilfully destroying the same, to the Prejudice of the Owners and Merchants, shall suffer Death as Felons.

The said Offence committed on the High Seas shall be determined in such Places in the Realm as shall be limited by the King's Commission, according to 28 H. 8. cap. 15. and Persons indicted for the said Offence, standing mute, or challenging above twenty Jurors, shall suffer Death, without Benefit of Clergy.

12 An. c. 18.
What must be done when a Ship is in Danger of sinking.

By Stat. 12 Ann. Sess. 2. cap. 18. it is enacted, that the Sheriffs, Justices of Peace, Mayors, Bailiffs, and other Head Officers of Cities, Corporations and Port-Towns, near the Sea; and all Constables, Headboroughs, Tithingmen

men and Officers of the Customs, on Application to them made, by and on Behalf of any Commander or Chief Officer of any Ship or Vessel in Danger of being stranded, or run on shore, shall command the Constables nearest the Sea-Coast, where such Ship shall be in Danger, to call together as many Men as shall be necessary to the Assistance and Preservation of such Ships, &c. and their Cargoes.

And if there shall be any Ship of War or other Ship lying at Anchor near the Place, the Officers of the Customs and Constables aforesaid, are to demand of the superior Officers of such Ships Assistance by their Boats, and as many Hands as they can spare, for the Service and Preservation of the Ship in Distress; and if such Officer shall refuse such Assistance, he forfeits 100 *l.* to the superior Officer of the Ship in Distress, to be recovered, with Costs of Suit, in any Court of Record, by Action of Debt, Bill, &c. and no Essoin, &c.

Such Officers of Customs, Commanders of Ships, and all others so employed in preserving such Ship or Cargo, shall, within thirty Days after, be paid a reasonable Reward for the same, by the Commander, Master or Owner of the Ship in Distress, or by the Merchant whose Ship or Goods were saved; and in Default thereof, the Ship or Goods so saved, shall remain with the Officer of the Customs or his Deputy, till all the Charges be paid, and the said Officer and Deputy, and the Master and Mariners of the Ship assisting, be reasonably gratified, or good Security to be given for the same.

And if any Difference arise about the Salvage, three neighbouring Justices shall adjust the *Quantum* to be paid to the Persons acting therein, which shall be binding to all Parties, and recoverable in an Action at Law in any of the King's Courts of Record.

Three next Justices to decide all Differences, &c.

And if Goods are not claimed in twelve Months, the Chief Officer of the Customs of the nearest Port, shall apply to three of the nearest Justices, who shall put him, or some responsible Person, in Possession of the Goods, the Justices taking an Account thereof in Writing, signed by the said Officer; and all Goods not claimed within twelve Months after by the right Owner, shall be publickly sold, or, if perishable, presently sold; and after all Charges deducted, the Residue of the Monies, with a fair and just Account of the Whole, transmitted to the Exchequer, there to remain for the Benefit of the Owner when appearing, who on Affidavit, or other Proof of his Property thereto, to the Satisfaction of one of the Barons of the Coif there, shall, upon his Order receive the same out of the Exchequer.

If Goods are not claimed in 12 Months, must be sold by Custom-house Officer, &c.

All

Penalty on
Persons enter-
ing such Ships
without Leave.

All Persons entering into such Ships in Distress, without Leave from the Commander, Officer of the Customs, Constable, Headborough, &c. or molesting any one in saving the Ship or Goods, or when saved, shall deface the Marks of the Goods before the same are taken down in Books, to be provided by the Commander and Chief Officer of the Customs, such Person shall, within twenty Days, make double Satisfaction to the Party grieved, at the Discretion of the two next Justices of Peace; or in Default thereof, shall be sent by the said two Justices to the House of Correction, and there kept to hard Labour for 12 Months. And every Commander, Officer of the Customs, Constables, &c. may by Force repel such Persons who shall press on board the said Ship in Distress, without Leave, or molest them in preserving the said Ship or Cargo.

Persons steal-
ing Goods out
of such Ship,
forfeit treble
the Value.

All Goods carried off from such Ship, and found on any Person, shall, on Demand, be delivered to the Owner, or the Person shall be liable to pay treble the Value of such Goods, to be recovered by the Owner in an Action at Law.

And any Person making Holes in the Bottom, Side, or in any Part of the Ship, or stealing any Pump, or doing any thing tending to the Loss of the Ship, shall be guilty of Felony, without Benefit of Clergy.

General Issue
pleaded to all
Actions on this
Statute, &c.

The General Issue may be pleaded to any Action brought for any thing done in Pursuance of this Act, and this Act and the Special Matter given in Evidence; and if the Plaintiff be Nonsuit, or forbear Prosecution, or discontinue, or a Verdict be against him, or Judgment on Demurrer; the Defendant is to have full Costs, recoverable as if awarded by Law.

This to be a
publick Act.

This Act shall be allowed in all Courts to be a publick Act, and all Judges and Justices to take Notice, thereof without special pleading the same.

If any Officer of the Customs, or his Deputy, abuse the Trust reposed in him, and shall be legally convicted thereof, he shall forfeit treble Damages to the Party grieved, to be recovered by Action of Debt in a Court of Record, and be incapable of any Employment in the Customs.

This Act to be
read 4 Times a
Year, &c.

This Act to be read four Times every Year, in all the Parish Churches and Chapels in Sea-port Towns, on the *Sundays* next before *Christmas*, *Lady-day*, *Midsummer-day*, and *Michaelmas-day*, after the Prayers and before the Sermon.

This

This Act shall not deprive the Crown, or any Grantee, of any Right or Claim to any Wreck or Goods, that shall be Jetſom, Floſſom, or Lagan.

This Act was to continue for three Years, from 1 Aug. 1714. and thence to the End of the next Sessions of Parliament.

By Stat. 4 G. 1. cap. 12. the ſaid Act, and all the Clauſes therein, are made perpetual; and it is further enacted, that the Act 12 An. cap. 18. ſhall not any ways affect the antient Jurisdiction and Uſage of the Admiralty-Court of the Cinque Ports, or the Officers thereto belonging; but the proper Officers of the ſaid Court ſhall put the ſaid Act in Execution within the Jurisdiction of the Cinque Ports, in as full and ample Manner as any other Perſons are by the ſaid Act appointed to do, in any other Parts of this Kingdom.

If any Owner or Captain, Maſter, Mariner, or other Officer belonging to any Ship, ſhall wilfully caſt away, burn, or otherwiſe deſtroy the Ship of which he is Owner, or to which he belongs, or in any manner of wiſe direct or procure the ſame to be done, to the Prejudice of any Perſons who ſhall under-write any Policy of Inſurance thereon, or of any Merchant who ſhall load Goods thereon, he ſhall ſuffer Death. 4 G. 1. cap. 12.

By Stat. 5 G. 1. cap. 11. all Goods, &c. which ſhall be ſalved out of any Ship forced on Shore, or ſtranded, (not being wreck'd Goods) ſhall after Salvage and other Charges paid, be liable to like Cuſtoms, Drawbacks, and Allowances, as ſuch Goods, &c. would be liable to in caſe they were regularly imported.

Whoever has a Mind to read more on this Subject, may have Satisfaction in *Molloy de Jure Maritimo & Navali.*

See the 9 Geo. 2. c. 15. for more equal Paying and better collecting certain ſmall Sums for Relief of ſhipwrecked Mariners, &c. at *Cadix* and *Port St. Mary's* in *Spain.* 9 G. 2. c. 15.

Wrought Plate.

BY Stat. 6 G. 1. cap. 11. every Officer for the Duties on wrought Plate, or Manufactures of Silver, who ſhall be empowered to make a Charge on the Maker or Worker of Plate, &c. ſhall in the firſt Place be ſworn for the due and faithful Execution of his Office, by any Juſtice of Peace, who ſhall give ſuch Officer a Certificate thereof. 6 G. 1. c. 11.

— Po2k

York County.

8 An. c. 4.
Three or more
Justices of a
Riding may
act as for the
whole County,
&c.

2 An. c. 4.
A publick Re-
gister set up in
the West-Ri-
ding of York-
shire.

The Method
of choosing the
Register, &c.

Three Justices
may swear
him, &c.
He must give
Bond, &c.

Forging Me-
morial, &c.
liable to 5 El.
c. 9.

6 An. c. 35.
A publick Re-
gister set up in
the East Ri-
ding of York-
shire, with
much the same
Clauses, &c.
2 An. c. 4.

BY Stat. 8 *Ann. cap. 4.* three or more Commissioners for putting the Act in Execution for recruiting Soldiers in the several Ridings in *Yorkshire*, (being Justices of Peace) though not all of the same Riding, may execute the Powers, &c. within the Castle of *York*.

By Stat. 2 *Ann. cap. 4.* a publick Register was settled at *Wakefeld* for the West-Riding of *Yorkshire*, wherein a Memorial of all Deeds, Conveyances and Wills, since 1704. affecting any Hereditaments in the said West-Riding, are to be registred.

Register must be chose by Balloting of Freeholders who have 100 *l.* a Year or more; and the major Part of the Justices of that Riding, or any five of them, shall be Scrutators of the Poll.

As oft as the Office of Register shall be vacant, the next General Quarter-Sessions shall declare the Vacancy.

Three Justices, &c. may swear the Register, and two his Deputy; and when the Register is sworn, he must immediately enter into a Recognizance of 2000 *l.* with two Sureties or more, (approved of by five Justices, present at the Election, in Writing, to be registred at next General Quarter-Sessions,) the same to be transmitted to the Exchequer.

If no Misbehaviour appear in three Years after the Death or Surrender of the Register, the Recognizance shall be void.

Forger of Memorial or Certificate, liable to the Penalties of 5 *El. cap. 9.*

This Act shall be taken to be a publick Act. *Vide* the Act at large.

And another Stat. *Anno 5 Annæ, cap. 18.* was made for enforcing the last mentioned Statute.

And by Stat. 6 *Ann. cap. 35.* another Register was set up and established at *Beverly* for the East Riding of *Yorkshire* and Town of *Kingston upon Hull*, &c. with much such Clauses, &c. as by the Act 2 *Ann. cap. 4.* for the West-Riding aforesaid. And all Clauses, Matters and Things contained in this Act, not contained in 2 *Ann. cap. 4.* or in 5 *Ann. cap. 18.* shall affect all the Hereditaments in the said West-Riding, the Mortgage or Purchase whereof shall exceed 50 *l.* And all Persons in the Execution of the recited Acts, shall observe the Directions of this Act as to all the Hereditaments lying in the West-Riding.

But see the Acts at large.

And for *Yorkshire* Cloth, see Title *Cloth*.

York City.

BY Stat. 8 G. 1. *cap.* 27. If any Dairy Farmer, or 8 G. 1. c. 27.
any other Person, shall bring any Butter to York to
be sold there, or to be Water-born from thence, on any
Part of the River *Ouse*, as far as the River *Wharf*, and
shall sell or transport the same before it be brought to the
Butter Market in York, to be viewed, searched and weigh-
ed, he shall on Proof thereof, by the Oath of one Witness,
before any Justice of the Peace of the City, forfeit for e-
very Firkin, &c. 3 s. 4 d. and in Default of Payment
on Demand, the same may be levied by Distress and Sale
of the Offender's Goods, restoring to him the Overplus,
(Charges deducted) one Moiety to the Poor where the Of-
fence shall be committed, to be paid to the Church-war-
dens and Overseers, the other to the Informer.

If any Firkin, or other Vessel of Butter, which shall
be brought to the Market, shall be found to be faulty in
full Quantity, or due Quality appointed by the Act 13 &
14 Car. 2. *cap.* 20. the Owner, Farmer, or Packer,
shall be liable to such Forfeitures as are contained in the
said Act for reforming of the Abuses which are commit-
ted in the Weighing and false Packing of Butter.

All Prosecutions for Offences against this Act shall be
commenced within four Months after the Offence com-
mitted.

Persons aggrieved by the Determination of any Justice,
may appeal to the next General Quarter-Sessions, whose
Determination shall be final, and conclusive to all Parties,
and they may award Costs to either Party.

We shall conclude with shewing in what Cases, one Ju-
stice of Peace may act alone, when Two, when Three,
when Four, when Five, when Six, and when the Quar-
ter-Sessions.

In which I shall set down Alphabetically,

- 1st, The Offence.
- 2^{dly}, The Statute against which 'tis committed.
- 3^{dly}, What Proof or Conviction is requisite.
- 4^{thly}, and lastly the Penalty.

Adjuncts.

Abjuration.

Offences.

[One] **M**AY require a Popish Recusant, being no Feme Covert; nor having Land, worth 40 Marks per Ann. or Goods worth 40 s.

Stat. 35 *Eliz. c. 2. Sect. 8.*

[Two] *Popish Recusants* (not being Feme Coverts, nor having Lands worth 20 Marks per Ann. or Goods worth 40 l. who do not within 40 Days after Conviction repair to their usual Dwelling; or if they have none, to the Place of their Birth, or where their Father or Mother dwells; or shall remove above five Miles from thence; or do not submit within three Months.

Stat. 35 *Eliz. c. 2. Sect. 8, 9.*

To summon and convene before them, all such Persons within their Jurisdictions, &c. suspected to be dangerous or disaffected to the Government, and tender the Oath of Abjuration.

Upon Refusal.

Stat. 6 *Ann. c. 14. Sect. 7:*

Quor' 1.

Penalties.

To abjure the Realm before two Justices.

Shall before them or the Coroner, if required by the Bishop, one Justice or the Minister of the Parish, abjure the Kingdom; which Abjuration is to be certified to the next Assizes, or Gaol-Delivery.

To certify the Christian Name, Surname, and Place of Abode, to the next Quarter-Sessions: If he takes it not next Term or Sessions after Certificate, is a Popish Recusant convicted.

In all Cases where-ever the Effect of the Abjuration Oath may be legally tendred or required of Quakers upon their solemn Affirmation; they are to take it in the Form directed by the Stat. 1 *Geo. c. 6. Sect. 3.*

[*Dist. Sect.*] *Note*; a Feme Covert shall not be compelled to abjure. Every other Offender who abjures, or being required, refuseth

Offences.

Penalties.

Whosoever shall do, shall forfeit all his Goods, and his Lands during Life.

Stat. 35 *El. c. 1. Sect. 12.*

One Justice, on Complaint of the Minister, Church-warden or Constable, or any two (Peers excepted) must tender the Oath by 7 *Jac. 1. c. 6. Sect. 26.*

Alamodes and Lustrings.

[One] **T**O grant a Warrant to search for, and seize prohibited Alamodes and Lustrings, upon Oath of one or more credible Person or Persons, that they have Reason to suspect, or believe, that there are some of the said Silks fraudulently imported.

Stat. 9 & 10 *W. 3. c. 43. Sect. 5.*

Wine and Beer. Vide Alehouses, and Weights and Measures.

Alehouses.

[One] **A**lehouse-keepers, Inn-keepers, Vintners or Victuallers, suffering any of the same Parish to sit tippling in their Houses.

Stat. 1 *Jac. 1. c. 9. Sect. 2.*
 21 *Jac. 1. c. 7. Sect. 2.*
 1 *Car. 4. c. 4. Sect. 2.*

One Witness, View or Confession; and after Confession his Oath may convict others.

Alehouse-keepers, Inn-keepers, or Victuallers, selling less than one Quart for a Penny.

Stat. 1 *Jac. 1. c. 9. Sect. 3.*
 Stat. 21 *Jac. 1. c. 7. Sect. 1.*
 Conviction *ut supra.*

Ten Shillings to be levied by Distress and Sale after six Days, and for Want of Distress, to be committed until Payment.

Disabled for three Years to keep any Alehouse.

If the Constables or Church-wardens do not levy the Penalty, or shall not certify the Want of Distress within 20 Days, he forfeits 40 s. to be levied *ut supra* for the Poor.

Twenty Shillings to be levied *ut supra*, and so employed.

And disabled *ut supra*.
 Constable, &c. punished *ut supra*.

Suspended during the Continuance of the additional Excise.

Stat. 1 *H. & M. c. 24. Sect. 8.*

Offences.

Alehouse-keeper, Inn-keeper, Vintner, or Victualler, suffering any Person whatsoever to sit tipling in his House.

Stat. 1 Jac. 1. c. 9. Sect. 2.
21 Jac. 1. c. 7. Sect. 2.
1 Car. 1. c. 4. Sect. 1.
View, or two Witnesses.

Parishioners, or others, who sit tipling in any Alehouse, Inn, Tavern, or Victualling-house.

Stat. 4 Jac. 1. c. 5. Sect. 5.
21 Jac. 1. c. 7. Sect. 2.

View or one Witness.

Alehouse-keeper convicted of Drunkenness.

Stat. 21 Jac. 1. c. 7. Sect. 4.
Conviction *ut supra*.

Keeping an Alehouse without License.

Stat. 3 Car. 1. c. 3. Sect. 2.
View, Confession, or two Witnesses.

The Offender punished by this Act, not to be punished by 5 & 6 Ed. 6. c. 25.

Persons selling Ale and Beer in any Vessel not signed and marked with W. R. and a Crown, according to the Standard in the Exchequer, or City of London, and not full Measure.

Stat.

Penalties.

Ten Shillings to be levied, employed, and disabled, *ut supra*.

Three Shillings and four Pence to be levied and employed *ut supra*, to be paid in a Week; if not able, to sit in the Stocks four Hours.

Alehouse-keepers, &c. disabled three Years.

Constables, &c. neglect, 10 s. to be levied *ut supra*, and so employed.

Disabled to keep an Alehouse for three Years.

Twenty Shillings to the Poor, to be levied *ut supra*, and for Want of Distress, to be whipp'd, for the first Offence.

For the second, to be committed to the House of Correction for a Month.

For the third, not to be enlarged there, but by Order of Sessions.

The Officer neglecting his Duty, to be imprisoned without Bail, or pay 40 s. for the Poor.

Not above Forty Shillings, nor under Ten, to be levied by Distress and Sale.

One Moiety to the Poor, the other to the Prosecutor.

Offences.

Penalties.

Stat. 11 & 12 W. 3. cap. 15.
Sect. 1.

One Witness.

[Two] To license Alehouses, and take Recognizances, with Sureties, for good Order in the same; for which take 12 *d.* and no more.

Stat. 5 & 6 Ed. 6. c. 25.
Sect. 1.

Quar. 1.

All Mayors, Town-Clerks, and other Persons whom it may concern, shall make, or cause to be made out Ale-Licenses, duly stamped before new Recognizances are taken.

Stat. 6 Geo. 1. c. 21. Sect. 54.

To certify such Recognizances the next Quarter-Sessions.

But no new Licenses are now to be granted, but at a general Meeting of Justices, by Stat. 2 Geo. 2. c. 28. *Vide post.*

Ten Pounds for every Offence.

To remove, discharge, and put away any Alehouse, as they shall think fit and convenient.

Stat. 5 & 6 Ed. 6. c. 25. Sect. 1. Quar. 1.

Persons keeping Alehouses, or selling Beer and Ale without License.

Stat. 5 & 6 Ed. 6. c. 25.
Sect. 4.

Quar. 1.

This extends not to Fairs.

[Du. Sell.] Persons selling Ale or Beer to an unlicensed Alehouse-keeper, save only for the Expence of his Household.

Stat. 4 Jac. 1. c. 4. Sect. 1.

The Officer who levies the Poor's Moiety, and does not deliver it to the Church-wardens and Overseers, and they not distributing it among the Poor.

Stat. 4 Jac. 1. c. 4. Sect. 5.

To be committed for three Days without Bail, and to enter into a Recognizance, with two Sureties, before they be discharged, not to offend again.

This to be certified to the Quarter-Sessions, which is sufficient Conviction to fine him 20 *s.*

Six Shillings and eight Pence a Barrel.

One Moiety to the Prosecutor, the other to the Poor.

Double the Value of the Moiety.

Offences.

Penalties.

Note; The Act 12 Geo. 1. which grants a Duty (not less than 20 s. nor more than 6 l. yearly) payable by Victuallers within the Weekly Bills, and leviabie by special Commissioners authoriz'd to grant Permissions or Licenses for retailing Beer and Ale, (the not Taking out whereof incurs the Penalty of 20 l.) doth not restrain or diminish the Power of Justices of Peace there, in licencing and regulating Inn-keepers, Victuallers, and Retailers of Beer and Ale.

Stat. 12 Geo. 1. c. 12. Sect. 1. See Sect. 9.

And all Fines, &c. are to be levied according to the Laws of Excise. (See Tit. Excise.)

Ibid. Sect. 11.

But now, no new License to keep Inns or Alehouses, or to retail Brandy or Strong-waters, is to be granted, but at a General Meeting of the Justices of the Division where the Party resides.

Stat. 2 Geo. 2. c. 28. Sect. 11.

Yet Licenses already granted are to subsist and be valid until the 1st of September 1730. Nor is the Method or Power of granting Licenses for Inns, Alehouses, or Brandy-Shops, in any City or Town Corporate, hereby altered.

Stat. 2 Geo. 2. c. 28. Sect. 11.

See also Tit. Drunkenness.

Annuitant, &c.

[One] **T**O take an Oath, that the Nominee of the Annuitant was alive on the Day the Payment became due.

Stat. 2 An. c. 3. Sect. 23.

To take an Affidavit of the due Execution of an Assignment, or a Will made of an Annuity pursuant to

Stat. 4 Ann. c. 6. Sect. 28.

5 Ann. c. 19. Sect. 22.

6 Ann. c. 5. Sect. 15.

Vide Army Debentures.

Apprentices.

[One] **P**ersons fit to make Apprentices, refusing to serve upon Demand. | To be committed till they shall be willing to serve.

Stat. 5 Eliz. c. 4. Sect. 53.

To

To

Offences.

Penalties.

To reconcile Differences between Masters and Apprentices: And if he cannot.
Stat. 5 *Elix.* c. 4. Sect. 35.

To bind over the Master to the Quarter-Sessions.

Apprentice departing from his Master's Service into another Country.
Stat. 5 *Elix.* c. 4. Sect. 47.

To direct a *Capias* to the Sheriff, or other Chief Officer, for his Apprehension; and being taken, to commit him till he gives good Security that he will honestly serve out his Time.

To convey poor Parish-Boys bound Apprentices, or turned over to Seamen, to the Port to which their Master belongs, as Vagrants are to be sent by 11 & 12 *W.* 3. c. 18.
Stat. 2 *Ann.* c. 6. Sect. 10.

[~~U~~ To] To consent to binding Boys Apprentices till 24, and Girls till 21 or Marriage.
Stat. 43 *Elix.* c. 2. Sect. 5. *Quar.* 1.

Persons trusted with Monies to put out Apprentices, to account in *Easter-Week* yearly before the two next Justices.
Stat. 7 *Jac.* 1. c. 3. Sect. 6.

Persons refusing to take an Apprentice put out by the Consent of two Justices, according to 43 *Elix.*
Stat. 8 & 9 *W.* 3. c. 30. Sect. 5.

Ten Pounds to be levied by Distress and Sale, to the Use of the Poor.
An Appeal lies to the Quarter-Sessions.

To Consent to Church-wardens and Overseers of the Poor, binding and putting out to Sea-Service any Boy of ten Years of Age, who is chargeable, or whose Parents are chargeable to the Parish, or who shall beg for Alms, till he comes to twenty-one; his Age to be mentioned in the Indenture, and 50 s. to be given with him.
Stat. 2 *Ann.* c. 6. Sect. 1.

Collectors of the Customs not entering the Indentures of Parish-Boys, bound to Sea, in a Book kept for that Purpose.
Stat. 2 *Ann.* c. 6. Sect. 5.

Five Pounds to the Use of the Poor of the Parish whence the Boy was bound, to be levied by Distress and Sale.

To Consent to the turning over Parish-Boys, bound Apprentices, according to 43 *Eliz.* to Masters and Owners of Ships, by Indenture of Assignment.

Stat. 2 *Ann.* c. 6. Sect. 6.

Every Master or Owner of a Ship of the Burthen of 30 to 50 Tun, not taking one such poor Boy Apprentice, one more for the next 50 Tun, one more for every 100 Tun above the first 100.

Stat. 2 *Ann.* c. 6. Sect. 8.

Ten Pounds for the Use of the Poor of the Parish whence such Boy was bound Apprentice, to be levied by Distress and Sale.

To inquire into, examine, hear and determine all Complaints of hard or ill Usage from Masters to Parish-Boys bound Apprentices, to Sea.

Stat. 2 *Ann.* c. 6. Sect. 12.

Collectors of Customs not keeping an exact Register, containing the Number and Burden of all Ships and Vessels, and Masters and Owners Names, and the Names of Apprentices in each Ship, and from what Parishes and Places sent, and not transmitting true Copies thereof to the Quarter-Sessions, as often as they shall be required

Stat. 2 *Ann.* c. 6. Sect. 13.

Five Pounds to be levied and disposed, *ut supra*.

[Three] To certify, that Parents have 40 s. *per Annum*, and 3 l. *per Annum* Freehold, to qualify their Children to be Apprentices to Merchants.

Stat. 5 *Eliz.* c. 4. Sect. 27.

[Four] To discharge Apprentices, under their Hands and Seals, if the Master be in Fault; and if the Apprentice be in Fault, to inflict such Punishment as they in their Discretions shall think fit.

Stat. 5 *Eliz.* c. 4. Sect. 35. *Quor.* 1.

Note; The Practice now is, for one Justice to bind over the Master, on the Complaint of the Apprentice, to the next Sessions, and then four Justices to discharge, under their Hands and Seals; and upon Complaint of the Master against the Apprentice, to send the Apprentice

Offences.

Penalties.

tice to the House of Correction, if he will not agree to appear at the Sessions; and at the Sessions such Order is to be made, under the Hands and Seals of four Justices, as is just.

[Qu. Sect.] Persons taking Apprentices, otherwise than is limited by 5 *Elix. c. 4.* except in *London and Norwich.*

Stat. 5 *Elix. c. 4.* Sect. 40.

Forfeits ten Pounds, and the Indentures void.

Arms.

[One] ONE going or riding armed offensively, before the King's Justices, or other his Officers or Ministers, or elsewhere by Night or Day.

Stat. 2 *Ed. 3. c. 3.* Sect. 3.

7 *R. 2. c. 13.* Sect. 1.

20 *R. 2. c. 1.* Sect. 4.

View or Complaint.

To be apprehended and bound to the Peace or Good Behaviour, and for Want of Sureties, to be committed, and his Arms to be taken away.

Army Debentures.

[One] TO alter or counterfeit any *Army Debenture*, or knowingly or fraudulently to make out, and issue any *Army Debentures*, other than by the Commissioners appointed by

Stat. 6 *Geo. 1. c. 17.* Sect. 7.

Felony without the Benefit of Clergy.

1. To take an Affidavit of the due Execution of an Assignment of an *Annuity* at 4 *per Cent.* in lieu of *Army Debentures.*

6 *Geo. 1. cap. 17.* Sect. 7.

Artificers.

[One] MAY bind over to Artificers, about to go beyond Sea, and

For want of Sureties to be committed to Goal.

H h 4

Offences.

Penalties.

and those who endeavour to withdraw them thither.

One Witness or Confession.

Stat. 5 Geo. 1. c. 27. Sect. 4.

[Qu. Sess.] Persons contracting with, enticing, endeavouring to persuade, or solicit any Manufacturer or Artificer in *Wool, Iron, Steel, Brass*, or any other *Metal, Clock-maker, Watch-maker*, or any other Artificer of *Great Britain*, to go out of his Majesty's Dominions. On Conviction.

Stat. 5 Geo. 1. c. 27. Sect. 1.

Artificer convicted of any Promise or Contract, or Preparation to go abroad beyond the Seas.

Stat. 5 Geo. 1. c. 27. Sect. 4.

To be fined not exceeding 100 Pounds for the first Offence, three Months Imprisonment, and until such Fine be paid.

For the second Offence to be fined at Discretion of the Court, 12 Months Imprisonment, and until such Fine be paid.

Prosecution in 12 Months.

To find Sureties not to depart out of his Majesty's Dominions, as the Court shall think fit. And for want of Sureties, to be committed *Quousque*.

Attornies and Solicitors.

[Qu. Sess.] **N**OTE; the Forfeitures and Penalties of the Stat. 2 Geo. 2. c. 23. (*i. e.* 50 *l.* on any who after 1 December 1730, shall sue or defend in any Cause, not being admitted and enrolled) may be sued for and recovered, not only in *Westminster-Hall, &c.* but also at the Assises or General Quarter-Sessions where the Offence was, by any who sues within 12 Months, with treble Costs of Suit; and no Essoin, Protection, or Wager of Law, and but one Imparance; and not to be removed before Judgment or stayed by any *Cartiorari, Habeas Corpus*, or other Writ.

Stat. 2 Geo. 2. c. 23. Sect. 24, 25.

Badgers.

[Cru.] **P**urveyor, Badger, &c. bargaining for any Victual or Grain in the Markets of *Oxford* or *Cambridge*,

Quadruple the Value thereof, and three Months Imprisonment without Bail.

Except when the Queen is there,

Offences.

Penalties.

bridge, or within five Miles of | them. | there, or within seven Miles.

Stat. 2 & 3 P. & M. c. 15.
Sect. 2.

13 Eliz. c. 21. Sect. 2. |

[Three] To license a married Man, Houfholder, and of thirty Years of Age at least, to be a Badger, Lader, Kidder, Carrier, Buyer or Transporter of Corn, Grain, Butter and Cheese.

Stat. 5 Eliz. c. 12. Sect. 1. *Quar.* 1.

[Qu. Off.] Badger, Lader, Kidder, Carrier, Buyer, or Transporter of Corn or Grain, Butter and Cheese without License granted in open Sessions of the County, where he hath dwelt three Years, under the Hands and Seals of (at least) three Justices.

Quar. 1.

Stat. 5 Eliz. c. 12. Sect. 7.

Inquisition, or Verdict, or upon Oath of two Witnesses.

Five Pounds between the Queen and the Prosecutor.

The Queen's Moiety to be estreated according to the usual Manner, and the Prosecutors levied by *Fieri facias*, or *Capias*; but when the Suit is wholly the Queen's, the whole to be estreated.

Badger, &c. buying Grain out of open Fair or Market (to sell again) unless there be special Words in his License to warrant the same.

Stat. 5 Eliz. c. 12. Sect. 7.

The Conviction *ut supra*.

Five Pounds to be divided *ut supra*.

At their Discretions to take Recognizances of Badgers, &c. that they shall not forestall, or engross, or put in Practice any Act contrary to 5 & 6 Ed. 6. c. 14.

Stat. 5 Eliz. c. 12. Sect. 6.

See *Durbey*.

Ball.

[Two] **T**O Bail for Manslaughter or Felony, or Suspicion thereof (beingailable by Law) and being both present at the Time of such Bailment: But they must first take the Examination of the Accused, and the Informations of the Accusers and

and Witnesses. *London and Middlesex* Justices may Bail, as before the Statute.

Stat. 1 & 2 P. & M. c. 13. Sect. 6. *Quor.* 1.

Bailiffs.

[One] **T**HE Defendant in the *County-Court* not having lawful Summons, the Bailiff being found faulty.

Stat. 11 H. 7. c. 15. Sect. 6, 8.

Forty Shillings to be divided between the King and the Prosecutor.

To examine this Matter, and if the Party be found guilty, to certify the Examination into the Exchequer within three Months, in Pain of 40 s.

The Certificate is a Conviction.

See Titles *County-Court* and *Estreats*.

Bakers and Bread.

[Due] **B**Akers, and others, making, baking, or exposing to Sale Bread, not observing the Assise, or under Weight, or not duly marked, or breaking such Regulations and Orders as are made by the Justices from Time to Time.

Stat. 8 Ann. c. 18. Sect. 3.

Confession or one Witness.

Prosecution within three Days. Sect. 5.

Bakers, or Sellers of Bread, putting into any Bread, sold or exposed to Sale, any Mixture of any other Grain than what shall be appointed by the Assise.

Stat. 8 Ann. c. 18. Sect. 7.

Forty Shillings to be levied by Distress and Sale, to be given to the Informer.

The Convictions to be certified to the next Quarter-Sessions. Sect. 4.

There lies an Appeal to the next Quarter-Sessions.

Sect. 6.

Vide the Table of the Assise of Bread, Title *Weights* and *Measures*.

Twenty Shillings to be had, and recovered *ut supra*.

Mayor, Alderman, Justice, on any Information made to him of any Offence against this Act, wilfully omitting the Performance of his Duty, forfeits 20 s. to be recovered by Action of Debt, Bill, Complaint, or Information.

Offences.

Penalties.

In the Day-time to enter into any House, Shop, Stall, Bake-house, Ware-house, or Out-house of any Baker or Seller of Bread, to search for, view, weigh and try all or any the Bread there found, and if the Bread be wanting in the Goodness of the Stuff, or deficient in due baking or working, or wanting in Weight, or not truly marked, or any other Sort than what is allowed, the same Bread to be seized, and given to the Poor.

Stat. 8 Ann. c. 18. Sect. 8.

Any Baker or others, not permitting or suffering a Search; or opposing, hindring, or resisting the same.

Stat. 8 Ann. c. 18. Sect. 8.

The Penalty of 40 Shillings by 8 Ann. c. 18. on Bakers, for want of Weight of Bread, is reduced to 5 s. per Ounce, for every Ounce wanting in Weight, and 2 s. 6 d. if under. The Bread to be weighed before a Magistrate or Justice in 24 Hours after baked or exposed to Sale in London and Westminster, and Bills of Mortality, and in three Days every where else.

Stat. 1 Geo. 1. c. 26. Sect. 5.

Forty Shillings to be recovered, and given, *ut supra*.

Forfeiture to the Informer, to be adjudged, levied, and recovered as the 40 s. Penalty is by 8 Ann. c. 18.

Note; By this Statute no Mark seems now necessary; and Bakers may make and sell Peck, Half-peck, Quartern, and Half-quartern Loaves, if in Proportion to the Assise Table in Weight and Price.

Stat. 1 Geo. 1. c. 26. Sect. 6.

And the *Clerk of the Market* is to certify upon Oath to the chief Magistrate or Justice, the Price of Grain, Meal and Flour, every Time the Assise is altered.

Stat. 1 Geo. 1. c. 26. Sect. 7.

Note; The Act 8 Ann. c. 18. was continued by Stat. 1 Geo. 1. c. 26. for three Years, and to the End of the next Sessions; and further continued for five Years, and to the End of the next Sessions, by 5 Geo. 1. c. 25. Sect. 1. and afterwards for seven Years, and to the End of the next Sessions, by 10 Geo. 1. c. 17. and afterwards by 3 Geo. 2. c. 29. till the 25th of March 1738, and to the End of the next Sessions.

[C100]

Offences.

Penalties.

[Two] In Towns and Places where there is no Mayor, Bailiffs, Aldermen, or chief Magistrates, from Time to Time, to set, ascertain and appoint the Assise and Weight of all Sorts of Bread, having Respect to the Price, Grain, Meal or Flour, bears in the publick Markets, and to make a reasonable Allowance to the Bakers, for Charges, Pains and Livelihoods: The Assise according to Avoirdupois, and not Troy Weight.

Stat. 8 *Ann. c.* 18. Sect. 1.

May license and allow Bakers to bake and sell such Sorts of Bread as they think fit.

Stat. 8 *Ann. c.* 18. Sect. 1.

To direct and appoint how, and in what Manner each Sort of Bread shall be marked, for knowing the Baker, or Maker, Price, Weight, and Sort thereof; and to make and set down any other reasonable Rules and Orders for the better regulating the Mystery of baking Bread, and the Sorts, Assise, Price and Weight thereof, and all Things concerning the same, as in their Judgments they shall find necessary and convenient.

Stat. 8 *Ann. c.* 18. Sect. 3.

[Qu. Bess.] Upon an Appeal by Bakers, or others, convicted for making, baking, or exposing to Sale Bread, contrary to Stat. 8 *Ann. c.* 18. the Sessions to hear, and finally determine the same; and if the Appellant be not relieved, to pay reasonable Costs, and be committed to the common Gaol, till he pay the Penalty and the Costs. If he be relieved upon his Appeal, the Informer to pay reasonable Costs.

Stat. 8 *Ann. c.* 18. Sect. 6.

Note; The Stat. 8 *Ann. c.* 18. does not extend to prejudice any Right or Custom of *London*, or the Practice there used, nor Lords of *Leets*, nor *Clerk of the Market*. Sect. 10.

And the Justices in their Charges are to enforce and press the Execution of the said Statute. Sect. 12.

See Title *Conspiracies*.

Bank of England. See *Felony*.

Bankrupt.

[One] UPON Application may grant his Warrant for the taking and apprehending a Person certified a Bankrupt, and may commit such Person to the Common Gaol of the County where apprehended.

Stat. 5 *Geo. 1. c.* 24. Sect. 4.

Offences.

Penalties.

A Bankrupt not delivering up to the Commissioners all his Goods, Wares, Books, &c. (and being thereof convicted by Indictment or Information) is Guilty of Felony without Benefit of Clergy. *Ibid.* Sect. 1. and 3.

But this Stat. &c. is to be in force from the 24th of June 1732. to the End of the next Sessions of Parliament.

Bastards.

See Stat. 6 Geo. 2.

[One] ONE who is suspected, or charged to be the Father of a Bastard Child, which is likely to become chargeable to the Parish.

The Woman to be examined, and her Examination put in Writing.

Such Persons as shall have any Hand, by Persuasion, Procurement, or otherwise, in conveying or sending away a putative Father. *Dalt. c. 11. p. 39.*

[Two] After a Bastard Child is born, which is, or is likely to become chargeable to the Parish.

Stat. 18 *Eliz. c. 3. Sect. 2.*

7 *Jac. 1. c. 4. Sect. 7.*

Quor. 1.

Lewd Women having Bastard-Children which may be chargeable to the Parish.

Stat. 7 *Jac. 1. c. 4. Sect. 7.*

Is either before or after the Birth to be bound to the Good Behaviour till Order be made by two Justices according to 18 *Eliz. c. 3.*

Dalt. Justice (Edit. 1715.) c. 11. p. 39.

To be bound to the Good Behaviour, and so to the next Gaol-Delivery, (before the Judges of Assise, or to the next Quarter-Sessions.

In or next to the Limits of such Parish Church, to examine the Cause and Circumstances; and to make an Order for the Relief of the Parish, in Part, or in all, and keeping the Child, by charging the Father or Mother with weekly Payments, or other Relief, as also for Punishment of Father and Mother.

To be committed to the House of Correction, there to be punished, and set to work one whole Year; for the second Offence, to be committed, till they find good Security for their good Behaviour, not to offend again.

To

Offences.

Penalties.

To order Church-wardens and Overseers to seise Goods and Profits of Lands of a putative Father and lewd Mother of a Bastard-Child, towards Discharge of the Parish, to be confirmed at the Sessions.

Stat. 13 & 14 Car. 2. c. 12. Sect. 19.

[One] Justice may examine a Woman where she comes voluntarily, before Birth, if the Child is like to become chargeable, or be born a Bastard; or may send for the Mother one Month after the Birth, and compel her to be examined, upon Complaint of a Parish Officer; and on such Examination may grant a Warrant to apprehend the reputed Father.

Who must find Sureties to appear at the next General or Quarter Sessions, or indemnify the Parish; or in Default may be committed.

6 Geo. 2. cap. 31.

[Qu. Sess.] To do all Things concerning Bastards, begot out of lawful Matrimony, that by Justices of Peace in their several Counties, are by the Stat. of 18 Eliz. c. 3. limited to be done.

Stat. 3 Car. 1. c. 4. Sect. 15.

Bedford Level.

[Two] Breaking down, or any Ways hindring, or laying open the Inclosures in Bedford Level.

Stat. 15 Car. 2. c. 17. Sect. 13.
Two Witnesses.

20 l. to be levied by Distress and Sale.

Beer and Ale.

[Qu. Sess.] THE Rates and Prices of Beer and Ale to be set by the Justices, at their Discretions.

Stat. 23 H. 8. c. 4. Sect. 5.

Retailers of Beer. See Title Excise.

Beggars. See Vagabonds.

Billers. See Fuel.

Blasphemous Words.

Offences.

Penalties.

[One] **T**O take an Information of Blasphemous Words, within four Days after the Words spoken, and not afterwards. The Prosecution to be in three Months after the Information.
Stat. 9 & 10 W. 3. c. 32. Sect. 2.

Bone-Lace.

[One] **U**PON Information given, to issue his Warrant to Constables, &c. to search for foreign Bone-lace, Cut-work, Embroidery, Fringe, Band-strings, Buttons, or Needle-works of Thread or Silk, and to seize them.

The Person selling, or offering them to Sale, forfeits 50*l.* and the Goods: And the Person importing 100*l.* and the Goods. One Moiety to the King, the other to him that sues in any Court of Record.
Stat. 13 & 14 Car. c. 13. Sect. 3.

Repealed as to Lace made of Thread in all Places, but the Dominion of the French King and the Duke of Anjou, by
Stat. 5 Ann. c. 17.

Books.

[One] **T**O grant a Warrant to search for any Book, taken out of any Parochial Library, and if found, to restore it.
Stat. 7 Ann. c. 14. Sect. 10.

Boots. See *Shoe-makers*.

Brandy, &c.

[One] **N**One to sell or expose to Sale Brandy, Strong-Waters, &c. about the Streets, or on the Water, or on any Bulk, &c. or any where but in the Party's Dwelling house.

Stat. 2 Geo. 2. c. 17. Sect. 17.

On

10*l.* on Confession or Oath of one Witness, and Complaint within one Month; one Moiety to the Informer, the other to the Poor.

Com-

480 Brandy. Brass. Bricks and Pantiles.

Offences.

Penalties.

On Refusal of Payment, or not having whereon it may be levied. | Commitment to hard Labour for
Stat. 2 Geo. 2. c. 17. Sect. 17. | not less than one, nor more than
| three Months.

[Two] Brandy imported without Entry, is forfeited by 15 Car. 2. and may be adjudged against the Importer or Proprietor, by two Justices.

Stat. 15 Car. 2. c. 11. Sect. 17.

To take the Oaths of Distillers, and others, That Brandy or Strong Waters, intended to be exported, was drawn from Drink brewed from malted Corn, without any Mixture; and that the same is not mixed with Low-Wines, nor drawn a second Time, nor with any other Spirits, or Brandy, made from any other Materials; and that the Duties of the same are entered and paid; and that the same are exported for Merchandize.

Stat. 2 W. & M. c. 9. Sect. 6.

[Qu. Sess.] New Licenses to retail Brandy, Strong Waters, &c. to be granted at a General Meeting or Sessions of Justices.

Stat. 2 Geo. 2. c. 28. Sect. 10. See *Winehouses*.

By 16 Geo. 2. may be granted by two Justices, except to Distillers.

A Clause in the Act 5 Geo. 1. against clandestine Running of uncustomed Goods, &c. which relates to the Importation of Foreign Brandy, Arrack, Rum, Strong-Waters, or Spirits, revived and continued till 29 Sept. 1734. and the End of the next Session.

Stat. 2 Geo. 2. c. 28. Sect. 1. See *Smuglers*, &c.

See also *Brandy* in Title *Excise*.

Brass.

[Qu. Sess.] AT their *Michaelmas* Sessions, yearly to appoint Searchers of Brass and Pewter.

Stat. 19 H. 7. c. 6. Sect. 15.

Brewers. Vide Title *Excise*.

Bricks and Pantiles.

[Qu. Sess.] Earth for making Bricks, &c. to be dug and turned between | 20 s. for every Thousand of Bricks, and 10 s. for every Thousand of Pantiles, made contrary to either

Offences.

tween the first of *November* and the first of *February*, and not made into Bricks, &c. till after the first of *March*; and no Bricks to be made but between the 1st of *March* and 1st of *September*, and burnt in Kilns or distinct Clamps. And when burnt, not less than nine Inches long, two Inches and a Half thick, and four and a Quarter wide: And Pantiles made for Sale, when burnt, to be 13 Inches and a Half long, nine Inches and an Half wide, and Half an Inch thick.

Stat. 12 *Geo. 1. c. 35. Sect. 1.*
and 2 *Geo. 2. c. 15. Sect. 1.*

When Ground within 15 Miles of *London* is dug for Bricks, &c. the Owners are to uncallow and take off the Soil, Mould, Dirt, or Compost, till they come to the real *Brick Earth*, and no such Mould, Soil, &c. shall be mixed or used therewith.

Stat. 2 *Geo. 2. c. 15. Sect. 3.*

Any Person within fifteen Miles of *London*, may make and burn Bricks for Sale 8 Inches 3 Quarters long, 4 Inches and 1-8th broad, and 2 Inches and Half thick; and Sea-Coal Ashes sifted and screen'd may be used, not exceeding twenty Load to one hundred thousand Bricks, and also Cinders.

Stock-Bricks and Place-Bricks, may be burnt in the same Clamp.

Brickmakers making Bricks contrary to this Act.

Stat. 3 *Geo. 2. c. 22.*

Penalties.

either of the said Statutes; by Suit at *Westminster*. One Moiety to the Prosecutor, and the other to the Poor of the Parish where the Offence is. *Ibid. Ibid.*

Prosecution to be within one Year, and none to be twice convicted for one Offence.

Stat. 2 *Geo. 2. c. 15. Sect. 2.*

The same Penalties, recoverable *as supra.*

To be liable to the same Penalties as by the former Acts.

[*Qu. Off.*] The Company of Tilers and Bricklayers, who within *London*, and fifteen Miles, were by Stat. 12 *Geo. 1. c. 35.* empowered to search Earth, and inspect the making of Bricks and Tiles, and to levy Penalties, &c. are deprived of their said Powers. And the

Offences.

Penalties.

Quarter-Sessions for *London*, or within fifteen Miles, are to appoint three or more Searchers, who are in the Day-time to enter Grounds, Sheds, and Places where Earth is dug, or Bricks or Pantiles made or making, or exposed to Sale, and search and inspect the same.

Stat. 2 Geo. 2. c. 15. Sect. 1.

And the Justices of other Counties at *Easter* Quarter-Sessions, are to nominate two or more Searchers of Earth, Bricks, &c. who are twice a Year to present to the Quarter-Sessions, Offences against the said Act 12 Geo. 1. c. 35. where- to the Parties shall appear on Summons.

Stat. 12 Geo. 1. c. 35. Sect. 3.

Searchers to have of the Markers, for Bricks or Pantiles searched. *Ibid.* Sect. 4.

And on Conviction or Refusal to appear, the Penalties *supra* to be levied and distributed by the Justices; one Moiety to the Prosecutors, and the other to the Poor where the Offender lives. *Ibid.* Sect. 5.

A Half-penny a Thousand for Bricks, and a Penny a Thousand for Pantiles. *Ibid.* Sect. 4.

[*Qu. Sess.*] To inquire of the Defaults of Searchers, and *Ibid.* Sect. 5.

Fine them, not exceeding 10 *l.* *Ibid.* Sect. 5.

Wible-Cutters, See Tanner.

Bridges.

[*Qu. Sess.*] TO assess, towards the Repair of Bridges, every Town, Parish, and Place, as they have been usually assessed, to be collected by the Constables, or such Treasurer, and in such Manner as the Justices shall appoint. The Assessments to be levied by Distress and Sale, upon Persons not paying in ten Days after Demand.

Stat. 1 Ann. Sess. 1. c. 18. Sect. 2.

Constables, &c. neglecting to collect Monies assessed for Repair of Bridges: Or to pay the Money collected to the High Constable in six Days after Receipt of the same.

Stat. 1 Ann. Sess. 1. c. 18. Sect. 5.
Treasurer

Forty Shillings.

Five

Offences.

Penalties.

Treasurer paying Money assessed for Repair of Bridges, except by Order of Sessions. Stat. 1 Ann. Sess. 1. c. 18. Sect. 6.	Five Pounds.
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Have Power to allow Persons concerned in the Execution of the Stat. 1 Ann. Sess. 1. c. 18. Three-pence per Pound. *ibid.* Sect. 9.

Note; No Fine for not repairing Bridges and Highways shall be returned into the Exchequer, &c. But to be returned to the Treasurer, and applied by the Justices towards the Repair of Bridges and Highways.

General, or General Quarter-Sessions. See an Act made 14 Geo. 2. for supplying some Defects in the Law for repairing and rebuilding County Bridges.

Buggery.

[One] Buggery, by Stat. 25 H. 8. c. 6. Sect. 2.	Felonv, without Benefit of Clergy.
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Buildings.

[Two] Owner, Head-Builders, or Workmen, not building Houses according to the Stat. 6 Ann. c. 31. Sect. 4. (which see in Tit. Fire) who shall on or before 29 Sept. 1727. make good their Defects, and pay the Informers their Costs of Suit (whereon no Conviction was) settled by three Justices, are discharged from the Penalties of that Statute by Stat. 11 Geo. 1. c. 28. Sect. 8.

If the Defects are not made good, and Costs paid on thirty Days Notice, forfeits double the Penalties of the Stat. 6 Ann. and the Conviction for the Forfeitures, which by that Statute was to be before One, is now to be before two Justices.

Appeal lies within six Days. *Ibid.*

[Qu. Sess.] Builders of Houses in London, Westminster, &c. (except on London-Bridge, or the Thames Side below Bridge) intending to pull down any Partition Wall between that and the adjoining House, to give three Months Notice in Writing of such Intent (if the Owner of such adjoining House will not agree,) That before it

Offences.

Penalties.

be pulled down, it may within one Month after the Notice, be view'd by four, or more, skilful Workmen (two to be named by each Party) who are to certify to the Quarter-Sessions, that such Party Wall is defective, &c. and if any Person is aggrieved by such Certificate, the Justices there may examine the said Workmen, and others, on Oath, and make final Orders therein.

Stat. 11 Geo. 1. c. 28. Sect. 1.

And if within three Days after such Certificate there be no Appeal, and the Owner of the House doth not shoar and support it within six Days after, the Builder may do it at the Owner's Charge, and build up a new Party Wall. And in ten Days after he is to leave a Note thereof with the said Owner, who is to pay one Half of the Expence, (or his Tenant may pay it, and deduct it out of his Rent,) and not being paid in twenty-one Days after Demand, may be sued for (as also other Penalties in the said Act) in *Westminster-Hall*.

Stat. 11 Geo. 1. c. 28. Sect. 2, 3, 4.

The first Builder giving three Months Notice to the Owner of an adjoining House, may pull down the old Timber Walls or Partitions, and build new Brick Party Walls, and be paid for the same, *ut supra*, and subject to such Appeal, *ut supra*.

But where Houses are built on new Foundations, no second Builder shall take the Benefit of such Party Wall, nor lay any Timber, or cut any Hole therein. *Ibid.* Sect. 4, 5, &c.

Bullion.

[One] Persons having unlawful Bullion, if they cannot prove on Oath, that the said Bullion before the Melting thereof, was not current Coin or Clippings.

To be committed to Prison, in order to be tried upon an Indictment for melting the Current Coin of this Realm. And in Case they do not make such Proof, to be committed for six Months.

[Two] To enter the House, &c. of any Person suspected, and to search for unlawful Bullion, and, with the Assistance of a Constable, to break open the Door, Box, Trunk, Chest, &c. to search for, and discover the same; which if they find they are to seize; and to carry the Person, in whose Custody it is found, before the next Justice.

Stat. 6 & 7 W. 3. c. 17. Sect. 8.

Burials.

Burials.

Offences.

[**One**] **W**HEN any Person is buried, if no Person doth within eight Days after Interment, bring an Affidavit to the Minister, &c. that the Person was buried in Woollen, upon a Certificate of this from the Minister.

Stat. 30 Car. 2. c. 3. Sect. 4.

Penalties.

Five Pounds to be levied by Distress and Sale of the Party's Goods; if he has none, of the Person where the Party died, or of any other who put the Party into the Coffin.

Master's Goods liable for the Servants.

Parents for Children.

One Moiety to the Poor, the other to the Informer.

Affidavits of Burying in Woollen to be taken by one Justice of the Peace; but where no Justice of the Peace shall reside, or be to be found in any Parish where the Party is to be interred, there the Parsons Vicars and Curates, (other than of the Parish or Place where the Party is interred) may take such Affidavits.

Stat. 30 Car. 2. c. 3. Sect. 5.

32 Car. 2. c. 1. Sect. 3.

[**Qu. Sell.**] To give in Charge the Acts for burying in Woollen.

Stat. 30 Car. 2. c. 3. Sect. 8.

Burgesses. See **Wages.**

Butcher.

[**One**] **B**utcher killing or selling any Victual upon the *Lord's Day*.

View, Confession, or two Witnesses.

Stat. 3 Car. c. 1. Sect. 3.

Six Shillings and Eight-pence to be levied by Distress, &c.

A Third to the Informer, the rest to the Poor.

[**Two**] Butcher, or other Person, wilfully or negligently gashing, slaughtering, or cutting the raw Hide of any Ox, Bull, Steer, or Cow, or the Skin of any Calf, or being so gashed, &c. offering the same to Sale.

2 s. 6 d. for every Hide, 1 s. for every Calve-Skin.

One Moiety to the Poor, the other to the Informer, to be levied by Distress and Sale, if not redeemed in six Days, rendering the Overplus, if any.

To

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Justices

Offences.

To summon the Party accused, and the Witnesses on either Side; Party appearing or not, to examine Witnesses on Oath, and determine.

Prosecution in three Months.

An Appeal lies to next Sessions.

Stat. 9 *Ann. c. 11. Sect. 45.*

No *Certiorari* to be allowed, but Justice's Determination to be final.

[*Qu. Sess.*] If any Butcher in London or Westminster, or in ten Miles thereof, buy fat Cattle, and sell them again, alive or dead, to another Butcher.

Stat. 22 & 23 *Car. 2. c. 19. Sect. 3.*

Prosecution in six Months.

Butcher gashing any Hides.

Stat. 1 *Jac. 1. c. 22. Sect. 2.*

Butcher watering of Hides, except in June, July, or August, or putting them to Sale, being putrified. *Ibid.*

See Tanner.

Penalties.

Justices may mitigate, so as the reasonable Cofts and Charges in prosecuting being allowed over and above such Mitigation, and so as the Penalty be not reduced to less than one fourth Part.

To continue for 32 Years.

Forfeits the Value of such Cattle, to be divided between the King and Prosecutor; the King's Moiety to be estreated, the Prosecutor's to be levied by *Fieri fac'* or *Cap'*.

May proceed notwithstanding any *Certiorari*.

20 *d.* for every Hide, to be divided one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty where the Offense is committed.

3 *s. 4 d.* a Hide, to be divided *ut supra.*

Butter and Cheese.

[*One*] Importers of Butter and Cheese out of Ireland.

Stat. 32 *Car. 2. c. 2. Sect. 9.*

Persons exchanging, or opening a Cask of Butter, sealed or marked by the Factor or Buyer, or the Cask changed, or bad Butter packed up and mixed with good;

Liable to the Seizure and Penalties, as Importers of Cattle.

See Title Cattle.

Twenty Shillings for every Firkin; and Offence to be levied by Distress and Sale.

One

Offences.

good; and every Fraud committed by the Seller.

Confession, or one Witness.

Stat. 4 & 5 W. & M. c. 7. Sect. 3.

Warehouse-keepers, Weighers, Searchers, or Shippers in any Port, refusing to receive Butter, and Cheese, or to take Care thereof, or to ship the same successively.

Ibid. Sect. 4.

Conviction *at supra.*

Warehouse-keepers, &c. not keeping Books, and making Entries of Butter and Cheese, or making untrue Entries, or refusing in the Day-time to produce the Books to be searched.

Stat. 4 & 5 W. & M. c. 7. Sect. 5.

Conviction *at supra.*

Masters of Vessels coming to lade Butter and Cheese, or their Servants refusing to take on Board any Butter and Cheese, as shall be tendered to be shipped by any Warehouse-keeper, &c. before their Vessels be laden.

Stat. 4 & 5 W. & M. cap. 7. Sect. 6.

Upon an Appeal the Appellant is to give Bond of twenty Pounds, with one or more Sureties, to the liking of a Justice, to pay such Costs as the Court shall award, in one Month after the Appeal is heard.

Ibid. Sect. 10.

[Qu. Just.] May restrain the Retailers of Butter and Cheese.

Stat. 21 Jac. 1. c. 22. Sect. 7.

Where the Kilderkin of Butter weighs less than one Hundred and twelve Pounds, 16 Ounces to the

Penalties.

One Half to the Poor, the other to the Informer.

Ten Shillings for every Firkin of Butter, and two Shillings for every Weigh of Cheese.

To be levied by Distress and Sale, and employed *at supra.*

2 s. 6 d. for every Firkin of Butter. The same for every Weigh of Cheese, and every other Offence.

To be levied by Distress and Sale, and employed *at supra.*

For want of Distress to be committed till Payment.

Five Shillings for every Firkin of Butter, and two Shillings and Six-pence for every Weigh of Cheese.

To be levied and employed *at supra.*

Note; This extends not to the Counties of *Chester* and *Lancaster*, or the City of *Chester*.

The Retailer during the Time of that Restraint, is under the Penalties of 3 & 4 Ed. 6. c. 21. and 5 & 6 Ed. 6. c. 14. against Foretallers, &c.

The Value of the Butter false packed, and six Times the Value of every Pound wanting.

Offences.

the Pound; Firkin less than 56, Pot less than 14, besides Casks and Pots, or where old and corrupt Butter is put up with new and sound, or Whey-Butter with Butter made of Cream, or Butter is salted with great Salt, or more Salt than will preserve it.

Stat. 13 & 14 Car. 2. c. 26. Sect. 2.

Prosecution in four Months.

[Du. Sell.] Sellers of Butter not delivering the Quantities aforesaid in every Kilderkin, &c. *Ibid.* Sect. 3.

Repackers of Butter for Sale.

Stat. 13 & 14 Car. 2. c. 26. Sect. 4.

Prosecution *ut supra*.

If Butter for Sale be not packed in Casks of sound, dry, well-seasoned Timber, marked with the Weight of the empty Cask, and the first Letters of their Christian Names and Surnames at length, with an Iron Brand.

Stat. 13 & 14 Car. 2. c. 26. Sect. 5.

Prosecution *ut supra*.

[Du. Sell.] Potters exposing to Sale Pots for packing Butter without the Weight of it, and without the first Letter of the Christian Name, and Surname at length.

Stat. 13 & 14 Car. 2. c. 26. Sect. 6.

Prosecution *ut supra*.

Persons exposing Butter to Sale in Pots not marked *ut supra*.

Stat.

Penalties.

One Moiety to the Poor, where the Offence is committed, the other to the Informer, besides his double Costs.

To make Satisfaction at the Price for which it was sold.

Prosecution in four Months.

Double the Value to be divided *ut supra*.

And to pay Costs *ut supra*.

Ten Shillings for every 100 Weight, and so for greater or lesser Quantities.

To be divided and pay Costs *ut supra*.

One Shilling for every Pot.

To be divided and pay Costs *ut supra*.

Two Shillings for every Pot. To be divided and pay Costs *ut supra*.

Offences.

Penalties.

Stat. 13 & 14 Car. 2. c. 26.
Sect. 6.
Prosecution *at supra.*

See Badgers.

Buttons and Button-holes.

[One] Importers, Barterers, Sellers, or Exchangers of Foreign Buttons, made of Hair, or other Foreign Buttons whatsoever.

Stat. 4 & 5 W. & M. c. 10. Sect. 2.

Tailors, or others, making, selling, setting on, using, or binding on any Clothes, Buttons or Button-holes, made, used, or bound with Cloth, Serge, Drugget, Frize, Camlet, &c.

One Witness.

Stat. 4 Geo. 1. c. 7. Sect. 1.

Not to extend to Clothes made of Velvet. Sect. 2.

Persons being in Gaol, or within the Rules or Liberties of any Gaol or House of Correction, or inhabiting in Privileged Places, or Liberties of the same, committing any Offence against

Stat. 4 Geo. 1. c. 7. Sect. 3.

Clothes made with Buttons and Button-holes of the same Cloth, &c. exposed to Sale in Fairs, Markets, Shops, Warehouses, or Dwelling-houses.

Taylor, or others, causing his or their Apprentice or Servant, to make any Clothes with Cloth Buttons

Forfeits them, and is liable to the Penalties in 14 Car. 2. c. 13. for importing Bone-lace. See Title Bone-lace.

Forfeit forty Shillings for every Dozen of such Buttons and Button-holes so made, &c. or in Proportion for any lesser Quantity.

Between the Poor, where, &c. and the Informer, and if not paid in fourteen Days, to be levied by Distress. And if no Distress, to be committed to hard Labour for three Calendar Months. Sect. 5.

Subject to the same Penalties *at supra.*

Forfeited, and may be seized and applied *at supra.*

Stat. 4 Geo. 1. c. 7. Sect. 8.

Liable to the same Penalties *at supra.*

Offences.

Penalties.

Buttons and Button-holes, if intitled to the Monies for making them.

Stat. 4 Geo. 1. c. 7. Sect. 9.

Note ; All Offences against the Stat. 4 Geo. 1. c. 7. to be prosecuted in three Months after committed or discovered. Sect. 4.

No Person whatsoever in Great Britain after 29 September 1722. to use or wear on any Clothes, Garments or Apparel whatsoever, any Buttons or Button-holes made of or bound with Cloth, Serge, Drugget, Frize, Camlet, or any Stuffs whereof Cloaths or wearing Garments are usually made.

One or more credible Witnesses, or Confession.

Stat. 7 Geo. 1. c. 12. Sect. 1.

Note ; One or more Justices to summon the Party accused, and upon his Appearance or Confession to proceed to examine the Matter of Fact, and determine the same. *Ibid.* Sect. 2.

On Forfeiture of forty Shillings for every Dozen of such Buttons or Button-holes so used or worn ; or in Proportion for every lesser Quantity. Sect. 1.

To be levied by Distress and Sale. One Moiety to the Person on whose Oath any Person shall be convicted. The other to the Poor, where the Offence was committed. Sect. 2.

The Prosecution must be in one Month after the Offence is committed. Sect. 4.

Note ; An Appeal lies to the next General Quarter-Sessions, (giving eight Days Notice at least to the Prosecutor, (whose Judgment is final.) *Ibid.* Sect. 3.

The above Stat. does not extend to Velvet. Sect. 5.

[Two] Taylor or other Person making, selling, setting on, using, or binding on any Clothes, Buttons, or Button-holes, made with Serge, Stuff, Drugget, or any other Stuff, or causing them so to be made.

Stat. 8 Ann. c. 6. Sect. 1. (See 4 Geo. 1. c. 75.)

May appeal to Quarter-Sessions.

Five Pounds for every Dozen so made, &c. to be levied, one Moiety to the Queen, the other to him who sues by Action of Debt, &c. But *Quere* ; For that Act says only, That they shall levy the Penalty, but does not direct the Manner.

[Du. Sell.]

Buttons and Button-holes. Callicoes. 491

Offences.

Penalties.

[Qu. Sess.] Upon an Appeal against the Order of two Justices upon Complaint made against Taylors for making, &c. Cloth-Buttons, &c. To order the Appellant to pay reasonable Costs, if he be not relieved upon his Appeal.

Stat. 8 Ann. c. 6. Sect. 2.

Persons aggrieved by the Order of one Justice, on Conviction for Offences against the Stat. 4 Geo. 1. c. 7. may, on giving sufficient Notice, appeal, &c. Sect. 6.

Sessions to allow such Costs and Charges to the Party grieved, as they shall think reasonable, to be levied and paid as in other Cases of Appeals. Their Award is final.

Callicoes.

[One] **N**O Person whatsoever, after 25 December 1722. to use or wear in Great Britain, in any Garment or Apparel whatsoever, any printed, painted, stained, or died Callicoe.

Confession, or one or more credible Witnesses.

Prosecution in six Days.

Stat. 7 Geo. 1. c. 7. Sect. 1. Sect. 1.

Five Pounds for every Offence to the Informer.

To be levied by Distress and Sale, &c.

Persons wearing or using in Apparel, Household-Stuff, or Furniture, after 25 Dec. 1722. any Stuff made of Cotton, or mixed therewith, which shall be printed with any Colour or Colours, or any Callicoe chequered or striped, or any Callicoe stitched or flowered in Foreign Parts with any Colour, or Colours, or with coloured Flowers made there, Muffin Neckcloths and Fustians excepted. *Ibid.* Sect. 10.

Are liable to the Penalties for using or wearing printed, painted, stained, or died Callicoes.

[Qu. Sess.] An Appeal lies to the next Quarter-Sessions, giving the Prosecutor six Days Notice, whose Judgment is final. *Ibid.* Sect. 1.

Not 3

Offences.

Penalties.

Note : The Act 11 & 12 W. 3. c. 10. for employing the Poor, and encouraging the Manufactures of this Kingdom, is not to extend to any Silks, Bengals, or Stuffs mixed with Silk or Herba, or painted, died, printed or stained Callicoets manufactured in *Persia*, *China*, or *East India*, which were made up or used in Furniture or Household-stuff, before the 25th of *December* 1722. Stat. 10 Geo. 1. c. 11. Sect. 2.

Cards and Dice.

[One] **T**O take the Affidavit of any Person or Persons, declaring the Grounds of his or their Knowledge, or Suspicion, That playing Cards or Dice, are made or caused to be made in any House or Place in *Great Britain*, without Notice thereof in Writing given to the Commissioners of the Stamp-Duties, at their Head Office. Stat. 6 Geo. 1. c. 21. Sect. 57.

Upon Affidavit as aforesaid, to grant his Warrant, directed to an Officer of the Duties on Cards and Dice, to empower him in the Day-time, and in Presence of a Constable to break open the Door, or any Part of such House or Place where Cards or Dice are so as aforesaid suspected to be made, or making, and to enter such House or Place, and to seize all such Cards, Dice, Tools, or Materials for making the same. And to detain and keep the same in such House or Place, as the Commissioners of the Stamps shall direct. Stat. 6 Geo. 1. c. 21. Sect. 57.

Cards, Dice, Tools and Materials, are forfeited, unless claimed or replevied by the Owner in five Days after Seizure.

To be sold by Direction of the Commissioners.

One Moiety to the King, the other to the Party who discovers the same.

Carmen, Carters, Carriers and Carriage. See Title Waggon and Waggoners.

Cattle.

Cattle.

Offences.

[One] **C**attle dead or alive, imported, except for Provision for the Vessel, to be made appear in 48 Hours.

Stat. 18 Car. 2. c. 2. Sect. 1.

Two Witnesses.

Master and Mariner of the Vessel wherein Cattle are imported.

Stat. 20 Car. 2. c. 7. Sect. 5.

Seisors of Cattle, Sheep, and Swine, imported out of *Ireland*, not giving Notice in six Days after Conviction to Church-wardens and Overseers of such Seizure, and they not distributing all but the Hides and Tallow to the Poor.

Stat. 32 Car. 2. c. 2. Sect. 6.

View, Confession, or one Witness.

Penalties.

Forfeited; one Moiety to the Poor, the other to him who seizes.

To be committed for three Months.

Forty Shillings for every of the great Cattle.

Ten Shillings for every Sheep or Swine.

One Moiety to the Poor, the other to the Informer. To be levied by Distress and Sale.

And in Default to be committed for three Months without Bail or Mainprize.

[Three] To inquire by the Oaths of twelve Men, Examination of Witnesses, or any lawful Means, of the malicious Maiming, or otherwise hurting any *Horses*, *Sheep*, or other Cattle. And for that Purpose to issue Warrants to summon Jurors, suspected Persons, and such as give Evidence. Stat. 22 & 23 Car. 2. c. 7. Sect. 6. *Quor.* 1.

[Qu. Dett.] No *Certiorari* is to be allowed, unless the Indicted will become bound with sufficient Sureties (such as the Justices of the Peace in Sessions shall like of) to pay to the Prosecutor, in a Month after Conviction, such Costs and Damages as the Justices shall assess. Stat. 21 Jac. 1. c. 8. Sect. 2.

Cheese. See Title Butter and Cheese.

Church.

[One] **P**ersons not repairing to the Church according to the 1 *Elix.* c. 2.

Stat. 23 *Elix.* c. 1. Sect. 5.

This

Twenty Pounds a Month, and if forbear for twelve Months after Certificate made by the Ordinary into the *Queen's Bench*,

To

Offences.

This is not to be extended to Protestant Dissenters, by
Stat. 1 *W. & M. Sess.* 1. c. 18.

Persons not repairing to some Church or Chapel.

Stat. 3 *Jac.* 1. c. 4. Sect. 27.
Confession, or one Witness.

This is not to be extended to Protestant Dissenters, by
Stat. 1 *W. & M. Sess.* 1. c. 18.

Persons above sixteen, absenting from Church above one Month, impugning the Queen's Authority in Causes Ecclesiastical, frequenting Conventicles, or persuading others so to do, under Pretence of Exercise of Religion.

Stat. 35 *Eliz.* c. 4. Sect. 1.

This is not to be extended to Protestant Dissenters, by
Stat. 1 *W. & M. Sess.* 1. c. 18.

Every Person not resorting to their Parish Church, or upon Let thereof, to some other, every Sunday and Holy Day

Stat. 1 *Eliz.* c. 2. Sect. 14.

This affects not Protestant Dissenters.

[Two] Incumbents not reading Divine Service once a Month.

Stat. 13 & 14 *Car.* 2. c. 4. Sect. 3.
Confession, or two Witnesses.

Persons disturbing Episcopal Congregations in Scotland, or misusing, &c. any Minister or Pastor thereof, on Proof by two Witnesses.

10 *Ann.* c. 7. Sect. 9.

Keeping

Penalties.

To be bound with two sufficient Sureties in 200 Pounds at least, to be of the good Behaviour, until they shall repair to Church.

Twelve Pence for the Poor.

To be levied by Distress and Sale.

In Default or Distress to be committed.

The Prosecution to be in one Month.

To be committed till they conform themselves, and make Submission: He may require them to conform and submit, and if they refuse, they must abjure the Realm in open Assize or Sessions.

Twelve-pence for the Poor.

To be levied by the Churchwardens by Distress and Sale.

Five Pounds for every Offence.

To be levied in ten Days by Distress and Sale.

To be bound in a Recognizance of 50 l. for their Appearance at the next Sessions, &c. or to be committed to Prison in Default.

Ten

Offences.

Keeping a Schoolmaster, who absents himself from Church, or is not allowed by the Bishop or Ordinary.

Stat. 23 *Eliz. c. 1.* Sect. 6.

Persons keeping or retaining any Person in their House (Servant, or other) who shall forbear to come to Church for a Month together.

Stat. 3 *Jac. 1. c. 4.* Sect. 32.

This extends not to Protestant Dissenters, by the Stat. 1 *W. & M. c. 18.*

Notes; None shall be punished for any of his Wife's Offences against Stat. 3 *Jac. 1. c. 4.* Neither shall any married Woman be chargeable with any Penalty or Forfeiture of that Act.

To receive the Letters of Orders of Episcopal Ministers in Scotland, before they officiate as Pastors of Congregations, and to order the same to be entred on Record by the Register or Clerk of the Peace, whose Fee is 1 s.

Stat. 10 *Ann. c. 7.* Sect. 2.

And if any Magistrate having or pretending Authority in Scotland, shall forbid or hinder their Meeting or assembling within their Jurisdiction, or cause the Doors of the House where they meet to be shut up.

Ibid. Sect. 9.

Ten Pounds a Month. To be divided *at supra.*

Ten Pounds a Month. Children may relieve their Father or Mother, and Guardians their Wards or Pupils.

Persons disturbing such Congregations, and convicted by two Witnesses.

Forfeit 100 Pounds, Half to the Informer, and Half to the Poor.

On Conviction, *at supra*, he forfeits 100 Pounds.

To be disposed *at supra.*

Church-wardens. See Title *Between Parishes and Poor.*
Clerk of the Market. See *Bakers, Bread, Weights and Measures.*

Clothes.

Clothes.

Offences.

[One] **W**ilfully and maliciously to assault any Person in the publick Streets, or Highways, with an Intent to tear, spoil, cut, burn or deface, and who shall tear, spoil, cut, burn or deface the Garments or Clothes of any Person. If convicted.

Stat. 6 Geo. 1. c. 23. Sect. 11.

Penalties.

Felony, and to be transported for seven Years.

Cloth and Clothier. See Dyers, &c.

(Woollen.)

[One] **C**lothiers not paying their Work-folks their Wages in ready Money.

Stat. 4 Ed. 4. c. 1. Sect. 6.

10 Ann. c. 16. *infra*.

Carders, Spinsters, Weavers, Fullers, Sheermen, and Dyers, not performing their Duty.

Stat. 4 Ed. 4. c. 1. Sect. 6.

The Justice not doing his Duty, about seising Ropes, and other Things, used for unlawful Stretching Northern Cloths, and other Matter, according to

Stat. 39 Eliz. c. 20. Sect. 9.

Mix'd or Medly Broad-Cloth (after it is mill'd, &c.) to be measured at the Fulling-Mill by the Master, or Occupier thereof; who is to make Oath, *That he will well and truly perform such Measuring* (before some neighbouring Justice, who is to give him a Certificate thereof) and affix a Seal to each Cloth, with

2

his

Treble Damages, and to be committed till Payment.

See 12 Geo. 1. c. 32.

Double Damages, and to be committed till Payment.

See 12 Geo. 1. c. 32.

Five Pounds to be divided into three Parts;

One to the Queen, another to the Informer, and the Third to the Poor.

If the Buyer refuse to take the Cloth according to the Measure so marked on the Seal, he forfeits 20 s. for each Cloth. As doth the Master for refusing or neglecting to fix such Seal.

And every Person who shall alter such Seal before the Cloth is sold, forfeits 20 s.

Offences.

Penalties.

his Name, and (in Figures) the Length and Breadth, before it is sold.

Stat. 10 Ann. c. 16. Sect. 1. and 2.

One Witness, &c.

Vide infra.

Clothiers, &c. stretching or straining any such Cloth above a Yard in twenty Yards length, or above one Nail in a Yard in Breadth.

Stat. 10 Ann. c. 16. Sect. 3.

One Witness, &c.

Vide infra.

Mill-men, Owners, or Occupiers of Fulling-Mills, to have a Table 12 Foot long, and 3 Foot wide, whereon the Cloth shall be doubled, or creased, and laid plain, and one Inch more instead of a Thumb's Breadth, *viz.* 37 Inches, to prevent any Dispute in respect of measuring by the Yard.

Stat. 10 Ann. c. 16. Sect. 4.

One Witness, &c.

Vide infra.

Clothiers, or others, concerned in the Woollen Manufacture, shall make Payment in Money to the Persons employed for all Work done in Relation thereto, and not (in lieu of Payment) impose or deliver any Sort of Goods, or Wares for such Work.

Stat. 10 Ann. c. 16. Sect. 6.

One Witness, &c.

Vide infra.

Note; All Offences against this Act may be heard and determined by one Justice, not concerned in the Matter of the Complaint, and upon the Oath of one Witness; and all the Penalties, &c. are Half to the Informer, and Half to the Poor. And if not paid within 14

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K k

Days

13 Geo. 1. c. 23.

Forfeit 20 s. for every Offence, if convicted before it is sold or exposed to Sale.

In Default of such Table provided, and constantly kept and used, every Person forfeits 10 l.

To forfeit for every Offence 20 s.

Offences.

Penalties.

Days after Conviction, the Justice may cause it to be levied by Distress, &c. And if no Distress, commit to the Gaol, or House of Correction, to hard Labour, not exceeding three Months for each Offence; and all Offences to be prosecuted within thirty Days after committed, or Discovery made.

But an Appeal lies to the Sessions. Sect. 9. Also this Act is not to extend to *Yorkshire*, or to invalidate the Act 7 *Ann. c. 13.* for the Length and Breadth of Cloths made there.

Stat. 10 *Ann. c. 16.* Sect. 7, 8, 11.

Mixed and Medley Broad-Cloths to contain the Quantity mentioned in the Seals set by the Master or Occupier of the Fulling Mill.

Stat. 1 *Geo. 1. c. 15.* Sect. 1.

Owners and Occupiers, &c. refusing the Oath, *That he will well and truly perform such Measuring*, or not fixing a Seal, or others taking off, defacing or counterfeiting it.

One Witness.

Stat. 1 *Geo. 1. c. 15.* Sect. 2.

Clothier, Cloth-worker, Card-maker, and all Persons concerned in the Woollen Manufacture, not paying their Servants, Labourers, &c. Wages in Money, or imposing on them Goods, &c. in lieu thereof.

Mixed or Medley Broad-Cloths, to be sealed or stamped with the Watch Measure on the Seal of the Master, Owner, Occupier, or Mill-man, by whom wetted, fulled, and milled; and every Clothier, selling or putting to Sale such Broad Cloth before so sealed.

Stat. 1 *Geo. 1. c. 15.* Sect. 5.

Or Seller forfeits a 6th Part of the Value of every Cloth under Measure to the Poor of the Parish.

To be paid by the Buyer, and deducted out of the Price of the Cloth.

Twenty Pounds in lieu of Twenty Shillings per Cloth, by 6 *Ann. c. 29.*

Forty Shillings for every Offence.

Stat. 1 *Geo. 1. c. 15.* Sect. 12.

See Stat. 12 *Geo. 1. c. 34. infra.*

Forfeits a 6th Part of such Cloth.

Note;

Offences.

Penalties.

Note; All Offences against this Act may be heard and determined by one Justice, not concerned in the Matter of Complaint, upon the Oath of one or more Witnesses or Witnesses, &c. And all the Penalties, &c. are in London to *Chriff's Hospital*; and in all other Places to the Poor. And if not paid in thirty Days after Conviction and Demand, or in Case the Owner, &c. refuse or neglect to repay the Forfeiture for want of sufficient Length or Breadth of Admeasurement; the Justice may cause the Penalties, &c. to be levied by Distress, &c. And if no Distress, commit to the Gaol or House of Correction to hard Labour for three Calendar Months.

Stat. 1 Geo. 1. c. 15. Sect. 7. See the Stat. 13 Geo. 1. *infra*.

All Offences against the Stat. 1 Geo. 1. c. 15. (saying where Owner, &c. refuse Repayment of the Forfeitures for want of sufficient Length or Breadth in Admeasurement) to be prosecuted within forty Days after committed or discovered.

Stat. 1 Geo. 1. c. 15. Sect. 8.

[One] On Information on Oath, That any Person is guilty, or suspected of the ill Practices in the Clothing Trade, (mentioned Sect. 1, 2, 3.) may authorise Constables, &c. to enter Houses, &c. by Day, and search for and examine Warping-Bars, Weights, &c.

Stat. 13 Geo. 1. c. 23. Sect. (See two Justices *infra*.)

End-Gatherers buying or carrying Ends of Yarn, Thrums, Refuse, &c. a Constable, or other Peace-Officer, may by Warrant search them; and if he finds any Ends, Thrums, &c. carry him before a Justice. *Ibid.* Sect. 8.

On Conviction by Oath of one, or Confession, to be adjudged an incorrigible Rogue, and punished as 12 *Anna* directs. *Ibid.* Sect. 8.

(Linen.)

Linen Cloth made in Scotland, to be of well-sorted Yarn, and equally wrought, and fine from one End of the Piece to the other, and made by the *Standard Yard-Wand*. And all St. *Johnsons* or other Plain, Brown, or Green Cloth, made for whitening, one Yard and a Nail, or three Quarters and a Nail broad, that when whited, it may be a full Yard, or full three Quarters broad; and in Length the whole Piece

If any make Linen Cloth in Scotland otherwise, and thereof convicted by Oath of any Overseer or Searcher, or two credible Witnesses,

He forfeits for every Inch less than Measure in Breadth, and every Yard less in Length, five Shillings,

And for every Piece not made of well-sorted Yarn, and equally wrought, and fine, five Shillings.

And if any shall buy or expose to Sale, or bring to any Town or Place

Offences.

84 Yards, the Half-piece 42 Yards, &c. that so whited it may be 80 or 20 Yards, &c. and all other Sorts of plain Cloth a full Yard in Breadth, and in Length 40 Yards the Piece, 20 Yards the Half-piece, &c. And see *ib.* other Measures appointed for Linen Checks, striped Linen, Neck-cloths, Ticken, &c.

Stat. 10 *Ann. c. 21. Sect. 1.*

And for Dornick, Towelling, or plain Linen, see 12 *Ann. Sess. 1. c. 20. Sect. 1. and 2.*

And all Cloth to be sold in *Scotland* to be made up in Folds of one Yard and Half each Fold, and not rolled or battered.

Stat. 10 *Ann. c. 21. Sect. 1.*

The Owners of *Scotch* Linen Cloth before exposed to Sale, to bring it to some Borough Town, or Place where Stamps are appointed, there to be stamped.

Stat. 10 *Ann. c. 21. Sect. 3.*

And if any other Person shall, in *Scotland*, buy, export, transport, or carry to the Water-side for that Purpose, *Scotch* Linen Cloth not stamped as aforesaid.

Ibid. Sect. 4.

If any Person counterfeits any Stamp, or affix it without Authority.

Ibid. Sect. 4.

No Stamp-Master, for himself or any other, to buy or dispose of any Linen Cloth, or stamp any that is not made of well-sorted Yarn, equally wrought, and of equal Fineness, from one End to the

Penalties.

Place in *Scotland* for Sale, any Linen Cloth not made or not folded as aforesaid, if convicted within six Months, forfeits for each Piece five Shillings.

Note also the Stat. 13 *Geo. 1. c. 26.* which relates to the Linen and Hempen Manufacture in *Scotland*.

And if exposed to Sale, or carried to the Water-side for Exportation before stamped, and thereof convicted *ut supra*.

Forfeits for each Piece five Shillings.

If convicted *ut supra*, in *Scotland*,

He forfeits for each Piece 5 *s.*

He forfeits 50 *l.* Sterling, or a Year's Imprisonment, if insolvent.

On Forfeiture of five Shillings, for each Piece, and incapacitated of his Office for the future.

Offences.

Penalties.

the other, and of the said Lengths, Breadths and Foldings.

Ibid. Sect. 4.

Making use of Lime or Pigeons Dung for whitening or bleaching Linen Cloth in *Scotland*, and convicted by

Two Witnesses, or Confession.

Ibid.

Stat. 10 *Ann.* c. 21. Sect. 5.

Note: All the Forfeitures and Penalties of this Act are Half to the Informer, and Half to the Poor.

The Officers may enter into any Warehouses and other Places by Day, and seize all Linen Yarn made up contrary to the Directions of this Act, and detain the same till it shall be tried, and Person obstructing the Officers. 13 *Geo.* 1. c. 26.

If any Weaver do not weave any Linen Yarn delivered to him into such Cloth, and within such Time, and in such Manner as was contracted for, or shall waste, imbezil, or damnify any Yarn delivered to him, he shall make good the Party's Damage. And 13 *Geo.* 1. c. 26.

If any Weaver do not at the End of every Piece run a coarse coloured Thread through every 200 Threads of the Warp, and also another coarse coloured Thread within a Quarter of an Inch of the Former. 13 *Geo.* 1. c. 26.

Persons using Lime, Pigeons Dung, or Soap-dregs, for bleaching Linen or Yarn

13 *Geo.* 1. c. 26.

Forfeits for each Piece 20 *l.* and in Default of Payment, to levy it by Distress, &c. And if no Distress, commit to the House of Correction, or Gaol, to hard Labour, not exceeding twelve Months.

Forfeits 5 *l.*

Forfeits not exceeding forty Shillings, nor less than Twenty.

Forfeits not more than 5 *l.* nor less than 20 *s.* to the Informer.

Forfeit 5 *l.* and the Linen or Yarn; if that can't be found, 5 *l.* more, and Offender made incapable to bleach or whiten Cloth or Yarn

K k 3

Offences.

Penalties.

Yarn for two Years after such Conviction.

Constable neglecting or refusing to execute a Warrant. 13 Geo. 1. c. 26.

Forfeits 5 *l.* to the Prosecutor.

If any Person shall expose to Sale, or pack up to Sale, or in order to be sent by Land or Water, or enter for Exportation any Linen not stamped and marked 13 Geo. 1. c. 26.

Forfeits 5 *l.*

Buyer of such Linen Cloth not stamped and marked. 13 Geo. 1. c. 26.

Forfeits 5 *l.* to the Informer.

Persons authorized by the Trustees, or by Warrant of a Justice or Magistrate, may search in the Day-time, seize and open any Pack and bring them before the next Justice or Magistrate, who are to declare them to be forfeited to the Seisor, and to impose a Fine; and the Owners of the Warehouse, &c. where such Linen shall be found, and the Person who packed it up. 13 Geo. 1. c. 26.

Forfeit 5 *l.* to the Informer.

Any counterfeiting the Name or Mark of a Trader and Weaver of Linen. 13 Geo. 21. c. 26.

Forfeit 100 *l.* to the Use of the Person whose Mark shall be counterfeited.

Conviction on the Oath of one or more credible Witnesses.

All Offences against this Act (excepting the Counterfeiting the Marks of private Dealers, shall be determined by one or more Justices, or any Magistrate within a Burrough, who on Complaint shall, on Examinations of Witnesses on Oath, adjudge the same, and issue his or their Warrant to the Constables of the Place, to distrain so much of the Offender's Goods as will satisfy the Penalties; and for want of Distress, the Justices may commit the Offender to the House of Correction, or next Gaol, for any Time not exceeding one Year; Appeal to Quarter-Sessions. 13 Geo. 1. c. 26. But see the Act at large.

If

Offences.

Penalties.

If any **Maker** of **Sail-Cloth** in **Great Britain**, shall sell or expose to Sale any Piece or Pieces of **Sail-Cloth**, without being duly stamp'd at the End of every Piece, &c. Stat. 4 G. 2.

Being lawfully convicted on the Oath of one or more Witnesses, before one or more Justices, shall forfeit 5 l. for every Piece so exposed to Sale.

If any Person shall wilfully or maliciously cut off, deface, &c. any Stamp so affixed, or shall affix, or make Use of a false Stamp, &c. *Ibid.*

Being convicted shall for every such Offence forfeit 10 l. both which Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant of two or more Justices, and shall go to the Informer.

(*Woollen.*)

[Two] To appoint once a Year **Overseers** for the well-ordering of **Cloth**.

Stat. 3 & 4 Ed. 6. c. 2. Sect. 9.

Faulty Cloths exposed to Sale by Retail.

Stat. 5 & 6 Ed. 6. c. 6. Sect. 43.

To be divided into 3 Parts, one to the King, another to the Justice, the third to the Prosecutor.

Logwood which is deceitfully used for dying of Cloth.

Stat. 23 Eliz. c. 9. Sect. 9.

To be seized and openly burnt. And the Dyer forfeits double the Value of the Cloth, Wool, or other Thing dy'd with it.

To appoint **Overseers** to make Search once a Month at least, for Defects of **Northern Cloths**.

Stat. 39 El. c. 20. Sect. 4.

Sorters, Carders, Kembers, Spinners, or Weavers of **Wool**, or **Yarn**, who shall imbezil, or detain any Part from the Owner.

Stat. 7 Jac. 1. c. 7. Sect. 2.

Either to make Satisfaction, or be whipped, and put in the Stocks.

Makers of deceitful Cloth.

Stat. 21 Jac. 1. c. 18. Sect. 3.

Five Pounds, to be certified under Hand and Seal to the Church-wardens and Overseers of the Poor of the Parish, where the Offence is committed.

Confession, or two Witnesses.

To be levied by Distress and Sale, &c.

K k 4

And

[Two] Contracts, Combinations, Agreements, By-Laws, &c. of Weavers, Wool-combers, &c. for regulating the Trade, settling the Prices of Goods, advancing their Wages, or lessening their Hours of Work, &c. to be illegal and void. And Persons keeping up any such Contract, Combination, &c.

Stat. 12 Geo. 1. c. 34. Sect. 1.

Weavers, &c. retained and departing their Service before the End of the Term agreed on, or not returning to work before finished, except for some reasonable Cause.

Stat. 12 Geo. 1. c. 34. Sect. 2.

Weavers, &c. Damnifying of Work.

Stat. 12 Geo. 1. c. 34. Sect. 2.

Clothiers to pay Weavers and Work-People the full Prices, and Wages agreed on, in Money and not in Goods.

Stat. 12 Geo. 1. c. 34. Sect. 3.

Clothiers paying their Work-People in Goods, or by Way of Truck.

Ibid. Sect. 4.

And for want of Distress, Imprisonment.

On Conviction by Oath of one, before two Justices, within three Months after the Offence, to be sent to the House of Correction, or common Gaol, not exceeding three Months.

Ibid. Sect. 1.

To be sent to the House of Correction for three Months.

Ibid. Sect. 2.

Forfeit double the Value, or be committed.

Ibid. Sect. 2.

Two Justices may levy the Money by Distress; and if none, commit the Offender to Gaol for six Months.

Ibid. Sect. 3.

* Forfeit 10 l. a Moiety to the Informer, and the other to the Party grieved: *But an Appeal lies to Qu. Seff.*

Ibid. Sect. 4, 5.

* Note; By 13 Geo. 1. c. 23. the Prosecution for this is to be within three Months after the Offence.

If any shall assault a Master-Weaver, &c. whereby he has any bodily Hurt, for not submitting to such Combinations, By-Laws, &c. *supra*, or shall write or send any Letter or Message threatening Hurt to him, or to burn his House, or cut down his Trees, maim his

Offences:

Penalties.

his Cattle, &c. for not complying with their Demands, on Conviction within twelve Months, he shall be adjudged Guilty of Felony, and transported for seven Years. Stat. 12 Geo. 1. c. 32. Sect. 6.

Any Persons breaking into any Shop by Day or Night to destroy any Woollen Goods or Tools, &c. employed in the making thereof, or who shall cut or destroy any such Goods in the Loom, or on the Rack, &c. shall suffer Death as Felons, without Benefit of Clergy. *Ibid.* Sect. 7.

No Maker of mixed or Medley Woollen Broad-cloth, shall use any long Warping-Bars, but such as are three Yards and three Inches in Length. And found Ones to be four Yards and four Inches round, and no more; and the Thrums at each End of the said Bars, are not to exceed eighteen Inches long. Stat. 13 Geo. 1. c. 23. Sect. 1.

Ten Pounds, leviable by Distress and Sale; one Moiety to the Informer, the other to the Poor; and if no Distress, Commitment for three Months, or till Payment, &c. *Ibid.* Sect. 1.

And Note; All Disputes relating to Work, Wages, &c. betwixt Clothiers, Combers, Weavers, &c. are to be heard by two or more Justices, who are to summon the Parties, examine on Oath, adjudge such Satisfaction, and give such Costs to the Party grieved, as in their Discretion shall seem reasonable, and levy the same by Distress, &c. or in Default commit, &c. not exceeding three Months. (But an Appeal lies to Quarter-Sessions.) And the Proceedings of the Justices herein, either in or out of Sessions, shall not be removed by *Certiorari*. Stat. 13 Geo. 1. c. 23. Sect. 5, 6.

All Wool, Yarn, &c. for making such Cloth, to be given out and received by Weight, at 16 Ounces to the Pound. Stat. 13 Geo. 1. c. 23. Sect. 2.

On Penalty of 5 *l.*

Clothiers, &c. interrupting the Search of Constables on a Justice's Warrant. *Ibid.* Sect. 7.

Forfeit 5 *l.*

Clothiers to pay their Weavers according to the Number of Yards

On Forfeiture of 5 *l.*

Offences.

Penalties.

Yards that Chains are laid on the Warping-bar.

Ibid. Sect. 9.

Owners of Tenters or Racks in Gloucestershire, Wilts, and Somerset, to measure such Tenters, &c. and mark in large Figures their Length of Yards, (beginning N^o 1. on the Foreside of the Top Bar,) each Yard to contain 36 Inches, and one Inch more for the over Measure usually allow'd in Cloths. *Ibid.* Sect. 10.

Every long Warping-bar is to be 3 Yards 3 Inches long, and no more.

Every round Warping-bar 4 Yards 4 Inches round, and no more. 13 Geo. 1. c. 23.

No Clothier shall use any Ends of Yarn, Wests, or other Refuse (Flocks and Pinions only excepted) by working them up again. 13 Geo. 1. c. 23.

Any End-gatherer buying, or any Ways carrying Ends of Yarn, Wests, Thrums, short Yarn, or other Refuse of Cloth, Confession, or two Witnesses. 13 Geo. 1. c. 23.

Every Owner of Tenters or Racks, not measuring or marking his Tenters. 13 Geo. 1. c. 23.

Clothier refusing Inspector Entrance. 13 Geo. 1. c. 23.

Inspector acting against his Oath 13 Geo. 1. c. 23.

Milman sending home Cloths before inspected. 13 Geo. 1. c. 23.

[Three]

On Forfeiture of 5 *l.* for every Tenter or Rack not so numbered and marked.

On Forfeiture of 10 *l.* to be levied by Distress and Sale; one Moiety to the Poor, the other to the Informer; and for want of Distress Imprisonment, not exceeding 3 Months.

5 *l.* to be levied by Distress and Sale, or 3 Months Imprisonment, to be divided *ut supra.*

Shall be deemed an incorrigible Rogue, and punished as directed. 12 Ann. c. 23.

Forfeit 5 *l.* for each Tenter not measured and marked.

Forfeits 10 *l.*

Forfeits 20 *l.*

Forfeits 40 *s.*

The

Offences.

[*Chyce*] If any Means be used whereby Linen Cloth shall be deceitful, or made worse for Use.

Stat. 1 *Elix.* c. 12. Sect. 1.

Quor. 1.

[*Qu. Sect.*] Persons stretching or straining any Cloths made on the North-side of *Trent*.

Stat. 39 *Elix.* c. 20. Sect. 12.

Vide Stat. 10 *Ann.* c. 16.

Persons, using any Engine, or stretching or straining Cloths.

Stat. 39 *Elix.* c. 20. Sect. 2.

If a Seal of Lead be not set on Northern Cloths.

Stat. 39 *Elix.* c. 20. Sect. 9.

If any, save the Overseers, set or take away a Seal to or from the said Cloths, without Warrant.

Stat. 39 *Elix.* c. 20. Sect. 7.

Two Witnesses.

Servants to Clothiers, &c. refusing to serve for the Wages limited according to the Statute; and being retained, departing his or their Service without a Quarter's Warning, or some lawful Cause.

Stat. 5 *Elix.* c. 4. Sect. 9.

Woollen-Cloth Weavers taking an Apprentice, or teaching any their Art, save their own Children, or such whose Parents have three Pounds *per Annum* Freehold.

Stat. 5 *Elix.* c. 4. Sect. 29.

Every *Cloth-worker, Fuller, Sheerman, Weaver, Taylor, and Sho-*

Penalties.

The Cloth is forfeited, and the Person to be committed for a Month and fined.

Five Pounds; one Third to the Queen, another to the Informer, and another to the Poor of the Place where the Offence is committed.

Twenty Pounds to be divided *ut supra*.

The same is forfeited, and 4 *s.* for every Yard it wants of due Length; and 2 *s.* for every Pound it wants of due Weight, to be divided *ut supra*.

Ten Pounds for the first Offence, 20 *l.* for the second. To be divided *ut supra*.

And besides suffer the Pillory.

To be imprisoned without Bail; but upon Submission to perform the Service, to be enlarged without Fee.

Twenty Pounds for every Month.

Ten Pounds.

Not

Offences.

Shoemaker, who does not keep one Journeyman for every three Apprentices; and for every Apprentice above three, another Journeyman. Stat. 5 *Eliz.* c. 4. Sect. 33.

Persons aggrieved, by the Order of one Justice, on a Conviction touching *Mixed Broad-Cloth*, may, on giving sufficient Notice, appeal to the Qu. Sess. whose Determination is final. Stat. 10 *Ann.* c. 16. Sect. 9. 1 *Geo.* 1. c. 15 Sect. 10.

Note; Stat. 1 *Geo.* 1. c. 15. does not extend to any Factor, or his Agent, employed in selling of *Mixed* or *Medley Broad-Cloth*. Sect. 11.

Nor to any Cloth made in *Yorkshire*, or to invalidate the Act 7 *Ann.* c. 13. for the Length and Breadth of Cloths made there. Sect. 14.

In *Scotland*, to appoint *Stamps*, to be kept at proper Places, where Linen Cloth is sold, for the Stamping or Marking thereof, and to appoint qualified Persons for Stamping it, who are to take an Oath *de Fideli*, and find Sureties for the faithful Execution of the Office, in such Sum as the Sessions shall appoint. Stat. 10 *Ann.* c. 21. Sect. 4.

Persons aggrieved by the Order of one Justice, on a Conviction touching *Mixed Broad Cloth*, on the Stat. 1 *Geo.* 1. c. 15. may on giving sufficient Notice, appeal, &c. to the Qu. Sess. whose Determination is final. *Ibid.* Sect. 10.

[Qu. Sess.] After Easter, are yearly to appoint Inspectors, and may allow each, not exceeding 30 *l.* per Annum, who are to take an Oath well and truly to execute their Office, and at all seasonable Times, enter and inspect every Mill, Shop, Out-house, and Tenter-Ground of Clothiers, Millmen,

Penalties.

Not to extend to *Norwich* and *Norfolk*.

If the Sessions confirm or disannul the Order, they shall allow such Costs and Charges to the Party grieved as they think reasonable. To be levied and paid as in other Cases of Appeal.

To allow such Costs and Charges to the Party grieved, as they shall think reasonable.

To be levied and paid as in other Cases of Appeals.

Inspectors, acting against their Oath, &c. forfeit 20 *l.* *Ibid.* Sect. 12.

Offences.

Penalties.

men, &c. and measure the Length of Tenters, and the Length and Breadth of Cloths there, stamp their Names on a Lead Seal furnished by the Maker, and affix it at the Head of every Cloth; keep a Register of the Clothier or Mill-man's Name, and Number Length and Breadth of every Cloth, and deliver a true Copy of such Register at every Quarter-Sessions. Stat. 13 Geo. 1. c. 23. Sect. 10.

A Clothier, or Mill-man, &c. refusing an Inspector Entrance, &c. *Ibid.* Sect. 11.

A Mill-man, sending home Cloths before inspected, &c. For every Piece of Cloth so sent. Sect. 14.

Ten Pounds.

Forfeits 40 s.

Every Maker of such Broad Cloth to pay the Inspector 2d. for every Cloth he makes before sent from the Mills; and Inspectors are every three Months to pay the Money to the County Treasurer, to be applied by Direction of the Justices at their Sessions, towards the Salaries of Inspectors, &c. *Ibid.* Sect. 13.

See more of Clothiers Tit. Dyers and Servants.
Coaches. See Hackney-Coaches.

Coals.

[One] Persons having a Hand in removing or altering the Marks upon Keels and other Boats, Carts, and Wains for Carriage of Coals in the Port of Newcastle upon Tyne. Stat. 30 Car. 2. c. 8. Sect. 6. 6 & 7 W. 3. c. 10. Sect. 7.
One Witness.

Ten Pounds to be levied by Distress and Sale; and on Default to be committed for three Months.

If

He

If any Dealer in Coals within the Cities or Suburbs of *London* or *Westminster*, or Bills of Mortality, carry or use any other Sacks than what are made of Linen, and sealed or marked at *Guild-hall* or the *Exchequer*, with white Paint in Oil, and which shall not be full four Feet and two Inches in length, and six and twenty Inches in Breadth.
3 *Geo. 2. c. 26.*

He forfeits 20 s. for every Sack so used.

If any Servant of any Dealer in Coals shall not constantly use a lawful Bushel such as is described in the Act 12 *Annæ, c. 17.* or shall fill them into Sacks without daly measuring them by such Bushel.
3 *Geo. 2. c. 26.*

He shall be committed to the House of Correction, to be kept to hard Labour for any Time not exceeding thirty Days, nor less than fourteen Days.

All Penalties and Forfeitures for Offences in the Act 3 *Geo. 2. c. 26.* mentioned, of or under five Pounds, shall be recovered by Way of Complaint to the Lord Mayor, or any one Justice within *London*, or for the several Counties and Places where the Offender shall live, who are to call before them the Parties, and examine the Complaint on Oath, and to grant a Warrant for levying the Forfeiture; one Moiety to the Informer, and the other to the Poor of the Parish; and on Non-payment it may be levied by Distress, rendring the Overplus, or Offender shall be committed to the House of Correction for any Time not exceeding thirty Days, nor less than fourteen Days, there to be kept to hard Labour. 3 *Geo. 2. c. 26.*

Coffee, Tea, Chocolate and Starch.

[One] **N**ote; the Statute 10 *Geo. 1. cap. 10.* which takes off the Custom-Duties on Coffee, Tea, and Chocolate, grants certain inland Duties thereon payable by the Druggists and Dealers therein. And Entries are to be made in Writing of all Ware-houses, Shops, and Places

On Penalty of 200 l. and Forfeiture of the Goods, &c.

Offences.

Penalties.

Places where made, &c. Stat. 10 Geo. 1. c. 10. Sect. 1, &c. and Sect. 9 & 10.

And no Coffee, &c. to be brought into such Ware-house, &c. Ibid. Sect. 11.

Officers of the said Duties may, in the Day-time enter such Ware-house, Shops, and Places, to Weigh, Gauge, and take Account of Coffee, &c. The Owner to assist therein, and to keep good Scales, Weights, &c. Ibid. Sect. 12.

Officers on Suspicion of Coffee, &c. concealed, &c. may (if within the Weekly Bills) on Oath before the Commissioners of the Duties, (or if in other Places) before one Justice, by their Special Warrant by Day, or (with a Constable, &c.) by Night, enter suspected Places, and seize and carry away such concealed Coffee, &c. Ibid. Sect. 13.

Any Officer of Excise or Customs, on Suspicion of Starch or Hair Powder having been made in private, or clandestinely imported, &c. may seize it, and exhibit an Information within 10 Days, before Commissioners of Excise, or two or more neighbouring Justices, and if the Party in whose Possession found, does make it appear that the Duty has been paid. Stat. 4 Geo. 2.

If any Officer of Excise, or Customs, suspect that Starch is privately making, or concealed, &c. then, on Oath before the Commissioners

Forfeiture of the Goods, and treble the Value.

Hindring the Officer, or not assisting, or not keeping such Weights and Scales, forfeits 100 l.

Obstructing or hindring the Officer, &c. in entering or seizing, forfeits 100 l.

The Starch and Hair Powder so seized shall be forfeited, with the Horses and Package, and the Person in whose Possession found, shall forfeit 5 l. for every Hundred Weight.

The Party shall forfeit 50 l.

512 Coffee, Tea, Chocolate and Starch, &c.

Offences.

Penalties.

Commissioners, or any one neighbouring Justice, by special Warrant may, by Day, or (with a Peace-Officer by Night) enter all suspected Places, and seize the Starch, with all the Materials. *Ibid.*

If any Dealer in Tea shall manufacture any Sloe-Leaves, &c. or mix or dye such Leaves, &c. in Imitation of Tea. *Ibid.*

He shall forfeit for every Pound of such Tea 10*l.*

Coits. See Title **Games not lawful.**

Coin and Coining.

[One] **S**heriff or other Officer refusing any lawful Coin in Payment. Stat. 19 *H.* 7. c. 5. Sect. 6.

May compel him to take it, and otherwise punish him at Discretion.

Where any Tools or Instruments for Coining or counterfeit-ing Gold, or Silver Monies, are found. Stat. 8 & 9 *W.* 3. c. 26. Sect. 5.

The Instruments and the Persons in whose Custody they are found, to be seized and carried before a Justice. And the Persons and Instruments to be secured, and Instruments to be produced as Evidence, and afterward defaced and destroyed.

Counterfeit-Money given in Evidence to be cut in Pieces afterwards, and then given to the Party.

Collar-makers. See **Tanners.**

Collectors of the Customs. See **Apprentices.**

Commission of the Peace.

[Qu. Sess.] **I**n every Commission of the Peace this Clause is to be inserted, *viz.* That the Justices of Peace in their Sessions shall have Power to enquire of Watches, and to punish them

Commission of the Peace. Conformity, &c. 513

Offences.

Penalties.

them who shall be found in Default, according to the Stat. of *Winchester*. Stat. 5 H. 4. c. 3.

See *Justices of the Peace*.

Combinations of Workmen in the Woollen Manufacture, against

12 Geo. 1. c. 34. See Tit. *Clothiers*.

Conies and Cony-Dogs. See Tit. *Game*.

Conformity.

[Qu. Sess.] **T**O take the Oath of Persons having Offices, &c. convicted of *Non-Conformity*, That they have conformed for a Year past, and received the Sacrament three Times within the Year. Stat. 10 Ann. c. 2. Sect. 4 & 5.

None to suffer, unless Oath be made of the Offence within ten Days, before a Justice.

And Proiecution thereupon within three Months after the Offence committed.

And Conviction by the Oath of two Witnesses.

Conspiracies.

[Qu. Sess.] **B**Utchers, Brewers, Bakers, Poulterers, Cooks, Colter-Mongers, or Fruiterers, who conspire, or promise together, that they will not sell their Victuals but at certain Prices. Stat. 2 & 3 Ed. 6. c. 15. Sect. 1.

First Offence, 10 *l.* to the King; and if not paid in six Days after Conviction, 20 Days Imprisonment, with Bread and Water.

Second Offence, twenty Pounds, and if not paid in six Days, Pillory.

Third Offence, forty Pounds, and if not paid in six Days, Pillory again, Loss of an Ear, and infamous.

See *Cloth*, &c. Page 504.

Constables.

[Time] **I**F Constables, Headboroughs, or Tithingmen die, or go out of the Parish, may swear new Ones, till the Lord of the Manor holds a Court-Leet, or till the next Quarter-Sessions. Stat. 13 & 14 Car. 2. c. 12. Sect. 9.

VOL. II.

L I

Conventicles,

Conventicles.

Offences.

[One] **P**ersons of the Age of ^{fixteen} fifteen or upwards, Subjects of this Realm, who shall be present at any Conventicle, under Pretence of Exercise of Religion, in other Manner than according to the Church of England, to the Number of five or more besides those of the Household.

Confession, two Witnesses, or notorious Evidence of the Fact. Stat. 22 Car. 2. c. 1. Sect. 1.

Protestant Dissenters are exempt from the Penalties of this Act, by Stat. 1 W. & M. c. 12. Sect. 4.

Persons convicted of Preaching at any such Meeting.

Stat. 22 Car. 2. c. 1.

Not to extend to Protestant Dissenters, by Stat. 1 W. & M. c. 18. Sect. 3.

Persons convicted of wittingly suffering any such Meeting to be held in his House, Yard, &c.

Stat. 22 Car. 2. c. 1. Sect. 4.

Con-

Penalties.

To record the Offence which is a Conviction, and set a Fine of Five Shillings, for the first Offence, which Record must be certified to the next Quarter-Sessions.

2d Offence ten Shillings to be levied by Distress, &c. or in Case of Poverty, on the Goods of others then convicted of the like Offence at the same Conventicle, not exceeding ten Pounds on any one Person.

Penalties to be levied by Constables, &c. per Warrant of a Justice, and delivered to a Justice, and he to pay one Third for the King's Use into the Qu. Sess.

Another Third to the Poor of the Parish where, &c.

The other Third to the Informer, and to such as he shall think fit.

Forfeit for first Offence 20 l.

And if a Stranger, and his Name or Habitation not known, or he cannot be found, or unable to pay.

Penalty to be levied on any Persons that were present.

Second Offence Forty Pounds to be levied and disposed *ut supra*.

Twenty Pounds to levied and disposed *ut supra*.

And in Case of Poverty, upon Persons present.

Forfeit

Offences.

Penalties.

Constables, &c. knowing, or being informed of such Meetings, within their Precinct, and who shall not inform a Justice, or Chief Magistrate, &c. but shall wilfully omit their Duty, on Conviction.

Forfeit five Pounds to be levied and disposed of *supra*.

Stat. 22 Car. 2. c. 1. Sect. 12.

Note: Justices and Chief Magistrates, &c. omitting their Duty, forfeit One Hundred Pounds. One Moiety to the Informer, to be recovered in any of the Courts at Westminster. *Ibid.*

[*Exec.*] Or Constables, &c. by Warrant from them, may with what Assistance they think fit, break and enter any House where they shall be informed any such Conventicle is, within Liberties and without, and take into Custody the Persons so assembled: And the Lieutenants, Deputy-Lieutenants, or any Commissioned Officer of the Militia, or other the King's Forces with Horse and Foot, and the Sheriffs, and other Ministers of Justice, with such Assistance as they shall think fit, on Certificate under Hand and Seal of any Justice of Peace, or Chief Magistrate, of such Meeting, that he is not able to suppress, may dissolve such Meetings, and take the Persons present into Custody.

Stat. 22 Car. 2. c. 1. Sect. 9.

Not to extend to Protestant Dissenters.

No Dwelling-house of a Peer, where he or his Wife shall be resident, to be searched but by Warrant under the Sign Manual, or in the Presence of the Lieutenant, or one Deputy-Lieutenant, or two Justices of Peace.

Quar. 1. Stat. 22 Car. 2. c. 1. Sect. 10.

[*Qu. Sess.*] To deliver the King's Third of the Penalties incurred by this Act to the Sheriff, and to make a Record of such Payment and Delivery, which shall discharge the Justices, and charge the Sheriff, both which are to be certified into the Exchequer.

Stat. 22 Car. 2. c. 1. Sect. 2.

Where the Sum charged upon any Offender exceeds ten Shillings, he may, within a Week, appeal in Writing to the Quarter-Sessions, to whom the Justices, &c. shall return the Money levied, and certify under Hand and Seal the Evidence, with the whole Record and the said Appeal, whereupon such Offender may plead, and have his Trial by a Jury; and if he prosecute not with Effect, or be not acquitted, or Judgment pass not from him, he shall pay treble Costs; such Appeal is final.

Stat. 22 Car. 2. c. 1. Sect. 6.

L 1 2

Note

516 Conventicles, Convicts, Coopers, Corn.

Offences.

Penalties.

Note ; All Prosecutions upon the Stat. 22 Car. 2. cap. 1. to be within three Months after the Offence.

See Tit. Church and Dissenters ; and Tit. Impugning Supremacy, in Tit. Papists and Popish Superstition.

Convicts.

[Two] ANY Person having the Benefit of his Clergy, and being committed to the House of Correction, and escaping out of Prison, and being retaken.

Stat. 5 Ann. cap. 6. Sect. 3.
Quor. 1.

To be committed to some House of Correction, or publick Workhouse, in the Place where retaken, without Bail or Mainprize, for not less than twelve Months, and not exceeding four Years, to be set to work, and kept to hard Labour.

Book. See Tit. Conspiracies.

Coopers.

[Qu. Sess.] THE Rates and Prices which *Coopers* are to sell their Vessels at, to be set in Sessions after *Easter* yearly.

Stat. 8 Eliz. c. 9. Sect. 5.

Corn.

[Qu. Sess.] AFTER *Michaelmas* and *Easter*, yearly, they are by the Oaths of two or more Persons of the respective Counties, where Foreign Corn or Grain shall be imported, not concerned in importing it, and of twenty Pounds *per Ann.* Freehold, or Fifty Pounds *per Annum* Leasehold, or by such other Means as they shall think fit, to determine the Market Prices of midling *English* Corn, and to certify the same with two such Oaths to the Officer of the Customs, to be hung up in the Custom-house there.

Stat. 1 Jac. 2. c. 19. Sect. 3.

To be done in *London*, in *October* and *April*, by the Lord Mayor, Aldermen, and Justices of Peace there.

Where

Offences.

Penalties.

Where Justices omitted to settle the Prices of Corn at their Sessions after *Michaelmas* last, they are to settle it at their next Quarter-Sessions or Adjournment thereof, according to the Method prescribed *ut supra*, and thereon to grant Certificates; and Officers of the Customs are to govern themselves thereby. Stat. 2 *Geo. 2. cap. 18. Sect. 1.*

Corn imported since the first Day of the said *Michaelmas* Quarter-Sessions, and the Duty thereof not paid, to be forfeited *Ibid. Sect. 2.*

Justices at their *Michaelmas* and *Easter* Quarter-Sessions, omitting to determine the Prices of Corn, and to certify the same as the Stat. 1 *Jac. 2.* requires, the Collector at the Port may receive the Duty (according to the lowest Prices mentioned in the Act of 22 *Car. 2.*) *Ibid. Sect. 3.*

See Tit. *Richard.*

Coroner.

<p>[<i>Qu. Sess.</i>] Coroner not doing his Duty without Fee, where a Person is slain by Misadventure. Stat. 1 <i>H. 8. c. 7. Sect. 1.</i></p>	<p>Forty Shillings.</p>
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Costermongers. See Tit. *Conspiracies.*

Cottages.

<p>[<i>Qu. Sess.</i>] Erecting a Cottage for Habitation, without four Acres of Freehold. Or Continuance of it. Stat. 31 <i>Eliz. c. 7. Sect. 1.</i></p>	<p>Ten Pounds to the Queen.</p> <p>Forty Shillings a Month to the Queen.</p>
<p>Owner or Occupier of a Cottage, suffering any more Families than one to dwell there. Stat. 31 <i>Eliz. c. 7. Sect. 3.</i></p>	<p>Ten Shillings a Month to the Lord of the Leet.</p>

Note; The Stat. 31 *Eliz. c. 7.* extends not to Cottages in Cities, Boroughs, or Market-Towns, or provided for Labourers in Mines or Quarries within one Mile of them; or for Sea-faring Men in a Mile of the Sea, or a navigable River, or for Keeper, Warrener, Shepherd, or Herdsman; or an impotent Person; or to Cottages, which by Order

Offences.

Penalties.

of Justices of Assize, or Justices of Peace in Sessions, shall be decreed to continue for Habitation.

Stat. 31 *Elizabeth*. c. 7. Sect. 4.

County-Courts.

[One] Sheriff, Under-Sheriff, or Sheriff's Clerk, entering in the County-Court, any Plaintiff in the Absence of the Plaintiff or his Attorney, or having above one Plaintiff for one Cause.

Stat. 11 *Henry*. 7. c. 15. Sect. 6, 8.

Forty Shillings, to be divided between the King and the Prosecutor.

To examine this Matter; and if the Party be found guilty, to certify the Examination into the Exchequer within three Months, in Pain of forty Shillings.

The Certificate is a Conviction.

See Tit. Bailiffs, Stewards, and Sheriffs.

Carrier.

[Qu. Sect.] Carrier currying Hide or Skin insufficiently tanned and dried, or out of his own House, in some Corporate or Market Town, or gashing or spoiling them.

Stat. 1 *Jacob*. 1. c. 22. Sect. 22.

Six Shillings and Eight-pence a Skin or Hide, besides the Value of the same.

To be divided, one Third to the King, one to the Prosecutor, and the other to the City, Borough-Town, or Lord of the Liberty where the Offence is committed.

And to the Party grieved, twice so much as he impairs.

Persons in London, or three Miles, putting any Leather to be carried to any but Freemen of the Carriers Company. *Ibid.* Sect. 23.

Forfeit the same, or the Value. To be divided in Thirds, one to the Seisor, another to the Chamber of London, the Third to the Poor.

Within the Jurisdiction of London, Persons putting into made Wares any curried Leathers, before it be searched and sealed.

Ibid. Sect. 24.

Six Shillings and Eight-pence a Hide or Skin, and the Value of every such Hide or Skin to be divided in London as *supra*.

Carrier

Six

Offences.

Carrier using the Art of a Tanner, Cordwainer, Shoe-maker, Butcher, or any other who useth cutting of Leather. *Ibid.* Sect. 25.

Carrier (sufficient Stuff being tendered unto him) refusing sufficiently to carry Leather within eight Days in Summer, and sixteen in Winter, after he takes it in Hand. *Ibid.* Sect. 24.

Carrier in *London* not carrying his Leather sufficiently, other Artificers (using tanned and curried Leather) putting into his Wares Leather insufficiently tann'd or curried. *Ibid.* Sect. 44.

Curling. See Tit. ~~Swearing~~ and Curling.

Penalties.

Six Shillings and Eight pence for every Hide or Skin he cutteth during the Time.
To be divided *ut supra*.

Ten Shillings for every Hide of Piece not curried.

The Wares, and the just Value to be divided itt Thirds in *London*, *ut supra*.

See Tit. Leather, Shoe-makers and Tanners.

Custom-house Officers.

[One] **P**ersons, resisting, abusing, beating, &c. Custom-house Officers or their Deputies in the Execution of their Office.

Stat. 13 & 14 Car. 2. c. 11. Sect. 6.

Carman, or other Person assisting in taking up, landing, shipping, or carrying away any Goods, &c. without a Warrant, or in the Presence of one or more Officers of the Customs.

Stat. 13 & 14 Car. 2. c. 11. Sect. 7.

Two Witnesses.

To be committed till the next Quarter-Sessions, and fined then, not exceeding 100 Pounds, and to remain in Prison till discharged by Order of Exchequer, or discover who set them on Work.

First Offence to be committed till he find Sureties for the Good Behaviour, or be discharged by the Lord Treasurer, Chancellor, Under-Treasurer, or Barons of the Exchequer.

Second Offence, to be committed for two Months, or till he pay five Pounds to the Sheriff, for the King's Use, or be discharged by the Lord Treasurer, &c.

Persons armed with Clubs, or any Manner of Weapon, tumultuously

Being convicted, shall by Order of Court be transported for such

Offences.

Penalties.

tuously assembled in the Day or Night, to the Number of eight or more, their Aiders and Assistants forcibly hindring, wounding or beating Custom-house Officers in the due Execution of their Office.

Stat. 6 Geo. 1. c. 21. Sect. 33.

Such Offender returning into Great Britain or Ireland, before the Expiration of the said Term.

Stat. 6 Geo. 1. c. 21. Sect. 34.

Customs, &c. See Smuglers.

Cyder-maker. See Tit. Excise.

Deer. See Tit. Game.

such Term as the Court shall think fit, not exceeding seven Years, in the same Manner as Felons are by 4 Geo. 1. c. 11.

Felony, without Benefit of Clergy.

Deer-stealers.

[One] Persons coursing, killing, hunting, or taking away Red, or Fallow Deer, in any Ground where Deer are kept, without Consent of the Owner, or Persons chiefly intrusted therewith; or are aiding therein.

Stat. 13 Car. 2. c. 10. Sect. 2.

Confession, or one Witness.

Prosecution within six Months.

Persons unlawfully coursing, hunting, taking in Toils, killing, wounding, or taking away any Red or Fallow Deer, in any Forest, &c. without the Consent of the Owner, or be aiding therein.

Stat. 3 & 4 W. & M. r. 10. Sect. 2.

Confession or Oath of one Witness.

Pro-

Twenty Pounds to be levied by Distress and Sale; for want of Distress to be committed to the House of Correction for six Months, or to the Common Gaol for a Year, not to be discharged but upon Security for the Good Behaviour for a Year, after Enlargement.

Twenty Pounds for the Offence of Hunting, &c.

And for every Deer taken or killed 30 l. to be levied by Distress and Sale.

One Third to the Informer, the other to the Poor, and the rest to Owner.

For want of Distress 12 Months Imprisonment, and to be set in the Pillory for an Hour, in some Market-Town next to the Place.

Offences.

Prosecution to be in twelve Months; and where the Offence is committed, or Party apprehended.

To grant a Warrant to Constables, Head-boroughs and Tithingmen, when Deer are stolen, to search as for stolen Goods.

Stat. 3 & 4 W. & M. c. 10. Sect. 3. See Stat. 9 Geo. 1. c. 22. Sect. 11.

If upon Search any Venison or Skins of Deer, or Toils be found, and the Persons can give no good Account how they came by them, nor in some convenient Time produce the Person of whom they bought them, or prove such Sale upon Oath.

Stat. 3 & 4 W. & W. c. 10. Sect. 3.

Confession, or Oath of one Witness.

Peasons in the Night-time, pulling down or destroying the Pales or Walls of any Park, Forest, &c. or other Ground inclosed, where Red or Fallow Deer shall be kept.

Stat. 3 & 4 W. & W. c. 10. Sect. 9.

Oath of one Witness.

[One] Keepers, or other Officers of any Forest, Chase, Purlieu, Paddock, Wood, Park, or Place where Deer, are usually kept, convicted of killing or taking away any Red or Fallow Deer, or being aiding therein without the Consent of the Owner or Person chiefly intrusted with the Custody of such Forests, &c.

Stat. 5 Geo. 1. c. 15. Sect. 5.

Persons

Penalties.

The same Penalties with the Deer-stealer.

And to be levied and employed *ut supra*.

See Stat. 9 Geo. 1. c. 22. Sect. 17. &c. *post*.

Three Months Imprisonment.

Fifty Pounds for each Deer. To be levied by Distress and distributed as Forfeitures are, by 3 & 4 W. & M. c. 10.

For want of Distress three Years Imprisonment, without Bail, or Mainprise, and to be set in the Pillory for two Hours on the Market-Day.

Subject

Offences.

Persons pulling down or destroying, or causing to be pulled down, or destroyed the Pales, or Walls of any Park, Forest, &c. where Red or Fallow Deer shall be then kept, without Owner's Consent.

One Witness.

Stat. 5 Geo. 1. c. 15. Sect. 6.

Penalties.

Subject to the like Forfeitures and Penalties as for killing Deer.

May, on Confirmation of any Conviction of Deer-stealing, by Superior Courts at *Westminster*, and Delivery of the Rite, proceed against the Party convicted, in the same Manner as if a *Procedendo* had been granted.

Stat. 5 Geo. 1. c. 15. Sect. 2.

Convicts before discharged to be bound to the Person offended in Fifty Pounds for their Good Behaviour, and not to offend in like Manner, and on Failure or Refusal, to be committed to the County Gaol till so bound. And if afterwards convicted on the Stat. 3 & 4 W. & M. c. 10. the Penalty of the Bond is forfeited, to be recovered with full Costs of Suit, in any of the Courts at *Westminster*, and likewise liable to the Penalties and Forfeitures in the said Statute.

Stat. 5 Geo. 1. c. 15. Sect. 4.

Not *Certiorari* for removing Convictions of Deer-stealing, or other Proceedings upon the Stat. 3 & 4 W. & M. c. 10. to be allowed, unless he first give Securities to the Justices who convicted him, in sixty Pounds for each Offence, to prosecute it, and to pay the Justice the Forfeitures due, &c. or render the Party convicted to the Justice in a Month after Conviction confirmed, or *Procedendo* granted.

Stat. 5 Geo. 1. c. 15. Sect. 1.

[One]

Penalty to be distributed in the same Manner as Forfeitures are by 3 & 4 W. & M. c. 10:

In Default of Rendering, &c. the Justice may proceed to execute the Conviction, as if no *Certiorari* had been.

Pokey

Offences.

[One] By 9 *Geo. 1. c. 21.* if any Persons with Swords, Fire-arms, or other offensive Weapons, and having their Faces black'd, or otherwise disguised, shall appear in any Forest, Warren, &c. or hunt, kill, or carry away any Deer, rob any Warren, steal Fish out of a Pond, or break down its Hind, kill or maim Cattle, cut down Trees in Avenues, Gardens, &c. set Fire to a House, Out-house, Stack of Corn, Straw, Hay, or Wood; shoot at any Person, send a Letter without a Name, or in a fictitious Name, demanding Money, Venison, &c. or rescue one in Custody for any of the said Offences, or procure any Person to join in any such Offence.

Stat. 9 *Geo. 1. c. 22.* Sect. 1.

Persons guilty of any of the said Offences, forwarding to a Judge of *B. R.* or Justice of Peace, and making a Confession and Discovery on Oath of their Accomplices, and where they may be found, &c.

Ibid. Sect. 2.

Inhabitants of the Hundred to satisfy Damages sustained by killing or maiming of Cattle, destroying Trees, setting Fire to any House, Out-house, Barn, Hovel, Stack of Corn, &c.

Ibid. Sect. 7.

But Notice must be given to the Inhabitants near, within two Days, and in four Days after that an Information on Oath to a Justice of the Hundred by the Party injured, and examined whether

Penalties.

Felony without Benefit of Clergy. Sect. 1, &c.

Note; Indictments, &c. hereon are triable in any County; but a Conviction works no Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Goods.

Ibid. Sect. 14.

To be pardoned, &c.

Ibid. Sect. 3.

Not exceeding 200 *l.* to be raised, &c. as the Stat. 27 *Edw.* of Hue and Cry directs.

Ibid. Sect. 7.

Offences.

Penalties.

ther they know the Party offending, and be bound by Recognition to prosecute.

Ibid. Sect. 8.

Also Actions against the Hundred must be commenced within one Year; And if any of the Offenders be convicted within six Months after the Offence, the Hundred is not liable.

Ibid. Sect. 9 & 10.

One Justice may warrant any Peace-Officer to enter any House to search for stolen Venison. *Ibid.* Sect. 11.

A Person having Venison or Deer-Skins found in his Custody, who bought it of one suspected of stealing it, &c. and not producing the Party of whom he so bought it, or prove on Oath the Name and Place of such Party's Abode, shall be convicted of Deer-stealing before one Justice.

Ibid. Sect. 17.

[*Qu. Sect.*] Unlawfully entering into any Park, Woods, or other Grounds enclosed, and there killing or chasing the Deer.

Stat. 5 *Eliz. c.* 21. Sect. 7.

And subject to the Penalties of 3 & 4 *W. & M. c.* 10. *Vide ante.*

Three Months Imprisonment, to be bound to the Good Behaviour for seven Years.

Treble Damages to the Party grieved.

Upon the Offenders Acknowledgment in Sessions, and Satisfaction to the Party, the Behaviour may be released.

Justices of Gaol-Delivery, by Order of Court, to transport for Seven Years to his Majesty's Plantations in *America* Persons convicted upon Indictment of Entering Parks, &c. with armed Force, and wilfully wounding or killing Red or Fallow Deer there.

Stat. 5 *Geo. 1. c.* 28. Sect. 1.

Offenders punished by this Act, not punishable by any other.

The

Offences.

Penalties.

The Act 9 Geo. 1. c. 22. commonly called the *Black Act*, to be openly read at every Quarter-Sessions and Leet.

Stat. 9 Geo. 1. c. 28. Sect. 15.

But Note; the said Act, by Sect. 16. was to continue only for 3 Years, from 1 July 1723. and to the End of the next Session. But by Stat. 12 Geo. 1. it is continued from the Expiration thereof for the Space of five Years, and to the End of the then next Session of Parliament.

Deserters. See Soldiers and Mariners.

Dissenters.

(Protestant.)
 {One} Dissenters, refusing to make and subscribe the Declaration in 30 Car. 2. c. 1. and to take the Oaths, which came in the room of the Oath of Allegiance and Supremacy.

Stat. 1 W. & M. Sess. 1. c. 18. Sect. 12.

Vide 10 Ann. c. 2. Sect. 7 & 8.

To be committed without Bail, and their Names to be certified to the Quarter-Sessions.

Persons refusing the Oath when tendered.

Stat. 1 W. & M. Sess. 1. c. 18. Sect. 12.

Vide 10 Ann. c. 2. Sect. 7 & 8.

To enter into a Recognizance with two Sureties of 50 l. for their producing a Certificate under the Hands of six of the Protestant Congregation, whereof he is one; two Protestant Witnesses, or a Certificate under the Hands of Four Church of England Protestants, that he is a Protestant.

May require Dissenting Teachers preaching in any Congregation, in such Counties where they have not qualified themselves as the Toleration-Act directs, to take the Oath and Declaration of Allegiance and Fidelity.

Stat. 10 Ann. c. 2.

{Qu. Sess.} Disturbing any Protestant Dissenting Teacher.

Stat. 1 W. & M. c. 18.

Two Witnesses.

Twenty Pounds.

The

Offences.**Penalties.**

The Acts of 19 *Ann. c. 2.* in Part, and 12 *Ann. c. 7.* excluding Dissenters from Offices, repealed by 5 *Geo. 1. c. 4.* But Magistrates knowingly or willingly resorting to, or being present at Meetings in *England, Wales, Berwick upon Tweed,* or the Isles of *Jersey or Guernsey,* with the *Insignia* or Habits of Office, are disabled, &c. Sect. 2.

See Tit. Oath of Allegiance, in Tit. Papist and Popish Superstition.

Dissenters. See Tit. Excise.

Dogs. See Tit. Game.

Drovers. See Tit. Sunday.

Draymen. See Tit. Waggon and Waggoners.

Drunkenness.

[One] ONE convicted for being Drunk.

Stat. 4 *Jac. 1. c. 5.* Sect. 2.

— 21 *Jac. 1. c. 7.* Sect. 3.

View, one Witness or Confession

The Prosecution to be within six Months.

Five Shillings for the Poor, where, &c. for the first Offence, within a Week, or to be levied by Distress and Sale after six Days.

And for want of Distress, to sit in the Stocks six Hours.

For the second Offence to be bound in two Sureties in ten Pounds to the Good Behaviour.

Alchouse-keeper convicted of Drunkenness.

Stat. 21 *Jac. 1. c. 7.* Sect. 4.

Conviction *ut supra.*

Disabled to keep an Alchouse for 3 Years.

Duty on Houses. See Windows.

Dyers.

[One] DYING Woollen Goods for *Mather's Blacks*, not dyed throughout with Woad or Indico and Mather only; or dying Cloths or Bays for *Woaded Blacks*, and not woaded throughout, forfeits according to

Offences, if more than 10 Miles from *London*, (where the Forfeiture does not exceed 5 *l.*) to be determined by two Justices. The whole to the Informer, and if not paid in twenty Days, leviable by Distress, &c. and if none, they

Offences.

Penalties.

to the Rates *infra*, and so in Proportion.

they may commit not exceeding three Months.

Stat. 13 Geo. 1. c. 24. Sect. 1, 3 & 7.

Ibid. Sect. 10, 11.

For a long *Becking* Bays of 70 Yards or more, if falsely Mather'd.

Forty-four Shillings.

Ibid. Sect. 2.

And if deceitfully died.

Thirty Shillings.

Ibid. Sect. 5.

For a *Colchester* or short Bays of thirty-five Yards, or other like Woollen Goods falsely Mather'd.

Twenty-two Shillings.

Ibid. Sect. 3.

And if deceitfully Dyed.

Twelve Shillings.

Ibid. Sect. 6.

For every Cloth falsly and deceitfully dyed (as Woaded) Black, not being Woaded throughout of 44 Yards or more.

Forty Shillings.

Ibid. Sect. 4.

For every Perpetuana or Stuff so dyed.

Four Shillings.

Ibid. Sect. 7.

And so in Proportion for every other Woollen Goods dyed as for Woaded Blacks.

Forfeits 4 l. for every Piece of Goods.

Ibid. Sect. 8.

All Woollen Goods truly Mathered Black to be marked with a Red Rose and a Blew Rose, and all such Goods woaded Black throughout, with a Blew Rose only. And counterfeiting Marks, or affixing such Marks to Woollen Goods deceitfully dyed.

Also using of Logwood in dying Blew, incurs the following Penalties, *viz.*

For every Piece of Cloth of 44 Yards or more, so dyed.

Forty Shillings.

Ibid. Sect. 9.

For a long *Becking* Bays of 70 Yards &c.

Twenty-two Shillings.

Ibid. Sect. 9.

For

Twelve

Offences.

For a Colchester Bays of thirty-five Yards, &c.

For a Perpetuana or Stuff of twenty-four Yards, &c.
And so in Proportion.

Penalties.

Twelve Shillings.
Ibid. Sect. 9.

Four Shillings.
Ibid. Sect. 9.

Prosecutions for the said Penalties are to be within forty Days after the Offence discovered. And Persons aggrieved by the two Justices Judgment may, on giving Notice, appeal to the next Quarter-Sessions, who are finally to determine, and may award Costs, &c. *Ibid.* Sect. 12.

All Penalties not exceeding 5 *l.* are determinable by two Justices or Quarter-Sessions, *ut supra*: But if the Offence be within London, or ten Miles, are one Moiety to the Informer, and the other to the Company of Dyers; and if above ten Miles from London, the whole to the Informer. *Ibid.* Sect. 11.

[*Du. Sess.*] Within London and ten Miles thereof, the Dyers Company, and above ten Miles, the Quarter-Sessions are to appoint Searchers, who (with a Peace-Officer) may by Day enter Shops, Warehouses or Workhouses of Dyers, &c. to search and examine Cloths, Bays, Stuffs, &c. dyed or to be dyed Black or Blew; and opposing, hindring, or refusing such Search, forfeits Ten Pounds, to be recovered at Westminster, &c. *Ibid.* Sect. 10 & 11.

East-India Company. See Felony.

Eggs. See Tit. Game.

Episcopal Ministers and Congregations. See Tit. Church.

Estreats.

[One] THE Officer who collects *Estreats* out of the County-Court, if he levies more than is contained in them.

Stat. 11 *H* 7. c. 15. Sect. 19.

40 *s.* to be divided between the King and the Prosecutor.

To examine this Matter, and if the Party be found guilty, to certify the Examination into the Exchequer within three Months, on Pain of 40 *s.*

The Certificate is a Conviction.

[Two] To view the Estreats before the Sheriff issues them out of the County-Court: And there are to be two Parts of them indented and

Offences.

Penalties.

and sealed by the Justices and Sheriff. One Part to remain with the Justices, and the other with the Sheriff.

Stat. 11 H. 7. c. 15. Sect. 17, 18. Quor. 1.

[Qu. Sess.] The Justices who are to have the Controlment of the Sheriff and his Extreats, are to be named in Michaelmas Sessions, by the *Custos Rotulorum*, or in his Absence by the Eldest of the *Quorum*.

Stat. 11 H. 7. c. 15. Sect. 20.

Examination.

[One] ONE accused of Manslaughter or Felony, who for Want of Bail, is to be sent to the Gaol, must be *examined* before he send him; and the Accusers must be bound over to give Evidence, whose Information must be taken in Writing.

Stat. 2 & 3 Phil. & Mar. c. 10.

Excise.

[One] ALL Informations, Complaints, and other Proceedings before Justices, by Virtue of the Stat. 6 Geo. 1. c. 21. or any other Act or Acts whatsoever, relating to the Duties of Excise, or any other Duty under the Management of the Commissioners of Excise, to be entred and inrolled in *English*. Sect. 23.

[Two] Persons opposing, molesting, or obstructing the *Officers of Excise* in the due Execution of the Powers or Authorities given by the Stat. 6 Geo. 1. c. 21. or any other Act or Acts relating to the Duties of Excise. Sect. 7.

Forfeit ten Pounds, to be sued for, recovered and levied or mitigated by such Ways and Means and Methods, as Penalties, &c. may by any Law of Excise.

(Brandy.)

All Distillers, Makers or Sellers of, or Dealers in Brandy, Arrack, Rum, Strong Waters, or Spirits, by Wholesale or Retail, to make true Entry in Writing, of all Ware-

On Penalty of forfeiting 20 l. for every such Warehouse, &c. to made Use of without Entry.

To be sued for, recovered and levied or mitigated in the same Manner.

(Brandy.)

Warehouses, Storehouses, Rooms, Shops, Cellars and Vaults, made Use of for keeping Brandy, &c. for Sale, at the next Excise-Office.

Stat. 6 Geo. 1. c. 21. Sect. 11.

All Persons who after the 1st of Aug. 1720. shall become Distillers, Makers, or Sellers of, or Dealers in Brandy, &c. to make like Entry of Warehouses, &c. before they take into their Custody or Possession any Brandy, &c.

Stat. 6 Geo. 1. c. 21. Sect. 12.

No Brandy, &c. to be brought into such Warehouse, &c. by Distillers, &c. without first giving Notice to Excise-Officer, and producing to and leaving with him an Authentick Certificate that the Duties of such Brandies, &c. have been actually paid or condemned as forfeited, or was Part of the Stock of some Importer, Distiller or Maker who paid the Duty.

Stat. 6 Geo. 1. c. 21. Sect. 13.

Distiller, Maker, Seller, or Dealer in Brandy, &c. hindring or refusing Officers of Excise to enter into their Warehouses, &c. to take Account of Brandy, &c. or shall let, hinder or obstruct Officers in Executing Powers given them by Stat. 6 Geo. 1. c. 21.

Stat. 6 Geo. 1. c. 21. Sect. 14.

No Brandy, &c. to be sold, uttered, or exposed to Sale by Wholesale or Retail, but when the same shall be in some or one of the said Warehouses, &c. so entered.

Stat. 6 Geo. 1. c. 21. Sect. 15.

No

Manner, as any Penalty or Forfeitures may by any the Laws of Excise.

One Moiety to the King, the other to the Informer. Sect. 14.

See Tit. ~~By~~ Sellers.

On the like Penalty of 20 l. for every such Warehouse, &c. so made Use of without Entry.

To be levied, mitigated, and divided *ut supra*.

On Penalty of forfeiting the Brandy, &c. so brought in, without Notice or Certificate, together with the Cask and Vessel.

50 l. for every Offence.

To be sued for, levied, mitigated, and divided *ut supra*.

On Penalty of 40 s. for every Gallon, &c.

To be levied, mitigated, and divided *ut supra*.

On

Offences:

Penalties.

(Brandy.)

No Brandy, &c. exceeding a Gallon, to be removed or carried from any Part of *Great Britain* to another by Land or Water, without a Permit or Certificate from one of the Officers of Excise.

Stat. 6 *Geo.* 1. c. 21. Sect. 17.

On Penalty of forfeiting the Brandy, &c. so removed, together with the Cask or Vessel.

Note; Persons who shall have in their Custody any Brandy, &c. exceeding the Quantity of 63 Gallons, are deemed Sellers of Brandy, &c. and are subject to the Survey of Officers of Excise. Stat. 6 *Geo.* 1. c. 21. Sect. 18.

Justices residing near the Place where a Seizure of Brandy, &c. clandestinely imported, shall be made, to summon the Person in whose Custody such Brandy, &c. was found, to appear before them, and upon the Appearance or Default of such Person so summoned, may in a summary Way proceed upon, hear, examine into, determine and give Judgment for the Condemnation of such Brandy, &c. And if it shall be found to be forfeited, to issue out their Warrant for Sale of such Brandy, &c. together with the Cask or Vessel. Stat. 6 *Geo.* 1. c. 21. Sect. 20.

Judgment of the Justices is final, and not liable to *Appeal* or *Certiorari*.

When Brandy, &c. is seized as aforesaid, and no Claim made in twenty Days, the Officer must cause publick Notice to be given by Proclamation the next Market-Day after the said twenty Days, of the Day and Place when and where Justices will proceed to examine into the Cause of such Seizure, and to give Judgment to the Condemnation of such Brandy, &c. so seized.

Judgment final, and not liable to *Appeal* or *Certiorari*. Stat. 6 *Geo.* 1. c. 21. Sect. 21.

Note; In both these last Cases, Justices have no Jurisdiction within the Limits of the Chief Excise-Office in *London*. Nor in Cases where the Seizure is made for unlawful Importation, and the whole Quantity of Brandy, &c. at any one Time for that Cause seized, doth exceed 63 Gallons. Stat. 6 *Geo.* 1. c. 21. Sect. 20.

Master and Purser of any Ship who shall suffer any Brandy, &c. or other uncustomed or prohibited Goods, to be put out of his Ship

If convicted, shall (besides the Penalties and Forfeitures to which they shall be liable by any Law now in Being) suffer six Months Imprison-

M m 2

(Brandy.)

Ship or Vessel into any Hoy, Lighter, Boat or Bottom, to be laid on Land ; or shall suffer any *Wool, Wolfells, Mortlings, Shortlings, Yarn made of Wool, Woolflocks, Fullers-Earth, Fulling Clay, or Tobacco-pipe Clay,* to be put on board such Ship to be carried beyond Sea. Stat. 6 Geo. 1. c. 21. Sect. 31.

Imprisonment without Bail or Mainprize.

(Brewers.)

[One] To take the Oaths of two able Artists to compute the Contents and Gauge of all Brewing-Vessels. Stat. 15 Car. 2. c. 11. Sect. 7.

[Two] Brewers not making true Entries once a Week.

Stat. 12 Car. 2. c. 23 & 24. Sect. 16, 17. 1 W. & M. Sess. 1. c. 24.

One Witness or Confession.

The Prosecution must be within three Months.

Five Pounds, and ten Pounds more, to be levied by Distress and Sale if not redeemed in fourteen Days ; and for want of Distress, to be imprisoned till Satisfaction made.

The Forfeiture may be mitigated, so as it be not less than double the Duty of Excise, besides Costs and Charges.

Three Fourths to the King, and one to the Informer, after Charges deducted.

Note ; The first Warrant must be returned, That there is no Distress, before a second Warrant can issue to take the Body.

Brewers, not paying within a Week, and Retailers within a Month after making their Entries. Stat. 12 Car. 2. cap. 23. Sect. 17. c. 24. Sect. 31.

Prosecution and Conviction *ut supra.*

Double the Duty to be levied and mitigated *ut supra.*

Brewers

Five

(Brewers.)

Brewers, Victuallers, and Distillers, refusing Gaugers to enter; and being forbid by Gaugers to sell, felling and delivering out any Liquors, not having paid the Duty. Stat. 12 Car. 2. c. 23. Sect. 19. c. 24. Sect. 32. 1 W. & M. Sect. 1. c. 24. Prosecution and Conviction *ut supra*.

Brewers making false Entries. Stat. 12 Car. 2. c. 23. Sect. 23. Prosecution and Conviction *ut supra*.

Brewer, or Retailer, without giving Notice at the next Excise-Office, setting up, altering or enlarging any Tun, Fat, Back, Cooler or Copper, and using them, or keeping any private Storehouse for laying such Liquors in Cask. Stat. 15 Car. 2. c. 11. Sect. 1. 1 W. & M. Sect. 1. c. 24.

Two Witnesses.

Informations to be brought in 3 Months, and Notice given in a Week after Information brought.

Persons in whose Occupation the House, &c. is, where a concealed Tun, &c. shall be discovered. Stat. 15 Car. 2. c. 11. Sect. 1.

Prosecution and Conviction *ut supra*.

Note; There must be an Adjudication of this specifick Forfeiture before the Justices, before a Sale, for the Use of the Poor; or a Distribution amongst them.

Five Pounds, and ten Pounds more, over and above the double Value. To be levied, mitigated, and divided *ut supra*.

Over and above the said Penalties, forfeits his Allowance for Waste and Leakage for six Months.

Fifty Pounds for every Tun, &c. to be levied by Distress and Sale; and for Want

To be committed to the County Gaol for 3 Months.

One Third to the King, one Third to the Poor, and one Third to the Informer.

200 Pounds by Stat. 8 W. 3. c. 19. Sect. 8.

Fifty Pounds to be levied and employ'd *ut supra*.

Or he to be punished *ut supra*; and also such Tun, &c. with the Beer, &c. to be seized and delivered to the Overseers of the Poor, to be sold for their Use, or distributed amongst them.

(Brewers.)

Brewer delivering, or carrying out Ale, or Beer, to his Customers in any City, &c. before Notice, unless between Three in the Morning and Nine in the Evening, from *March 25* to *September 29*, unless between Five in the Morning and Seven in the Evening, from *29 September* to *25 March*. Stat. 15 Car. 2. c. 11. Sect. 11.

Conviction and Prosecution *ut supra*.

Brewers converting small Drink into strong, by Mixture, after the Gauge taken, without Notice to a Gauger, or hiding or concealing Drink ungauged. Stat. 15 Car. 2. c. 11. Sect. 12.

Conviction and Prosecution *ut supra*.

Brewers not shewing to the Gaugers all the Beer, Ale, or Worts of every Guile. Stat. 1 W. & M. Sess. 1. c. 24. Sect. 10.

Conviction and Prosecution *ut supra*.

Brewers or Victuallers cleansing before the whole Guile is brewed off. Stat. 7 W. 3. c. 30. Sect. 21.

Brewers or Victuallers, refusing Gauger to enter and stay in his Brewhouse to see the Guile brewed off. Stat. 7 W. 3. c. 30. Sect. 22.

Brewer or Inn-keeper, upon carrying out Drink, or after carried out, mixing any Small with Strong upon the Dray, or in the Vic-

Twenty Shillings a Barrel, to be levied and employed, and the Party punished *ut supra*.

Twenty Shillings a Barrel, to be levied and employed, and the Party punished *ut supra*.

To have no Benefit of the *Proviso* in 15 Car. 2. c. 11. touching Mis-Entry, and incurs all the Penalties imposed by the former Acts.

Forty Shillings a Barrel, to be recovered and employed *ut supra*.

Twenty Pounds to be recovered and employed *ut supra*.

Five Pounds, to be recovered and employed *ut supra*.

(Brewers.)

Victualler's Cellar. Stat. 7 *W.* 3. c. 30. Sect. 23.

Brewer, Distiller, or any other, obstructing the Officer in searching for private Tun, Back, Cask, &c. Stat. 7 *W.* 3. c. 30. Sect. 27.

Brewer refusing to declare his Length. Stat. 8 & 9 *W.* 3. c. 18. Sect. 2.

Brewer making any Increase, or found laid off, after the Length declared. Stat. 8 & 9 *W.* 3. c. 18. Sect. 2.

Brewer's Servant concerned in making such Increase. Stat. 8 & 9 *W.* 3. c. 18. Sect. 2.

Brewer keeping any private Pipe or Conveyance, &c. or Hole in any Tun, &c. Stat. 8 & 9 *W.* 3. c. 18. Sect. 4.

Brewer, or other Person obstructing the Officer in searching for such Pipes. Stat. 8 & 9 *W.* 3. c. 18. Sect. 6.

Brewers carrying out and delivering any Wash, Tilts, &c. to any Distiller or Vinegar-Maker, without Notice. Stat. 8 & 9 *W.* 3. c. 18. Sect. 9.

Brewer, Inn-keeper, &c. using or mixing any Sugar, Honey, Foreign Grains, Guinosa Pepper, *Efsentia Bini*, *Coccus*, *India*, or any other unwholesome Ingredients in brewing Beer, or Ale, &c. Stat. 1 *Ann.* Sect. 2. c. 3. Sect. 29.

Twenty Pounds, to be recovered and employed *ut supra*.

Twenty Shillings a Barrel, for the whole Guile; to be recovered and employed *ut supra*, and to be charged strong.

Five Pounds a Barrel, to be recovered and employed *ut supra*.

Twenty Shillings, to be recovered and employed *ut supra*.

100 Pounds, to be recovered and employed *ut supra*.

50 Pounds to be recovered and employed *ut supra*.

Twenty Shillings a Barrel, to be recovered and employed *ut supra*.

Twenty Pounds, to be recovered and disposed *ut supra*.

Brewers who conspire to sell their Drink but at certain Prices. See Tit. *Conspiracies*.

(Cyder-Makers.)

[Two] Makers of Cyder concealing it. Stat. 7 W. 3. c. 30. Sect. 16.

Forty Shillings a Hoghead, and so proportionably, to be levied and employed *ut supra*.

Makers of Cyder, &c. refusing Gauger to enter and take Account. Stat. 7 W. 3. cap. 30. Sect. 16.

Fifteen Pounds to be levied and employed *ut supra*.

Makers of Cyder delivering any Wash or Cyder to any Distiller, or Vinegar-maker, without Notice.

Twenty Shillings a Barrel, to be recovered and employed *ut supra*.

Stat. 8 & 9 W. 3. cap. 18. Sect. 9.

(Distillers.)

[One] Persons making or keeping any Wash, Cyder, or other Materials fit for Distillation; and having in his or their Possession or Occupation, any Still or Stills, containing twenty Gallons or upwards, shall be deemed a common Distiller.

Liable to the several Rates and Duties of Excise, and subject to the Penalties and Forfeitures of this and all other Acts in Force.

Stat. 8 & 9 W. 3. cap. 18. Sect. 11.

Conviction upon the Oath of or more credible Witnesses.

When any Person is suspected to conceal any Still, Back, or other Vessels, Spirits, Low-Wines, or other Materials for Distillation.

Upon an Affidavit declaring the Grounds of such Suspicion, to grant a Warrant to search for, and seize such Still, &c. And if not claimed by the Owner in 20 Days, to be sold by the Commissioners of Excise.

Stat. 10 & 11 W. 3. c. 4. Sect. 7.

[Two] Distillers of Low-Wines, removing them after Account taken by the Gauger, without

Five Shillings a Gallon, to be levied by Distress and Sale.

Offences.

Penalties.

Distillers.

out drawing them off a second time.

Stat. 1 *W. & M.* Seff. 1. c. 24. Sect. 3.

Conviction by two Witnesses.

Prosecution in three Months; Notice in a Week, as against Brewers: And so for all other Offences.

Distillers, on Request of a Gauger in the Day-time, or in the Night, in Presence of a Constable, refusing to permit Gauger to enter his Dwelling-house.

Stat. 1 *W. & M.* Seff. 1. c. 24. Sect. 9.

Conviction *ut supra*.

Double the Value, and 5 *l.* and 10 *l.* and no Need of proving Sale, &c. before Duty paid, &c. to be levied and employed, *ut supra*.

To hear and determine Complaints of Over-charges, upon Oath, or other due Proof.

Stat. 1 *W. & M.* Seff. 1. c. 24. Sect. 13.

Distillers setting up, making use of, or altering any Tun, Cask, &c. for the Brewing, or making any Wash, Low-Wines, or Spirits for Sale; or making use of any private Ware-house, Cellar, or other Place for laying of any Wash, &c. without first giving Notice at the next Office of Excise: And the Persons in whose Occupation such Tun, &c. shall be found.

Stat. 3 & 4 *W. & M.* c. 15. Sect. 1.

Twenty Pounds to be levied *ut supra*.

One Moiety to the King, the other to the Informer.

Distillers hiding, concealing, or conveying any Low-Wines, Spirits, or Strong-Waters, from the Sight of the Gauger.

Stat. 3 & 4 *W. & M.* c. 15. Sect. 2.

Five Shillings a Gallon.

To be recovered as by 12 & 13 *Car.* 2 and employed *ut supra*.

Distillers

(Distillers.)

Distillers preparing any Wash, or other Material, before he has drawn off all the Liquors made from Corn.

Stat. 7 W. 3. c. 30. Sect. 8.

Distillers refusing Gauger to stay in the Still-house, to see the Stills wrought off, &c.

Stat. 7 W. 3. c. 30. Sect. 12.

Distillers carrying out Spirits, or working Stills, at other Hours, than from *Michaelmas* to *Lady-day*, between Five in the Morning and Eight at Night; and from *Lady-day* to *Michaelmas*, between Three in the Morning and Nine at Night.

Stat. 7 W. 3. c. 30. Sect. 15.

Distiller, or any other obstructing the Officer in searching for private Tun, Back, Cask, &c.

Stat. 7 W. 3. c. 30. Sect. 27.

Distiller keeping any private Pipe, Hole, or other Conveyance, &c. from one Vessel to another.

Stat. 10 & 11 W. 3. cap. 4. Sect. 3.

Distiller, or other Person obstructing the Officer in searching for private Pipe, &c.

Stat. 10 & 11 W. 3. cap. 4. Sect. 5.

Distiller keeping any private Still or other Vessel, he or other hindring the Officer in searching for the same; and Person in whose Custody

Five Pounds a Barrel, to be levied *ut supra*.

One Moiety to the King, the other to the Informer.

Twenty Pounds, to be levied and employed *ut supra*.

Ten Pounds to be levied and employed *ut supra*.

Twenty Pounds, to be recovered and employed *ut supra*.

One hundred Pounds, to be recovered and disposed *ut supra*.

One hundred Pounds to be recovered and disposed *ut supra*.

Two hundred Pounds, to be recovered and disposed *ut supra*.

(Distillers.)

Custody such Still or Vessel shall be found.

Stat. 10 & 11 W. 3. c. 4. Sect. 7.

After 1 July 1729. none to sell Brandy, &c. about the Street, or on the Water, or on any Bulk, &c. (See Brandy.)

Stat. 2. Geo. 2. c. 17. Sect. 16.

[One] Distillers are not to sell Brandy, &c. by Retail in less Quantities than one Pint.

16 Geo. 2.

On Forfeiture of 10 l.

See 9 Geo. 2. c. 11.

Forfeit 10 s. for every Offence, and for want of Distress two Months Imprisonment.

(Gaugers.)

[Two] Gaugers who do not weekly deliver to Brewers a true Copy, under their Hands, of the Return they charge him with.

Stat. 15 Car. 2. c. 11. Sect. 5.

Two Witnesses.

Informations to be brought in three Months, and Notice given in a Week after Information brought.

Gauger taking a Bribe to make a false Return, and the Party who gives the Bribe.

Stat. 15 Car. 2. c. 11. Sect. 16.

Gaugers not leaving Notes with Brewers of the last Gauges.

Stat. 1 W. & M. Sect. 1. c. 24. Sect. 12.

To adjudge what Satisfaction the Gaugers and Officers of the Excise shall make, where any Door or House is broke open, and no private or concealed Back, Still, or other Vessel, Spirits, Low-Wines, Wash, or other Materials for Distillation shall be found.

Stat. 10 & 11 W. 3. c. 4. Sect. 8. Quor. 1.

Forty Shillings for every Neglect, to be levied by Distress and Sale; and for want, to be committed to the County-Gaol for three Months.

One Third to the King, one Third to the Poor, one Third to the Informer.

Ten Pounds for every Offence, to be levied and employed, or the Party punished *ut supra*.

Forty Shillings to be levied *ut supra*.

(Makers

Offences.

Penalties.

(Makers of Mead, Vinegar, Metheglin and Sweets.)

[Two] Makers of *Vinegar, Mead, Metheglin, or Sweets* for Sale, concealing them.

Stat. 7 W. 3. c. 30. Sect. 16.

Forty Shillings for every Barrel of *Vinegar or Sweets* so hid, and so proportionably. And five Shillings for every Gallon of *Mead or Metheglin*.

To be levied *ut supra*.

One Moiety to the King, the other to the Informer.

Makers of *Vinegar, &c.* refusing *Gauger* to enter and take Account.

Stat. 7 W. 3. c. 30. Sect. 17.

Fifteen Pounds to be levied and employed *ut supra*.

Makers of *Vinegar and Sweets*, carrying them out without Notice, at other Hours than from *Michaelmas* to *Lady-day*, between Five in the Morning and Eight at Night; and from *Lady-day* to *Michaelmas* between three in the Morning and Nine at Night.

Stat. 7 W. 3. c. 30. Sect. 18.

Forty Shillings a Barrel to be recovered and employed *ut supra*.

Sweet-makers setting up, or using any private Steeping-Tub, Tun, &c. without Notice, &c.

Stat. 8 W. 3. c. 21. Sect. 12.

Fifty Pounds, to be recovered and employed *ut supra*.

Vinegar-makers receiving Liquors in, or delivering *Vinegar* out at other Hours than from 29 Sept. to 25 March, between Seven in the Morning and Five in the Evening; and from 25 March to 29 September, between Five in the Morning and Seven in the Evening.

Stat. 10 & 11 W. 3. c. 21. Sect. 12.

Fifty Pounds, to be recovered and disposed *ut supra*.

Vinegar-maker, taking in Liquors, and mixing them with other

Twenty Pounds, to be recovered and disposed *ut supra*.

Offences.

Penalties.

(Makers of Mead, Vinegar, Metbeglin and Sweets)

ther Liquors, before he shews them to the Gauger.

Stat. 10 & 11 W. 3. c. 21. Sect. 13.

Vinegar-maker keeping a private Store-house, Cellar, &c.

Stat. 10 & 11 W. 3. c. 21. Sect. 14.

Sweets made for Sale, for which the Duty is paid, or charged by the Excise-Officer, not to be removed from one Place to another, without Certificate under the Hand of the Officer of Excise of the Place from whence such Sweets are so to be sent or removed. The Maker who shall send or remove such Sweets, and Vintner who shall receive or take them without Certificate.

Stat. 6 Geo. 1. c. 21. Sect. 22.

The Judgment is final, and liable to no Appeal or Certiorari.

Fifty Pounds, to be recovered and disposed *ut supra*.

Forfeit respectively ten Shillings *per* Gallon, together with the Casks and Vessels containing the same.

To be seized by Officers of Excise.

And to be proceeded upon, heard, examined into, adjudged and determined by the same Ways and Means, and in the same Manner and Form as is prescribed to be done upon Seizures of Brandy, &c.

See Tit. Brandy and Bitters, *ante*.

Note; Justices have no Jurisdiction within the Limits of the Chief Office of Excise in London.

Stat. 6 Geo. 1. c. 21. Sect. 22.

(Inn-keeper or Victualler.)

[Two] Inn-keepers, not making true Entries once a Month.

Stat. 12 Car. 2. c. 16, 23 and 24. Sect. 30.

— 1 W. & M. Sess. 1. c. 24.

One Witness, or Confession.

The Prosecution must be within three Months.

Five Pounds, and Five Pounds more, to be levied, mitigated, and divided in the same Manner as the Penalty on Brewers, not making true Entries once a Week.

Vide Bitters *ante*.

Inn-keeper

Five

(Inn-keeper or Victualler.)

Inn-keeper or *Victualler* refusing Gauger to enter their Cellars, and taste the Drink.

Stat. 7 *W.* 3. c. 30. Sect. 23.

Five Pounds to be levied by Distress and Sale. One Moiety to the King, the other to the Informer.

Inn-keepers or *Victuallers* may retail Brandy, &c. by less Quantities than one Pint, being duly licensed according to 16 *Geo.* 2.

(Low-Wines.)

[Two] *Low-Wines* or *Spirits* brought by *Sea Coastwise* from any Port or Place in this Kingdom to another, without a Certificate from the Officer of Excise, that the Duty has been paid.

Stat. 3 *Geo.* 1. c. 4. Sect. 17.

Forfeited, and may be seized by the Officers of the Customs or Excise.

To be used for, recovered, determined and mitigated as Penalties may by any the Laws of Excise.

One Moiety to the King, the other to the Person that shall sue or inform.

(Malt.)

[Two] *Malster* or *Maker of Malt* for Sale, or Exportation, who shall cause, or permit any Barley or other Corn or Grain making into Malt, to be *Steeped Wetted*, or *Watered*, upon the Couch or Floor, or in any other Place but in Cisterns or Uting Vats duly entered at the Office of Excise of the Division or Place where such Malt shall be wetted.

Stat. 6 *Geo.* 1. c. 21. Sect. 1.

Forfeits 2 s. 6 d. for every Bushel of Malt so *steeped*, *wetted*, or *watered*.

To be sued for, recovered, and levied or mitigated, by such Ways, and Means, and Methods, as Penalties or Forfeitures may by any Laws of Excise.

Sect. 9.

Malster, or *Maker of Malt* for Sale or Exportation, who shall cause or permit any Corn or Grain

Forfeits 5 s. for every Bushel. To be recovered, levied, or mitigated, *at supra*.

Offences.

Penalties.

(Malt.)

Grain by him making into Malt, to be worked or made in such Manner, that the same shall a-crepsire, that is to say, run out, grow or sprout at that End of the Corn or Grain from which the Blade proceeds.

Stat. 6 Geo. 1. c. 21. Sect. 2.

Excise-Officer discovering such a-crepsired Corn, or Grain making into Malt, to give Notice thereof in Writing within forty-eight Hours to the Malster, or Maker of such Malt, or his Servant.

Stat. 6 Geo. 1. c. 21. Sect. 3.

Person or Persons Shipping, or who shall cause or procure to be shipped, Malt mixed with unmal-tered Oats or Barley.

Stat. 6 Geo. 1. c. 21. Sect. 4.

Exporter of Malt to give 48 Hours Notice in Writing to the Port-Officer of the Day and Hour when Malt intended to be shipped, or put on board for Exportation, shall begin to be put on Board, (and also of the Name of the Ship, &c. by 12 Geo. 1. c. 4. Sect. 56.)

Stat. 6 Geo. 1. c. 21. Sect. 6.

Every Malster or Maker of Malt (other than Compounder for the Duty on Malt) where Corn in any Cistern or Uting Vat is steeping or steeped, in order to be made into Malt, shall be found so hard, close, and compact, as it could not be, unless it had been forced together, to pre-

1

vent

On Penalty of 40 s. for every Neglect of such Notice, *ut supra*.

Forfeits 5 s. for every Bushel, *ut supra*.

Five Shillings for every Bushel of Malt, shipped or put on Board without Notice, *ut supra*.

Two Shillings and Sixpence for every Bushel of such Corn steeping or steeped, which shall be found so hard, close, and compact, *ut supra*.

See the Stat. 12 Geo. 1. c. 4. and 2 Geo. 2. c. 1. Tit. Malt.

(Malt.)

vent the Rising and Swelling thereof.

Stat. 6 Geo. 1. c. 21. Sect. 8.

[Du. Sess.] Upon Appeals against Original Judgments, given by particular Justices, upon Information for Offences committed contrary to the Acts relating to the Duties upon *Malt*, the Duties upon *Hides*, &c. and upon *Vellum* or *Parchment*, to re-hear, examine, and consider the Truth and Merits of the Facts in Question, and to re-examine the Witnesses upon Oath, and finally determine; and may rectify and amend Defects of Form in Proceedings before the Justices, who gave such Original Judgments.

Stat. 6 Geo. 1. c. 21. Sect. 10.

See *Malt*, post.

(Retailers of Beer, Ale, Cyder, Perry, Metheglin, &c.)

[Two] Retailers of Beer, Ale, Cyder, Perry, Metheglin, or Strong Waters, not making true Entries once a Month.

Stat. 12 Car. 2. c. 23. Sect. 15. c. 24. Sect. 29.

— 1 W. & M. Sess. 1. c. 24.

One Witness, or Confession.

The Prosecution must be within three Months.

20s. and 20s. more to be levied, mitigated, and divided in the same Manner as the Penalty on Brewers, not making true Entries once a Month.

See *Brewers*, ante.

Retailers of Beer, &c. after Receipt from Brewer, mixing Beer, &c. of extraordinary Strength, with any Small Beer, &c. in a Vessel that holds three Gallons or more.

Stat. 22 & 23 Car. 2. cap. 5. Sect. 11.

Double the Duty of Strong so mixed; to be levied by Distress and Sale.

One Third to the King; one Third to the Poor; and one Third to the Informer.

Witnesses refusing to appear.

Stat. 22 & 23 Car. 2. cap. 5. Sect. 11.

40s. to be levied and disposed as *supra*.

Increased to 10l. by 7 & 8 W. 3. c. 30. Sect. 19.

Offences.

Penalties.

(Retailers of Beer, Ale, Cyder, Perry, Methoglin, &c.)

N. B. All Complaints and Informations depending at the Chief Office of Excise, may be heard and determined by any Three or more of the Commissioners; and every such Adjudication and Determination may be executed by a Warrant under the Hands and Seals of any Three of the Commissioners. 1 Geo. 2. c. 16.

Fairs.

[Qu. Sell.] **O**wner of a Fair or Market, not appointing a *Toll-taker* (where Toll is taken) or a *Book-keeper* (where Toll is paid) to sit there from Ten of the Clock in the Forenoon, till Sun-set.

Stat. 2 & 3 P & M. cap. 7. Sect. 2.

The Toll-taker or Book-keeper not delivering in one Day after, unto the Owner, a No: of all *Horses* sold there.

Stat. 2 & 3 P. & M. cap. 7. Sect. 9.

Every Seller or Exchanger of an *Horse*, in a Fair or Market, which being unknown to the Toll-taker or Book-keeper, doth not procure one credible Witness, that is well known unto him, to vouch the Sale of the same *Horse*, and every false Voucher, and the Toll-taker, or Book-keeper who suffers such Sale or Exchange to pass.

Stat. 31 Elix. c. 12. Sect. 2.

40 s. for every Default, to be divided between the King and Prosecutor.

40 s. to be divided *as supra*.

Five Pounds, to be divided between the Queen and the Prosecutor; and the Sale void.

False Tokens.

Offences.

[Two] **T**O convene by Process, or otherwise, Persons suspected to have gotten Money or other Thing by False Tokens or Counterfeit Letter.

Stat. 33 H. 8. c. 1. Sect. 3.

Quor. 1.

[Qu. Sess.] Persons obtaining any Money or Thing, by Colour of any False Token or counterfeit Letters.

Stat. 33 H. 8. c. 1. Sect. 2.

Confession or Witnesses.

Penalties.

To commit or bail till Assises or Sessions, or otherwise to order them at their Discretion.

To suffer such Punishment as the Court shall adjudge, Death only excepted.

Fellers of Oak-Trees.

[Qu. Sess.] **F**ellers of Oak-Trees apt for Barking, where Bark is worth 2 s. a Cart-Load (except Timber for Repair of Houses, Ships and Mills) but only between the first of April and the last of June.

Stat. 1 Jac. 1. c. 22. Sect. 20.

Quor. 1.

Forfeit the Trees, or the double Value of them, to be divided, one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty where the Offence is committed.

Felons. See Tit. Transportation.

Felonies by late Statutes. See Tit. Mint, Turnpikes, Stolen Goods, &c.

FORGING or counterfeiting Stamps, or using, uttering, or vending Stamp-Paper, knowing it counterfeit.

See the Stat. 5 W. & M. c. 21. 9 W. 3. c. 25. 9 Ann. c. 23. Sect. 41. 10 Ann. c. 19, 26.

Clergy excluded.

Offences.

Penalties.

So causing or procuring such counterfeiting, using, &c. Stat. 6
Geo. 1. c. 21. Sect. 58.

So Forging or Counterfeiting
 a Receipt for the Duty on Inden-
 tures of Apprenticeship.
Stat. 8 Ann. c. 9.

Clergy excluded.

So is the procuring a counter-
 feit Stamp to be made.
Stat. 6 Geo. 1. c. 9. Sect. 60.

Clergy excluded.

[One] If any Person after the
 first of *March* 1721. shall forge
 or counterfeit, or procure to be
 forged or counterfeited, or know-
 ingly and wilfully act or assist in
 the forging or counterfeiting any
 Letter of Attorney or other Au-
 thority or Instrument to transfer,
 assign, sell or convey any Share
 or Shares of any Proprietor of
 the Shares of and in the Capital
 Stock and Funds of any *Body or*
Bodies Politick or Corporate esta-
 blished by Act of Parliament; or
 shall receive any Annuity or Di-
 vidend attending the said Shares,
 or counterfeit the Name of any
 Proprietor of any such Share, &c.
 or falsely and deceitfully perfo-
 rate any true Proprietor of such
 Shares, &c. or who shall receive
 or endeavour to receive the Money
 of such Proprietor, as if he was
 the true Proprietor.

Clergy excluded.

Stat. 8 Geo. 1. c. 22. Sect. 1.

Forging or counterfeiting Ex-
 chequer-Bills, or any Indorsement
 thereon, or knowingly tendering
 the same in Payment, or to be
 exchanged for ready Money, &c.

Clergy excluded.

Stat. 9 Geo. 1. c. 5. Sect. 19.
 (and see *Stat. 2 Geo. 2. c. 1. Sect.*
32).

Altering

N n 2

Clergy

Offences.

Penalties.

Altering or counterfeiting Army Debentures, or fraudulently issuing the same.

Stat. 9 Geo. 1. c. 5. Sect. 36.

Clergy excluded.

Forging or counterfeiting Orders for Debentures, &c. or procuring thereof, or assisting therein, or of Assignments of such Orders, or of Annuities payable thereon, or of Receipts or Discharges on such Orders, or of Letters of Attorney for assigning the same, or falsely receiving Money due thereon, or counterfeiting the Names of the Proprietors of such Orders, &c. or personating any Proprietor. Stat. 9 Geo. 1. c. 12. Sect. 4.

Clergy excluded.

Note ; The Penalties of the said Acts 9 Geo. 1. c. 5. and c. 12. are more fully enforced by c. 19. Sect. 11. And as to the Exchequer Bills, by Stat. 2 Geo. 2. c. 1. Sect. 32.

John Plunkett, and his Aiders, Rescuers, &c. if he breaks Prison, or Escapes. Stat. 9 Geo. 1. c. 15. Sect. 2.

Clergy excluded.

George Kelly, also Johnson, &c. and the like. Stat. 9 Geo. 1. c. 16. Sect. 2.

Clergy excluded.

Francis, late Bishop of Rochester, Persons concealing him, or aiding him to Return, or holding Intelligence or Correspondence with him, or any employed by him. Stat. 9 Geo. 1. c. 17. Sect. 2 and 3.

Clergy excluded.

Making Holes in a Ship, stealing its Pump, or doing any thing tending to sink it, &c. Stat. 12 Ann. Sess. 2. c. 18. Sect. 5.

Clergy excluded.

Offences.

Penalties.

By the Act for Relief of Insolvent Debtors, a Prisoner forswearing himself is guilty of Felony without Benefit of Clergy. Stat. 2 Geo. 2. c. 20. Sect. 18.

And Note; The Act 2 Geo. 2. c. 25. for more effectual Preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Money, whereby Forging or Counterfeiting, (or procuring or assisting therein) or knowingly publishing any Deed, Will, Bond, Writing Obligatory, Bill of Exchange, or Promissory Note for Money, or Indorsement, or Attainment of such Bill or Note, or any Acquittance, or Receipt for Money or Goods with Intent to Defraud. *Ibid.* Sect. 1.

Felony, and Clergy excluded.

Persons found guilty of Perjury or Sabornation, may be committed for Correction, (or Transportation) not exceeding seven Years, and if they escape or return within that Time. *Ibid.* Sect. 2.

Felony *sans* Clergy, to be tried in the Place where he escaped, or was apprehended.

Stealing or taking by Robbery any Exchequer-Orders, or Tallies, or Orders in the Annuities, or any Parliamentary Funds, or any Exchequer-Bills, Bank-Notes, *South-Sea* or *East-India* Bonds, Dividend Warrants of any Company, Bills of Exchange, Navy Bills or Debentures, Goldsmiths Notes for Money, or other Bonds, or Warrants, Bills or Promissory Notes for Money, though only a *Chefs* in Action. *Ibid.* Sect. 3.

Felony with or without Clergy, according to the Value.

But no Attainder of these Offences to work Corruption of Blood, Loss of Dower, and Disinheritance of Heirs. And the Act to continue

Offences.

Penalties.

five Years, and to the End of the next Session. *Ibid.* Sect. 5 and 6.

See Tit. *Clothiers, Deer-Dealers, Mint, Stamp-Duties, Stolen Goods, Turpitudes, &c.*

See also Tit. *Examination and Felony. Fences.* See *Oxherd.*

Fire.

[Two] Church-wardens of every Parish within the *Weekly Bills of Mortality*, not making, placing, fixing, and continuing Stop-blocks or Fire-cocks on Mains and Pipes, and not having and keeping in Repair a large Engine, Hand-Engine, and Leather Pipe and Socket. Stat. 6 *Ann. c. 31.* Sect. 1.

Church-warden, where Fire happens, not paying to the Turn-Cock, whose Water shall be found on, or first come into the Main or Pipe. Stat. 6 *Ann. c. 31.* Sect. 1.

Church-warden, where Fire happens not paying to the first Engine-keeper, who brings in a Parish-Engine, 30 *s.* to the second 20 *s.* and to the third 10 *s.* Stat. 6 *Ann. c. 31.* Sect. 1.

Menial, or other Servants firing any Dwelling-house, or Out-house, through Negligence or Carelessness. Stat. 6 *Ann. c. 31.* Sect. 3.

Ten Pounds, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor of the Parish.

Forfeits Ten Shillings to be levied by Distress and Sale.

The 30 *s.* 20 *s.* and 10 *s.* to be levied by Distress and Sale.

100 Pounds, to be paid to the Church-wardens, to be given to Sufferers by Fire; in Case of Default or Refusal, to be committed to the Work-house, or House of Correction to hard Labour, as the Justices shall think fit.

Offences.

The Owner, or Head-Builder, or Workman, who shall build any new House without a Party-Wall between House and House, wholly of Brick and Stone, and two Bricks thick in the Cellar, and Ground-Stories; and if it be not 13 Inches thick upwards, and 18 Inches above the Roof: And if any Mendillian, or Cornice, of Timber, or Wood, under the Eaves, shall be made, or suffered in any such new House and Houses; and if all Front and Rear Walls of every House and Houses, shall not be built of Brick or Stone, to be carried a Foot and Half above the Garret and Floor, and cop'd with Stone or Brick. Stat. 6 Ann. cap. 31. Sect. 4. See the Stat. 11 Geo. 1. c. 28. Tit. Buildings.

Penalties.

Fifty Pounds apiece, to be levied by Distress and Sale; and for want of Distress to be imprisoned till Payment.

One Moiety to the Informer, the other to the Poor.

Actions against Persons where the Fire accidentally begins taken away for three Years.

But made perpetual by 10 Ann. c. 14.

Fire-works. See Squibs

Fish.

[One] **E**Rectors of Wear or Weirs along the Sea-Shore, or in any Haven or Creek, &c. wilfully destroying the Spawn or Fry of Fish. Stat. 3 Jac. 1. c. 12. Sect. 2.

Ten Pounds, to be levied by Distress, &c. and divided between the Poor and the Prosecutor.

Fishers in any Haven or Creek, or in five Miles of them, with any Net of less Mesh than three Inches and an Half between Knot and Knot (except for the taking Smoulds in Norfolk only) or with a Canvas Net, or other Engine, whereby the Spawn or Fry of Fish may be destroyed. Stat. 3 Jac. 1. c. 12. Sect. 2.

The Net or Engine to be forfeited, and 10 s. to be levied and divided *ut supra*.

Persons

N n 4

Such

Offences.

Persons taking Fish by any Device, in any several Water, or River, or assisting therein, without the Owner's Consent. Stat. 22 & 23 Car. 2. c. 25. Sect. 7.

Confession, or one Witness.
Prosecution to be in a Month.

Persons keeping any Net, Angle, Leap, Piche, or other Engine for taking Fish, other than Makers and Sellers of them, and Owners or Occupiers of Rivers or Fisheries. Stat. 4 & 5 W. & M. c. 23. Sect. 5.

Inferior Tradesmen, Apprentices and other dissolute Persons Fishing or Fowling, unless in Company with the Master of such Apprentice qualified by Law. Stat. 4 & 5 W. & M. cap. 23. Sect. 10.

To grant his Warrant to search the Houses of Persons prohibited, and suspected to have Engines for taking Fish, and to seize or destroy the same. Stat. 4 & 5 W. & M. c. 23. Sect. 5.

By Warrant to order Nets of less Mesh or Moke than three Inches and an Half, or of false or double Bottom Cod or Pouch, forfeited, to be publickly burnt. Stat. 1 Geo. 1. c. 18. Sect. 6.

Selling, offering, or exposing to Sale, or exchanging for any other Goods, *Bret* or *Turbet*, under sixteen Inches long, *Brill*, or *Pearl* fourteen Inches; *Colin* 12; *Whiting* 6; *Bass* and *Mullet* 12; *Sole*,

Penalties.

Such Recompence, and in such Time as the Justices shall appoint, not exceeding treble Damages; such Sum to the Overseers of the Poor as he shall appoint, not exceeding 10 s.

In Default, to be levied by Distress and Sale; and for want of Distress, to be committed, not exceeding a Month; unless gives Bond with one or more Sureties to the Party injured, not exceeding ten Pounds, not to offend again.

Such Engines may be seized, and kept by the Owners and Occupiers of such Rivers and Fisheries, or such as they shall authorise.

Subject to the same Penalties as Persons are where Game is found; and to be levied and employed in the same Manner.

See Tit. *Deer*, &c. in Tit. *Game*.

Forfeit the Fish to the Poor, where, &c. and twenty Shillings by Distress.

One Moiety to the Informer, the other to the Poor, where, &c. in Default, of Payment or want of

Offences.

Sole, Placc, or Dab 8; and *Flounder* 7, from the Eyes to the utmost Extent of the Tail. Stat. 1 Geo. 1. c. 18. Sect. 7.

Note; Persons imprisoned by this Act not liable to pay the Penalty. Sect. 8.

No Prosecution for any Offence against the Stat. 1 Geo. 1. c. 18. unless commenced in one Month after committed. Sect. 9.

Laying or drawing any Kind of Nets, Engines or Devices, in the Rivers *Severn, Dee, Wye, Thames, Ware, Tees, Ribble, Mersey, Don, Aire, Ouse, Swails, Calder, Ubarf, Eure, Darwent, and Trent*, whereby the Spawn, or small Fry of *Salmon*, or any Keeper or Shedder-Salmons, or Salmons under 18 Inches long, from the Eye to the Middle of the Tail shall be taken, killed, or destroyed; or making, erecting, or setting any Bank, Dam, or Hedge, or Stank, or Nets, cross the said Rivers to take the Salmon, or to hinder them from going up to Spawn, or killing Salmon in the said Rivers, between the last of *July* and 12 *November*; or fishing for Salmon with unlawful Nets after the 12th of *November*.

View, Confession, or one or more Witnesses. Stat. 1 Geo. 1. c. 18. Sect. 14.

No Salmon to be sent to *London* to Fishmongers or their Agents, that shall weigh less than six Pounds each Fish. And every Person buying, selling, or sending Salmon under six Pounds Weight.

View,

Penalties.

of Distress, to be sent to the House of Correction to be whipt, and put to hard Labour, not longer than 14 Days, nor less than 6.

Five Pounds for every Offence, besides the Fish taken, and all Nets, &c.

One Moiety of the said Sum to the Informer, the other to the Poor, where, &c. to be levied by Distress and Sale, &c.

And for want of Distress, Commitment to the House of Correction to hard Labour, not exceeding three, nor less than one Month. And to suffer such other corporal Punishment, as the Justice shall think fit.

Nets, &c. to be seized and cut to Pieces in the Presence of the Justice.

To cause Banks, Dams, &c. to be demolished at the Charge of Offenders, and such Charges to be levied *ut supra*.

Five Pounds for every Offence, besides the Fish, between Informer and Poor, to be levied *ut supra*.

And for want of Distress, Commitment to the House of Correction to hard Labour for three Months,

Offences.

Penalties.

View, Confession, or one or more Witnesses. Stat. 1 Geo. 1. c. 18. Sect. 15.

Months, unless paid in the mean Time.

Note; An Appeal lies upon any Branch of the Statute 1 Geo. 1. c. 18. to Quarter-Sessions. Sect. 17.

Masters, or Commanders of Smacks, Hoys, Boats, Ships, or other Vessels, importing Fish taken by Foreigners or Strangers, except Protestants inhabiting in this Kingdom; to be summoned, and if convicted. Two Witnesses. Stat. 1 Geo. 1. c. 18. Sect. 2.

Forfeit for every Offence 20 l. by Distress, and for want thereof, 12 Months Imprisonment.

Not to extend to the Importing, buying, or selling any Eels, Stockfish, Anchovies, Sturgeon, Botarge, or Cavear. Sect. 3. Or Lobsters and Turbets. Sect. 10.

None to use Nets for fishing at Sea upon the Coast of England, (except for Herrings, Pilchards, Sprats or Lavidian) with a Mesh or Moke less than three Inches and Half, from Knot to Knot, or with any false or double Bottom, Cod, or Pouch, or shall put Nets of legal Size or Mesh, upon or behind one another. Stat. 1 Geo. 1. c. 18. Sect. 4.

Liabie to the same Penalties as Masters of Vessels importing Fish contrary to this Act, and the Nets forfeited.

[*Clare*] To issue out Warrants upon their own Knowledge, or upon Information, of unlawful fishing in the River *Souern*, to search all suspected Places for unlawful Instruments, and to seize them and bring them to the Quarter-Sessions to be destroyed. Stat. 30 Car. 2. c. 9. Sect. 3.

[*Du. Sess*] Using any Net or Engine to destroy the Spawn or Fry of Fish, or take Salmon or Trouts out of Season, or Pikes shorter than ten Inches, Salmon than 16, Trouts than 8, and Barbels than 12, or using any Engine to take Fish, other than Angle or Net, or a Trammel of 2 Inches and an Half Mesh. Stat. 1 Elix. c. 17. Sect. 5.

Twenty Shillings a Fish, and the Net or Engine.

Un-

Three

Offences.

Unlawfully breaking down Fish-Ponds, or fishing there without the Owner's License. Stat. 5 E. 6. c. 21. Sect. 7.

Fishing in the River *Severn*, with, or making Use of any Engine or Device, whereby any Salmon Trout, or Barbel, under the Length appointed by 1 Stat. c. 17. shall be taken or killed, or shall fish with any Net, for Salmon, Peale, Pike, Carp, Trout, Barbel, Chub, or Grayling, the Mesh whereof shall be under two Inches and an Half square from Knot to Knot, or above 20 Yards in Length and 3 in Breadth; or above 50 Yards in Length, and 6 in Breadth in the Wing of the Net, from *Ripple-Lock* Stake to *Gloucester* Bridge; or above 60 Yards in Length below *Gloucester* Bridge, and six Yards in Breadth in the Wing of the Net, or shall fish with more than one of those Nets at once, or shall use any Device for taking the Fry of Eels. Stat. 30 Car. 2. c. 9. Sect. 1.

Every Person who, between the first of *March* and the last of *May*, shall do any Act whereby the Spawn of Fish shall be destroyed. Stat. 30 Car. 2. cap. 9. Sect. 2.

Penalties.

Three Months Imprisonment, and to be bound to the Good Behaviour for seven Years.

Treble Damages to the Party grieved.

Upon the Offender's Acknowledgment in Sessions, and Satisfaction to the Party, the Behaviour may be released.

Five Pounds for every Offence, and the Fish so taken, and the Instruments.

One Moiety to the Poor, the other to the Prosecutor.

Forty Shillings, and the Instrument, to be divided *ut supra*.

Flesh.

Offences.

Penalties.

[Qu. Off.] **P**ersons preaching, or otherwise avouching or notifying, That any eating of Fish, or forbearing of Flesh, is necessary for the Service of God, otherwise than as other political Laws be. Stat. 5 *Eliz. c. 5. Sect. 40.*

To be punished as Spreaders of false News.

Forcible Entry and Detainer.

[Two] **E**Ntring into Lands and Tenements by Force, and detaining them by Force. Stat. 5 *R. 2. c. 7. 15 R. 2. c. 2. Sect. 2. 8 H. 6. c. 9. Sect. 1.*
Upon View.

Imprisonment and Ransom at the King's Pleasure.

Note; The Statute of 8 *H. 6. c. 9.* shall indamage none, where peaceable Possession hath been enjoyed three Years. Stat. 31 *Eliz. c. 11.*

Upon Complaint of a *Forcible Entry* or *Detainer*, by Precept to command the Sheriff to return a Jury to enquire of the Force committed, and to cause the Tenements to be seised. Stat. 8 *H. 6. c. 9. Sect. 4.*

Jurors returned to enquire of a *Forcible Entry*, making Default. Stat. 8 *H. 6. c. 9. Sect. 4.*

Issues, 20 Shillings upon the first Precept, 40 Shillings upon the second, five Pounds upon the third, and every Default after, double.

To give Restitution upon *Force* or *Detainer* to Tenants for Years, by *Elegit*, Statute Merchant, or Staple; and Copyholders, as well as those who claim Freehold or Inheritance: And may fine or commit. Stat. 21 *Jac. 1. c. 15.* By Enquiry.

[Qu. Off.] The Sheriff or Bailiff, neglecting his Duty in the Case of *Forcible Entry* or *Detainer*. Stat. 8 *H. 6. c. 9. Sect. 5.*

Twenty Pounds, to be divided between the King and the Prosecutor.

Fore-

Foretallers and Ingrossers.

Offences.

[*Qu. Sect.*] Ingrossers of Bark, to the Intent to sell the same again. Stat. 1 Jac. 1. c. 22. Sect. 19.

Foretallers, Regrators, Ingrossers of Merchandizes, Victuals, &c.

Stat. 5 & 6 Ed. 6. cap. 14. Sect. 4, 5.

By Inquisition, Presentment, Bill, or Information, or two Witnesses.

Extends not to buying Barley or Oats to make Malt or Oatmeal, nor Provision of any Town Corporate, Ship, &c. or any Fishmonger, Inn-holder, Victualler, Butcher, Poulterer, or People living within a Mile of the Sea, which are to buy or sell Fish, the retailing the same at reasonable Prices; or to any Badger, Kidder, or Carrier, licensed by three Justices, and selling in one Month; nor to taking any thing reserved on a Lease, so as all be done without Fraud and Foretalling; nor to restrain Transportation of Corn, or Cattle, allowed by three Justices; nor to Wines, Oil, &c. or other Victuals brought from beyond Sea, Fish and Salt only excepted.

Stat. 13 Eliz. c. 25. Sect. 20.

Note; A Foretaller is one that shall buy or Contract for any Merchandize, Victual, or other Thing whatsoever, in the Way, before it shall be brought by Land or by Water, unto any City, Port, Road, Fair, or Market where it shall be sold, or shall cause the same to be so bought,

Penalties.

Forfeit the Bark, or the Value of it, to be divided one Third to the King, the other to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty where the Offence is committed.

First Offence, the Value of the Goods and two Months Imprisonment, without Bail.

Second Offence, double Value, and six Months Imprisonment without Bail.

Third Offence, all his Goods, to be set in the Pillory, and Imprisonment during the King's Pleasure.

One Moiety of the Forfeitures to the King, the other to the Prosecutor, by *Fieri fac'* or *Capias*.

If the Prosecution be at the King's Suit only, the whole to the King.

Not to be punished twice for the same Offence.

Offences.

Penalties.

bought, or shall dissuade People from bringing any such Commodity to any such Place, or being brought shall persuade them to enhance the Price thereof.

Stat. 5 & 6 Ed. 6. c. 14.

A *Regrator* is one that buys any Grain, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheep, Lambs, Calves, Swine, Pigs, Geese, Capons, Hens, Chickens, Pigeons, Conies, or other dead Victual whatsoever, brought to a Fair or Market to be sold there, and does sell the same in the same Fair or Market or in some other Fair or Market within four Miles. *Ibid.*

An *Ingrosser* is he that gets into his Hands by buying, Contract or Promise (other than by Demise, Grant or Lease of Land or Tithes) any Corn growing in the Fields, or other Grain, Butter, Cheese, Fish, or other dead Victual whatsoever, with Intent to sell it again. *Ibid.*

Fruiterers. See Conspiracies.
Fruit-Trees. See Orchards.

Fuel.

[One] **O**ffenders against the Statute for the Assise of Fuel, if they be not able to satisfy the Forfeitures.

Stat. 7 Ed. 6. c. 7. Sect. 6. 43
Eliz. c. 14.

One Witness, or otherwise.
 Prosecution to be within a Year.

Where Billet is exposed to Sale, and not assised and marked, or cut as is directed by

Stat. 9 Ann. cap. 15. Sect. 2. which see.

This extends not to Owners or Proprietors of Trees, who make Billet for their own private Use only.

To be set upon the Pillory in the next Market-Town, on the Market-Day at 11 o'Clock, having a Billet or Faggot bound to some Part of his Body.

The Justice, upon Information, is to call before him six good lawful Men of the Parish, &c. where the said Billet is exposed to Sale, and swear them to enquire into the Truth; and if they find the Billet not truly assised and marked, the said Justice shall deliver the same to the Overseer of the Poor, to be given to the Poor there.

Fullers-Earth and Fullers-Clay. See Brandy in Tit. Excise.
Furzes and Fern. See Tit. Heath.

Games not lawful.

Offences.

[One] **T**O enter into any common House or Place, where playing at Dice, Tables, Cards, Bowls, Coits, Caces, Loggats, Shove-groat, Tennis, casting the Stone, Foot-Ball, or other unlawful Game is suspected to be used.

Stat. 33 H. 8. c. 9. Sect. 14.

The Keepers of Houses or Places where unlawful Games are used.

Stat. 33 H. 8. c. 9. Sect. 14.

Artificers, Husbandmen, Labourers, Apprentices at Husbandry, Journeymen, or Servants of Artificers, Mariners, Fishermen, or Servingmen, playing at at any unlawful Game.

Stat. 33 H. 8. c. 9. Sect. 16.

To be taken and imprisoned, till they find Sureties by Recognizance, no longer to keep such House or Place.

To be committed without Bail, till he be bound in such Sum as the Justice shall think reasonable, not to offend.

And one Justice on View, or Oath of two Witnesses, may commit the Offender till he enter into a Recognizance, with Sureties or without, at the Justice's Discretion, that he or they shall not thenceforth play at or use such unlawful Games.

Stat. 2 Geo. 2. c. 28. Sect. 9.

[One] To cause to come, or be brought before them such Persons whom they shall have just Cause to suspect to have no visible Estate, Possession or Calling, to maintain themselves by; but do for the most part support themselves by Gaming; and if they appear to be such.

Stat. 9 Ann. c. 14. Sect. 6.

To be bound to the Good Behaviour for 12 Months: And if they cannot find Sureties, to be committed to the common Gaol till they find Sureties.

Note; If such Person so bound to the Good Behaviour shall afterwards at any one Time play or bet for more than 20 Shillings, it is a Breach of his Good Behaviour, and the Recognizance becomes forfeited.

Sect. 7.

[Du. Sect.] Keeping a House of unlawful Games.

Stat. 33 H. 8. c. 9. Sect. 11.

Re-

Forty Shillings a Day.

Six

Offences.

Penalties.

Resorting to, or playing in an House of unlawful Games.

Stat. 33 H. 8. c. 2. Sect. 12.

Six Shillings and eight Pence a Time.

Mayors, Sheriffs, Constables and Head-Officers, not searching Places suspected for unlawful Gaming.

Stat. 33 H. 8. c. 9. Sect. 9.

Forty Shillings.

Artificers, Apprentices, &c. *ut supra*, using unlawful Games out of Christmas Time.

Stat. 33 H. 8. c. 9. Sect. 16.

Twenty Shillings.

The Statute 33 H. 8. c. 9. against unlawful Games, to be proclaimed four Times a Year in the Market, and every Quarter-Sessions in open Sessions.

See the late Act concerning Lotteries.

Game.

(Conies.)

[One] **P**ersons entering wrongfully into Ground kept for breeding Conies, though not inclosed; and chasing, taking or killing any against the Owner's Will.

Stat. 22 & 23 Car. 2. c. 25. Sect. 4.

Confession or one Witness.

Prosecution to be in a Month.

Treble Damages and Costs, and three Months Imprisonment, and till they find Sureties for their Good Behaviour.

Persons killing or taking, in the Night, Conies upon the Borders of Warrens, or on other Grounds, used for keeping Conies, except Owners. They who use Snares, Hare pipes, and other Engines.

Stat. 22 & 23 Car. 2. c. 25. Sect. 5.

Conviction *ut supra*.

Such Recompence in such Time as the Justice shall appoint, and pay such Sum to the Overseers of the Poor, as he shall think fit, not exceeding ten Shillings; and in Default to be committed to the House of Correction.

Offences.

Penalties.

(Deer, Hare, Partridge and Pheasant.)

[One] Killers or Takers of Pheasants or Partridges in the Night.

Stat. 23 *El. c.* 10. Sect. 2.

Being convicted, he is to take Bond (for two Years only) with good Sureties, not to offend in the like Kind.

To examine and bind over all Offenders against the said Statute.

To grant a Warrant to search the Houses of suspected Persons for Hare, Partridge, and other Game.

Stat. 4 & 5 *W. & M. c.* 23. Sect. 3.

Persons where Game is found, not giving a good Account how they came by it, or not producing the Party of whom they bought it, in some convenient Time, or some credible Person to prove such Sale upon Oath.

Stat. 4 & 5 *W. & M. c.* 23. Sect. 3.

Not under 5 *s.* nor exceeding 20 *s.* for every Hare, Partridge, or other Game, to be levied by Distress and Sale; and in Default, to be committed to the House of Correction, not exceeding a Month, nor less than ten Days, to be whipped, and kept to hard Labour.

One Moiety of the Penalties to the Informer, the other to the Poor.

Higlers, Chapmen, Carriers, Inn-keepers, Victuallers, or Ale-house-keepers, having in his or their Custody or Possession any Hare, Pheasant, Partridge, Moors, Heath Game or Grouse; or shall buy, sell, or offer to sell any Hare, &c. except Carriers who carry for Persons qualified.

Stat. 5 *Ann. c.* 14. Sect. 2.

View, or one Witness.

Conviction to be in 3 Months.

Five Pounds for every Hare, &c. to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor.

For want of Distress to be committed to the House of Correction for three Months, without Bail or Mainprize, for the first Offence, and four Months for every other Offence.

Persons offending against 5 *Ann. c.* 14. having Game in Custody, and bringing a *Certiorari* to remove the Conviction.

Stat. 5 *Ann. c.* 14. Sect. 2.

To enter into a Recognizance for 50 *l.* with Sureties conditioned to pay the Prosecutor full Costs, to be ascertained upon Oath within 14 Days after Conviction or *Procedendo* granted.

(Deer, Hare, Partridge and Pheasant.)

Note; The Stat. 5 Ann. c. 14. | In Default, Justices may proceed to execute such Conviction.
is made perpetual by 9 Ann. c. 25.

If any Hare, &c. shall be found in the Shop, House, or Possession of any Person not qualified in his own Right to kill Game, or intitled thereto under some Person qualified; the same shall be adjudged Exposing the same to Sale.

Stat. 9 Ann. c. 25. Sect. 2.

Persons taking, killing, or destroying Hare, &c. in the Night-time.

Stat. 9 Ann. c. 25. Sect. 3.

Incur the same Forfeitures, Pains and Penalties; and to be recovered as by the Stat. 5 Ann. c. 14.

Soldiers killing Hares, &c. or other Game, twenty Shillings; if an Officer, five Pounds.

[Two] Killers or Takers of any Pheasant, Partridge, Pigeon, Duck, Heron, Hare, or other Game; and Takers or Destroyers of Eggs of Pheasants, Partridges, or Swans.

Stat. 1 Jac. 1. c. 27. Sect. 2.
Confession, or two Witnesses.

To be committed without Bail, unless they pay to the Poor where the Offence was committed or they apprehended, 20 s. for every Fowl, Hare or Egg.

After they have been committed a Month, to be bound with two sufficient Sureties in 20 Pounds a piece, not to offend again.

Sellers, or Buyers to sell again of Deer, Hare, Pheasant, or Partridge, (except reared up or brought from beyond Sea)

Stat. 1 Jac. 1. c. 27. Sect. 4.

Deer 40 s. Hare 10 s. Pheasant 20 s. Partridge 10 s. between the Poor and the Prosecutor.

Extends not to one licensed in open Sessions to kill Hawks-Meat; but then he must be bound in a Recognisance of 20 l. not to kill any of the Game, nor to shoot within 200 Yards of an Heronry, within 100 Paces of a Pigeon-house, or in a Park, Forest, or Chase, whereof his Master is not Owner.

Hawkers

One

Offences.

Penalties.

(Deer, Hare, Partridge and Pheasant.)

Hawkers at, or Destroyers of *Pheasants* or *Partridges*, between the first of *July* and the last of *August*.

Stat. 7 *Jac.* 1. c. 11. Sect. 2.
Confession, or two Witnesses.
Prosecution in six Months.

One Month's Imprisonment, without Bail, unless he pays to the Poor of the Parish where the Offence was committed, 40 s. for every Time he hawked, and 20 s. for every Pheasant, or Partridge, destroyed or taken.

[*Qu. Off.*] Taking *Pheasants*, or *Partridges* with Engines, in another's Ground, without License.

Stat. 11 *H.* 7. c. 17. Sect. 2.

Ten Pounds to be divided between the Owner of the Ground and the Prosecutor.

Killing or taking any *Pheasants* or *Partridges* with any Net or Engine, in the Night-time.

Stat. 23 *Eliz.* c. 10. Sect. 2.

Twenty Shillings for every Pheasant, and ten Shillings for every Partridge. If not paid in ten Days, a Month's Imprisonment, without Bail.

The Money to be divided between the Lord and the Prosecutor; but if the Lord, &c. shall dispense with it, then his Moiety to the Poor.

(Deer-Hays, or Buck-stalls.)

[*Two*] Keepers of *Deer-Hays*, or *Buck-stalls*, save in his own Forest or Park.

Stat. 19 *H.* 7. c. 11. Sect. 3.

Forty Shillings a Month; the Offender to be examined and committed till Payment.

Justices to have the tenth Part.

Stalkers with any Bush or Beast to any *Deer*, except in his own Forest or Park.

Stat. 19 *H.* 7. c. 11. Sect. 4.

Ten Pounds, Proceedings against him *at supra*

Offences.

Penalties.

(Eggs of Faulcon, Goshawk, Lanner, or Swan.)

[Du. Sett.] Taking out of the Nest any Eggs of *Faulcon, Goshawk, Lanner, or Swan.*

Stat. 11 H. 7. c. 17. Sect. 4.

A Year and Day's Imprisonment; a Fine, one Moiety to the King, the other to the Owner of the Ground. But where they are Swan's Eggs, to the Owner of the Swans.

See Tit. *Deer* supra.

(Game-keeper.)

[One] *Game-keepers*, felling or disposing of Game without the Consent or Knowledge of the Lord.

Stat. 5 Ann. c. 14. Sect. 4.

One Witness.

To be committed to the House of Correction for three Months, to be kept to hard Labour.

No Lord or Lady of a Manor to make above one Person to be a *Game-keeper* within any one Manor, whose Name must be entred with the Clerk of the Peace, who is to grant a Certificate thereof. And *Game-keepers*, whose Names are not so entred, and not otherwise qualified, who shall kill any Hare, &c. or who shall sell or expose to Sale any Hare, &c.

Stat. 9 Ann. c. 25. Sect. 1.

Incur like Forfeitures, Pains and Penalties, as are inflicted on Higlers, &c. for buying or selling of Game, by 5 Ann. c. 14.

Forfeitures to be recovered by such Means as are prescribed in the said Act 5 Ann. c. 14.

Game-keepers not qualified, or not Servants to Lords of Manors immediately, or employed by them, to take and kill Game for their sole Use or Benefit, killing Hare, Pheasant, &c. or keeping Greyhounds, &c.

Stat. 3 Geo. 1. c. 11. Sect. 1.

Incur the Penalties in the Acts 5 c. 14. & 9 Ann. c. 25.

Note; The Acts 5 c. 14. & 9 Ann. c. 25. and all other Laws now in Force for the better Preservation of the Game, are continued and enforced by 3 Geo. 1. c. 11. Sect. 2.

(*Grey.*)

Offences.

Penalties.

(Greybounds, Bows, Setting-Dogs, Ferrets, and Snares.)

[One] Persons not qualified by Law, keeping or using any *Bows, Greybounds, Setting-Dogs, Ferrets, Coney-Dogs, Hays, Lurchers, Tunnels, Low bells, Hare-pipes, Snares,* or other Instruments for destroying of Game.

Stat. 4 & 5 *W. & M. c. 23.*
Sect. 3.

Confession, or one Witness.

Subject to the same Pains and Penalties as Offenders are liable to, on whom Game shall be found, and who do not give a good Account how they came by it; which *vide supra*, in Title *Deer, &c.* under Title *Game.*

To be levied and employed in the same Manner.

Before the Allowance of a *Certiorari*, to remove any Conviction upon the Stat. 4 & 5 *W. & M. c. 23.* The Party is become bound to the Prosecutor in 50 *l.* with *Suratties*, to be approved by a Justice, to pay Costs, upon Oath in a Month after Conviction is confirmed.

Stat. 4 & 5 *W. & M. c. 23.* Sect. 7.

Persons not qualified, keeping, or using any *Greybounds, Setting-Dogs, Hays, Lurchers, Tunnels,* or any other Engine, to kill and destroy the Game.

Stat. 5 *Ann. c. 14.* Sect. 4.

One Witness.

Five Pounds, to be levied by Distress and Sale; and for Want, to be committed to the House of Correction for three Months, for the first Offence, and four Months for every other Offence.

[Two] Keepers of *Greybound Dog, or Net*, to kill or take *Deer, Hare, Pheasant, or Partridge*, by any who have not an Inheritance of ten Pounds *per Ann.* or Lease for Life of 30 Pounds *per Ann.* or be worth 200 Pounds in Goods, or be a Son of a Baron, or Knight, or Heir Apparent of an Esquire.

Stat. 1 *Jac. 1. c. 27.* Sect. 3.

Confession, or two Witnesses.

To be committed without Bail, unless they pay 40 *s.* to the Poor where the Offence was committed.

Persons of mean Condition, killing or taking any *Pheasant or Partridge*, with Dogs, Nets, or Engine.

Stat. 7 *Jac. 1. c. 11.* Sect. 8.

Confession or one Witness.

To be committed without Bail, unless he pays 20 *s.* for every Pheasant and Partridge, so killed, or taken; and also be bound in a Recognizance of 20 *l.* never to offend again.

To

O o 3

The

Offences.

Penalties.

(Greyhounds, Bows, Setting-Dogs, Ferrets, and Snares)

To grant a Warrant for any Constable, or Headborough, to search the Houses of Persons suspected to have any Setting-Dogs or Nets.

Stat. 21 Jac. 1. c. 11. Sect. 9.

The Dogs to be killed, and the Nets cut in Pieces.

(Guns.)

[One] To grant his Warrant to Game-keepers, and others, to search the Houses of Persons prohibited to keep Guns, &c. for such Guns, &c. and to seize them for the Use of the Lord of the Manor, or destroy them.

Stat. 22 & 23 Car. 2. c. 25. Sect. 2.

(Hawks.)

[Qu. Sect.] Bearing any Hawk of English Breed called a Nysse, Goshawk, Tassel, Lanner, Lanneret, or Faulcon.

Stat. 11 H. 7. c. 17. Sect. 4.

Forfeited to the King, and to be at his Disposal.

Killing or scaring away any of the said Hawks from the Coverts where they used to breed.

Stat. 11 H. 7. c. 17. Sect. 9, 10.

Ten Pounds, to be divided between the King and Prosecutor.

Unlawfully taking any Hawk, Hawk's Eggs.

Stat. 5 Eliz. c. 21. Sect. 7.

Three Months Imprisonment; to be bound to the Good Behaviour for seven Years.

Treble Damages to the Party grieved.

Upon the Offender's Acknowledgment in Sessions, and Satisfaction to the Party, the Behaviour may be released.

(Hawking)

(Hawking and Hunting.)

[**Out**] Hunters in Forests, Parks, or Warrens, in the Night-time, or disguised.

Stat. 1 *H. 7. c. 7.* Sect. 3.

To be examined and bound over, or committed.

Rescous of the Execution of the Justice's Warrant, Felony.

Inferior Tradesmen, Apprentices, and other dissolute Persons, hunting or hawking, unless in Company with the Master of such Apprentice qualified by Law.

Stat. 4 & 5 *W. & M. c. 23.* Sect. 10.

Subject to the same Penalties as Persons are where Game found, and to be levied and employ'd in the same Manner.

[**Out. & Off.**] Hunters in Forests, Parks or Warrens, in the Night-time, or disguised.

Stat. 1 *H. 7. c. 7.* Sect. 5, 6.

If the Fact be concealed, - Felony.

If confessed, fineable.

Hawking or Hunting with Spaniels in standing Corn, except on his own Ground, or with the Owner's Consent.

Stat. 23 *Eliz. c. 10.* Sect. 4.

Forty Shillings to the Owner of the Ground.

(Heron.)

[**Time**] Takers of any old Heron, without their Grounds.

A young Heron.

Stat. 19 *H. 7. c. 11.* Sect. 6.

Six Shillings and Eight-pence.

Ten Shillings.

The Offender to be examined and committed till Payment.

Pigeon. See Tit. *Deer*, &c. supra.

(Wild-Duck, Teal, Widgeon, and Water-Fowl.)

[**Time**] Persons, between July 1. and Sept. 1. as they shall yearly happen, by Hays, Tunnels, or other Nets, driving and taking any Wild Duck, Teal, Widgeon, or any other Water-Fowl in any Fens, &c. or other Places of Resort for Wild.

5 s. for every Wild-Duck, Teal, or other Water-Fowl.

One Moiety to the Informer, the other to the Poor. To be levied by Distress and Sale, rendering the Overplus, if any be, above the Penalty and Charge of

0 0 4

Distress

Offences.

Penalties.

(Wild-Duck, Teal, Widgeon, and Water-Fowl.)

Wild-Fowl, in the Molting Season.

Stat. 9 *Ann. c. 25. Sect. 4.*
One Witness on Oath.

Distress. For Want of Distress, to be committed to the House of Correction for any Time not exceeding one Month, nor less than 14 Days, there to be kept to hard Labour.

The Justice to order the Hays, Nets, or Tunnels to be seized and destroyed in his Presence.

[*Qu. Sess.*] Destroying or taking away any Wild-Fowl.

Stat. 25 *H. 8. c. 11. Sect. 5.*

Forfeits for every Egg of a Crane or Bustard, 20 Pence; of a Bittern, Heron, or Shovelard, Eight-pence; of a Mallard, Teal, or other Wild-Fowl, one Penny.

To be divided between the King and Prosecutor.

Gaol.

[*One*] CAN commit Murderers and Felons to no other Prison but to the Common Gaol.

Stat. 5 *H. 4. c. 10.* and 11 *§ 12 W. 3. c. 19. Sect. 3.*

But this is altered by Stat. 6 *Geo. 1. c. 19.*

[*One or Qu. Sess.*] To settle what Persons under Arrest shall pay for each Night's Lodging, and other Expences.

Stat. 22 *§ 23 Car. 2. c. 20. Sect. 9.*

[*One*] An Offender, who is to be conveyed to Gaol, if he does not bear all the Charges.

Stat. 3 *Jac. 1. c. 10. Sect. 2.*

His Goods (if he has any) are, by Warrant, to be sold by the Constable, the Appraisement thereof to be made by the Neighbours, and the Overplus returned. If he has no Goods, the Constables, Church-wardens, and two or three honest Inhabitants may, with the Allowance of a Justice under his Hand, tax every Inhabitant, to be levied by Distress and Sale.

Persons

To

Offences.

Persons not paying Monies charged for Repair of Gaols.

Stat. 11 & 12 W. 3. cap. 19. Sect. 2.

Continued for seven Years by 10 Ann. c. 14.

To be distrained; and if not paid in four Days, the Distress to be sold.

Penalties.

Act 10. Ann. c. 14. made perpetual as to so much of the said Act as relates to the building and repairing County-Gaols, by Stat. 6 Geo. 1. c. 19. Sect. 1.

May commit Vagrants, and other Criminals, Offenders, and Persons charged with small Offences, or for want of Sureties, to the Common Gaol, or House of Correction, as he in his Judgment shall think fit.

Stat. 6 Geo. 1. c. 19. Sect. 2.

[They] May consent, That Keepers of Gaols, upon emergent Occasions, may provide other Places for the Removal of Sick, or other Persons, out of the usual Gaols, but not against the good Will of the Owner.

Stat. 19 Car. 2. c. 4. Sect. 2. 2nd par. 1.

To settle Gaolers Fees for Commitment, Discharge and Chamber-Rent, within their several Precincts, except London, Middlesex, and Surrey, which are to be settled by the two Chief Justices, and Chief Baron, or two of them, and the Justices of Peace in their several Jurisdictions.

Stat. 22 & 23 Car. 2. c. 20. Sect. 10.

Note; That the several Rates of Fees, and the Rates for the Government of Prisons, are to be signed by the Chief Justices and Chief Baron, or two of them, and the Justices of Peace of London, Middlesex, and Surrey; and by the Judges for the Circuits, and the Justices in their Precincts, in the other Counties; to be registred by the Clerk of the Peace, and hung up in a Table in each Prison.

See now the Stat. 2 Geo. 2. c. 22. Sect. 4 and 7.

[Qu. Sess.] Upon Presentment of the Grand Jury, at the Assises or Great Sessions, of the Insufficiency of the Prisons or Gaols, may upon Examination of Workmen agree on a Sum for building or repairing thereof, and equally levy the same on the several Divisions of the County, by Warrant issued at the Quarter-Sessions to the High Constable, &c. and may make a Receiver.

Stat. 11 & 12 W. 3. c. 19. Sect. 1, 2.

Continued

Offences.

Penalties.

Continued for seven Years, by 13 Ann. c. 14. made perpetual by 6 Geo. 1. c. 19.

See Tit. House of Correction.

Gilding and Goldsmiths.

[Du. Sect.] **G**ilding Sheaths or any Metal, but Silver, and the Ornaments of Holy Church, and silvering any Metal, but Knights Spurs, and the Apparel belonging to a Baron, or above.

Stat. 8 H. 5. c. 3. Sect. 4.

Ten Times the Value of the Thing so gilt, and a Year's Imprisonment.

One Third Part of the Forfeiture to the Prosecutor.

To hear and determine all Offences about Goldsmith's selling Silver contrary to Stat. 2 H. 6. c. 14. Sect. 8.

Girdlers. See Shoemakers.

Glovers. See Tanners.

Greyhounds. See Tit. Game.

Gunpowder.

[Two] **M**AY summon and examine Dealers in Gunpowder, upon their Oath, if 600 Pounds is kept in any Place within *London* and *Westminster*, or three Miles of the *Tower*, or *St. James's*, or two Miles of any of the Magazines of the Crown.

Stat. 5 Geo. 1. c. 26. Sect. 2.

If on Examination or Oath of two Witnesses, it shall appear he has more than 600 Pounds as *supra*.

Stat. 5 Geo. 1. c. 26. Sect. 2.

And commit such as refuse to be examined, to the County-Gaol, without Bail till he conform, &c.

May by Order cause him to remove it; and if he does not within 24 Hours after Notice of such Order, he forfeits 20 Shillings for every 100 Pounds, to any that sees within six Months.

May

Opposers

Offences.

May by Warrant order Storehouses, or Places used for keeping Gunpowder, to be searched in the Day-time, and break open Doors, if Occasion.

None to carry through *London, Westminster,* or Suburbs, above two hundred Pounds of Gunpowder at a Time, and to be carried in Carriages and Barrels closely jointed, and hooped and cased with Canvas or Leather. And Gunpowder carried by Man or Horse, to be put in Cases of Canvas or Leather entirely covered. Stat. 5 Geo. 1. c. 26. Sect. 4.

Note: This Act does not extend to any Storehouse or Magazine, belonging to the King, or to the proving Gunpowder by his Majesty's Officers; or to the carrying of Gunpowder to or from his Majesty's Magazines, or with Forces in their Marches. Stat. 5 Geo. 1. c. 26. Sect. 5.

None to keep in *London, Westminster,* or within three Miles of the Tower, or two Miles of any Crown Magazine, above two hundred Pounds of Gunpowder at one Time in any Place for above twenty-four Hours. Stat. 11 Geo. 1. c. 23. Sect. 1.

[One] Persons using any Iron Hammer, or Hammer placed with Iron or Steel in any Warehouse or Place, while any Gunpowder is there, if Convicted within one Month after, on Oath of one Witness. Stat. 11 Geo. 1. c. 23. Sect. 3.

[Two] On Demand of a Parish-Officer (or two Household-ers signing reasonable Cause) to if-
fine

Penalties.

Opposers hereof forfeit five Pounds to any that sues in six Months. And if more than 600 Pounds be found, to cause it to be removed at the Owner's Charge, to be levied by Distress. Stat. 5 Geo. 1. c. 26. Sect. 3.

On Forfeiture of all the Gunpowder, on Conviction before two Justices.

To the Person seizing the same.

On Forfeiture of all the Gunpowder, or the Value, with Costs of Suit, &c. *Ibid.*

Twenty Shillings to the Informer, by Distress, &c. and if none, to the House of Correction, for not less than fourteen Days, nor above a Month.

Obstructing the Seizure or Removal 5 *l.* to the Informer, &c. *at supra.*

see Warrants *gratis* for a Search, &c. The Searchers are immediately to seize, and in 12 Hours remove the Powder, except the Quantity allowed to be kept. *Ibid.* Sect. 2.

Note; This Act does not extend to any Storehouse or Magazine of the Crown where Gunpowder, &c. is kept for the Use of the Publick; nor to hinder the proving or trying Gunpowder by the King's Officers as usual; nor to the carrying Gunpowder to or from any the King's Magazines, or with the Forces in their Marches. *Ibid.* Sect. 4.

Nor does it invalidate any of the Provisions of 5 *Geo. 1. cap. 26.* (except such as are hereby altered.) *Ibid.* Sect. 5.

[*Qu. West.*] The Sessions for *Essex, Kent, and Surry*, to appoint Places not exceeding two Acres in a Place, for erecting Warehouses for Gunpowder; and if the Land-Owners disagree, send Warrants to the Sheriff to return a Jury to inquire the Value: Such Inquisitions to be kept among the Sessions-Records, and their Judgment final: To which End they may examine on Oath, and order the Sum not exceeding thirty Years Purchase, to be paid the Owner; which if he refuses, they may receive for his Use, and thereon the Inheritance to be vested in the Purchaser. Stat. 5 *Geo. 1. c. 26.* Sect. 8.

Hackney-Coaches and Chairs.

[*One*] **N**O Person shall drive or let to hire by the Hour or Day, or otherwise, any Hackney-Coach, or Coach-Horses, within *London or Westminster*, or *Bills of Mortality*, without Leave or License from the Commissioners appointed by Virtue of the Stat. 9 *Ann. c. 23.* *Ibid.* Sect. 4.

No Person shall carry for Hire, in any Hackney-Chair any Person whatsoever in the Cities of *London,*

On Forfeiture of five Pounds for every Offence. To be levied by Distress, and sold in ten Days, and the Overplus returned to the Owner. The Charges of the Distress to be first deducted, if not paid upon seven Days Notice.

In Default, to be committed till Payment, without Bail. Sect. 12 & 17.

Upon Pain to forfeit 40 s. for every Offence.

To be levied *at supra*, and in

Offences.

Penalties.

London, &c. without a License from the Commissioners. *Ibid.* Sect. 4.

in Default, to be committed *at supra.*

No Horse, Gelding, or Mare, to be used with any Hackney-Coach, to be under the Size of 14 Hands high, according to the Standard. *Ibid.* Sect. 4.

Five Pounds to be levied *at supra*, and in Default to be committed *at supra.*

No Person shall put the same Figure or Mark of Distinction upon his Coach or Chair, that is appointed for any other Coach or Chair, or shall blot out, obliterate, alter, or deface the Figure appointed by the Commissioners for his Coach or Chair. *Ibid.* Sect. 4.

Under the Forfeiture of five Pounds for every Offence.

To be levied *at supra*, and in Default, to be committed *at supra.*

One Moiety of the above Penalties to be to the Informer, the other to the Queen, her Heirs and Successors. Sect. 12 & 17.

No Hackney-Coachman, nor Driver shall take for his Hire, in and about London and Westminster, or within ten Miles thereof, above the Rate of ten Shillings for a Day, reckoning twelve Hours to the Day; and by the Hour, not above Eighteen pence for the first Hour, and Twelve-pence for every Hour after.

From any of the Inns of Court, or thereabouts, to any Part of St. James's or City of Westminster (except beyond Turtle-Street) above Twelve-pence; and the same Prices from the same Places to the Inns of Court, or Places thereabouts.

From any of the Inns of Court, or thereabouts, to the Royal Exchange, Twelve pence; and if to the Tower, Bishopsgate, or Aldgate, or thereabouts, one Shilling and Six-pence, and the like Rates from and to any Place of the like Distance. *Ibid.* Sect. 6.

No Person to pay above Twelve-pence for any Distance not exceeding one Mile and four Furlongs; and if above that Distance, and not exceeding two Miles, Eighteen-pence. The Commissioners to cause the several Distances between the most noted Places within the Weekly Bills of Mortality to be admeasured and published. *Ibid.* Sect. 7.

No Person to pay Chairmen for an Hackney-Chair, carried any Distance within the said Limits, more than the Rate by this Act allowed for an Hackney-Coach, driven two Thirds of the same Distance;

574 Hackney-Coaches and Chairs.

Offences.

Penalties.

stance ; and Commissioners to publish in Writing the several Rates of Chairmen. Stat. 9 *Ann. c. 23. Sect. 8.*

Hackney Coachman or Chair-
man refusing to go at, or exacting
more for his Hire than the Rates
limited by the Stat. 9 *Ann. c. 23.*
Ibid. Sect. 8.

Forfeits for every Offence forty
Shillings.
To be levied *ut supra*, and in
Default, to be committed *ut su-
pra.*

All the Offences against the Stat. 9 *Ann. c. 23.* are to be heard and determined in a summary Way upon the Oath of one or more credible Witnesses (the Party accused being summoned to make his Defence) or upon Confession of the Party offending.

One Moiety of all the Forfeitures and Penalties to the Queen, her Heirs, &c. the other to the Informer. *Ibid. Sect. 13.*

The Breach of any of the Rules and Orders appointed by the Stat. 5 & 6 *W. & M. c. 22.* and 9 *Ann. c. 23.* and the Penalties thereupon, and the Rules, Orders, and By-Laws made by the Commissioners, and allowed and approved by the Lord Chancellor, &c. are punishable, and to be inflicted and put in Execution by any Justice, &c. where such Offence shall be committed, in as full and ample Manner as by the Commissioners. *Ibid. Sect. 17.*

No Person to be twice punished for the same Offence.

The Penalties levied by any
Justice of the Peace, &c. by Vir-
tue of the Stat. 9 *Ann. c. 23.* or
By-Laws. The Queen's Part to
be transmitted to the Receiver
General of the Hackney-Coaches
and Chairs, and to be certified to
the Commissioners within ten Days
after levied. *Ibid. Sect. 18.*

Upon Pain to forfeit double the
Value of the Sum which should be
transmitted and certified.

Two Thirds to the Queen, the
other to him that will inform or
sue for the same. •

Hackney-Coachman, Driver, or Chairman, may Ply and Drive on the *Lord's Day*, within the *Weekly Bills of Mortality*, notwithstanding the Act 29 *Car. 2. Ibid. Sect. 20.*

Persons refusing or neglecting to
pay Coachmen or Chairman the
Money justly due to him, or
wiltully cutting, defacing, or
breaking any Coach or Chair,
upon Complaint thereof. *Ibid.*
Sect. 22.

To grant a Warrant to bring
the Offender before him ; and
upon Proof on Oath, to award
reasonable Satisfaction for Dama-
ges and Costs ; and on Refusal to
pay or make Satisfaction, to bind
over to the Quarter-Sessions.

Offences.

Person driving a Coach, or carrying a Chair for Hire, not being interested himself in the License so to do, but acting under the License of another, as his or her Servant, or otherwise, being guilty of any Misbehaviour in his Employment, by demanding more than his Fare, or by giving abusive Language, or any other rude Behaviour. *Ibid.* Sect. 56.

If convicted by the Oath of one or more credible Witnesses before one Justice of London, Middlesex, or Surry.

Hackney-Coachman or Driver, refusing to go at, or exacting more for his Hire than according to the 9 Ann. c. 23. or By-Laws made pursuant thereto. Stat. 1 Geo. 1. c. 57. Sect. 2 & 7.

Justices have the same Power to inflict Penalties, as the Commissioners.

[Qu. Just.] Finally to hear and determine the Matter of Complaint between Persons refusing to pay Coachmen or Chairmen, what is justly due; and Cutting, defacing or breaking coach or Chair, where the Party is bound over by a Justice, for not paying or making such Satisfaction as is awarded. *Ibid.* Sect. 22.

Penalties.

Forfeits a Sum not exceeding 20 s. to the Poor; if not able, or refuse to pay, to be committed to the House of Correction, to be kept to hard Labour for 7 Days, and receive the Correction of the House before he be discharged.

Forfeit not exceeding 3 Pounds, nor under 10 s.

Offences to be determined and Penalties and Forfeitures to be recovered, levied, and applied, as the 40 s. Penalty may by 9 Ann. c. 23.

The Court is to award Satisfaction for Damages and Costs to the Party grieved; and for Nonpayment to levy the same by Distress.

Harvest Workmen.

[Two] TO convey back Harvest or other Workmen who are licensed, and do not return when their Work is finished, or shall become impotent. Stat. 13 & 14 Car. 2. cap. 12. Sect. 3.

Statute

Hawkers and Pedlars.

Offences.

[One] **H**awkers, Pedlars and Petty Chapmen, trading without or contrary to License. Stat. 8 & 9 W. 3. c. 24. Sect. 3. 9 & 10 W. 3. cap. 27. Sect. 3.

Confession, or due Proof upon Oath, of one or more Witnesses.

Persons so trading, and upon Demand refusing to shew to a Justice, &c. a License. Stat. 8 & 9 W. 3. c. 24. Sect. 3. 9 & 10 W. 3. c. 27. Sect. 3.

Conviction *ut supra*.

Constables, or other Officers, refusing, or neglecting upon due Notice, to aid or assist in the Execution of Stat. 8 & 9 W. 3. c. 24. Sect. 7. 9 & 10 W. 3. c. 27. Sect. 7.

Note; Any Person may seize and detain any Hawker, &c. till such Time as he or she shall produce a License, if they have any; if not, till they give Notice to the Constable, or some other Parish-Officer, who shall carry such Offender before a Justice, who is by Warrant to levy the Penalty out of the Offender's Goods and Wares, with reasonable Charges. *Ibid*. Sect. 8.

Persons trading as Hawkers, &c. who shall not, upon Demand, have their License ready to be produced. Stat. 3 & 4 Ann. c. 4. Sect. 4.

For every Offence 12 Pounds. One Moiety to the Informer, the other to the Poor, to be levied by Distress and Sale.

Twelve Pounds to the Use of the Poor, and for Non-payment shall suffer as a common Vagrant, and be committed to the *House of Correction*.

40 s. One Moiety to the Poor, the other to the Informer, to be levied by Distress and Sale.

Forfeit as one trading without License, and may be committed, and the Forfeitures levied and employed *ut supra*.

Makers and wholesale Traders in *English Bone-lace*, and selling the same by Wholesale, are not Hawkers, &c. within the Stat. 8 & 9 W. 3. c. 24. and 9 & 10 W. 3. c. 27. And they, their Children, Apprentices, Servants, or Agents, (selling by Wholesale only) may go from House to House, or Shops, to their Customers, without being liable to the Penalties against *Hawkers*. Stat. 4 Geo. 1. c. 6. Sect. 1.

Offences.

Penalties.

None shall hawk or sell any Brandy, or other Spirits, about the Streets in a Wheelbarrow, or upon the Water in any Boat or Vessel, or on any Bulk, Shed, or Stall, or on, or in any other Place than in his Dwelling-house. 2 Geo. 2. c. 17.

Forfeits 10*l.* on Confession of the Offender; or Oath of one or more Witnesses, in one Calendar Month after the Offence committed.

No Person shall sell Brandy, or other distilled Liquors, by Retail, to be drawn in his House, unless they are licensed and allowed in the same Manner as common Alehouse-keepers; and such Persons shall be subject to such Rules, Penalties and Forfeitures, as common Alehouse-keepers are for selling Drink without License; and the Justices of Peace, and other Officers, have Authority to exercise the same Jurisdctions, Powers and Authorities over such Retailers of Brandy, &c. which they have over common Alehouse-keepers, by any Law or Statute whatsoever. Stat. 2 Geo. 2. c. 28.

Hawkers and Pedlars. See Tit. Gams.

Pay.

[One] Persons offering any old Hay to be sold within the Weekly Bills of Mortality, between the last of August and first of June, which does not weigh 56 Pounds a Truss at least; and between the first of June and the last of August weighs not 60 Pounds a Truss new, and old 56. Stat. 2 W. & M. Sess. 2. c. 8. Sect. 16.
View, Confession or one Witness.

One Shilling and Six-pence for every Truss, to be levied and employed, as the Penalties for sweeping the Streets; which see in Title Scavenger.

Pay and Dates.

[One] Taking more for Hay, Oates, &c. in the King's Progress than the Prices set. Stat. 13 Car. 2. c. 8. Sect. 5.
Vol. II, 1 Jac.

Forty Shillings, to be levied by Distress and Sale.

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578 Hay and Dates. Hay and Straw, &c.

Offences.

1 Jac. 2. c. 10. Sect. 5. 5 & 6
W. & M. c. 22.

Confession or Oath of two Witnesses.

Penalties.

Hay and Straw.

[One] **P**ersons suffering their Waggon, Cart, &c. to stand in any Place within the Weekly Bills of Mortality, laden with Hay or Straw to be sold, from *Michaelmas* to *Lady-Day*, after Two o'Clock in the Afternoon; and from *Lady-Day* to *Michaelmas* after Three. Stat. 2 W. & M. c. 8. Sect. 17.
View, Confession, or one Witness.

Five Shillings, to be levied and employed as the Penalties for not sweeping the Streets, which see in Tit. Scavenger.

Hay-Market.

[One] **P**ersons refusing to pay Three Pence a Cart Load of Hay, and One Penny a Cart-Load of Straw, that shall stand to be sold in the *Hay-Market*, in the Parish of *St. Martin's* and *St. James's*, in Ease of the Parishioners of the said Parishes, for and towards the paving and amending the Street. Stat. 8 & 9 W. 3. c. 17. Sect. 3.

The same to be levied by Warrant, under the Hand and Seal of one Justice of *Middlesex* or *Westminster*, by Distress, to be sold, if not paid in three Days.

One Justice of the *Quorum* of *Middlesex*, or *Westminster*, may take the Complaint against such as stand longer in the said *Hay-Market*, than they ought, whereby they forfeit.

Stat. 8 & 9 W. 3. c. 17. Sect. 3.

Five Shillings, to be levied, as by 2 W. & M. c. 8.

[En. Sect.]

Hay-Market. Heath, Furze, and Fern, &c. 579

Offences.

Penalties.

[Qu. Sess.] The Collectors of the Toll gathered in the *Hay-Market* are yearly, at every *Easter-Session*, to give to the Justices of the Peace of the County of *Middlesex* and City of *Westminster*, a particular Account upon Oath, of their Receipts and Disbursements, and the Overplus is to go to the County of *Middlesex*.

Stat. 8 & 9 W. 3. c. 17. Sect. 7.

Heath, Furze, and Fern.

[One] Persons on Mountains, Hills, Heaths, Moors, Forests, Chases, or other Wastes, burning between 2 Feb. and 24 June, any *Grig, Ling, Heath, Furze, Gorts* or *Fern*. To be committed to the House of Correction, not exceeding one Month, nor under ten Days, to be whip'd, and kept to hard Labour.

Stat. 4 & 5 W. & M. c. 23.

Sect. 11.

Hedges and Pales. See *Dychar*.

Hemp and Flax.

[Q. S.] Watering *Hemp*, or *Flax*, in the River *Severn*. Five Pounds for every Offence. One Moiety to the Poor, the other to the Prosecutor.

Stat. 30 Car. 2. c. 9. Sect. 1.

Note; Foreigners who shall use for three Years the Trades of breaking, hitching or dressing *Hemp*, or *Flax*, are to take the Oaths of Allegiance and Supremacy.

Herrings. Vide *Salt*.

Hides.

[One] TO administer an Oath to all subordinate Officers for the Duty on *Hides*, &c. who shall receive any Salary or Allowance, in Respect of his Office, before he acts, for his due and faithful Execution of his Office. And to give a Certificate *Gratis*.

Stat. 9 Ann. c. 11. Sect. 45. See Titles *Butcher* and *Tanner*.

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Highwayman.

Offences.

[Two] IF any Person endeavouring to apprehend a Highwayman, be killed, his Executors, or Administrators, upon a Certificate under the Hand and Seal of the two next Justices, shall receive the Sum of forty Pounds.

Stat. 4 & 5 W. & M. cap. 8. Sect. 3.

Penalties.

The Sheriff, in Failure of Payment, forfeits double the Sum.

To be recovered by Action of Debt, Bill, Plaint, or Information, &c. with Treble Costs.

Highways. See Westminster.

THE Streets of London and Westminster, and other Cities, Towns and Places, are deemed and taken to be Highways within the Intent and Meaning of the Stat. 4 & 5 W. & M. c. 8.

Stat. 6 Geo. 1. c. 23. Sect. 8.

(Constables and Surveyors.)

[One] Constables and Surveyors of the Highways, neglecting to put in Execution the Statutes made for repairing the Highways.

Stat. 22 Car. 2. c. 12. Sect. 1. View, or one Witness.

Resisting any employed in the Executing the Acts for repairing the Highways, or rescuing Goods distrained by Virtue of them.

Stat. 22 Car. 2. c. 12. Sect. 3. View, or one Witness.

To be fined not exceeding 40s. To be levied by Warrant, directed to the High Constable, and to be employed in amending the Highways.

The Penalty is increased to five Pounds, by 6 Ann. cap. 29. Sect. 3.

Forty Shillings, to be employed *ut supra*, and if not paid in seven Days after Notice, to be committed till Payment.

To take the Returns, which the Surveyors of the Highways are to make, of Defaulters, within a Month after every Default, and to present the same at the next Quarter-Sessions.

Stat. 22 Car. 2. c. 12. Sect. 12.

Surveyors

Offences.

Penalties.

(Constables and Surveyors.)

Surveyors of the *Highways* not viewing the Roads, Water-Courses, Bridges, Causeways, &c. and not returning, upon Oath, once in four Months to a Justice.

Stat. 3 & 4 W. & M. c. 12. Sect. 8.

Prosecution in six Months.

Where Notice of Defaults is given in the Church by the Surveyors of the *Highways*, and the Defaulters do not repair and amend in 30 Days, and the Surveyors do.

Stat. 3 & 4 W. & M. c. 12. Sect. 8.

Upon Oath of the Surveyors.
Prosecution *ut supra*.

Surveyors of the *Highways* neglecting to erect or fix a Stone or Post, where two or more cross *Highways* meet, with an Inscription thereon in large Letters, containing the Name of the next Market-Town, to which each of the adjoining *Highways* lead, according to the Precept to him to be directed by the Justices, at their 4 Months Sessions for the *Highways*.

Stat. 8 & 9 W. 3. c. 15. Sect. 7.

Surveyors of the *Highways* neglecting to put the 6 Ann. c. 29. or any former Laws for repairing *Highways*, in Execution.

Stat. 6 Ann. c. 29. Sect. 3.

The same Penalty as for refusing to execute the Office.

Defaulters to pay to the Surveyors, such Charges as one Justice shall think reasonable, to be levied by Distress and Sale.

Ten Shillings to be levied by Distress and Sale, and employed towards such Stone or Post; if any Overplus, in repairing the *Highways*.

Five Pounds, to be levied by Distress and Sale in three Days.

One Moiety to the *Highways*.

The other Moiety to the Prosecutor, so as he be an Inhabitant of the Town, Village, or Place.

(Constables and Surveyors.)

Justices of Corporations, &c. are to put in Execution this and all former Statutes relating to *Highways*.

Stat. 1 *Geo. 1. c. 52. Sect. 7.*

[Two] Surveyors of the *Highways* elected, and not taking the Office upon them.

Stat. 2 & 3 *P. & M. cap. 8. Sect. 1. Quor. 1.*

Twenty Shillings a-piece, by Distress and Sale, and employed in the Amendment of the *Highways*.

Increased to five Pounds, by 3 & 4 *W. & M. c. 12. Sect. 2.*

Bailiff or High Constable, not accounting for Monies by them received towards the Repair of the *Highways*.

Stat. 2 & 3 *P. & M. cap. 8. Sect. 4. Quor. 1.*

To be committed till all Arrears are paid, save 8 Pence in the Pound for themselves, and 12 Pence for the Clerk of the Peace.

Surveyors of the *Highways* not presenting Defaulters in not repairing the *Highways*, and all Offenders therein, to the next Justice.

Stat. 5 *Eliz. c. 13. Sect. 8.*

Forty Shillings, to be levied as the Penalties in 2 & 3 *P. & M. cap. 8.*

To nominate on *Jan. 3.* yearly, or within 15 Days after, at a Special Sessions, to be held for that Purpose, out of a List, to be to them returned by the Constables, Headboroughs, Tithing-men, Church-wardens, Surveyors of the *Highways*, and Inhabitants, One, Two, or more to be Surveyor, or Surveyors of the *Highways*, under Hand and Seal.

Stat. 3 & 4 *W. & M. c. 12. Sect. 3.*

Note; Justices are required to give Notice to Constables, &c. within the Division, ten Days before the holding their Special Sessions, And none are qualified to be Surveyors who have not an Estate in Land in their own Right, or their Wives, of 10 *l. per Annum*, or a Personal Estate of 100 *l.* or occupy Lands, &c. of 30 *l. per Annum*, if such there be.

Persons nominated by the Justices to be Surveyors of the *Highways*, refusing or neglecting.

Stat. 3 & 4 *W. & M. c. 12. Sect. 3.*

One Witness.

Prosecution in six Months.

Five Pounds, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Repair of the *Highway*.

To

Offences.

Penalties.

(Constables and Surveyors.)

To name other Persons in the Room of Surveyors of the *Highways* refusing *toties quoties*.

Stat. 3 & 4 *W. & M. c. 12. Sect. 3.*

Constables, &c. who shall not return Lists of Names to the Justices at their Special Sessions, out of which they are to nominate Surveyors of the *Highways*.

Stat. 3 & 4 *W. & M. c. 12. Sect. 3.*

Conviction and Prosecution *ut supra*.

The Surveyors, every 4 Months, to make their Presentments on Oath.

Stat. 3 & 4 *W. & M. c. 12. Sect. 10.*

Conviction and Prosecution *ut supra*.

Surveyor of the *Highways*, before he be discharged of his Office, is to account upon Oath; and if they have Money in their Hands, and do not pay it.

Stat. 3 & 4 *W. & M. c. 12. Sect. 9.*

Prosecution in six Months.

Surveyors neglecting their Duty in any Thing required by

Stat. 3 & 4 *W. & M. c. 12. Sect. 12.*

Conviction and Prosecution *ut supra*.

Surveyors of the *Highways* nominated by Virtue of the Stat. 3 & 4 *W. & M. c. 12.* within fourteen Days after Acceptance of their Office; and so every four Months, or oftner, if required thereto by Warrant, to view all the Roads, Common *Highways*, Bridges, Causeways, Pavements, Hedges, Ditches, and Water-

Courses

Twenty Shillings to be levied and employed *ut supra*.

Forty Shillings, to be levied and employed as the Penalty for refusing to hold.

Double the Value, to be levied and employed *ut supra*.

Forty Shillings, to be levied and disposed *ut supra*.
See *Stat* infra.

The like Penalty on Surveyors neglecting to give such Account, as on Surveyors refusing to execute the Office.

To be levied and disposed of as the Penalties are by 3 & 4 *W. & M. c. 12.*

Justices, at such their Special Sessions, may excuse on reasonable Excuse.

P P 4

Offences.

Penalties.

(Constables and Surveyors.)

Courses appertaining to such *Highways*, and Nufances and In-croachments made in or upon them. And to give an Account in Writing upon Oath, of the State and Condition of them, and of Neglects of Labourers, and of those obliged to find Labourers or Teams, to the Justices at their Special Sessions.

Stat. 1 Geo. 1. c. 52. Sect. 2.

Justices at their Special Sessions, by Writing under their Hands and Seals, may order Roads out of Repair within the Hundred or Division, to be amended, and in what Manner the same shall be performed.

Stat. 1 Geo. 1. c. 52. Sect. 3.

Surveyors, or other Persons mis-applying any Fine, Penalty, or Forfeiture laid by Virtue of this Act, on Proof, upon Oath, before Justices at their Special Sessions, who likewise may examine upon Oath, Persons that can give any Account of Monies that ought to be applied to amend *Highways*.

Stat. 1 Geo. 1. c. 52. Sect. 5.

Note; Justices Clerks not to take any Fee for Surveyor's Oath, or Accounts, on Pain of ten Pounds, to be recovered in any Court of Record.

Stat. 1 Geo. 1. c. 52. Sect. 11.

[*Qu. Sess.*] Surveyors neglecting their Duty.

Stat. 1 Geo. 1. c. 52. Sect. 10.

Surveyors required to proceed according to such Orders.

Forfeit five Pounds to the Informer.

To be levied by Distress.

Forfeit Forty Shillings, to be levied by Distress and Sale, if not paid in eight Days.

(Obstructions.)

(Obstructions.)

[Two] Persons laying in any Highways, not twenty Foot broad, any Thing whereby the same may be obstructed or annoyed.

Stat. 3 & 4 W. & M. cap. 12. Sect. 4.

One Witness.

Prosecution in six Months.

Possessors of Lands next adjoining to Highways, where Timber, Stone, Hay, Straw, Stubble, or other Matter for making Dung, is laid, shall remove and dispose of the same to their own Use; and if they neglect to clear the Way, or cleanse their Ditches, and carry away the Earth; to lay sufficient Trunks, or Bridges, where there are Cart-ways into Grounds, by the Space of ten Days after Notice given by Surveyors.

Stat. 3 & 4 W. & M. c. 12. Sect. 6.

Conviction and Prosecution, *ut supra*.

Owner of Tree, Bush, or Shrub, growing in any Highway, not cutting it down in ten Days after Notice by the Surveyor.

Stat. 3 & 4 W. & M. cap. 12. Sect. 6.

Conviction and Prosecution, *ut supra*.

Persons neglecting or delaying to scour and keep open Ditches and Water-Courses adjoining to Highways, and to remove such Annoyances to the Highways 30 Days after Notice by Surveyors: ~~Or~~ shall leave the Earth of Ditches

Five Shillings, to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Repair of the Highways.

Five Shillings for every Offence, to be levied and employed *ut supra*.

Five Shillings for every Offence, to be levied and employed *ut supra*.

Forfeit two Shillings and six Pence for every eight Yards of Ditching so not scoured.

And not exceeding five Pounds, nor under twenty Shillings for each other Offence.

Offences.

Penalties.

(Obstructions.)

Ditches scoured in the *Highways*, for the Space of eight Days, Oath thereof being made by Surveyors.

Stat. 1 *Geo. 1. c. 52. Sect. 8.*

[*Qu. Sess.*] Not scouring Ditches, or keeping low Hedges, Trees and Bushes, according to 5 *Eliz. c. 13.*

Stat. 18 *Eliz. c. 10. Sect. 8.*

Not scouring the Ditches in the Ground next the *Highway*.

Stat. 18 *Eliz. c. 10. Sect. 6.*

Casting the Scouring of Ditches into the *Highway*, and suffering it to lie there six Months.

Stat. 18 *Eliz. c. 10. Sect. 7.*

To be levied by Distress and Sale, and applied to the amending the *Highways*.

Ten Shillings, to be levied by Distress and Sale.

Twelve Pence for every Rod unscoured, to be levied *ut supra*.

Twelve Pence for every Load, to be levied *ut supra*.

(Presentment and Certificate.)

[*One*] To certify the Presentments made by the Surveyors of the *Highways* the next Sessions; and his Presentment of the *Highways*, upon his Knowledge, is a good Conviction.

Stat. 5 *Eliz. c. 13. Sect. 9.*

(Rates.)

[*Two*] At four Months Sessions upon Oath made by the Surveyors of the *Highways*, what Sum or Sums they have expended for Materials to repair the *Highways*, the Justices are by Warrant to order a Rate to be made according to 43 *Eliz. c. 2.* for Relief of the Poor, to reimburse the Surveyors.

Stat. 3 & 4 *W. & M. c. 12. Sect. 17.*

Persons

(Rates.)

Persons refusing to pay the above-mentioned Rate for reimbursing the Surveyors.

Stat. 3 & 4 W. & M. c. 12.

Prosecution in six Months.

The Rate to be levied by Distress and Sale.

If any Fine, &c. imposed upon a Parish for not repairing the Highways, shall be levied on one or more of the Inhabitants; the Justices, at four Months Sessions, shall cause a Rate to be made to reimburse them, which is to be levied and paid by the Surveyors in a Month.

Stat. 3 & 4 W. & M. c. 12. Sect. 14.

[*Qu. Sess.*] To order Rates to be made for repairing the Highways, but not to exceed Six-pence in the Pound upon Land, and Six-pence for twenty Pounds in Personal Estate, where they cannot be repaired by any former Law in Force.

Stat. 3 & 4 W. & M. c. 12. Sect. 17, 18.

To order a Rate for Repair of Highways in the Parishes in *Middlesex*, within the Bills of Mortality, not exceeding Four-pence in the Pound Land, and Eight-pence for twenty Pounds personal Estate.

Stat. 2 & 3 W. & M. c. 8. Sect. 23.

On the Surveyor's Application to the Quarter-Sessions, if the Justices there find the Highways, &c. so far out of order, that they cannot be repaired without a further Power than the Laws have appointed, they may cause Assessments to be made not exceeding what is limited by 3 & 4 W. & M. c. 12. though the six Days Work have not been performed. But raising Money by such Assessments, not to excuse the working of Teams, or Labourers, by Law appointed to work, &c.

Stat. 1 Geo. 1. c. 52. Sect. 6.

To make such Order for Relief of Persons aggrieved as they shall think convenient. The same to conclude and bind all Persons, except such who neglect to scour their Ditches, and carry away the Earth taken out of the same, or who shall not carry away Stone, Timber, Straw, or Dung, left in Highways; or who shall not remove Annoyances to Highways by Water-courses.

Stat. 1 Geo. 1. c. 52. Sect. 12.

Note; No Person is liable to be punished for any Offence against the Stat. 1 Geo. 1. c. 52. unless prosecuted in six Months. And no Person

(Rates.)

Person who shall be punished for any Offence by this Act, to be punished for the same Offence by Virtue of any other Act or Law whatsoever.

Sect. 14. *Ibid.*

(Sessions.)

[Two] To hold a Special Sessions for the *Highways*, every four Months, and summon thereunto all the Surveyors of the *Highway*, and declare to them what they are obliged to do by Virtue of this, or any former Act.

Stat. 3 & 4 W. & M. cap. 12. Sect. 10.

Justices neglecting or refusing to do what is required of them by this Act, forfeit five Pounds, to be recovered by Action of Debt, &c.

One Moiety to the Prosecutor, the other in amending the *Highways*.

Prosecution in six Months.

[Five] After Summons, to show Cause why *Highways* should not be enlarged: At the Quarter-Sessions to order the Enlarging or Widening any *Highway*; but the Ground taken in must not exceed eight Yards; nor must any House be pulled down, or Garden, Orchard, Court or Yard, taken away; and Satisfaction must be made, by Jury, for the same, not exceeding twenty-five Years Purchase.

Stat. 8 & 9 W. 3. cap. 15. Sect. 1.

An Appeal to the Judge of Assize.

[Five] To order Assessments upon Land not exceeding Six-pence in the Pound; and upon Personal Estate, not exceeding Six-pence for every twenty Pounds, upon such as are to pay to the *Highways*, towards Payment of the Owners of the Land taken away.

Stat. 8 & 9 W. 3. c. 15. Sect. 2.

Appeal, *ut supra*.

[Qu. Sess.] To inquire of Breaches of 2 & 3 P. & M. c. 8, concerning *Highways*, and to set such Fines as they, or any two (Quar. 1.) shall think fit, to be levied by Way of Distress; and if no Distress, or not paid in twenty Days after Demand, double so much, to be employed in mending the *Highways*.

Stat. 2 & 3 P. & M. c. 8. Sect. 10.

(Sessions.)

To assess a Fine upon a Justice of Peace, his Presentment of the Highways, upon his Knowledge, to be created, levied, accounted and employed, as by 2 & 3 P. & M. c. 8.

Stat. 5 Eliz. c. 13. Sect. 9.

(Who to Work.)

[Two] Persons having a Team, or Plough-Land, either in Arable or Pasture, and a Subsidy-Man of nine Pounds in Goods, or forty Shillings in Lands, not sending two able Men with Team and Tools convenient, to work for six Days, eight Hours in a Day.

Stat. 2 & 3 P. & M. cap. 8. Sect. 2.

— 5 Eliz. c. 3. Sect. 2.

— 18 Eliz. c. 16. Sect. 2, 3. Quor. 1.

Cottagers not working themselves, or finding a sufficient Labourer.

Stat. 2 & 3 P. & M. cap. 8. Sect. 2. Quor. 1.

Labourers neglecting to work in the Highways.

Others, neglecting to send a Man and a Horse.

Others, neglecting to send a Cart with two Men.

Stat. 22 Car. 2. c. 12. Sect. 9.

Upon Surveyor's Complaint, and one Witness.

Ten Shillings for every Day, to be levied by Distress and Sale, and employed in the mending of Highways.

Twelve-pence for every Day, to be levied *at supra*.

One Shilling and Six-pence.

Three Shillings.

Ten Shillings.

To be levied by Distress and Sale.

[Two] Or more Justices of the Peace for the County of Middlesex, at any Petty Sessions, or Special Sessions of the Peace, upon Application made to them by any five of the Trustees for repairing the Highways between Kilburne-Bridge in Middlesex and Sparrows Horns in

(Who to Work.)

in *Hertford*, to adjudge and determine what Part and Portion of the Statute Work shall be done in the said Roads by and in each Parish.

8 *Geo. 1. c. 9. Sect. 3.*

See also Tit. *Scavengers, Turnpikes and Westminster.*

Hops.

[*One*] **T**O administer an Oath to every Officer, who shall be empowered to make a Charge on *Hops*, for the due and faithful Execution of his Office, and shall give to such Officer a Certificate thereof.

Stat. 9 *Ann. c. 12. Sect. 12.*

Horses.

[*One*] **T**O take the Oaths of two Witnesses to prove a stolen Horse to be the Owner's, and on the Buyer's Oath what he paid for the Horse, the Owner is to have him again, paying the Buyer; but this must be done in six Months after the Sale.

Stat. 31 *Eliz. c. 12. Sect. 4.*

[*Qu. Bess.*] Have Power to hear and determine all Offences against 32 *H. 3. c. 13.* for putting stoned Horses to feed upon Forests or Common Ground, above two Years old, and not 15 Hands high, according to the Standard, and for refusing to measure them.

Stat. 32 *H. 8. c. 13. Sect. 3.*

See Tit. *Cattle and Fairs.*

House of Correction.

[*Qu. Bess.*] **T**O give Orders for erecting Houses of Correction, and for Maintenance and Government of the same, and for the Punishment of Offenders committed thither; and to appoint Governors and their Salaries, which are to be paid Quarterly by the Treasurers.

Stat. 39 *Eliz. c. 4. Sect. 1. — 7 Jac. 1. c. 4. Sect. 6.*

4

Governors

Offences.

Penalties.

Governors of Houses of Correction, not yielding a true Account every Quarter-Sessions, of Persons committed, or suffering any to escape, or to be troublesome to the County by going abroad.

Fineable, as Justices shall think fit.

See Tit. **Gaol**.

Stat. 7 *Jac.* 1. c. 4. Sect. 9.

Houses. See **Alms-houses-Duties**,
Punting. See **Game**.

Informers.

[**One**] **U**PON Informations for Trespasses, Batteries, and other Misdemeanors, to take the Informer's Recognizance in 20 *l.* That he will prosecute with Effect, and abide by such Order as the Court shall direct.

Stat. 4 & 5 *H. S. M.* c. 18. Sect. 2.

Ingrossers. See **Roastallers and Ingrossers**.

Inn-keepers. See **Blehouses and Excise**.

Insolvent Debtors. See the Act at large 16 *Geo.* 2.

Journeyman Taylors.

[**Two**] **A**NY Person brought up in, or professing, using, or exercising the Art or Mystery of a Taylor, or Journeyman Taylor, in making up Mens or Womens Work in the Cities of *London* and *Westminster*, or *Weekly Bills of Mortality*, who shall at any Time after the first of *May* 1721. keep up, continue, act in, make, enter into, sign, seal, or be knowingly interested or concerned in any Contract, Covenant, or Agreement, in Writing, or not in Writing, for advancing their

To be committed either to the House of Correction, to hard Labour, not exceeding *two Months*, or to the Common Gaol, there to remain without Bail or Mainprize, not exceeding *two Months*, at the Discretion of the Justices before whom convicted.

See *New Med. Cases*, p. 10, 11.

Wages, &c.

Offences.

Penalties.

Wages, or for lessening their usual Hours of Work.

One or more credible Witnesses.

Prosecution in three Months after the Offence was committed.

Stat. 7 Geo. 1. cap. 13. Seff. 1. Sect. 1.

Journeyman Taylors, Servants, and Apprentices to Taylors, and others, employed or retained as Taylors, in making up Mens or Womens Work within the Cities of London and Westminster, or Weekly Bills of Mortality, after the first of May 1721, to work from Six of the Clock in the Morning until Eight at Night. The Master to allow one Penny Half-penny a Day for Breakfast, and one Hour for Dinner. And for the Time or Hours of Work aforesaid, to pay them not exceeding *two Shillings per Diem*, from the 25th of March to the 24th Day of June. And for the Rest of the Year, *One Shilling and Eightpence per Diem*.

Stat. 7 Geo. 1. c. 13. Seff. 1. Sect. 2.

Taylors or others, acting as such within the Limits aforesaid, hiring, retaining, or employing any Journeyman Taylor, or other Person, not being an Apprentice, to pay them after the Rates aforesaid for the full Time for which they hire them.

Ibid. Sect. 3.

Upon Complaint thereof, to summon before them the Party offending, and for Non-payment of the Wages directed by this Statute, to issue their Warrant for levying such Wages by Distress and Sale, &c.

Ibid. Sect. 4.

For want of Distress, to commit the Party offending to the common Gaol without Bail or Mainprize, till Payment or Satisfaction made.

Journeyman Taylor, &c. departing from his Service before the End of the Term for which he is hired, or until the Work for which he was hired, be finished; or not being retained or employed, shall refuse to work after Request made for that Purpose by any Master Taylor, for the Wages and Hours limited, unless some

To be committed to the House of Correction to hard Labour, not exceeding two Months.

Offences.

Penalties.

reasonable Cause to be allowed by two Justices. And being thereof convicted.

Ibid. Sect. 6.

Taylor, &c. within the Limits aforesaid, giving, allowing, or paying any more or greater Wages than limited by this *Statute* or the *2^d. Sess.* for the Hours of Work aforesaid, to any Journeyman Taylor, &c. being lawfully convicted.

Prosecution in three Months.

Ibid. Sect. 7.

Journeyman Taylors, &c. taking more or greater Wages for the Hours of Work aforesaid than limited by this Stat. or *2^d. Sess.*

Ibid. Sect. 7.

Five Pounds. One Moiety to the Informer or Prosecutor.

The other to the Poor of the Parish where, &c.

To be sent to the House of Correction to hard Labour, not exceeding two Months.

Note ; All Wages, Pay or Allowances contrary to this Act or Order of Quarter-Sessions are null and void.

Ibid. Sect. 7.

This Act does not extend to Wages or Allowances agreed upon for working before or after the Hours of Work limited, or to be limited.

Ibid. Sect. 8.

[*Qu. Sess.*] An Appeal lies to the next General Quarter-Sessions, giving six Days Notice, whose Judgment is final. And may award reasonable Costs to either Party as to them shall seem just.

Ibid. Sect. 9.

Within the Limits aforesaid, upon Application to be made to them for that Purpose, may from Time to Time take into their Consideration the Plenty or Scarcity of the Times, &c. and alter the Wages and Hours of Work directed by this Statute. And may order and appoint what *Wages* and *Allowances* shall be paid

To be imprisoned, not exceeding two Months.

paid or made to Journeymen Taylors, &c. and what Hours they shall work, which Rates and Alterations the Sessions must cause to be printed and published in fourteen Days next after such General Quarter-Sessions, at the reasonable Expence of the Persons desiring the same. And from and after Publication thereof, all Taylors and their Journeymen, &c. not observing the same, and being thereof convicted.

Ibid. Sect. 5.

Prosecution in six Days after Offence committed.

Jurors.

[Qu. Sess.] **T**O take the Return of the Constables and Headboroughs, of their List of Names and Places, of Abode of Persons qualified to serve on Juries, between the Age of 21 and 70; which they are to make at *Michaelmas* Sessions yearly, and to cause the Clerk of the Peace to deliver a Duplicate thereof to the Sheriff, before the first of *January* after, and to enter the same fairly in a Book.

Stat. 7 & 8 W. 3. c. 32. Sect. 4.

Note; The foregoing Act is continued for 11 Years, and to the End of the next Sessions of Parliament; and an explanatory Clause added touching *Jurors* in *Yorkshire*, not to be returned to serve at the Sessions or Adjournments there above once in four Years.

10 Ann. c. 14. Sect. 4.

This not to extend to *Assises*, or General Gaol-Delivery.

At *Midsummer* Sessions yearly to issue Warrants, under the Hands and Seals of two or more, to the High Constables, to issue out their Precepts to prepare a List of Freeholders, according to 7 & 8 W. 3. c. 32. which the Constables are to return the first Day of *Michaelmas* Sessions.

Note;

Offences.

Penalties.

Note ; This Act and the Act 7 & 8 W. 3. c. 32. are to be read publickly in open Court.

Stat. 3 & 4 Ann. c. 18. Sect. 5.

Continued for 11 Years, &c. by 10 Ann. c. 14. Sect. 4.

The High Constables not issuing their Precepts to the Constables, to prepare their Lists of Persons to serve on Juries.

Stat. 3 & 4 Ann. c. 18. Sect. 5.

Ten Pounds.

The Petty Constables not returning the List of Persons to serve on Juries.

Stat. 3 & 4 Ann. c. 18. Sect. 5.

Five Pounds.

See Tit. Panels of Juries.

Note ; All the Clauses relating to the Jurors and the Returns, and Service of Jurors, in the several Statutes of 7 & 8 W. & M. and 4 Ann. *supra*, are continued for seven Years, and to the End of the next Sessions. Stat. 9 Geo. 1. c. 8. Sect. 2.

[*One*] If any Person required by the several Statutes to give in, or by this Act, to make up true Lists of the Names of the Persons qualified to serve on Juries, shall wilfully omit out of any List, any Name which ought to be inserted, or take Money for omitting or inserting any Persons.

Stat. 3 Geo. 2. c. 25.

He forfeits 20 s. on Conviction before one or more Justices ; one Half to the Informer, and the other to the Poor of the Parish ; and if not paid within five Days, shall be levied by Distress, by Warrant from one or more Justices.

Constables, after they have completed their Lists, may subscribe them in Presence of a Justice, and attest them on Oath to the best of their Knowledge ; and the said Lists being signed by the Justice, shall be delivered by the Petty Constable to the High Constable, who is to deliver in such Lists to the Quarter-Sessions in open Court attesting on Oath, his Receipt of them from the Petty Constables, and that no Alteration has been made since his Receipt thereof ; and the Lists so delivered in shall be as effectual, as if delivered in by the Petty Constables themselves. Stat. 3 Geo. 2. c. 25.

Justices of Peace.

Offences.

Penalties.

JUSTICES have Power to arrest and chastise *Rioters* and *Barretors*, and other Offenders; and also to imprison and punish them according to Law, and, by Discretion and good Advise-ment, also to bind People of evil Fame to the Good Behaviour; and to hear and determine Felonies and Trespasses done in the same County, according to Law. And to impose Fines for Trespasses, which must be reasonable and just. Stat. 34 *Eliz.* 3, 1.

Justices must keep their Sessions four Times in the Year, and by three Days, if need be, *viz.* in the first Week after *Michaelmas*, *Epi- phany*, *Easter*, and the *Translation* of *St. Thomas* the Martyr, *viz.* *Becket*, being the 7th of *July*. And oftner, if Need require.

Stat. 12 *R.* 2. c. 10.

— 2 *H.* 6.

Justices of Peace of *Middlesex* are not compellable to keep their Sessions above twice in the Year, notwithstanding the Stat. 12 *R.* 2. c. 10. yet they may keep them oftner at their Discretion.

Stat. 14 *H.* 6. c. 4.

None (except Men learned in the Law, or inhabiting Corporations) to be Justices, unless their Lands be worth 20 *l. per Ann.*

Stat. 18 *H.* 6. c. 11. See Stat. 5 *Geo.* 2. *infra.*

If any be put into the Commission, not having Lands *ut supra*, and do not within one Month after Notice thereof acquaint the Lord Chancellor therewith, or do sit or make any Warrant by Force of such Commission. *Ibid.*

Forfeits twenty Pounds.

To be divided betwixt the King and the Prosecutor.

But by a Stat. made by 5 *Geo.* 2. None shall be capable of being or of acting as a Justice of Peace in *England* or *Wales*, unless he have 100 *l. per Ann.* Freehold or Copyhold, in Law or Equity, for Life, or 21 Years. No Attorney, Solicitor or Proctor can be a Justice of Peace. If any do act not so qualified, forfeit 100 *l.* Not to extend to Peers or their eldest Sons, or the eldest Son of any qualified to be a Knight of a Shire. Nor to any Corporation Justices or Heads of Colleges, &c.

Justices must certify Recognizances to the next General or Quarter-Sessions, where, if the Party bound, being called, do not appear, the

Offences.

Penalties.

the Recognizance must be certified into the *Chancery, King's Bench, or Exchequer.* Stat. 3 *H.* 7. c. 1.

A new Commission of the Peace, or Gaol-Delivery of the whole County, does not supersede a Commission granted to a City or Town Corporate. Stat. 2 & 3 *P. & M.* c. 18.

A Justice of Peace for a County at large, dwelling in a City, or other Precinct, which is a County itself, (tho' not within the County at large) may grant Warrants, take Examinations, make Orders, &c. at his Dwelling-house, though it be out of the County where he is authorized to act; yet so as he doth not intermeddle in Matters arising in such City or Precinct. Stat. 9 *Geo.* 1. c. 7. Sect. 3.

Justices of Peace, by Virtue of a Commission from his late Majesty, or his present Majesty, granted before 13 *Feb.* 1727. taking the Oath of a Justice before *Nov.* 28. 1728. are indemnified for all Acts done by them as Justices, tho' such Oath of Office was not taken within the Time required by Law. Stat. 1 *Geo.* 2. c. 23. Sect. 5.

And such Justices as qualified themselves before the said 13 *Feb.* and since 11 *Junii* 1727, are not obliged to qualify themselves again. *Ibid.* Sect. 6.

By 16 *Geo.* 2. Justices are empowered to act in certain Cases relating to Parishes and Places, to the Rates and Taxes of which they are rated or chargeable. 16 *Geo.* 2.

See also Tit. *Scabenger and Stamp-Duty.*

Also *Overseers of the Poor, Surveyors of the Highways, &c.*

Keels.

[One] **P**ersons removing or altering the Marks of Keels, Boats, &c.

Stat. 6 & 7 *W.* 3. c. 10. Sect. 7.
One Witness.

Ten Pounds, to be levied by Distress and Sale; for Default, 3 Months Imprisonment.

The Penalty between the King and the Discoverer.

Knights of the Shire. See *Wages.*
Labourers. See Tit. *Servants and Wages.*

Lamps and Lights.

Offences.

Penalties.

[Two] **T**O approve the Distances which one *Lamp* is to be set from another in or near the open Streets in the Bills of Mortality.

[One] May convict on View, Confession, or Oath of one Witness, for not hanging out Lights, or agreeing to light from *Michaelmas* to *Lady-Day*, from the Time it is dark to twelve at Night.

Every Night's Default forfeit 2 s. to be levied by Distress and Sale of Goods.

Stat. 2 W. & M. c. 8. Sect. 15.

[Qu. Sess.] At *Canterbury* to appoint a proper Person to fix and light Lamps in that City, from 1 *Sept.* to *May* 1, yearly, and to appoint one Inhabitant of each Parish to settle a Rate, not exceeding 3 *d.* in the Pound, for maintaining the same. And to appoint Collectors for collecting the same Quarterly; and if any Person refuse to assess or collect, he forfeits 5 *l.* And if any assessed refuse to pay for 14 Days after Demand, Collectors, by Warrant, may distrain, rendering Overplus. Persons aggrieved by any Rate, &c. may appeal to Quarter-Sessions.

The Money collected shall be accounted for by the Collectors, to two or more Justices (the Mayor to be one) as often as the Justices shall require such Account; and if Collector refuse to account, and pay the Money in his Hands to such Person as the Justices direct, the Mayor, or any two Justices, shall commit him to the common Gaol, without Bail, till he account, and pay the Money remaining in his Hands. 1 *Geo.* 2. c. 20.

Linen and Wempen Manufacture. See Cloth, &c.
 Lord's Day. See Sunday.

Leather.

[Qu. Sess.] **T**HE Mayor and Aldermen of *London*, to chuse and swear eight expert Men out of some of the four Companies of *Shoemakers*, *Carriers*, *Girdlers*, and *Sadlers*, to be Searchers and Sealers of all tann'd

Forty Shillings, to be divided between the King and Prosecutor.

Offences.

Penalties.

tann'd Leather there, whereof one to be assigned to keep the Seal.

Stat. 1 Jac. 1. c. 22. Sect. 31.

Head Officers in Corporate and Market-Towns, and Lords of Liberties, to appoint and swear yearly two, or three, or more honest and skilful Men, to be Searchers and Sealers of Leather.

Ibid. Sect. 32.

The Mayor of London, and the Head Officer, or Lord aforesaid, to appoint six Triers of insufficient Leather and Leather-Wares.

Ibid. Sect. 35.

Triers not doing their Duty without Delay.

Ibid. Sect. 35.

A Trier in London continuing two Years together.

Ibid. Sect. 36.

Searcher or Sealer refusing in convenient Time to do his Office, or allowing insufficient Wares.

Ibid. Sect. 37.

Searchers or Sealers taking Bribes, or exacting more than due Fees.

Ibid. Sect. 37.

Searcher or Sealer being lawfully elected, and refusing the Office.

Ibid. Sect. 37.

Forty Shillings, to be divided *as supra.*

Five Pounds, to be divided *as supra.*

Five Pounds, to be divided *as supra.*

Incapable of being chosen for three Years after, on Pain to forfeit for every Month he continues otherwise in that Office 10 *l.* to be divided in Thirds. One to the King, one to the Prosecutor, and the other to the City, Borough, Town or Lord of the Liberty where the Offence is committed.

40 *s.* to be divided in Thirds *as supra.*

20 *l.* to be divided in Thirds *as supra.*

10 *l.* to be divided in Thirds *as supra.*

Selling

Q 9 4

Forfeited

Offences.

Selling tann'd Leather in *London* before it is searched and sealed.
Ibid. Sect. 39.

Withstanding the *Searchers* and *Sealers* in the Execution of their Office, or their Seising insufficient Wares.

Ibid. Sect. 40.

Persons selling any tann'd Leather (red or unwrought) before it is registred.

Ibid. Sect. 42.

Persons buying any tann'd Leather before it be searched and sealed; or carrying it out of the Fair or Market before it be registred. *Ibid.* Sect. 44.

Artificers in *London* using tann'd and curried Leather, putting into their Wares Leather insufficiently tanned or curried. *Ibid.* Sect. 44.

Such Artificers selling any where but in open Shop, Fair or Market, where due Search may be had. *Ibid.* Sect. 45.

Buying forfeited Wares to sell again. *Ibid.* Sect. 47.

Penalties.

Forfeited, or the Value thereof, to be divided in Thirds, *ut supra.*

5 *l.* to be divided in Thirds *ut supra.*

The Value thereof to be divided in Thirds *ut supra.*

The same, or the Value thereof, to be divided in Thirds *ut supra.*

The Wares, and the just Value, to be divided in Thirds *ut supra.*

The Wares and ten Shillings for every Offence, to be divided in Thirds *ut supra.*

Three Shillings and Four-pence for every Parcel, to be divided in Thirds *ut supra.*

Note; The Stat. 1 *Jac.* 1. c. 22. is not to prejudice the Authority of the Universities, so as their Officers observe the Provision of the same; and Hides or Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goats, and Sheep, being tanned or tawed, and salt Hides are reputed Leather within this Act.

See Tit. **Currier, Shoemaker and Tanner.**
Lent. See **flesh.**

Libel, Vide Behaviour.

Lotteries.

Lotteries.

Offences.

[1721.] AFTER the 1 Decem. 1721. every Person who shall erect, set up, continue, or keep any Office or Place under the Denomination of Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things for the Improvement of small Sums of Money, or shall sell or expose to Sale any Houses, &c. by Way of *Lottery*, or by Lots, Tickets, Numbers, or Figures; or who shall make, print, advertise or publish, or cause to be made, advertised, or published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided amongst them by the Chances of the Prizes in some publick Lottery or Lotteries, or shall deliver out, or cause or procure to be delivered out, Tickets to Persons advancing such Sums, to entitle them to a Share of the Money so advanced, according to such Proposals or Schemes; or shall make, print, or publish, or cause to be made, &c. any Proposal or Scheme of the like Nature, under any Denomination or Title whatsoever.

Persons who by Authority of any Foreign Prince, State, &c. shall erect, or keep, or cause, &c. any Lottery or Undertaking in Nature thereof, or print or publish any Proposal or Scheme for any such Lottery or Undertaking; or within this Kingdom sell or dispose

Penalties.

500 *l.* (for every such Offence) over and above any former Penalties inflicted by any former Act or Acts.

One Third to his Majesty, one other to the Informer, and the remaining Third to the Poor of the Parish where the Offence is committed.

To be levied by Distress and Sale; or committed to the County Gaol without Bail for one whole Year, and from thence till full Payment be made of the 500 *l.* forfeited as aforesaid.

Conviction by one or more credible Witnesses.

But Appeal lies to the next Quarter Sessions, whose Judgment is final. Stat. 8 Geo. 1. c. 2. Sect. 36.

On Conviction of any such Offence by one Witness before two Justices, 200 *l.* (besides former Penalties) one Third to the King, another to the Informer, and another to the Poor of the Parish. Leviable by Distress and Sale; also Commitment for one Year, without

Offences.

Penalties.

dispose of any Ticket therein. Stat. 9 Geo. 1. c. 19. Sect. 4.

[One] May convict Offenders against 12 Geo. 2. for erecting Offices for the Sale of Houses, Land, &c. Plate, Jewels, Lots, Tickets, Numbers or Figures, upon Oath of one Witness or View.

without Bail, and till the 200*l.* is paid.

But Appeal lies to the Quarter-Sessions, whose Judgment is to be final. *Ibid.* Sect. 5.

Person convicted forfeits 200*l.* to be levied by Distress; One Third to the Informer, and two Thirds to the Poor, except in *Bath*, and then the two Thirds to be given to the Infirmary.

Every Adventurer forfeits 50*l.* to be levied as aforesaid.

12 Geo. 2. c. 28. Games called *Ace of Harts, Faro, Basset*, and *Hazard*, are declared to be Lotteries.

And by 13 Geo. 2. c. 19. the Games of *Passage*, and all other Games with Dice, are declared Lotteries within the Meaning of 12 Geo. 2. and the Keeper of any Table, and the Players, to forfeit as in the said Act, and Profecutor to have double Costs.

12 Geo. 2. c. 28.

13 Geo. 2. c. 19.

Lunaticks.

[Two] M A Y by their Warrant, directed to the Constables, Churchwardens and Overseers of the Poor, of the County or Place where Lunaticks or mad Persons shall be found, cause such Lunaticks and Persons furiously mad, to be locked up, and, if necessary, chained, &c. (but not whipped) during their Lunacy, &c. and charge their Estate (if any) for their Maintenance; or (if none) provided for as the Poor of the Parish. 12 Ann. Sess. 2. c. 23. Sect. 22.

[Qu. Sess.] Churchwardens and Overseers of the Poor must account for the Money over and above what is applied for the Maintenance of the Lunatick, and such Lunatick is not to be confined, unless in the Place of his Abode.

Walt.

Malt.

Offences.

Penalties.

[*Que*] **C**onstable may search for Malt which is faulty or mingled, and being found, may with the Advice of a Justice of Peace make Sale thereof. The Prosecution must be within a Year, and not to be against Persons who make their own Malt.

Stat. 2 & 3 E. 6. c. 10. Sect. 10.

[*Qu. Resp.*] Every Person employing less Time in making and drying of Malt, (except in *June, July, and August*) than three Weeks, and in those Months less than 17 Days; and putting to Sale Malt mingled of good and bad. Stat. 2 & 3 E. 6. c. 10. Sect. 2.

Two Shillings for every Quarter.

To be divided between the King and Prosecutor.

Putting any Malt to Sale before (by treading, rubbing and fanning it) he shall have taken out of every Quarter Half a Peck of Dust or more. Stat. 2 & 3 E. 6. c. 10. Sect. 3.

Twenty Pence for every Quarter, to be divided *ut supra*.

Malt entered and made for Exportation only (as the Act directs) not to be charged with any of the Duties imposed on Malt made in *Great Britain*; and no Drawback to be allowed on any Malt exported. Stat. 12 Geo. 1. c. 4. Sect. 47.

Makers of Malt for Exportation, are, before they begin to steep it, to leave Notice in Writing of the Quantities intended to be made, &c. which shall be kept separate from what is intended for home Consumption. *Id.* Sect. 48.

Five Shillings for every Bushel found mixed with what is intended for home Consumption.

Maltsters shall not begin to wet any Grain to make into Malt for Exportation, for above six Days before the Corn, &c. intended for home Consumption be dried off; nor wet any Grain for home Con-

Five Shillings for every Bushel so wet, &c.

Offences.

Consumption above six Days before the Malt for Exportation be dried and locked up, *ut infra*. *Ibid.* Sect. 49.

Notice in Writing is to be given by the Exporter to the Port-Officer, of the Day and Hour when the putting such Malt on Board is to be begun, and of the Ship's Name, &c. Sect. 56.

If such Malt be not exported within nine Months after made, and put into Rooms or Storehouses, *ut infra*. *Ibid.* Sect. 56.

Maltsters (other than Compounders for the Duties) not to mix their Corn or Grain of one wetting or steeping, or any Part thereof, or of their Couches or Floors, with Corn or Grain of a former wetting or steeping before it be put on the Kiln for drying. Stat. 2 Geo. 2. c. 1. Sect. 11, 12.

Malt for Exportation when fully dried, &c. shall in Presence of the Officer where made, be measured, and carried thence directly on Ship-board, or into Storehouses, or Rooms provided by the Maker, and there kept from other Malt under two Locks and Keys, one to be kept by the Officer, &c. Stat. 12 Geo. 1. c. 4. Sect. 50.

Makers of Malt for Exportation are, before they begin to steep it, to leave Notice in Writing of the Quantities intended to be made, &c. which shall be kept separate from what is intended

Penalties.

Five Shillings for every Bushel put on Board without such Notice. *Ibid.*

Five Shillings for every Bushel.

Five Shillings for every Bushel so mixed, &c. recoverable by any Laws of Excise. One Moiety to the King, the other to the Informer. See *Excise, ante*.

Not entering such Corn *ut supra*, or not providing Rooms or Storehouses with Locks, &c. or not giving Notice, or not causing it to be measured and locked up within six Days after it is tried, forfeits 50 l. *Ibid.* Sect. 57.

Five Shillings for every Bushel found mixed with what is intended for home Consumption,

Offences.

Penalties.

ed for home Consumption. *Ibid.*
Sect. 48.

The said Officers may gauge such Malt in all its Operations, till it be fully dried, &c. and on Notice are to attend at Store-houses, &c. on the Delivery out of Malt for Exportation; as also to keep an Account thereof, and give out Certificates, &c. *Ibid.* Sect. 51, 52 and 53.

The Port-Officers are to attend the Measuring of Malt, and to continue on Board till the Ship be cleared. *Ibid.* Sect. 54.

The Hatches of the Ship are to be locked down when it is not loaded, &c. *Ibid.* Sect. 55.

Opposing and hindring an Officer forfeits 50 *l.*

Breaking open the Hatches after locked down, 50 *l.*

Markets. See Tit. *Fairs.*

Marthalsca. See Tit. *Rates* in Tit. *Port.*

Mats. See Tit. *Wapstis.*

Master and Mistresses. See Tit. *Servants and Apprentices.*

Mats.

[four] **T**O license Persons to make Mats, Coverlets, and Dornicks, in *Norwich* or *Norfolk*. If a Reward be taken for such License, the Forfeiture is five Pounds. Stat. 5 & 6 Ed. 6. c. 24. Sect. 5.

[Qu. Quest.] Making any Mats, Dornicks, or Coverlets, in *Norfolk*, without License, except in a Corporate Town. Stat. 5 & 6 Ed. 6. c. 24. Sect. 3.

Every six Felts 10 *s.* every Coverlet 3 *s.* 4. *d.* every six Yards of *Dornicks* 6 *s.* 8 *d.*

Not to extend to *Pulbam* in *Norfolk*.

Meas-makers. See Tit. *Excise.*

Measures. See Tit. *Weights.*

Money.

Money.

Offences.

Penalties.

[One] **T**O hear and determine upon Oath, whether any Piece of Money cut be counterfeit or not. Stat. 9 & 10 W. 3. c. 21. Sect. 1.

See Tit. Coin.

Mint.

THE Stat. 9 Geo. 1. c. 28. *Impowering Justices of the County of Surrey to act in certain Cases for suppressing Riots and Tumults, &c. within the Place commonly called the Mint; it may seem not wholly improper to insert, under this Title, a brief Abstract of so much of the said Act, as concerns the said Justices.*

[One] On Complaint by any, having a legal Writ, and Affidavit, made before one Justice, That 50 *l.* is owing to him by a Person he knows or believes to be in the *Mint*.

If the Sheriff, Bailiff, or Officer, neglect or refuse on such Warrant, with such Power, &c. to use his best Endeavours for executing such Process, Execution, or Extent, he forfeits 200 *l.* to the Plaintiff; recoverable by Action of Debt or Case, &c. *Ibid.*

[Three] *Justices of the County of Surrey, may in their Discretion, issue their Warrant to the Sheriff there, or the Bailiff, &c. of Southwark, requiring them under the Penalty infra, to raise the Posses Com' or other Power, and enter the Mint, and arrest, and in Case of Resistance or Refusal, break open any Door to arrest such Person on Mesne Process, &c. or seise Goods on an Execution or Extent. Stat. 9 Geo. 1. c. 28. Sect. 2.*

And resisting or opposing *there* any Officer of Justice, or such as aid him in executing any Writ, Escape Warrant, or other Justice's Warrant, or any legal Process, Execution, or Extent; or rescuing any Prisoner taken thereon, or knowingly harbouring or concealing such Prisoner, or any who rescued

And thereof convicted on Indictment or Information brought or filed within six Months after any of the said Offences, he shall be adjudged guilty of Felony, and transported, &c.

Offences.

Penalties.

rescued him, or who abetted or aided in such Resistance or Rescue: or exercising any unlawful Jurisdiction there, or making or executing (or joining therein) of any Rule, Order, &c. for supporting any pretended Privilege there; or opposing or hindring the Execution of any legal Process, or Warrant, or Rule, Order or Decree of any Court. *Ibid.* Sect. 2.

Persons *there*, wearing Vizards or Masks, or having their Faces or Bodies disguised, joining in or aiding, or abetting any Riot or Tumult there, or knowingly and willingly opposing the Execution of any legal Process, Order, or Warrant; or assaulting and abusing any Person serving or executing the same, or for having so done. *Ibid.* Sect. 3.

All who knowingly harbour or conceal any such disguised Person, &c. *Ibid.* Sect. 3.

On Conviction thereof, to be adjudged guilty of Felony, without Benefit of Clergy.

On Conviction, guilty of Felony and to be transported.

Note: A Reward of 40 *l.* is given to any who shall apprehend and convict one guilty of any the Offences before mentioned, payable by the Sheriff of *Surrey*, without any Deduction or Fee, within one Month after the Conviction, and a Demand made by tendering a Certificate thereof, under the Judge or the Justice's Hands, before whom convicted; who in Cases of Dispute, may in the Certificate proportion the Shares payable to the said Parties. *Ibid.* Sect. 4.

The Sheriff making Default of Payment. *Ibid.* Sect. 4.

Forfeits double the Sum to the Party, recoverable by Action.

[Two] If any Person be killed by such Offender, in endeavouring to apprehend him, the Executors or Administrators of the Deceased, on the Certificate of a Judge of Assize, or two next Justices, of such Person's being so killed, (which Certificate the said Judge or two Justices, on Proof of the Fact are immediately to give *gratis*) shall receive 40 *l.* from the Sheriff of the County where the Fact was done. *Ibid.* Sect. 5.

The

Offences.**Penalties.**

The Sheriff on Non-payment, | Forfeits 80 *l.*
Et. Ibid. Sect. 5.

Any Apprehender or Prosecutor, *ut supra*, guilty of, and not in Prison for any of the said Offences, and convicting two or more of any of the said Offences, shall not only have the said 40 *l.* but also be pardoned. *Ibid.* Sect. 8.

Murder.

[Qu. Sess.] **I**N Case of Murder, may enquire of Escapes, and certify them into the King's Bench. Stat. 3 H. 7. c. 1. Sect. 21.

Acts. See Tit. Fish and Game.

New Parishes, &c.

[One] **N**OTE; the several Stat. 2 Geo. 2. c. 10. *Et.* 30. for making *Spittle Fields* and *Wapping Stepney* distinct Parishes, *Et.* are the same *mutatis mutandis*, only the Rector of *Spittle Fields* is to be paid 125 *l.* per Ann. and the Rector of *Wapping* 100 *l.* per Annum, both without Deduction. *Ibid.* Sect. 4. And on Default of Payment, the several Rectors may sue the Churchwardens by Action of Debt at *Westminster*. *Ibid.* Sect. 5. Or complain to one or more Justices of *Middlesex*, who on Oath of the Arrears due, may order the said Churchwardens to appear (within four Days after) and cause the sum and Charges to be levied by Distress, *Et.* *Ibid.* Sect. 6. And if no Distress be found, the succeeding Churchwardens are liable to Action or Distress in like Manner; 'so as such Arrears do not exceed 100 *l.* and such Action or Complaint, be within three Months after such Successor's entering into Office. *Ibid.* Sect. 7.

Notwich

Norwich Stuffs.

Offences.

[One] **T**O convict Counterfeits of the Seal for *Norwich* Stuffs, or sealing them with a counterfeit Seal, or removing the Seal from one Piece to another. Stat. 13 & 14 Car. 2. c. 5. Sect. 14.

Confession or two Witnesses.

Buyers of Stuffs unsealed, and they in whose Possession they are found, other than the first Owner or Maker, and the Maker or Seller delivering them unsealed.

Stat. 13 & 14 Car. 2. cap. 5. Sect. 13.

Two Witnesses.

Weavers weaving without their proper Mark at the Head of the Piece. Stat. 13 & 14 Car. 2. c. 5. Sect. 16.

Persons refusing to appear on any Jury to be returned, by Virtue of the Stat. 13 & 14 Car. 2. c. 5. Sect. 20.

[Two] Two Justices of the County of *Norfolk* shall join with the Mayor and one Justice of the City of *Norwich* in taking the Account of the Wardens of the Weavers of *Norwich* Stuffs quarterly, and applying one Half of the Fines and Forfeitures for the Poor of the said Trade.

Stat. 13 & 14 Car. 2. c. 5. Sect. 22.

[Three] Three Justices of the County of *Norfolk*, with the Mayor of *Norwich*, and two Justices of the City, to confirm By-Laws made by the Wardens and Assistants there chosen, for the regulating the making of *Norwich* Stuffs.

Stat. 13 & 14 Car. 2. c. 5. Sect. 3. *Quor.* 1.

Penalties.

Twenty Pounds,

Four Shillings for the Poor of the Trade, to be levied by Distress, &c.

Three Shillings to be levied and disposed *ut supra*.

Five Shillings to be levied and disposed *ut supra*.

Oath.

Offences.

[One] IF any, who maintain that the taking of an Oath in any Case whatsoever is unlawful, do refuse to take an Oath, where by Law they are bound ; or do endeavour to persuade others to refuse ; or maintain that the taking an Oath in any Case whatsoever is unlawful.

Stat. 13 & 14 Car. 2. cap. 1. Sect. 2.

Penalties.

To be committed to Gaol, or be bound over with Sureties to the Quarter-Sessions, in order to Conviction.

Note ; Quakers are exempted from the Penalties of this Act, per Stat. 1 W. & M. c. 18. Sect. 13.

See Tit. Quakers.

[Two] In Default of Justices in Corporations, two Justices of the County are to administer the Oaths required to be taken by Officers in Corporations.

Stat. 13 Car. 2. c. 1. Sect. 10.

Two next Justices, *Quorum unus*, to administer an Oath to the Sheriff or returning Officer, upon his delivering over to the Clerk of the Peace the Poll-Books of the Election of Knights of the Shire, within 20 Days after the Election, That he has delivered over all the said Books without Imbezilment or Alteration. Or where there are more Clerks of the Peace than one, the Original Books to one, and attested Copies to the Rest.

Stat. 10 Ann. cap. 23. Sect. 5.

[Qu. Sect.] To discharge Persons certified by two Justices to have refused to take the Oath, and subscribe the Declaration, upon their doing it in open Sessions.

Stat. 1 W. & M. c. 15. Sect. 8.

See the Stat. 2 Geo. 2. c. 31. for indemnifying such as have omitted to qualify themselves by taking the Oaths within the Time limited, and allowing them further Time ; and for repealing so much of the Stat. 1 Geo. 1. c. 13. as requires them to qualify themselves within three Months, and for limiting other Times ; as also for repealing so much of the Stat. 30 Car. 2. c. 1. as relates to the sworn Servants of the King or Queen. Stat. 2 Geo. 2. cap. 31.

And

Offences.

Penalties.

And Note; the several Statutes 9 Geo. 1. c. 18. and c. 24. and 10 Geo. 1. c. 4. for Papists and reputed Papists taking the Oaths, &c. on Occasion, seem to be expired.

Oath of Allegiance, &c. See Tit. **Papist**.

Dates. See **Day**.

Officers and Soldiers. See Stat. of **Mustering and Desertion**.

Richards.

[One] Persons unlawfully cutting and taking Corn growing, robbing Orchards, and taking away any Fruit-Trees; breaking any Hedges, Pales, or other Fences, cutting or spoiling any Woods or Under-woods, standing and growing, or the like, and the Accessories thereunto.

Stat. 43 *Eliz.* c. 7. Sect. 1.

Confession, or one Witness.

Prosecution to be in six Weeks, but 15 *Car.* 2. c. 2. which see (in Tit. **Wood**) alters the Punishment.

First Offence, to pay to the Person grieved such Damages as the Justice shall appoint. If he be thought not able to pay, to be committed to the Constable, to be whip'd, and for every other Offence to be whip'd.

The Constable refusing or neglecting to do his Duty, to be committed till he does.

In the Justice's own Case, he is to associate one or more Justices.

Overseers of the **Woof**. See Tit. **Woof**.

Overseers of **Cloth**. See Tit. **Cloth**.

Pales. See Tit. **Richards**.

Panels of Juries.

[Qui. Dest.] Justices before whom Panels of Juries are returned by the Sheriff, to enquire for the King, *Quar.* 1. may reform such Panels, and the Sheriff must return the Panel so reformed, on the Penalty of twenty Pounds, to be divided between the King and the Prosecutor.

Stat. 3 *H.* 8. c. 12. Sect. 6.

Papists and Popish Superstition.

Offences.

Agnus Dei, &c.

[One] **P**ersons bringing into any of the Queen's Dominions any *Agnus Dei*, Crosses, Pictures, Beads, or any such vain or superstitious Thing; or delivering or offering the same to any Person to be used.

Stat. 13 *Eliz. c. 2. Sect. 7.*

[Two. Sect.] Persons receiving any *Agnus Dei*, Crosses, Pictures, Beads, &c.

Stat. 13 *Eliz. c. 2. Sect. 17.*

— 23 *Eliz. c. 1. Sect. 2.*

Arms and Horses.

[One] A Popish Recusant refusing to declare what *Armour* or *Munition* he hath, or to deliver it to such Person as hath Power to seize it.

Stat. 3 *Jac. 1. c. 5. Sect. 28.*

[Two] Papists, or reputed Papists, refusing to make the Declaration in 30 *Car. 2. c. 1.* or neglecting to appear before two Justices, upon Notice.

Stat. 1 *W. & M. Sess. 1. c. 15. Sect. 4, 5.*

Persons concealing, or privy to concealing Arms of Papists, or reputed Papists; or hindring Search for and seizing the same.

Stat. 1 *W. & M. Sess. 1. c. 15. Sect. 6.*

Papists

Penalties.

A *Præmunire*. A Justice may receive Notice hereof, and is to disclose the same to the Privy Council in fourteen Days after, on Pain of a *Præmunire*.

A *Præmunire*.

Forfeits the same, and shall be imprisoned by Warrant, for three Months, without Bail.

His Arms, Weapons, Gunpowder, or Ammunition, to be seized, by Warrant, to the Use of the Crown, to be delivered at the next Quarter-Sessions, in open Court.

If he does not discover his Arms, or hinders Search for them, to be committed for three Months without Bail, forfeits his Arms, and to pay treble Value, to be set at the next Quarter-Sessions.

To be committed to the common Gaol for three Months, without Bail, and forfeit treble the Value of the Arms.

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Offences.

Penalties.

Papists concealing, or Aiders in concealing Houses of Papists, or reputed Papists.

To be committed for three Months, without Bail, and forfeit the treble Value of the Houses.

Stat. 1 *W. & M. c. 15. Sect. 10.*

[*four*] To take away from a Popish Recusant Convict, all his Armour, Gunpowder, and Munition, but what they allow him.

Stat. 3 *Jac. 1. c. 5. Sect. 27.*

Books and Relicks.

[*Two*] To search the Houses and Lodgings of Popish Recusants Convict, and of every Person whose Wife is a Popish Recusant Convict for Popish Books and Relicks.

The Books and Relicks are to be burnt and defaced.

Stat. 3 *Jac. 1. c. 5. Sect. 26.*

Crucifix.

[*One. Sect.*] A Crucifix, or other Popish Relick of any Price.

To be defaced in open Sessions, and then returned to the Owner.

Stat. 3 *Jac. 1. c. 5. Sect. 26.*

Fens Coverts.

[*Two*] Fens Coverts being convicted Recusants (under Peerage) not conforming within three Months after Conviction.

To be committed till they conform, unless their Husbands pay 10 *s.* a Month to the King, or the third Part of his Lands.

Stat. 7 *Jac. 1. c. 6. Sect. 28. 2^{or}. 1.*

See *Tix. Abjuration and Church.*

Jesuit and Priest.

[*One*] To take an Information of a Jesuit or Priest's remaining in any of the Queen's Dominions, and in twenty-eight Days to disclose it to some of the Privy Council, or forfeits

Two hundred Marks.

Stat. 27 *Elix. c. 2. Sect. 13.*

Impugning Supremacy.

[*One*] Persons above sixteen, absenting from Church above one Month, impugning the Queen's Authority in Causes Ecclesiastical,

To be committed till they conform themselves, and make Submission. He may require them to conform and submit; and if they

or

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refuse

Offences.

Penalties.

or frequenting Conventicles, or persuading others so to do, under Pretence of Exercise of Religion.

Stat. 35 *Eliz. c. 4.* Sect. 1.

refuse, they must abjure the Realm in open Assise or Sessions.

This not to be extended to Protestant Dissenters, by

Stat. 1 *W. & M.* Sess. 1. c. 18.

License.

[*Four*] To license a Popish Recusant to go about his necessary Occasions, with the Assent in Writing of the Bishop, Lord Lieutenant, or Deputy-Lieutenant, upon Oath of the true Reason of his Journey, and that he will make no causeless Stays.

Stat. 3 *Jac. 1. c. 5.* Sect. 7.

Maintaining the Pope's Jurisdiction.

[*Two*] Persons who maintain the Jurisdiction of the Bishop, or See of Rome, and their Accessaries.

Stat. 5 *Eliz. c. 1.*

Incur a *Præmunire*, which two Justices are to hear and determine, and certify their Presentments into the Queen's Bench, if in Term-time, within forty Days; if not, the first Day of the next Term, on Pain of 100 *l.*

Quor. 1.

[*Qu. Sect.*] Persons affirming or maintaining the Power or Jurisdiction of any Foreign Prelate or Potentate within the Queen's Dominions.

Stat. 5 *Eliz. c. 1.* Sect. 2.

— 23 *Eliz. c. 1.* Sect. 2.

The Prosecution to be in 12 Months; but if by preaching, teaching, or Words only, in six Months.

Two or more Witnesses.

First Offence, Forfeiture of all Goods and Chattels; and if not worth 20 *l.* at the Time of Conviction, all and one Year's Imprisonment, without Bail.

Second Offence, *Præmunire.*

The Stat. 5 *Eliz. c. 1.* against maintaining the Pope's Jurisdiction, is to be openly read by the Clerk of the Peace every Quarter-Sessions.

Stat. 5 *Eliz. c. 1.* Sect. 15.

The

Offences.

Penalties.

The Comforters and Maintainers of such as obtain, or put in Use any Bull of Absolution or Reconciliation from the Bishop of Rome, or absolve, or be absolved thereby.

Stat. 13 *Elix.* c. 2. Sect. 4.

— 23 *Elix.* c. 1. Sect. 2.

Mafs.

Saying or Singing Mafs.

Stat. 23 *Elix.* c. 1. Sect. 4.

Hearing *Mafs.*

Stat. 23 *Elix.* c. 1. Sect. 4.

A *Premunire*, unless within six Weeks they discover them to some of the Privy Council.

Two hundred Marks, and one Year's Imprisonment, and not to be enlarged till the Fine be paid. Two Thirds to the Queen, one to her own Use, the other to the Poor, the third to the Prosecutor.

100 Marks and one Year's Imprisonment, the Fine to be divided *ut supra*.

Prosecution before Justices in Sessions within a Year and a Day after the Offence.

(Oath of Allegiance.)

[One] May require *Dissenting Teachers*, preaching in any Congregation in such Counties where they have not qualified themselves, as the Toleration-Act directs, to take the Oath and Declaration of Allegiance and Fidelity.

Stat. 10 *Ann.* c. 2. Sect. 9.

[Two] To tender the Oaths of Allegiance to any Persons of 18, or above, convicted or indicted of Reculancy, who have not received the Sacrament twice in the Year next before, and to certify the Name, and Dwelling of Persons taking the Oath to the next Sessions, to be recorded by the Clerk of the Peace, or Town-Clerk.

Stat. 3 *Jac.* 1. c. 4. Sect. 13.

Note ; This extends not to Noblemen or Noblewomen.

Jointly or severally to administer the Oaths of Allegiance and Supremacy to any Person reconciled to the Church of Rome, and returning into the Realm, to be certified the next Sessions, on the Penalty of

Offences.

Penalties.

(Oath of Allegiance.)

401. If such Person takes the Oaths, in six Days after he shall return, he shall not be prosecuted for the Treason.

Stat. 3 Jac. 1. c. 4. Sect. 24.

To administer the Oath of Allegiance to any Person of the Age of 18, or above, and not a Peer.

Stat. 7 Jac. 1. c. 6. Sect. 26. Quor. 1.

To administer the Oath of Allegiance and Supremacy, to Foreigners, who shall use for three Years the Trades of breaking, hickling, or dressing Hemp or Flax; and of making and whitening Thread; and spinning, weaving, making, whitening or bleaching Cloth made of Hemp or Flax only; and making Twine or Nets for Fishery; or storing Cordage, or making Tapestry Hangings.

Stat. 15 Car. 2. c. 15. Sect. 3.

To take the Oath and Declaration of Allegiance and Fidelity of Dissenters prosecuted contrary to 1 W. & M. c. 18. (and solemn Affirmation and Declaration of Quakers) and their Subscription to the Confession of Christian Faith, and to certify the same to the Sessions.

Stat. 10 Ann. c. 2. Sect. 8.

To administer and tender the Oaths directed by 1 Geo. 1. c. 13. to be taken, to Persons whom they shall suspect to be dangerous or disaffected to his Majesty or his Government. On Neglect or Refusal.

Stat. 1 Geo. 1. c. 13. Sect. 11.

May summon any Person to appear at a Day and Place, to take the Oaths directed by 1 Geo. 1. c. 13. And on Oath made that the Summons was left at his House, and the Party not appearing.

Stat. 1 Geo. 1. c. 13. Sect. 12.

To certify the Refusal to the Qu. Sess. to be recorded, and from thence to be certified by the Clerk of the Peace into Chancery or King's Bench.

Person so refusing or neglecting, is a Popish Recusant convict, and forfeits as such.

To certify the Default to the Sessions; and if he neglects or refuses to take the Oaths at the Sessions: His Name to be proclaimed at the first Meeting of the Sess.

Then to be adjudged a Popish Recusant Convict; and this to be certified *ut supra*.

No Manors, Lands, &c. to be sold or bequeathed by Papists, &c. refusing to take the Oaths, by any Deed or Will, unless such Deed within six Months after the Date, and such Will within six Months after the Testator's Death, be inrolled in one of the Courts of Record

Offences.

Penalties.

(Oath of Allegiance.)

at *Westminster*, or by the *Chief Baron*, and two Justices, and the Clerk of the Peace, or two of them at the least, whereof the Clerk of the Peace to be one. Stat. 3 Geo. 1. c. 18. Sect. 6.

Note; No Action or Suit for the Penalties or Forfeitures, by 1 Geo. 1. c. 13. or 3 Geo. 1. c. 18. for wilfully neglecting or refusing to register, to be commenced or brought after two Years.

Stat. 3 Geo. 1. c. 18. Sect. 2.

[Qu. Sess.] A Papist of the Age of 21 Years, having an Estate in Lands, and not taking the Oaths, and also repeating and subscribing the Declaration 30 C. 2. c. 1. at the Qu. Sess. or Courts at *Westminster*, between the Hours of 9 and 12 in the Forenoon; or in Default thereof not registering his Name and Lands, &c. what Estate he has in them, the yearly Rents, &c. within 6 Months, and not subscribing such Register in Presence of two Justices in open Sessions, or by Warrant of Attorney, under Hand and Seal executed in the Presence of two Witnesses, who are to make Proof thereof at the Sessions upon Oath.

On Neglect or Refusal.

Two of the Justices then present to sign as Witnesses to such Entry.

Stat. 1 Geo. 1. c. 55. Sect. 1.

All Officers Civil and Military, Ecclesiastical Persons, Heads of Colleges, &c. Serjeants at Law, Counsellors, Attornies, Solicitors, &c. practising in Courts, are within three Months to take the Oaths at Quarter-Sessions, or one of the Courts at *Westminster*.

Stat. 1 Geo. 1. c. 13. Sect. 3 & 9.

See Tit. Oaths.

Forfeits the Fee-simple of his Land, not registred, or fraudulently registred, and the full Value of other Lands, whereof he has not the Fee-simple.

Two Thirds thereof to the Crown, and the other to any Protestant that will sue.

In Default each forfeits twenty Pounds to the King.

Neglecting, are disabled to execute any Offices or Employments, or to sue any Action, or to be a Guardian, Executor, or Administrator, not capable of any Legacy, or voting for a Member of Parliament, and forfeits 500 l. to be recovered by Action of Debt, &c. to the Person who sues for the same.

(Reconciler

(Reconciler and Reconciled.)

[One] Aiders and Maintainers of Persons reconciling and reconciled to the *Romish* Religion, if they do not in twenty Days discover the Reconciling and Reconciled to a Justice or higher Officer.

Stat. 23 *Eliz. c. 8. Sect. 3.*

Misprison of Treason.

(Recusancy.)

[Qu. Best.] A Recusant, who conforms, not receiving the Sacrament within a Year after, and so once every Year at least.

Stat. 3 *Jac. 1. c. 4. Sect. 3.*

For the first Year 20 *l.* for the second 40 *l.* and every Default after 60 *l.* And if after he hath received it, he make Default therein by the Space of a Year, 60 *l.* to be divided between the King and the Prosecutor.

The Church-wardens and Constables of every Parish, or one of them, or (if there be none such, then) the High Constable of the Hundred there, not presenting once every Year at the Quarter-Sessions, the monthly Absence from Church of every Popish Recusant and their Children, being 9 Years of Age, and their Servants, with the Childrens Age, as near as they can know them.

Stat. 3 *Jac. 1. c. 4. Sect. 4.*

20 *s.* for every Default. The Clerk of the Peace to record it on 40 *s.* Penalty. If upon such Presentment (being the first) the Recusant being convicted, the Officer who presents him, shall have 40 *s.* to be levied on the Recusant's Goods and Estate, by Warrant, as the Justices shall think fit.

To cause Proclamation to be made, that Popish Recusants shall render themselves to the Sheriff, or Bailiff of the Liberty, where they are before the next Assise, Gaol-Delivery, or Sessions respectively. If they do not, the Default being recorded, shall be taken as a sufficient Conviction.

Stat. 3 *Jac. 1. c. 4. Sect. 7.*

Every Conviction of a Popish Recusant is, before the End of the Term next following, to be certified into the Exchequer, in such Certainty, that Process may issue.

Stat. 3 *Jac. 1. c. 4. Sect. 9.*

Note:

(Recusancy.)

Note; No Indictment against a Recusant shall be reversed for want of Form, other than by direct Traverse to the Point of not coming to Church, or not receiving the Sacrament.

Stat. 3 Jac. 1. c. 4. Sect. 16.

Reputed Papists.

[*One*] Justice of *London, Westminster, and Southwark*, and of the Counties of *Middlesex, Surrey, Kent, and Sussex*, to cause to be brought before him every Person (not being a Merchant Foreigner within the Cities of *London and Westminster*) or within ten Miles of the same, as are *reputed to be Papists*, and tender them the Declaration mentioned in the Stat. 30 Car. 2. intituled, *An Act for the more effectual preserving the King's Person and Government, &c.*

Stat. 1 W. & M. Sess. 1. c. 9. Sect. 1.

Every such Person after Refusal to make and subscribe the same, who shall continue to be within the said City or Cities, or within ten Miles of the same, he or she shall forfeit or suffer as a *Popish Recusant* Convict.

- Justices of *Essex* have likewise Jurisdiction by Stat. 1 W. & M. Sess. 1. c. 17. Sect. 1.

Parliament.

[*Two*] **T**O administer the Oaths to Candidates to serve after the Determination of this present Parliament, for County, City, Borough, or Cinque Port in *England, Wales, or Berwick upon Tweed*. He who stands for the County, that he has 600 *l. per Ann.* of or in Lands, Tenements, or Hereditaments, above Reprizes; and for a City, Borough, or Cinque Port, of 300 *l. per Annum* above Reprizes.

[*Qu. Sess.*] *Note*: The Act for effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament, is to be openly read every Year at the General Quarter-Sessions after *Easter*, in every County, &c.

Stat. 2 Geo. 2. c. 24. Sect. 11. See Tit. Oath.

Partition

Partition of Lands.

Offences.

Penalties.

[*Three*] **T**O be present at the Under-Sheriff's Executing a Writ of Partition, when the High Sheriffs, by Reason of Distance, Infirmity, or any other Hindrance, cannot be present.

Stat. 8 & 9 *W.* 3. c. 31. Sect. 4.

Partridge. See Tit. Game.

Party-Call. See Tit. Fire.

Perjury.

[*D. S.*] **O**NE who commits wilful Perjury.

Stat. 5 *Eliz.* c. 9. Sect. 4.

Forfeits 20 *l.* and shall suffer six Months Imprisonment without Bail, and is disabled to give Evidence until the Judgment be reversed.

If he be not able to pay the Fine, to be set in the Pillory in the publick Market, and his Ears to be nailed.

Note ; One Justice may bind the Offender over to Sessions.

Petition to King or Parliament.

[*Three*] **M**AY consent to, and order a Petition to the King or Parliament.

Stat. 13 *Car.* 2. c. 5. Sect. 2.

[*Qu. Bell.*] Labouring or procuring the getting Hands, or other Consent, of above 20 Persons, to any Petition, &c. to the King, or either House of Parliament, for *Alteration in Church or State*, unless by Consent of three or more Justices, the Grand Jury at the Assises, or Sessions, and repairing to the King, to deliver such Petition with above ten Persons at once.

Stat. 13 *Car.* 2. c. 5. Sect. 2.

A Sum not exceeding 100 *l.* and three Months Imprisonment.

Printer.

Pewter.

Offences.

[Qu. Sess.]

AT their *Michaslmas* Sessions yearly to appoint Searchers of Brads and Pewter.

Stat. 19 H. 7. c. 6. Sect. 15.

Phealants. See Tit. Game.

Penalties.

Physicians.

[One] **T**O assist the President, and all Persons authorized by the College of Physicians, for the due Execution of the several Acts of Parliament, which concern the said College.

Stat. 1 Mar. Parl. 1 Sess. 2. c. 9. Sect. 6.

Pigeon. See Tit. Game.

Pilchards.

[One] **S**uspicious Persons, flocking together about the Boats, Nets, and Cellars, belonging to the *Pilchard Craft* upon the Coast of *Cornwall* and *Devon*, being warned to be gone, and refusing.

Stat. 13 & 14 Car. 2. c. 28. Sect. 5.

Five Shillings to the Poor, or to be set in the Stocks.

Warning to be by the Company, or Owner of the Boats and Cellars.

Plague.

[One] **T**O command any Person infected with the Plague, residing in an infected House, not to go out; and if he does afterwards go out.

Stat. 1 Jac. 1. c. 31. Sect. 7.

The Watchman may resist him; and if any Hurt happen thereupon, the Watchman shall not be impeached for the same.

If

To

Offences.

If any Person being infected with the Plague, who has no Sore upon him, go abroad and converse in Company.

Stat. 1 Jac. 1. c. 31. Sect. 7.

[Two] The Mayor, Bailiffs, Head Officers and Justices of Peace; and where there are none, two Justices of the County, may tax the Inhabitants towards Relief of such as have the Plague.

Stat. 1 Jac. 1. c. 31. Sect. 2.

Penalties.

To be openly whipped as a Vagabond, according to Stat. 39 Eliz. c. 4.

To be levied by Distress and Sale; and upon Refusal, to be committed till Payment.

These Taxes to be certified to the Quarter-Sessions:
See Quarentine.

* **Plaints.** See Tit. County-Courts.
Plays. See Tit. Vagabonds.

Poor.

(Badge.)

[One] EVERY Person receiving Relief of any Parish or Place, and the Wife and Children of any such Person cohabiting in the same House (except one Child to attend an impotent and helpless Parent) refusing or neglecting to wear their Badge in an open and visible Manner.

Stat. 8 & 9 W. 3. cap. 30. Sect. 2.

Upon Complaint.

His or her Allowance to be abridged or withdrawn, or to be committed to the House of Correction to be whipped, and kept to hard Labour not exceeding 21 Days.

Church-wardens, or Overseers, relieving any such Poor, not having and wearing such Badge.

Stat. 8 & 9 W. 3. c. 30. Sect. 2.
One, or more Witnesses.

Twenty Shillings to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor.

Boys bound to Sea. See Apprentices.

(Costs.)

(Costs.)

[**Dist.**] Where *Costs* are given upon an Appeal from an Order of Settlement of the Poor determined, or where Notice was given, and the Person ordered to pay such *Costs*, dwells out of the Jurisdiction of the Court, which gave the *Costs*. Stat. 8 & 9 W. 3. c. 30. Sect. 3.

Upon Request, and producing a true Copy of the Order for *Costs*, on Oath of one Witness.

The *Costs* to be levied by Warrant of one Justice of the County, where the Party dwells, who is to pay the *Costs*, by Distress and Sale; and for want, to be committed to the common Gaol for 20 Days.

When any Overseers of the Poor of any Parish shall remove back any Persons and their Families, sent thither by Certificate, and becoming chargeable, the Overseers shall be reimbursed such reasonable Charges, as they have been put to in maintaining and removing such Persons, by the Church-wardens or Overseers of the Parish to which such Persons are removed, the Charges being first ascertained by one or more Justices of the County to which such Removal shall be made; which Charges so ascertained, shall, in Case of Refusal, be levied by Distress and Sale of the Churchwardens and Overseers Goods, returning the Overplus. 3 Geo. 2. c. 29.

[**Umo**] Two Justices are to take the Oath of the Church-wardens and Overseers, or one of them, that the Witnesses who attest the Execution of Certificates of Settlements of Poor, did see the Church-wardens and Overseers severally sign and seal the said Certificate, and that the Names of such Witnesses are of their own Hand-writing; and the Justices shall also certify, that such Oath was made before them: And every such Certificate shall be allowed in all Courts as duly and fully proved, and be taken as Evidence without other Proof. 3 Geo. 2. c. 29.

(Father, &c. to maintain poor Children.)

[**Qu. Dist.**] Father, Grandfather, Mother, Grandmother, and Children of Poor who cannot work, to be assessed towards their Relief. Stat. 43 Eliz. c. 2. Sect. 7.

(Overseers.)

Offences.

Penalties.

(Overseers.)

[Two] The Church-wardens, and four, three or two Household-ers of every Parish (according to the Greatness of the Parish) to be nominated in *Easter-Week*, or in a Month after, under their Hands and Seals, are *Overseers* of the Poor. Stat. 43 *Eliz. c. 2.* Sect. 1. *Quor. 1.*

Justices neglecting to nominate, forfeit 5 *l.*

Overseers of the Poor, not meeting once a Month in the Church upon *Sunday* after Evening Prayer. Stat. 43 *Eliz. c. 2.* Sect. 2. *Quor. 1.*

Twenty Shillings to the Use of the Poor, to be levied by Distress and Sale.

To allow of the *Overseers* Excuse, for not meeting once a Month, or not, as they see Cause. Stat. 43 *Eliz. c. 2.* Sect. 2. *Quor. 1.*

Overseers not accounting in four Days after the End of their Year. Stat. 43 *Eliz. c. 2.* Sect. 2. *Quor. 1.*

To be committed without Bail, till they account.

May, upon Application, by Warrant or order, authorise the Church-wardens or *Overseers* of the Poor, where any Wife, Child, &c. is left to the Parish, to seize so much of the Husband, Father or Mother's Goods, Chattels, Rents, &c. as may discharge the Parish, and provide for such Wife, Child, &c. Stat. 5 *Geo. 1. c. 8.* Sect. 1.

[Qu. Sess.] If such Warrant of two Justices be confirmed at the next Sessions, the Sessions may order the Church-wardens or *Overseers* to sell the Goods, &c. or receive the Rents, &c. as shall be necessary to discharge the Parish, &c. And they to account at the Sessions for what Money they receive on such Warrant. Stat. 5 *Geo. 1. c. 8.* Sect. 1 & 2.

(Rates.)

[Two] To consent to the setting Poor People to work; to the raising by Taxation a convenient Stock to work upon; and also Monies

Offences.

Penalties.

(Rates.)

nies for relieving the Aged and Impotent, and putting forth Apprentices. Stat. 43 *Eliz.* c. 2. Sect. 1. *Quor.* 1.

Parson, and all Inhabitants who are able, are taxable to the Relief of the Poor. Stat. 43 *Eliz.* c. 2. Sect. 1. *Quor.* 1.

Such Tax is to be levied by Distress and Sale of Goods, and in Default, to be committed without Bail, till it be discharged.

Where any Parish is not able to relieve themselves, may tax other Parishes and Places, and the Hundred, if need be. Stat. 43 *Eliz.* c. 2. Sect. 3. *Quor.* 1.

The Rates set upon every Parish at *Easter* Sessions. Stat. 43 *Eliz.* c. 2. Sect. 13. *Quor.* 1.

To be levied by Distress and Sale, and Commitment *at supra.*

The Constable not paying the Monies rated at *Easter* Sessions, to the High Constable. Stat. 43 *Eliz.* c. 2. *Quor.* 1.

Ten Shillings, to be levied by Distress and Sale of Goods, and in Default, to be committed without Bail, till it be discharged.

The High Constable not paying the Monies above mentioned to the Treasurers. Stat. 43 *Eliz.* c. 2. *Quor.* 1.

Twenty Shillings, to be levied *at supra.*

[*Qu. Sess.*] To tax every Parish in the County, not above 6 *d.* or 8 *d.* a Week for every Parish, towards Relief of Prisoners in the Common Gaol; to be levied by the Church-wardens, and paid to the High Constables, and the High Constables to pay it to the Collector appointed by the Justices, upon the Penalty of 5 *l.* a-piece. Stat. 14 *Eliz.* c. 5. Sect. 2.

To provide a Stock to set poor Prisoners committed for Felony, and other Misdemeanors, to work, in such Manner as other County-Charges are levied; and to appoint Overseers, and order their Accounts, and punish Abuses. No Parish to be rated above 6 *d.* a Week. Stat. 19 *Car.* 2. c. 4. Sect. 1.

Where the whole Hundred is not able to relieve their Poor, the Justices in Sessions may tax the County in Part, or in the Whole, at their Discretions. Stat. 43 *Eliz.* c. 2. Sect. 3.

(Rates.)

At *Easter Sessions*, yearly, to *rate* every Parish at a certain Sum, to be paid weekly: No Parish to pay more than 6 *d.* nor less than a Halfpenny, towards Relief of poor Prisoners in the *Queen's Bench, Marshalsea, Hospitals, and Alms-houses* in their Jurisdictions, every one respectively, to receive out of every County 20 *s.* yearly. Stat. 43 *Eliz. c. 2. Sect. 14.*

By 16 *Geo. 2.* Justices of the Peace are impowered to act in certain Cases relating to Parishes and Places, to the Rates and Taxes of which they are rated and charged.

Publick Notice must be given in the Church before any Rate can be made so as to bind the Inhabitants. 17 *Geo. 2.*

(Refusing to work.)

[*One*] Such Persons as refuse to work. Stat. 43 *Eliz. cap. 2. Sect. 4. Quor. 1.*

To be sent to the House of Correction.

One Justice may do this as well as two.

(Registering Notice.)

[*One*] Church wardens and Overseers, refusing to register Notice of poor Persons coming into a Parish and not reading, or causing to be read such Notice.

Stat. 3 *Ed. 4. H. 8. M. c. 11. Sect. 5.*

Two Witnesses upon Oath.

Forty Shillings, to be levied by Distress and Sale; and for Want to be committed for a Month.

(Relief and Settlement, &c.)

[*One*] No Justice to order Relief to a poor Person, before Oath made before him of a reasonable Cause for it, and that the Party had applied to the Parishioners at a Vestry, or to two Overseers, and was by them refused to be relieved; nor till he has summoned the two Overseers

Offences.

Penalties.

(Relief and Settlement, &c.)

seers to shew Cause why the Party should not be relieved, and the Person summoned heard, or made Default to appear. Stat. 9 Geo. 1. c. 7. Sect. 1.

Persons ordered to be relieved by such Justice, are to be registred in the Parish-Books as other Poor, only as long as the Cause for Relief continues, and no longer. *Ibid.* Sect. 2.

Two or more Parishes (if small) may with Approbation of one Justice, under his Hand and Seal, unite in hiring a House, &c. for lodging, employing, and maintaining their Poor; and the Church-wardens, &c. of one Parish may contract with those of other Parishes for such Lodging, Maintenance, &c. *Ibid.* Sect. 4. See *infra*.

[Two] No Officer of any Parish (except on emergent Occasions) shall bring to the Parish Account, any Money he shall give to any Poor not registred *ut supra*. *Ibid.* Sect. 2.

Five Pounds to the Poor's Use, leviable by Distress, &c. by Warrant of two Justices after Examination, &c.

Note; By the said Stat. Church-wardens and Overseers of any Parish or Place, may, with the Consent of the major Part of the Inhabitants at a Vestry or Meeting, purchase or hire any House or Houses in such Parish or Place, and contract with Persons for lodging, keeping, or employing the Poor, who are to have the Benefit of their Work and Labour for their better Maintenance. *Ibid.* Sect. 4.

A poor Person refusing to be lodged or kept in such House. *Ibid.* Sect. 4.

To be struck out of the Parish-Books, and have no Relief.

[Settlem.] But no Poor, or their Children, Apprentices, &c. to gain any Settlement in the Parish or Place to which they are removed by Virtue of this Act. *Ibid.* Sect. 4.

None to acquire a Settlement in any Parish by Reason of any Purchase therein, where the Consideration does not amount to thirty Pounds, for any longer than he dwells in the Estate purchased; but shall be liable to a Removal to the Place where last settled. *Ibid.* Sect. 5.

(Relief and Settlement, &c.)

And Persons taxed to the Scavenger's Rates, or Repairs of Highways, and paying the same, gain not thereby any Settlement. *Ibid.* Sect. 6.

[Qu. Sess.] No Appeal from any Order for Removal, shall be proceeded on in any Court or Quarter-Sessions, unless reasonable Notice be given by the Church-wardens, or Overseers making the Appeal to the Church wardens, &c. from whence such Poor are to be removed; and if due Notice be not given, the Justices shall adjourn the Appeal to the next Quarter-Sessions, and then finally determine it. *Ibid.* Sect. 8.

If the Appeal be determined in Favour of the Appellants, the Quarter Sessions are to order the Money expended for Relief of the poor Person, between the Time of his Removal and the Determination of the Appeal, to be paid to the Appellants; recoverable as prescribed by the Act of 8 & 9 W. 3. c. 30. (which see before.) *Ibid.* Sect. 9.

(Setting them to work.)

[One] Where there is but one Justice of the Peace, he may consent to the Church-wardens and Overseers of the Poors setting up, using and occupying any Trade, Mystery, or Occupation, only for the setting on Work, and better Relief of the Poor of the Parish where they bear Office. Stat. 3 Car. 1. c. 4. Sect. 22.

(Settlement and Removal.)

[One] Complaint is to be made to one Justice by the Church-wardens or Overseers of the Poor within 40 Days, of Persons likely to become chargeable to the Parish, who come to settle in a Tenement under ten Pounds *per Annum*. 13 & 14 Car. 2. c. 12. Sect. 1.

Note; The Stat. 13 & 14 Car. 2. c. 12. is now made perpetual by 12 Ann. Sect. 1. c. 18. Sect. 1.

Persons returning to the Parish
whence they were removed.
Stat. 13 & 14 Car. 2. cap. 12.
Sect. 3.

To be sent to the House of
Correction.

Church-

To

Offences.

Penalties.

(Settlement and Removal.)

Church-wardens or Overseers, refusing to receive any Person removed, and to provide for them. Stat. 13 & 14 Car. 2. cap. 12. Sect. 3.

To be bound to the Assises or Sessions, to be indicted for their Contempt.

Church-wardens or Overseers, refusing to receive any Person removed by two Justices. Stat. 3 & 4 W. & M. c. 11. Sect. 10. Two Witnesses upon Oath.

Five Pounds for the Poor of the Parish, from which he shall be removed, to be levied by Distress and Sale: For want, to be committed for forty Days. The Warrant, by the Justice of the Place to which the Removal is directed, to the Constable where the Offender dwells.

[**Ums**] Where any Poor comes to settle in any Tenement under 10 *l. per Ann.* they may remove such Person who is likely to be chargeable to such Parish where he or they were last legally settled, either as a Native, Householder, Sojourner, Apprentice, or Servant, for the Space of forty Days at least, unless Security be given to discharge the Parish, to be allowed by the Justices. An Appeal lies to the next Quarter-Sessions. Stat. 13 & 14 Car. 2. c. 12. Sect. 1, 2. 1 Jac. 2. c. 17. Sect. 3. 3 & 4 W. & M. c. 11. Sect. 3. 12 Ann. Sect. 1. c. 18. Sect. 2. *Quar.* 1.

To allow Certificates under the Hands and Seals of the Church-wardens or Overseers of the Poor, attested by two or more Witnesses, owning the Person mentioned in the Certificate to be an Inhabitant legally settled, which Certificate is not good without their Allowance.

Stat. 8 & 9 W. 3. c. 30. Sect. 1.

But if the Person who hath such Certificate, rents 10 *l. per Ann.* or bears an Office in any other Parish afterwards, that will gain a Settlement in that Parish, notwithstanding such Certificate.

Stat. 9 & 10 W. 3. c. 11. Sect. 1.

And *Note*; Persons removing to other Parishes by Virtue of such Certificates, and taking Apprentices, or hiring Servants there, such Apprentices or Servants do not thereby acquire any legal Settlement in such Parishes.

Stat. 12 Ann. Sect. 1. c. 18. Sect. 2.

O^{ff}ences.P^ena^lties.*(Settlement and Removal.)*

[*Qu. Sess.*] Upon an Appeal concerning the Settlement of the Poor, or upon Proof of Notice given of an Appeal (though the Appeal was not afterwards prosecuted) to award reasonable Costs to the Party, for whom such Notice had been given.

Stat. 8 & 9 *W. 3. c. 30. Sect. 3.*

Appeals against an Order for the Removal of poor Persons, to be heard and determined at the Quarter-Sessions in the County where the Place is, from whence such Person is removed, and not elsewhere.

Stat. 8 & 9 *W. 3. c. 30. Sect. 6.*

See this Statute explained by 12 *Ann. Sess. 1. c. 18. ante.*

P^ost and P^ost-M^{as}ter.

[*One*] **N**O Person or Persons after the 1 *June 1711.* shall be capable of having, using or exercising the Office of *Post-master General*, or any Part thereof, or any other Employment relating to the Post-Office, or any Branch thereof, or be any Way concerned in receiving, sorting, or delivering Letters or Packets, unless such Person shall have taken the following Oath before one Justice for the County or Place where such Person resides.

I A. B. do swear, That I will not wittingly, willingly, or knowingly open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed any Letter or Letters, Packet or Packets, which shall come into my Hands, Power, or Custody, by Reason of my Employment in or relating to the Post-Office, except by the Consent of the Person or Persons to whom the same is or shall be directed, or by an express Warrant in Writing under the Hand of one of the Principal Secretaries of State for that Purpose; or except in such Cases where the Party or Parties to whom such Letter or Letters, Packet or Packets shall be directed, or who is or are chargeable with the Payment of the Port or Ports thereof, shall refuse or neglect to pay the same. And except such Letters and Packets as shall be returned for want of true Directions, or when the Party or Parties to whom the same is or shall be directed, cannot be found. And that I will not any Way imbezil any such Letter or Letters, Packet or Packets as aforesaid.

Stat. 9 *Ann. c. 10. Sect. 41.*

[*Two*] *Post-Master General*, or any other Officer relating to the Post-Office,

Not capable to hold,

Offences.

Penalties.

Post-Office, not taking the Oaths of Allegiance and Supremacy before two Justices of the County, where they are resident.

Stat. 12 Car. 2. c. 35. Sect. 13.

All Sums not exceeding 5 l. due for Postage of Letters, to be recovered before them in the same Manner, and under the same Rates, as small Tithes are. See Tit. *Tithes*, where you will see how small Tithes are to be recovered.

Stat. 9 Ann. c. 10. Sect. 30.

Bill of Exchange wrote on one and the same Piece of Paper with a Letter, and Letters to several and distinct Persons wrote upon one and the same Piece of Paper, to be rated by the Post-Master General, and to pay as so many several and distinct Letters, according to the Rates mentioned in the Statute 9 Ann. cap. 10.

Stat. 6 Geo. 1. c. 21. Sect. 50.

To be recovered as small Tithes are by 7 & 8 W. 3. c. 6.

Preachers:

[One] **A** Disturber of a Preacher lawfully licensed.
Stat. 1 M. Sess. 2. c. 3. Sect. 5.
Vide 10 Ann. c. 7.

To be committed.

[Two] Disturbers of Preachers lawfully licensed.
Stat. 1 M. Sess. 2. c. 3. Sect. 6.

Vide Tit. *Church, touching Preachers in Scotland.*

In six Days after Commitment by a single Justice, he and one other are to examine the Fact; and if they find Cause; to commit him to the common Gaol for three Months, and thence to the next Quarter-Sessions.

[On. Sess.] If a Disturber of a Preacher lawfully licensed, who has been committed to the County-Gaol by two Justices, shall at the Sessions be reconciled, and enter into Bond for his Good Behaviour for a Year, he shall be discharged; but if he persist in his Obstinacy,

Offences.

Penalties.

he is to be committed without Bail, till he be reconciled, and be penitent for his Offence.

Stat. 1 M. Seff. 2. c. 3. Sect. 6.

He that rescues a Disturber of a licensed Preacher.

Stat. 1 M. Seff. 2. c. 3. Sect. 7.

To be imprisoned and fined 5 l.

The Inhabitants of a Town, who suffer a Disturber of a licensed Preacher to escape.

Stat. 1 M. Seff. 2. c. 3. Sect. 8.

Five Pounds.

Prison. See Gaol.

Prisoners. See Tit. Rates, and Tit. Rate or Tax in Tit. Poor.

Process.

[One] **T**O commit to the County Gaol without Bail or Mainprize, till the next Assises, Sessions of Oyer and Terminer, and general Gaol-Delivery, Persons opposing or resisting any Officer, or Officers, or any aiding or assisting in the Execution of any Process in *White-Fryars, Savoy, Salisbury-Court, Ram-Alley, Mitre-Court, Fuller's Rents, Baldwin's Gardens, Mountague Close, or the Mitories, Mint, Clink, or Deadman's Place.*

Stat. 8 & 9 W. 3. c. 27. Sect. 15.

Prophecies.

[Qu. Seff.] **P**ublisher or Setter forth of any fantastical or false Prophecy, with an Intent to raise Sedition.

Stat. 5 Eliz. c. 15. Sect. 2, 3.

The Prosecution to be within six Months.

First Offence 10 l. and one Year's Imprisonment.

Second, forfeits all his Goods, and Imprisonment during his Life.

The Forfeitures to be divided between the Queen and the Prosecutor.

Purveyors.

Purveyors.

Offences.

[One] **P**ersons making Purveyance, or impressing Carriages, or other Things, by Colour of any Warrant under the Great Seal, or otherwise.

Stat. 12 Car. 2. c. 24. Sect. 16.

At the Request of the Party grieved.

[Two] *Purveyor, Badger, &c.* bargaining for any Victual or Grain, in the Markets of *Oxford* or *Cambridge*, or in five Miles of them.

Stat. 2 & 3 P. & M. c. 15. Sect. 2.

13 Eliz. c. 21.

Penalties.

To be committed to Gaol till next Sessions.

Quadruple the Value thereof, and three Months Imprisonment without Bail.

Except when the Queen is there, or within seven Miles.

Quakers.

[One] **I**nstead of the Declaration of Fidelity appointed to be made and subscribed by *Quakers*, by 1 W. & M. c. 18. they are to make and subscribe the Declaration of Fidelity, mentioned in 8 Geo. 1. c. 6.

And instead of the solemn Affirmation or Declaration prescribed by 7 & 8 W. 3. c. 34. they are to make the solemn Declaration or Affirmation following :

I A. B. do solemnly, sincerely, and truly declare and affirm.

And instead of the Form prescribed by 1 W. & M. c. 18. for the Effect of the Abjuration Oath, they are to take that mentioned in 8 Geo. 1. c. 6.

Note : All Persons authorized to administer or tender either the said former Declaration, or the said solemn Affirmation or Declaration, or the said Effect of the Abjuration Oath aforesaid, are authorized and required to administer and tender the same respectively to *Quakers* in the Words appointed by the Stat. 8 Geo. 1. cap. 6. Sect. 4.

U

Offences.

If any *Quaker* making such Affirmation or Declaration, shall be lawfully convicted of wilfully, falsely and corruptly affirming or declaring any Matter or Thing, which, if sworn in the common or usual Form, would have amounted to wilful and corrupt Perjury.

Stat. 8 Geo. 1. c. 6. Sect. 5.

Note; Quakers or reputed Quakers are disabled to give Evidence in any criminal Cause, to serve on a Jury, or bear Office or Place in the Government, by 7 & 8 W. 3. cap. 34. And 8 Geo. 1. cap. 6. Sect. 6.

See Tit. *Oath*, and Tit. *Oath of Allegiance* in Tit. *Papists* and *Papish Superstition*, and Tit. *Utters*.

Penalties.

Offender to suffer such and the same Pains, Penalties and Forfeitures, as are against Persons convicted of wilful and corrupt Perjury.

Quarentine.

[One] Commander, Master, or other Person having Charge of any Ship or Vessel coming from any Place, visited with the Plague, or having any Person on Board actually infected, not discovering the same, such Commander, &c. are

Stat. 7 Geo. 1. cap. 3. Sect. 1. Sect. 2.

Persons not infected nor liable to *Quarentine*, who shall enter any Ship, &c. so appointed *ut supra*, whilst any Person infected or under *Quarentine* shall be therein, are not to return without a proper License, but must perform their *Quarentine*: And if such Person shall actually escape, before they have fully performed their *Quarentine*.

Stat. 7 Geo. 1. cap. 3. Sect. 1. Sect. 8.

Guilty of Felony, without Benefit of Clergy.

Felony, *ut supra*.

Offences.

Penalties.

Watchmen appointed by Order of two Justices when any Town, &c. is infected, neglecting or refusing to keep such Watch, or to procure such able and sufficient Person in his Stead.

One or more credible Witnesses.
Ibid. Sect. 10.

Watchmen appointed *ut supra*, who shall be Guilty of any Breach or Neglect of their Duty.
Ibid. Sect. 10.

Forfeit any Sum not exceeding 100 *l.* nor less than 10 *l.*

One Moiety to the Informer, the other to the Poor where Offence committed.

To be levied by Distress and Sale of Offender's Goods.

And to be committed to Prison without Bail or Mainprise for two Months, and till Payment of the Sum adjudged.

Liable to the same Penalties *ut supra*.

Upon the Oaths of the Master or Person having the Charge of any Ship obliged to perform *Quarentine*, and of two of the Persons belonging to such Ship or Vessel; or two credible Witnesses, that such Ship, &c. and all and every Person and Persons have duly performed *Quarentine*, and are free from Infection: To give a Certificate thereof; after which such Ship, &c. are liable to no further Restraint. *Ibid.* Sect. 14.

Note; In any Inland Place the Certificate must be signed by two Justices.

No more than one Shilling is to be taken for the Oath and Certificate over and above the Stamp Duty.

Ibid. Sect. 15 & 17.

All small Boats and Vessels under the Burthen of twenty Tuns, prohibited by his Majesty's Proclamation from sailing or passing out of any Port or Place of *Great Britain*, &c. in Time of Infection, till Security be given in 500 *l.* with Sureties as directed by this Act, by Bond, with Condition, *That if such Boat or Vessel shall not go to, or touch at any County, Port, or Place to be mentioned for that Purpose*

On Forfeiture of 100 *l.* One Moiety to his Majesty, the other to him that sues for the same.

The Boat or Vessel, for which such Security shall be required by Proclamation, which shall fail before such Security be given, is forfeited, together with Tackle, Apparel, &c. to the King, and may be seized, sued for, and recovered in his Majesty's Exchequer.

The Master and Mariner of such Boat or Vessel being thereof convicted on the Oath of one or more

Offences.

Purpose in such Proclamation. And if the Master or other Person, having Charge of such Boat, &c. or any Mariner or Passenger shall, during the Time of Infection, go on Board any other Ship or Vessel at Sea, or permit, or suffer any Person to come on Board such Boat or Vessel at Sea, or shall receive any Goods or Merchandize whatsoever, out of any other Ship or Vessel.

Ibid. Sect. 18.

more credible Witnesses, forfeits 50 l.

One Moiety to the Informer, the other to the Poor of the Parish where such Offender shall be found.

To be levied by Distress, &c. and for want of sufficient Distress, to be committed to Prison without Bail for three Months.

Penalties.

See Smuglers or Runners of Foreign Goods.

Officer and Person appointed to see *Quarentine* duly performed; or Watchman, knowingly and willingly permitting or suffering any Person, Ship, Goods, or Merchandize to depart, or be conveyed out of any Town, &c. infected, unless in such Cases, and by such proper Licenses, as shall be directed or permitted by Orders notified by Proclamation.

Ibid. Sect. 24.

Guilty of Felony without Benefit of Clergy.

Persons aggrieved by any Judgment of any Justice or Justices for any Offence against the Act 7 Geo. 1. c. 3. may appeal to Quarter-Sessions, who are finally to determine the same.

[Two] His Majesty may order Ships to be provided, or cause Houses or Lazarets to be erected for the receiving and entertaining of Persons infected with the Plague, or obliged to perform *Quarentine*; and also Sheds, Tents, and other Places proper for the depositing, opening and airing of Goods and Merchandizes, to continue for such Term as his Majesty shall think proper, in convenient Places within *Great Britain* and *Ireland*, to be allowed and appointed by two or more Justices of the Peace for the County, &c. living near thereunto under their Hands and Seals, either in waste Grounds or Commons; or where such waste Grounds or Commons are not sufficient, in any other Grounds, not being a House, Park, Garden, Orchard, Yard, planted Walk or Avenue, to a House, paying such Rate, Rent, or

Offences.

Penalites.

or Consideration for the same, as shall be agreed between the Persons interested, their Guardians or Trustees, and any two Persons appointed by his Majesty under his Sign Manual.

Ibid. Sect. 5.

Next Justices, when any Town or Place shall be infected with the Plague, or Lines and Trenches shall be made, &c. to order such sufficient Watches by Day and Night upon such Town, &c. as they shall think fit. And upon such Houses, Lazarets, Ships, or other Places, for performing *Quarentine*; who shall not permit or suffer any Person, Ship, &c. to depart or be conveyed out of such Town, &c. so appointed for performing *Quarentine*, without a License.

Ibid. Sect. 10.

[*Qu. Sess.*] To adjudge, determine, assess, and settle Differences, concerning such Rate, Rent, or Consideration between Persons interested, and the Persons appointed by his Majesty for Grounds, where the Waste or common is not sufficient; and their Judgment and Determination is final. *Ibid.* Sect. 5.

All Watches directed by Virtue of this Act, are to be maintained at the County Charge or Riding, and the Money is to be raised as for County Gaols and Bridges. To be paid to the Chief Constable of each Division, who is to distribute it according to the Order of Sessions. *Ibid.* Sect. 23.

Persons aggrieved by any Judgment of any Justice or Justices, for Offences against this Act, may appeal to *Qu. Sess.* who are finally to determine the same. See also the Statutes 8 *Geo. 1. c. 8.* 8 *Geo. 1. c. 10.* and 1 *Geo. 2. c. 13.* whereby some further Provision is made for performing *Quarentine*.

Queen's Bench. See Rates in Tit. *Peop.*

Reconciled to the Church of Rome and Believers. See Tit. *Papists.*

Recusancy.

[*One*] IF the Minister, Petty Constables, or Churchwardens of any Parish, or any two, complain of any Person (under

To tender the Oath of Allegiance, and upon Refusal, to commit till next Assize or Sessions; where if he refuse again, he incurs

Offences.

(under the Peerage) suspected for Recusancy.

Stat. 7 *Jas.* 1. c. 6. Sect. 26.

[**Case**] To summon and convene before them all such Persons within their Jurisdiction, suspected to be dangerous, or disaffected to the Government, and tender the Oath of Abjuration.

Upon Refusal.

Stat. 6 *Ann.* c. 14. Sect. 7.

Quor. 1.

Penalties.

curs a *Premunire*: But Feme Coverts shall be imprisoned only, to remain there till they take the Oath.

To certify the Christian Name, Surname, and Place of Abode to the next Quarter-Sessions, if he takes it not next Term, or Sessions after Certificate, is a Popish Recusant Convict.

See Recusancy, in Tit. **Popists.**

Magistrats. See Tit. **Justices and Justices.**

Riots and Rioters.

[**Case**] If 12 or more Persons are Riotously and Tumultuously assembled; he may by Proclamation require and command them to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business.

Stat. 1 *Geo.* 1. c. 5. Sect. 1.

And if they continue together an Hour after, it is Felony without Clergy.

The Form of the Proclamation.

O U R Sovereign Lord the King chargeth and commandeth all Persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the Pains contained in the Act made in the First Year of King George I. for preventing Tumults and riotous Assemblies.

G O D save the King!

Every Justice within his Jurisdiction is required, on Notice or Knowledge of any riotous and tumultuous Assembly, to report to the Place,

Offences.

Penalties.

Place, and there to make, or cause to be made, Proclamation in Manner aforesaid. 1 Geo. 1. c. 5. Sect. 2.

Rioters demolishing, or pulling down, or beginning to demolish or pull down any Church or Chapel, or any Building for religious Worship, certified and registered according to the Stat. 1 W. & M. c. 18. or any Dwelling-house, Barn, Stable, or other Outhouse.

Stat. 1 Geo. 1. c. 5. Sect. 4.

Felony without Clergy.

Knowingly to lett, hinder, or hurt any Person beginning to make Proclamation, whereby such Proclamation shall not be made; and the Rioters, to whom it should have been made, if not hindred, not dispersing themselves, but continuing together an Hour after such Lett or Hindrance.

Stat. 1 Geo. 1. c. 5. Sect. 5.

Felony without Clergy.

The Stat. 1 Geo. 1. c. 5. against Rioters, to be read openly at every Quarter-Sessions. Sect. 7.

Note; All Prosecutions upon the Stat. 1 Geo. 1. c. 5. to be commenced in twelve Months. Sect. 8.

[C100] With the Sheriff or Under-Sheriff, shall by the Power of the County, suppress Riots, Routs, and unlawful Assemblies, upon View to record it, commit the Offenders, and return the Record into the King's Bench, by which they shall be convicted: If the Offenders be gone, Enquiry to be made in a Month, and the Matter determined according to Law. The Penalty of not doing this, one hundred Pounds.

Stat. 13 H. 4. c. 7. Sect. 4.

Riots, &c. shall be suppressed and enquired of, at the King's Charge, which the Sheriff is to discharge, by Indenture, between the Justice and him. Stat. 2 H. 5. c. 1. Sect. 2.

Persons guilty of heinous Riots. Stat. 2 H. 5. c. 8. Sect. 2.

One Year's Imprisonment, without Bail.

Together

Offences.

Penalties.

Together with the Sheriff, under their Hands and Seals to certify a Riot to the Lord Chancellor, to the End he may send out a *Capias* against the Rioters. Stat. 2 H. 5. c. 9. Sect. 2.

To testify, That the common Fame runs in the same County of the same Riot, before a *Capias* shall be awarded, upon 2 H. 5. c. 9. Stat. 8 H. 6. c. 14. Sect. 8.

If a Riot, &c. by Maintenance, or Embracery of the Jurors, be not found.

Stat. 19 H. 7. c. 13. Sect. 11.

They, with the Sheriff, or Under-Sheriff, are to certify the Names of such Maintainers, and Embracers, which shall be a Conviction; and they shall forfeit 20 l. a-piece, and to remain in Prison, at the Discretion of the Justices.

Robberies.

[One] **T**O take the Oath of the Person robbed, whether he knows the Persons who robbed him, or any of them, and if he knows any of them, he is to enter into a sufficient Bond to prosecute the Person, or Persons, so by him known, by Indictment, or otherwise, according to Law.

Stat. 27 Eliz. c. 13. Sect. 11.

[Two] Two Justices dwelling within, or near the Hundred, where the Robbery is committed, shall set a Tax upon every Parish within the Hundred, for the Payment of the Money whereof the Party is robbed.

Stat. 27 Eliz. c. 13. Sect. 5. Quor. 1.

Rockets. See Squibs.

Rogues. See Tit. Wagabonds.

Runaways.

[Two] **P**ersons running away and leaving their Charge to the Parish.

Stat. 7 Jac. 1. c. 4. Sect. 8.

Vide Stat. 12 Ann. Sect. 2. c. 4.

Persons

To be punished as incorrigible Rogues.

To

Offences.

Penalties.

Persons, who threaten to run away, and leave their Charge to the Parish.

Stat. 7 Jac. 1. c. 4. Sect. 8.

Vide 12 Ann. Sect. 2. c. 23.

To be sent to the House of Correction, there to be punished as sturdy Rogues (unless they put in sufficient Sureties to discharge the Parish) and not to be delivered, but at a Meeting of the Justices, or in open Sessions.

See Tit. Vagabonds.

Runners of Foreign Goods. See Smugglers.

Sacrament.

[Three] **T**O take Informations, upon Oath, of two lawful Persons at least, against any Person who shall speak or do any Thing in Contempt of the most Holy Sacrament; and to bind over by Recognisance, every Accuser and Witness in five Pounds a-piece, to appear at the next Sessions, and prosecute.

Stat. 1 Ed. 6. c. 1. Sect. 1.

To send out two Writs, *Capias Exigent*, and *Capias Utlegat*, against Contemners of the Holy Sacrament, in all Counties and Liberties; and upon their Appearance to fine and imprison them, or to take Bail for their Appearance, to be tried at Sessions.

Stat. 1 Ed. 6. c. 1. Sect. 3.

To direct a Writ in the King's Name to the Bishop of the Diocese, where the Contemner of the Sacrament committed the Offence, by which Writ he shall be required to present himself (or some for him sufficiently learned) at the Arraignment of the Offender, to give Advice concerning the Offence committed.

Stat. 1 Ed. 6. c. 1. Sect. 4.

Sadlers. See Shoemakers.

Scavenger. See Westminster.

[One] **H**ousekeepers in the County of Middlesex, and City of Westminster, which

are | Three Shillings and Four-pence a Day, to be levied by Distress and Sale; if not paid within six Days,

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Offences.

Penalties.

are within the *Weekly Bills of Mortality*, and in *Kensington*, not sweeping the Streets before their Houses on *Wednesdays* and *Saturdays*.

Stat. 2 *W. & M. c. 8.* Sect. 2.
View, Confession, or one Witness.

Persons laying or suffering to be laid any Sea-coal Ashes, Dust, Dirt, &c. in any open Street, Lane, or Alley, before their own Houses, or any publick Places.

Stat. 2 *W. & M. c. 8.* Sect. 2.
View, Confession, or one Witness.

Persons laying any Ashes, Dirt, or Soil, before the Houses or Walls of Inhabitants, or any Churchyard-Wall, or the Queen's Palace; or throwing or causing to be thrown into any common Sewer, or Highway, or any private Vault, any noisome Thing whatsoever.

Stat. 2 *W. & M. c. 8.* Sect. 2.
Conviction *ut supra*.

The respective Church-wardens, and the Housekeepers, and other Keepers of *Whitehall*, *Somerset-house*, *St. James's House and Park*, the Guard-houses, and Stables, &c. the Ushers, Porters, or Keepers of Courts of Justice. *Ibid.*

Persons hooping, washing, or cleansing any Vessels in Streets, Lanes, or open Passages; or setting any Dung, Soil, Rubbish, or empty Coaches to make or mend, or rough Timber, or
Stones

Days, to be committed till Payment.

This Penalty enlarged to 10 s. by Statute 8 & 9 *W. 3. c. 37.*

To be employed, if upon Conviction by the Evidence, one Moiety to the Poor, the other to the Informer. If upon View, one Moiety to the Poor, the other to the Repair of the Highways.

Five Shillings to be levied and employed *ut supra*.

Twenty Shillings, to be levied and employed *ut supra*.

To suffer the like Penalties for the like Offences, and to be levied and employed *ut supra*.

Twenty Shillings for every Offence, to be levied and employed *ut supra*.

Offences.

Penalties.

Stones to be fawn or wrought.

Stat. 2 *W. & M. c. 8. Sect. 4.*

Conviction *ut supra.*

Rakers, Scavengers, &c. not bringing Carts, and by a Bell, or otherwise, giving Notice of their coming, and not daily (except *Sundays* and *Holydays*) carrying away the Dirt, Dust, &c. Stat. 2 *W. & M. c. 8. Sect. 5.*

Conviction *ut supra.*

Inhabitants, and Owners of Houses unoccupied, not paving the Streets before their Doors.

Stat. 2 *W. & M. c. 8. Sect. 8.*

Conviction *ut supra.*

Owners and Inhabitants of Houses new built, not paving or otherwise amending the Ground before their Houses and Buildings. Stat. 2 *W. & M. cap. 8. Sect. 7.*

Conviction *ut supra.*

Scavengers duly chosen, and refusing Stat. 2 *W. & M. c. 8. Sect. 9.*

Conviction *ut supra.*

[*Uto*] Scavengers Tax to be made after a Pound Rate, by Constables, &c. and other ancient Inhabitants, for a Year, to be allowed by two Justices, payable Quarterly; and in Case of Refusal, to be levied by Distress and Sale; and for Want of Distress, to be imprisoned till Payment. Stat. 2 *W. & M. c. 8. Sess. 2. Sect. 10.*

Scavengers refusing to account within 28 Days after the Election of new Scavengers. Stat. 2 *W. & M. c. 8. Sess. 2. Sect. 11.*

Forty Shillings for every Offence, to be levied and employed *ut supra.*

Twenty Shillings a Rod or Perch for every Default, and twenty Shillings a Week, till amended; to be levied and employed *ut supra.*

Forty Shillings for every Perch, and the like for every Week, till amended, to be levied and employed *ut supra.*

Ten Pounds, to be levied *ut supra*, and employed in Mending and repairing the Highways and Streets of the same Parish.

To be committed till they account, and pay over the Money in their Hands to the new Scavengers.

To appoint vacant Places, near the Streets, for the Scavengers to lay the Dirt, &c. in giving Satisfaction to the Owners, and in Case

Offences.

Penalties.

of unreasonable Demand, to moderate the Price. Stat 2 *W. & M.* c. 8. Sect. 12.

Note; If any Conviction upon the Stat. 2 *W. & M.* c. 8. or on the Stat. 8 & 9 *W.* 3. c. 37. shall be by View or Knowledge of a Justice of Peace, then one Half of the Penalty shall be to the Poor, the other towards repairing Highways, and cleansing the Streets, to be paid to the Scavenger, otherwise to the Relief of the Poor. Stat. 8 & 9 *W.* 3. c. 37. Sect. 2.

[*Qu. Sess.*] Justices of the Peace in any City or Market-Town (not having already Provision made for them by any former Law) at their General or Quarter-Sessions, may appoint *Scavengers*, and order the Repairing and Cleansing the Streets; and may appoint Persons, or make Assessments on Owners and Occupiers of Lands and Houses equally, not exceeding six Pence in the Pound, to defray the Charges of such Scavengers, to be levied in eight Days, by Distress and Sale. Stat. 1 *Geo.* 1. c. 52. Sect. 9.

Out of Lists given in by the Constables, &c. are, by Warrant under their Hands and Seals, to nominate in every Parish in *Westminster*, and within the Weekly Bills of Mortality, two or more, according to the Largeness of the Parish, to be Surveyors of the Streets for the Year ensuing; and in Case of Refusal or Death, the Justices are to appoint some other fit Person to perform the Office, on the like Forfeiture on Refusal, and may give a Reward to the Surveyors, for their Trouble and Loss of Time, not exceeding eight Pounds *per Annum*, to be paid out of the Scavenger's Rate. 2 *Geo.* 2. cap. 11.

Seamen.

NO Seaman shall desert or absent himself from any Merchant's Ship after signing the Contract with the Master. 2 *Geo.* 2. c. 36.

To be committed to the House of Correction, to be kept to hard Labour, not exceeding 30 Days, nor less than 14.

See *Boys bound to Sea*, in Tit. *Apprentices.*
Serpents. See *Squibs.*

Servants.

Servants.

Offences.

[One] **S**ervants to Clothiers, Woollen - Weavers, Tuckers, Fullers, Clothworkers, Sheermen, Dyers, Hofiers, Taylors, Shoemakers, Tanners, Pewserers, Bakers, Brewers, Glovers, Cutlers, Smiths, Farriers, Curriers, Sadlers, Sparriers, Turners, Cappers, Hat or Felt Makers, Fletchers, Arrowhead-makers, Butchers, Cooks, Millers, refusing to serve for Statute-Wages, and departing, (being retained) without a Quarter's Warning, or lawful Cause, to be allowed by a Justice. Stat. 5 *Elix.* c. 4. Sect. 9.

Masters, being Clothiers, or any of the Trades above mentioned, putting away his Servant without a Quarter's Warning, or good Cause to be allowed by a Justice, and proved by two Witnesses. Stat. 5 *Elix.* cap. 4. Sect. 8.

One retained in Service to work, and departing without License. Stat. 5 *Elix.* c. 4. Sect. 11.

To give a *Testimonial* under his Hand to Labourers, that they had not sufficient Work in the Place where they dwelt, that they might get Work in other Shires, in the Time of Harvest, for which he may take one Penny. Stat. 5 *Elix.* c. 4. Sect. 23.

[Two] Servants assaulting Master, Mistress, Dame, or Overseer. Stat. 5 *Elix.* cap. 4. Sect. 21.

To be bound over to the Sessions.

The Cause to excuse, must be prov'd by two Witnesses.

Forty Shillings, to be inflicted at Sessions, and they to be bound over.

One Month's Imprisonment.

One Year's Imprisonment, or less, or to be bound over to the Sessions, there to receive such open Punishment as shall be thought convenient, Life and Member excepted.

Offences.

Penalties.

Unmarried Women, fit to serve, being above 12, and under 40, refusing to serve for convenient Time and Wages. Stat 5 *Eliz. c.* 4. Sect. 24.

Imprisonment.

To hear and determine the Breach of 5 *Eliz. c.* 4. upon Indictment, or otherwise, and award Process and Execution accordingly.

The Forfeitures (except those otherwise limited) to be divided between the Queen and Prosecutor. Stat. 5 *Eliz. c.* 4. Sect. 39.

[*Qu. Sess.*] Servants to Clothiers, &c. refusing to serve for the Wages limited according to the Statute; and being retained, departing his or their Service without a Quarter's Warning, or some lawful Cause. Stat. 5 *Eliz. c.* 4. Sect. 9.

To be imprisoned without Bail, but upon Submission to perform the Service, to be enlarged without Fees.

A Servant having served in one City or Town, and going to serve in another, without a Testimonial. Stat. 5 *Eliz. cap.* 4. Sect. 11.

To be imprisoned till he procure one; if he procure it not in 20 Days, to be whipped as a Vagabond.

A Master taking a Servant without a Testimonial. Stat. 5 *Eliz. c.* 4. Sect. 11.

Five Pounds.

See Wages.

Sewers.

[*Stat.*] **A**FTER the End of ten Years, all Laws, Ordinances, and Constitutions, made by Virtue of any Commission of Sewers, shall be in Force for one Year; and six Justices may execute such Commission, and Law, &c. unless in the Interim a new Commission issues. Stat. 13 *Eliz. c.* 9. Sect. 2. *Quor.* 2.

[*Qu. Sess.*] To swear the Commissioners of Sewers. Stat. 23 *H. 8. c.* 5. Sect. 5.

Sheep.

Sheep.

Offences.

[Qu. Bell.] **H**E that keeps in his own Possession at any one Time above 2000 Sheep. Stat. 25 H. 8. c. 13. Sect. 1.

The Prosecution for the King to be within three Years; for a Subject, within one.

Transporting Sheep beyond Sea. Stat. 8 Eliz. c. 3. Sect. 2.

Penalties.

Three Shillings and Four-pence a-piece.

Lambs not to be accounted Sheep till Midsummer, twelve Months after their Fall.

One Thousand Sheep to be reckoned after the Rate of 120 to the Hundred.

Executors, Infants, Spiritual Persons, or Temporal Persons, for House-Provisions, excepted.

First Offence, Forfeiture of Goods, to be divided between the Queen and the Prosecutor. To be imprisoned for a Year, and to have his Hand cut off in some open Market.

Second Offence, Felony.

Sheriff.

[One] **S**heriff, Under-Sheriff, or Sheriff's Clerk, entering into the County-Court any Pleint in the Absence of the Plaintiff, or his Attorney, or having above one Pleint for one Cause. Stat. 11 H. 7. cap. 15. Sect. 8.

[Qu. Bell.] Sheriffs, Under-Sheriffs, Clerks, Bailiffs, Gaolers, Coroners, Stewards, Bailiffs of Franchises, and all other Officers, who act contrary to 23 H. 6. c. 10. Sect. 1.

Forty Shillings, to be divided between the King and the Prosecutor.

To examine this Matter, and if the Party be found guilty, to certify the Examination into the Exchequer, within three Months, on Pain of 40 s.

The Certificate is a Conviction.

Forty Pounds, to be divided between the King and the Prosecutor, and treble Damages to the Party.

The Justices, who are to have the Controlment of the Sheriff, and his Esleats, are to be named in Michaelmas Sessions, by the *Custos Rotularum*

Offences.

Penalties.

Rotularum, or (in his Absence) by the eldest of the *Quorum*. Stat. 11 H. 7. c. 15. Sect. 20.

Sheriffs, Coroners, and other Persons having Return of Writs, not returning Jurors, and not levying Issues according to Stat. 27 *Eliz. c. 7.* Sect. 2.

Five Marks to the Queen, upon Conviction, Process to issue for the Levying of it.

Every Bailiff of a Franchise, Deputy, or Clerk of a Sheriff, or Under-Sheriff, intermeddling with their Offices before they are sworn. Stat. 27 *Eliz. c. 12.* Sect. 4.

Forty Pounds, to be divided between the Queen and the Prosecutor; upon Conviction to award Process.

Note; The *Original Poll-Books*, &c. of Elections of Knights of the Shire, are to be delivered on Oath by the Sheriffs, or returning Officers, to the Clerk of the Peace, and by him kept among the Records of the Sessions of the Peace. Stat. 10 *Ann. c. 23.* Sect. 5.

See Tit. *Forcible Entry and Detainer*. Tit. *Oath*, and Tit. *Wages of Knight of the Shire*.

Ships.

[Two] Persons entering Ships in Distress, without Leave of the Commander (except Officers of the Customs, Constables, or others by their Order) or shall molest the Assistants, or endeavour to hinder the Saving of the Ships or Goods, or when saved, deface the Marks of any Goods before taken down in a Book. Stat. 12 *Ann. Sess. 2.* c. 18. Sect. 3.

Shall within twenty Days after make double Satisfaction to the Party grieved, at Discretion of two next Justices; or in Default, be by them sent to the next House of Correction to hard Labour for twelve Months ensuing.

[Three] Persons assisting Ships in Distress, and preserving the same, or their Cargoes, to be paid by the Commander, Master or Owner, within thirty Days after,

In Default the Ship, &c. to remain in Custody of the Officer of the Customs, till all Assistants be reasonably gratified; and in Case of Disagreement, three near Justices

Offences.

Penalties.

ter, a reasonable Reward for their Service. 12 Ann. Sess. 2. c. 18. Sect. 2.

offices named by the Officer, shall adjust the *Quantum* to be paid each Assisitant.

And if no Person claims the Goods, the chief Officer of the nearest Port to apply to three of the nearest Justices, who are to put him, or some other responsible Person, in Possession of the Goods, taking an Account in Writing thereof, to be signed by the said Officer, and if *perishable*, sold presently, or else kept a Year. 12 Ann. Sess. 2. c. 18. Sect. 2.

Shoemakers.

[One] Journeyman Shoemakers, within the *Weekly Bills of Mortality*, purloining, imbeziling, selling, pawning, or exchanging Boots, Shoes, Slippers, Leather, Lasts, Silk, or other Materials, &c. delivered him by the Master. One Justice may summon the Party, or grant a Warrant to apprehend him; and on his Appearance or Default, examine the Fact, &c. Stat. 9 Geo. 1. c. 27. Sect. 1.

For a second like Offence. *Ibid.* Sect. 1.

Persons buying, receiving, or taking in Pawn, from any Journeyman Shoemaker, &c. or other Person, any Boots, Shoes, or Slippers, or other Materials, &c. not being the proper Goods of the Persons selling or pawning. *Ibid.* Sect. 2.

If Persons employed by one Master, in making Boots, Shoes, &c. neglect their Work by being retained by any other Person before it is finished, &c. *Ib.* Sect. 4.

[Two]

And on Conviction by Confession or one Witness, award him to make immediate Satisfaction; and on Nonpayment, levy it by Distress, &c. and if none found, cause him to be whip'd.

Commitment to the House of Correction, not exceeding a Month, nor less than 14 Days.

On Conviction *at supra*, award Satisfaction within two Days, or levy it by Distress, &c. and if none, cause him to be whipped.

On Conviction by one Witness, to be sent to Correction and Labour, not exceeding one Month.

Opposing

Offences.

[Two] Within the Weekly Bills, on Complaint on Oath, may issue Warrants to search by Day, the Houses, &c. of Persons suspected of having such Goods, &c. *ut supra*, and on Refusal break open any House, &c.

Ibid. Sect. 3.

If on Search any such Goods are found, &c. shall cause them to be restored to the Owner, and oblige the Offender to make Satisfaction for the Damage in detaining and getting the same.

Ibid. Sect. 3.

[Du. Sell.] Shoemakers not making their Boots, &c. of good and sufficient Stuff, nor sewing them well, and selling on *Sunday*.

Stat. 1 Jac. 1. c. 22. Sect. 28.

In *London* the Master and Wardens of the Company of *Shoemakers, Curriers, Girdlers, and Sadlers*, to search every Quarter at least, and view all Wares made of tann'd Leather, and to seize all insufficient Wares.

Stat. 1 Jac. 1. c. 22. Sect. 29.

Penalties.

Opposing such Search, forfeits 10 *l.* to the Prosecutor, recoverable by Action at *Westminster*, if sued for within two Months.

On Refusal of such Satisfaction, to be punished as Journeyman, purloining, &c. *ut supra*.

Three Shillings Four-pence for every Offence, and the Value of the Wares made and sold, to be divided, one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty where the Offence is committed.

Forty Shillings for every Year's Default, to be divided between the King and Prosecutor.

Silk.

[One] Silkwinders and Doubblers, unjustly purloining, imbezilling, pawning, selling, or detaining Silk delivered by Silk-Throwsters, and the Buyers and Receivers of such Silk.

Stat.

To pay such Recompence and Satisfaction for Damage, Loss, and Charges, as he shall order, not exceeding what the Party proves: If the Party be not able to make Satisfaction, or if he be, and do

it

Offences.

Penalties.

Stat. 13 & 14 Car. 2. cap. 15.
Sect. 7.

— 20 Car. 2. c. 6. Sect. 3.

Confession or ope Witness.

This extends to all Persons, who shall imbezil, pawn, or sell, or detain any Silk delivered to any Silk-Manufacturers, Agents, Journeymen, Warpers and Winders, by Stat. 8 & 9 W. 3. c. 36. Sect. 6.

it not in 14 Days, to be whip'd and set in the Stocks.

To be committed to Prison, or House of Correction, till Satisfaction be made or Punishment inflicted.

Silkthrower.

[Qu. Sect.] **E**Xercising the Trade of a Silkthrower, not having served 7 Years.

Stat. 13 & 14 Car. 2. c. 15. Sect. 2.

Forty Shillings a Month, one Moiety to the King, the other to the Profecutor.

Smugglers or Runners of foreign Goods.

[One] **A**fter 25 March 1722. Persons, who shall be found passing (knowingly and wittingly) with any Foreign Goods or Commodities landed from any Ship or Vessel, without the due Entry and Payment of the Duties, in their Custody, from any of the Coasts of this Kingdom, or within twenty Miles of any of the said Coasts; and shall be more than five Persons in Company, or shall carry any offensive Arms or Weapons, or wear any Vizard, Mask, or other Disguise, when passing with such Goods, or shall forcibly hinder or resist any Officer of the Customs or Excise, in the seizing Run-Goods.

Stat. 8 Geo. 1. c. 18. Sect. 6.

Return-

Guilty of Felony, and to be transported for seven Years to some of his Majesty's Plantations or Colonies in America.

Felony

Offences.

Penalties.

Returning into *Great Britain* or *Ireland*, before the Expiration of seven Years.

Felony, without Benefit of Clergy.

Persons receiving or buying any Goods, Wares, or Merchandizes, clandestinely run or imported before the same shall have been legally condemned, knowing the same to be so clandestinely run or imported.

One or more credible Witnesses, or Confession.

Stat. 8 *Geo.* 1. c. 18. Sect. 10.

[*Emo*] All Seizures of Vessels or Bbats of 15 Tuns, or under, which shall be made after 25 *March* 1722, by Virtue of the *Act* 8 *Ann.* c. 7. For Granting to her Majesty new Duties of Excise, &c. And of an *Act* for continuing several Impositions, &c. to raise Money by Loan for the Service of the Year 1710, or of any other *Act* relating to the Revenue of Customs, for carrying uncustomed or prohibited Goods from Ships inwards, or for relanding Certificate or Debenture Goods from Ships outwards: And all Seizures of Horses or other Cattle, or Carriages whatsoever, for being used in Removing, Carriage, or Conveyance of such Goods contrary to the said Acts.

Stat. 8 *Geo.* 1. c. 18. Sect. 16.

Forfeit twenty Pounds, to be levied by Distress and Sale, &c.

And for want of Distress, to be committed to Prison without Bail or Mainprize for three Months.

One Moiety of the above Penalty to the Informer, the other to the Poor of the Parish where Offence committed.

To be examined into, proceeded upon, heard, adjudged, and determined by two or more Justices, residing near the Place where such Seizure shall be made, whose Judgment is final, and not liable to *Appeal* or *Certiorari*.

Note; Justices of *London* and *Westminster* have the like Power in Summoning, Examining, &c. such Seizures made in the said Cities, as Justices of any other County or Place have.

Ibid. Sect. 17.

And the Penalties on Smugglers, &c. by 11 *Geo.* 1. p. 486. are by several Clauses in Stat. 12 *Geo.* 1. p. 564, 574. recoverable as by the Laws of Excise. See Tit. *Excise*.

See

Offences.

Penalties.

See also the Stat. 2 Geo. 2. c. 28. Sect. 1 and 2. That several Clauses in the Act 5 (*Quar.* if not 8) Geo. 1. against clandestine Running of uncustomed Goods, and more effectually preventing Frauds in the Customs, which relates to the Importation of Foreign Brandy, Arrack, Rum, &c. (no Rum, &c. being to be imported in Casks, &c. under twenty Gallons) in any Ship or Vessel under fifteen Tuns, are revived and continued till 29 September 1734. and End of the following Session.

Soldiers and Mariners.

[Qu. Sect.]	A Soldier listed departing with-	Felony without Benefit of Clergy.
out License.		
Stat. 7 H. 7. c. 1. Sect. 2.		
Stat. 2 & 3 Ed. 6. c. 2. Sect. 6.		
The Trial to be in the County where he is apprehended.		

To charge every Parish towards a weekly Relief of maimed Soldiers and Mariners, so as no Parish pay weekly above 10 *d.* nor under 2 *d.* nor any County, which consists of above 50 Parishes, pay above 6 *d.* one Parish with another.

Stat. 43 Eliz. c. 3. Sect. 6.

Upon a Certificate under the Hand and Seal of the Chief Commander, or of a Captain, under whom a Soldier or Mariner served, a quarterly Pension is to be allowed him, till revoked or altered; he who hath not born Office, not to exceed 10 *l.* An Officer under a Lieutenant 15 *l.* A Lieutenant 20 *l.*

Stat. 43 Eliz. c. 3. Sect. 8.

A Person commanded to muster, absenting himself without lawful Excuse, or not bringing his best Arms.

Stat. 4 & 5 P. & M. cap. 3. Sect. 2.

Ten Days Imprisonment without Bail, unless he agrees to pay 40 *l.* to be estreated into the Exchequer.

Any Person authorized to muster or levy Soldiers, exacting or taking any Reward to discharge, or spare any from the Service. Stat. 4 & 5 P. & M. c. 3. Sect. 3.

A

Ten Times so much as he shall exact, or take; one Moiety to the Crown, the other to the Prosecutor.

Ten

Offences.

Penalties.

A Captain or other Officer, after he shall have (for a Reward) licensed a Soldier to depart, not paying him his Wages, and Coat, and Conduct Money.

Stat. 4 & 5 P. & M. cap. 3. Sect. 4.

Ten Times so much as he shall take, to be divided between the Crown and Prosecutor, and to the Soldier three Times so much as he should have paid him.

*An Abstract of the Mutiny and
Desertion ACT, 2 Geo. 2.
c. 2. as far as it concerns
Justices of the Peace.*

Officers and Soldiers.

[One] **W**ithin forty-eight Hours after any Muster made, (where the Mayor, Chief Magistrate, or other Officer, to whom Notice was given to be present at such Muster, shall not have attended) to swear the Commissary or Muster-Master, who must then produce the Muster-Roll to be examined by the Justice, who must sign the same, if there be no sufficient Objection thereto.

Stat. 2 Geo. 2. c. 2. Sect. 11.

Muster-Masters, not giving such Notice, or refusing the Assistance of such Mayor, Chief Magistrate, &c.

Ibid. Sect. 11.

Forfeit 50 *l.*

Any Person, that shall be falsely mustered, or offer himself falsely or deceitfully to be mustered.

Two Witnesses before the next Justice, and Certificate under the Hand of the Commissary of the Musters. *Ibid.* Sect. 12.

4

Any

To be committed to the House of Correction for ten Days.

The

Offences.

Penalties.

Any Person, who shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered.

Two Witnesses before the next Justice.

Ibid. Sect. 12 & 13.

The Horse so falsely mustered is forfeited to the Informer, if it belongs to the Person lending the same. If not, the Person lending forfeits twenty Pounds to the Informer.

To be levied by Order of the Court Marshal, or Commitment to Gaol for six Months.

In Default or Absence of Constables, Tithingmen, &c. to quarter and billet Officers and Soldiers in Inns, Livery-Stables, Alehouses, Victualling-houses, all Houses of Persons selling Brandy, Strong-Waters, and Cyder or *Metheglin* by Retail, except Distillers and private Houses.

Ibid. Sect. 18.

Persons aggrieved by Constables, &c. quartering a greater Number of Soldiers, than they ought to bear in Proportion to their Neighbours, on Complaint one Justice may order such and so many of the Soldiers to be removed, and quartered upon such Person, as he shall see Cause, who is obliged to receive such Soldiers.

Ibid. Sect. 18.

Vide infra, Sect. 53.

To order Constables by Warrant to provide Carriages with able Men to drive the same for Soldiers in their Marches.

Ibid. Sect. 29.

Note; Officers are to pay down in Hand to Constables, for the Use of the Person providing such Carriages and Men, One Shilling for every Mile any Waggon with five Horses shall travel; One Shilling for every Wain with six Oxen, or four Oxen and two Horses, and Nine pence for every Cart with four Horses, and in Proportion for less Carriages.

Ibid. Sect. 29.

And no Carriage is to carry above twenty hundred Weight.

Ibid. Sect. 33.

Constables, &c. who shall quarter any of the Wives, Children or Maid Servants of Officers and Soldiers against the Owner's Consent.

Ibid. Sect. 35.

Twenty Shillings to the Party aggrieved.

To be levied by Distress, &c.

Officers |

If

Offences.

Penalties.

Officers and Soldiers without Leave of the Lord of the Manor under Hand and Seal, killing, taking or destroying any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or his Majesty's Game.

One Witness.

Ibid. Sect. 36.

To cause *wandering Soldiers* suspected of *Desertion*, to be apprehended, and to examine them. And if by Confession, Oath of one Witness, or Knowledge of the Justice, he is found a listed Soldier, and ought to be with his Company.

Ibid. Sect. 38.

If an Officer, he forfeits five Pounds to the Poor, where, &c.

And twenty Shillings every Soldier, to be paid by the Officer commanding in Chief to Constable or Overseer of the Poor, in two Days after Demand, on Forfeiture of his Commission.

To convey him to the Gaol of the County or Place, and transmit an Account thereof to the Secretary at War for the Time being.

Note ; There is a Reward of twenty Shillings for apprehending a Deserter, to be paid (by a Justice's Warrant) by the Collectors of the Land-Tax where apprehended.

Ibid. Sect. 39.

Persons harbouring or concealing Deserters knowingly, or buying, exchanging or otherwise receiving from any Soldier or Deserter, Arms, Clothes, Caps, or other Furniture belonging to the King, or causing the Colour of their Clothes to be changed.

One Witness.

Ibid. Sect. 40.

Commission Officer forcibly entering into, or breaking open the Dwelling or Outhouses of any Person to search for Deserters, not having a Justice's Warrant.

Ibid. Sect. 41.

Forfeit five Pounds, to be levied by Distress, &c.

One Moiety to the Informer, by whose Means such Deserter was apprehended.

The other to the Officer, to whom he belonged,

Forfeits 20 *l.*

High Constables and Beadles, &c. who shall receive, demand, contract or agree for any Sum of

4

Money

Not less than forty Shillings, or above five Pounds for every Offence.

To

Offences.

Penalties.

Money, or any Reward whatsoever, to excuse any from quartering Soldiers; or Victuallers refusing Soldiers quartered or billeted upon them.

To be levied by Distress and Sale, by Warrant directed to some other Constable of that County or Overseer, where the Offence is committed, to be paid to the Overseers for the Use of the Poor.

Confession or one Witness.

Ibid. Sect. 53, 54.

May require and command, by Warrant, or Order under Hand and Seal High Constables, &c. who shall quarter or billet Soldiers, to give an Account in Writing of the Number of Officers and Soldiers quartered or billeted by them, and on whom, with the Streets and Signs where, the better to punish Abuses in Billetting.

Ibid. Sect. 55.

[Two] Military Officers quartering Soldiers otherwise than is limited and allowed by the said Acts, or shall use or offer any Menace or Compulsion to any Mayors, Constables, &c. tending to deter them from performing their Duty, being thereof convicted on Oath of two Witnesses, are deemed, cashiered and disabled to have any military Employment in the Kingdom; provided such Conviction be affirmed at the next Quarter-Sessions; and a Certificate transmitted to the Judge Advocate, and by him to the Court Marshal.

Ibid. Sect. 18.

No Commissary to muster any Regiment, Troop or Company in *Westminster* and *Southwark* or their Liberties, but in the Presence of two or more Justices (not Officers) unless such Justices on 48 Hours Notice to six Justices residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster.

Ibid. Sect. 26.

On Pain of being disabled and cashiered.

In Case of Neglect, Commissary may proceed to muster such Regiment, &c. provided Oath be made before a Justice within forty-eight Hours after such Muster taken, that such Notice was given to six Justices. *Ibid.* Sect. 26. See Sect. 11.

Justices attending to sign Muster-Rolls, and to take Cognisance of the Muster, and to examine the Truth thereof before they sign the same. *Ibid.* Sect. 27.

Offences.

Penalties.

Note; Constables, &c. may billet the Officers and Soldiers of his Majesty's Foot-Guards in *Westminster* and Places adjacent.

Ibid. Sect. 27.

Military Officers forcing Waggon, &c. to travel more than one Day's Journey, not discharging them in due Time for their Return home, or shall suffer or connive at Soldiers, Servants, or Women (except the Sick) riding in Waggon, &c. or forcing any Constable by threatenng or menacing Words to provide Saddle-Horses for themselves, or Servants, or shall force Horses from their Owners.

Ibid. Sect. 30.

High Constables and Petty Constables not executing the Justice's Warrant for providing Carriages, or Persons appointed by them, refusing to provide Carriages and Men, for hindring the Execution of such Warrant.

Ibid. Sect. 31.

Commanding Officer wilfully neglecting or refusing upon Application to deliver up any Officer, Non-Commission Officer, or Soldier, accused of any capital Crime, or of any Violence, or Offence, to the Civil Magistrate, or to aid and assist the Officers of Justice in apprehending such Offender.

Two Witnesses.

Ibid. Sect. 47.

For every Offence five Pounds.

The Proof to be before two Justices, who are to certify to the Paymaster General of his Majesty's Forces under Hand and Seal, who is to deduct it out of such Officer's Pay.

Forfeits for every Offence not exceeding 40 s. nor less than 20 s. to the Poor of the Place where.

To be levied by Distress, &c.

To be cashiered and disabled to hold any Military Employment, provided the Conviction be affirmed at the next Quarter-Sessions, and Certificate thereof be transmitted to the Judge-Advocate, and by him to the Court Marshal.

[Qu. Sell.] Officers and Soldiers quartered and billeted, as aforesaid, to pay such reasonable Prices for all necessary Provisions to Owners of Inns, &c. as shall be appointed from Time to Time by the Justices at their General or Quarter-Sessions of each County, City, &c. for one or more Nights. *Ibid.* Sect. 20.

Upon

Offences.

Penalties.

Upon Complaint to the next Quarter-Sessions of Officers, not giving Notice to the Innkeepers, &c. of Subsistence Money in their Hands, and not paying the same.

Two Witnesses.

Ibid. Sect. 25.

Sessions to certify the Sum due, and the Persons to whom the same is owing, to the Paymaster of his Majesty's Guards and Garrisons; which if not paid, Officer is disabled, and to be cashiered.

From Time to Time to make Orders upon the Treasurer of the County for paying Constables, &c. such reasonable Sums by them laid out for Soldiers Carriages (without Fee or Reward) over and above what is received by them of the Officer requiring such Carriages.

Ibid. Sect. 32.

Note; The Sessions may raise Money for it as for the County Gaols and Bridges.

Ibid. Sect. 33.

Note; No Justice of Peace having any Military Command, is to be concerned in billeting or quartering of Soldiers.

Stat. 2 Geo. 2. c. 2. Sect. 19.

And the Justices Power to discharge Soldiers arrested, is now vested in the Judges.

Note; These ARs do constantly expire every Year, and therefore the last AR is always only to be regarded.

See the Mutiny and Desertion Act, 1 Geo. 2. ver. finem. South-Sea Company, See Felony.

Spirits.

Offences.

[Qu. Sect.] S ERVANTS and others wittingly and willingly assisting in making Spirits, &c. contrary to Stat. 10 & 11 W. 3. cap. 4. Sect. 1.

Penalties.

Six Months Imprisonment, without Bail or Mainprife.

Squibs.

[One] N O Person, of what Age, Sex, Degree or Quality soever, to make, sell or utter, or offer, or expose to Sale any Squibs, Rockets, Serpents, or other Fireworks; or to permit or suffer any Squibs, &c. to be cast, thrown, or fired out of, or in their Houses, or Lodgings, or any Part or Place thereto adjoining, in any publick Street, &c. and to throw, cast, or fire, or to be aiding and assisting in Throwing, &c. any Squibs, &c. in or into any Street, &c. is a common Nuisance.

Stat 9 & 10 W. 3. c. 7. Sect 1.

Persons making, or causing to be made, giving, selling, or uttering, or offering or exposing to Sale any Squibs, &c.

Stat. 9 & 10 W. 3. cap. 7. Sect. 2.

Confession, or two Witnesses.

Five Pounds, to be levied by Distress and Sale, one Half to the Poor, the other to the Prosecutor.

Persons permitting or suffering any Squibs, &c. to be cast, thrown, or fired from out of, or in his, her, or their House or Houses, Shops, Dwelling or Habitation, or any Part thereof, into any Street, &c.

Stat. 9 & 10 W. 3. cap. 7. Sect. 2.

Conviction *ut supra*.

Twenty Shillings, to be levied and employed *ut supra*.

Persons throwing, casting, or firing, or being aiding and assisting

Twenty Shillings, to be employed *ut supra*; and if not paid imme-

Offences.

Penalties.

fitting in Throwing, &c. any Squibs, &c.

Stat. 9 & 10 W. 3. cap. 7. Sect. 3.

Conviction *ut supra*.

immediately to the Justice, the Party to be committed to the House of Correction, to hard Labour, not exceeding a Month, unless the Offender shall sooner pay the Money.

Now; This Act extends not to the Master of the Ordnance, nor to the Artillery Company.

Stamp-Duty.

[One] **M**AY administer the Oath to Commissioners about Apprentices Duty.

8 Ann. c. 9. s. 180.

Counterfeiting or Forging Stamps.

Stat. 9 Ann. c. 23. Sect. 41.

See Felony.

Every Commissioner and Officer acting in Collecting the Stamp-Duties, to take the Oath following, appointed to be taken, by 9 Ann. c. 19. before two of the Commissioners, or one Justice of the Peace. *Ibid.* Sect. 118.

The Oath.

I A. B. do swear, That I will faithfully execute the Trust reposed in me, pursuant to the Act of Parliament, whereby certain Duties are charged upon Surrenders and Admittances to Copyhold Lands or Tenements, and other the Matters and Things thereby directed, to be stamped, as is therein mentioned, without Fraud or Concealment, and will from Time to Time true Account make of my Doings therein, and deliver the same to such Person or Persons, as his Majesty, his Heirs and Successors, shall appoint to receive such Account: And will take no Fee or Reward, or Profit, for the Execution or Performance of the said Trust, or the Business relating therunto, from any Person or Persons, other than such as shall be allowed by his Majesty, his Heirs and Successors, or some other Person or Persons, by him or them, to that Purpose authorised.

Ibid. Sect. 119.

Offences.

Penalties.

Justices to give to the Officer a Certificate of his having taken the said Oath *Gratis*. Sect. 136.

Counterfeiting or forging any Stamp made or used in Pursuance of the said Statute; or counterfeiting or resembling the Impression of the same upon any Parchment or Paper, to defraud the Crown of the Duty, or selling such Paper, &c. with a Counterfeit Mark, knowing it to be so, or privately and fraudulently using any Stamp, thereby to defraud the Crown.

Ibid. Sect. 128.

Felony, without Benefit of Clergy.

To cause or procure to be forged or counterfeited any Stamp or Mark, to resemble any Mark or Stamp, provided, made or used, in Pursuance of this, or any Act, relating to the Stamp-Duties; or to cause or procure any Vellum, Parchment, Paper, Cards, or Dice, to be mark'd or stamp'd with such Counterfeit Stamp or Mark.

Stat. 6 *Geo.* 1. c. 21. Sect. 58.

Felony, without Benefit of Clergy.

One Justice, on Affidavit made of a private Work-house for making Cards or Dice (unstamp'd) may empower Persons to break it open.

Stat. 6 *Geo.* 1. c. 2. fo. 427.

Note; Justices taking Recognizances for selling Ale, and not making out Licenses thereon duly stamp'd, forfeit 10*l.* *Ibid.*

[Two] May determine pecuniary Forfeitures on any Stamp-Duty Act, not exceeding 20*l.* (but Appeal lies to Qu. Seff.)

Stat. 10 *Ann.* c. 19. fo. 264.

And may mitigate Penalties thereon, so as not to reduce them to less than double the Duty. *Ibid.* 298.

No *Certiorari* to be allowed against Justices proceeding on the said Act. *Ibid.* fo. 298.

[Two]

Offences.

[Two] If any Person after 1 Aug. 1712. shall write or print any Surrender or Admittance of or to any Copyhold Estate in Great Britain or Wales, or any Grant or Lease by Copy of Court-Roll, &c. (except the Surrender to the Use of a Will) or any Matter directed to be stamp'd, by 10 Ann. c. 19. or shall sell or expose to Sale any Pamphlet or News Paper (excepting Pamphlets exceeding one whole Sheet) before the same shall be stamp'd; The Offender forfeits

Ibid. Sect. 117.

Every Steward, or his Deputy, offending and being convicted.

Ibid.

Persons writing or printing any Thing on stamp'd Paper, after the Crown shall think fit to alter or renew the Stamps, after the Expiration of sixty Days, after such Intention of Altering or Renewing, shall be published by Proclamation.

Ibid. Sect. 122.

Printer and Publisher of any Pamphlet of more than one Sheet, and the Duty not paid, and the Title of it registred, and one Copy not stamp'd within the Time limited by the said Statute.

Ibid. Sect. 125.

Penalties.

Ten Pounds, with full Costs for every Offence.

One Moiety to the Crown, the other Moiety with full Costs to the Prosecutor.

Sect. 132.

Over and above the said Forfeiture shall lose his Place; and such Writing is not good, and shall not be given in Evidence, until five Pounds together with the Ten be paid, and a Receipt be produced under the Hand of the Receiver General of the Stamp-Duties, or his Deputy, and until the Vellum, &c. be stamp'd.

Forfeit as a Person writing on Paper not stamp'd.

Twenty Pounds with full Costs. One Moiety to the Crown, the other Moiety with full Costs to the Prosecutor. Sect. 132.

And the Author, Printer, and Publisher to lose the Property in the Copy, though the Title

U u 4

thereto

Offences.

Penalties.

All Pamphlets must have the Printer's or Publisher's Name printed thereon.

Ibid. Sect. 126.

thereto be registred in *Stationers-Hall*; and any Person may freely print and publish the same, paying the Duty, without being liable to a Prosecution.

Twenty Pounds for every Offence *ut supra*.

Two or more Justices, residing near the Place where any Pecuniary Forfeiture, not exceeding twenty Pounds, upon this or any of the Acts of Parliament, touching the Duties under the Management of the Commissioners for Managing the Duties on stamp'd Vellum, Parchment, and Paper, shall be incurred, to hear and determine the same within one Year after Seisure made, or Offence committed in a summary Way. And to award and issue out Warrants for levying the Penalties, adjudged on the Offender's Goods, and to cause them to be sold, unless redeemed within six Days, rendering the Overplus.

Ibid. Sect. 133.

Vide Stat. 5 & 6 W. & M. c. 21. And 9 Ann. c. 23.

2. Whether the Party offending may not be committed (if he has no Goods whereon to levy) till he pay the Penalty.

In their Discretions,

Justices may mitigate Penalties as they shall think fit, the reasonable Costs and Charges of the Officers and Informers being first allowed over and above such Mitigation, and so as it does not reduce the Penalties to less than double the Duties over and above the Costs and Charges.

Ibid. Sect. 134.

[*Qu. Sess.*] Persons aggrieved by the Sentence of two Justices, may appeal to the next Quarter-Sessions, who may examine Witnesses on Oath, and finally determine the same, and issue Warrants to levy. *Ibid.* 133.

Note; No *Writ* or *Certiorari* lies to supersede Execution or other Proceedings upon any Order made in Pursuance of the above Statute.

Stolen

Stolen Goods.

Offences.

[One] **T**AKING Money or Reward directly or indirectly, under Pretence, or upon Account of helping any Person to any Stolen Goods or Chattels, unless such Person doth apprehend, or cause to be apprehended such Felon who stole the same, and bring him to Trial, and give Evidence against him.

Stat. 4 Geo. 1. c. 11. Sect. 4.

[Two] Whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any Person for taking Money, or other Reward, directly, to help any Person to stolen Goods, (such Offender not having apprehended the Felon, who stole the same, and brought him to Trial for the same, and given Evidence against him, upon a Certificate under the Hand and Seal of the two next Justices,) shall receive the Sum of 40 *l.* to be paid by the Sheriff.

Stat. 6 Geo. 1. c. 23. Sect. 9.

Streets paved. See Tit. Scabenger and Westminster.

Penalties.

Guilty of Felony, and to suffer in the same Manner as if he had stole such Goods himself.

Penalty of forty Pounds to be recovered by Action of Debt, &c. on any Person taking more than five Shillings for a Certificate.

Note ; The Reward of forty Pounds for apprehending and convicting any Person for Burglary, to be paid without any Deduction as aforesaid. Sect. 10.

Subornation of Perjury.

[Qu. Sect.] **S**uborning a Witness to give Testimony in any Court of Record, concerning any Lands, Goods, Debts or Damages.

Stat. 5 Eliz. c. 9. Sect. 3.

Forty Pounds ; and if he has not wherewith to satisfy the same, six Months Imprisonment, without Bail ; to stand upon the Pillory in the same or next Market-Town where Offence was committed ; and disabled to give Testimony in any Court of Record, till

Offences.

Penalties.

till the Judgment be reversed by
Attaint or otherwise.

Note; One Justice may bind over, or commit the Offender.
See Tit. Felony.

Sunday.

[One] Persons being present at Bear-baitings, Bull-baitings, Enterludes, Common Plays, and any other unlawful Pastimes on the Lord's Day.

Stat. 1 Car. 1. c. 1. Sect. 4.

View, Confession, or one Witness.

Prosecution in one Month.

Carrier, Waggoner, Carman, Wainman, or Drover, travelling on the Lord's Day about their respective Businesses.

Stat. 3 Car. 1. c. 1. Sect. 2.

View, Confession, or two Witnesses.

Prosecution in six Months.

Persons of the Age of fourteen Years, and upwards, doing any wordly Labour or Business on the Lord's Day, Works of Charity and Necessity only excepted.

Stat. 29 Car. 2. c. 7. Sect. 1.

View, Confession, or one Witness.

Persons publickly crying or exposing to Sale any Wares, except Milk.

Stat. 29 Car. 2. c. 7. Sect. 1.

Conviction *ut supra*.

View, Confession, or one Witness.

Drovers,

Three Shillings and Four-pence for the Poor, to be levied by Distress, &c. in Default, to sit in the Stocks three Hours.

Twenty Shillings for every Offence, to be levied and employed *ut supra*.

Third Part may be allowed to the Prosecutor.

Five Shillings to the Poor, to be levied by Distress and Sale; if not able, to be set in the Stocks two Hours.

The Wares to be seized, and sold for the Poor.

Twenty

Offences.

Drovers, Horse-Couriers, Waggoners, Butchers, Higlers, or their Servants, travelling on the Lord's Day.

Stat. 29 Car. 2. c. 7. Sect. 2.
Conviction *at supra*.

Persons using or travelling on the Lord's Day with Boat, Wherry, &c. except allowed by a Justice, &c.

Stat. 29 Car. 2. c. 7. Sect. 2.
Conviction *at supra*.

Penalties.

Twenty Shillings, to be employed *at supra*, to be levied by Distress and Sale; if not able, to be set in the Stocks two Hours.

Five Shillings, to be levied and employed *at supra*; and if not able, punished *at supra*.

A Part of the Penalties in this Act, not exceeding a Third, may be given to the Informer.

See Shoemakers and Butcher.

Surgeons. See Tit. Highways, and Collector.

Swearing and Cursing.

[One] PERSONS profanely Swearing or Cursing.

Stat. 21 Jac. 1. c. 20. Sect. 1.

Hearing of a Justice, Confession, or two Witnesses.

Twelve Pence for the Poor, to be levied by Distress, &c. or in Default, to be set in the Stocks three Hours, if the Offender be above twelve Years old; but if under, and not paying, to be whipped by the Constable, or Parent or Master, in the Constable's Presence.

Servants, Labourers, common Soldiers, common Seamen, profanely swearing and cursing in the Presence or Hearing of a Justice of Peace.

Every other Person:

Stat. 6 & 7 W. 3. c. 11. Sect. 1.
Confession, or one Witness.
Prosecution to be in ten Days.

One Shilling for the first Offence, for the second double, for the third treble, to the Use of the Poor.

Two Shillings, first, second, and third, *at supra*, to the same Use, to be levied by Distress and Sale; if no Distress, to be set in the Stocks one Hour for one Offence, two Hours for more, if above 16 Years of Age; if under, to be whipped.

Justice

Five

668 Swearing and Cursing. Tanners.

Offences.

Penalties.

Justice omitting or neglecting to put in Execution the Act immediately above mentioned.

Stat. 6 & 7 W. 3. c. 11. Sect. 3.
Prosecution *ut supra*.

Five Pounds.

Person not reading the last mentioned Act, the next *Sunday* after every Quarter-Day yearly, immediately after Morning-Prayer.

Stat. 6 & 7 W. 3. c. 11. Sect. 6.
Prosecution *ut supra*.

Twenty Shillings for every Omission.

To register in a Book all Convictions upon Stat. 6 & 7 W. 3. c. 11. and the Time, and certify the same to the Quarter-Sessions.

Stat. 6 & 7 W. 3. c. 11. Sect. 7.

Tanners.

[One] **T**O administer an Oath to Tanners, and Dressers of Hides in *England*, That they did, within twenty Days after Taking Hide or Skin, or Pieces thereof, or Vellum, or Parchment out of Wooze, Mill, Liquor, or other Materials, make a true Entry, with the proper Officer, of the Number and Quality of the Hides, &c. so taken out to be dried. Stat. 9 *Ann.* c. 11. Sect. 16.

To administer an Oath to Tanners, &c. that they give Notice to the proper Officer two Days before Removal of Hides, &c.

Stat. 9 *Ann. cap.* 11. Sect. 16.

[Two] Tanner, or other Person shaving, or causing to be shaved Hide or Calf-Skin before tanned, whereby it shall be impaired, or Duty diminished.

Prosecution in three Months.

An Appeal to the next Quarter-Sessions.

Stat. 9 *Ann.* c. 11. Sect. 11.

Every such Hide, or Skin, or the Value, forfeited.

One Moiety to the Queen, the other to the Informer.

Justices may mitigate, so as the reasonable Costs and Charges in Prosecution be allowed over and above such Mitigation, so as the Penalty be not reduced to less than one fourth Part.

Sect. 37.

To continue for 32 Years.

See

Offences.

Penalties.

See the Definition of tanned Hides, or Skins, Pieces of Hides, or Skins, Leather dressed in Oil, &c. and tawed Leather in Stat.

9 Ann. c. 11. Sect. 3.

Tanners, Bazil-Tanners, Curriers, Tawers, *Spanish* Leather Dressers, and all other Dressers, of Hides, or Skins, or Pieces of Hides, or Skins, and all Makers of Vellum and Parchment, neglecting to give Notice in Writing to the proper Officer, of their respective Names and Places of Abode, and Tan-houses, Yards, Work-houses, Mills, or other Places for Tanning, Tawing, or Dressing any such Hides, or Skins, or Pieces thereof.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 15.

Owners, or Occupiers of Tan-yards, &c. refusing the proper Officer to enter.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 17.

Tanners, Tawers, Curriers, or Dressers of any Hides, or Skins, or Pieces thereof, or any Makers of Vellum or Parchment, using any private Tan-yard, &c. or not giving Timely Notice of Taking the Hides, &c. out of the Woaze, &c. or Removing, Sending, or Carrying away the same, or any Part thereof; or hiding, or concealing any Skins, &c. or causing the same to be hid or concealed.

Prosecution, and Appeal *ut supra*. Stat. 9 Ann. c. 11. Sect. 17.

Tanners, &c. not paying the Duties, with which Hides, Skins, &c. are chargeable.

Sending

Fifty Pounds, one Third to the Queen, the other two Thirds to the Informer.

Ten Pounds, to be divided *ut supra*.

Mitigation *ut supra*.

Twenty Pounds, and the Forfeiture of the Skins, &c. or the Value thereof; one Moiety to the Queen, the other to the Informer.

Mitigation *ut supra*.

Double the Duty.

Double

Offences.

Sending, delivering, or carrying out any Hides &c. before the Duty paid.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 25.

Tanners, &c. not keeping just Scales and Weight, or not permitting Hides, &c. to be weighed, or neglecting to bring the same to the Scale; or to assist at the Weighing, or Removing Hides, &c. or causing them to be removed, before the Duties be charged, and the Skins, &c. marked.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 26.

Tanners, &c. not accounting with the proper Officer once in 3 Months.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 27.

Note; Collar-Makers, Glovers, Bridle-Cutters, and others, who dress any Skins, or Hides, or Pieces of Skins or Hides, in Oil, Albin and Salt, or Meal, or with other Ingredients, and who cut and make the same into Wares, are Tanners and Dressers within the Act, and subject to the Penalties and Forfeitures in the same.

Stat. 9 Ann. c. 11. Sect. 28.

Officer taking any Fee or Reward for any Entries, Accounts, Permissions, Certificates, Marks, or Receipts.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 35.

Double the Value of such Hides so delivered, or carried out.

To be divided *ut supra*.

Mitigation *ut supra*.

Fifty Pounds, to be divided *ut supra*.

Mitigation *ut supra*.

Fifty Pounds, to be divided *ut supra*.

Mitigation *ut supra*.

Five Pounds to the Party grieved, for every such Offence.

To hear and determine all Offences against the Stat. 1 Jac. c. 22. concerning Tanners, within the Time and in the Manner, and subject

Offences.

Penalties.

ject to the Mitigation and Appeal *ut supra*. Stat. 9 Ann. c. 11. Sect. 36 and 37.

Relanding, or putting on Shore again, within *Great Britain*, any Hides, Calve-Skins, Boots, Shoes, Gloves, or other Manufactures of Leather, shipped to be exported.

Prosecution, and Appeal, *ut supra*.

Stat. 9 Ann. c. 11. Sect. 42.

Forfeiture of the same, and the treble Value. One Moiety to the Queen, the other to the Informer. Mitigation *ut supra*.

Note; The Judgment of the Justices is final, and no *Certiorari* to be brought or allowed to remove any the Proceedings of the Justices of Peace, relating to Offences committed against

Stat. 9 Ann. c. 11. *Ibid.* Sect. 47.

[*Qu. Off.*] Butcher exercising the Mystery of a Tanner. 1 Jac. 1. c. 22. Sect. 4.

Six Shillings and Eight-pence a Day, to be divided; one Third to the King, one to the Prosecutor, and the other to the City, Borough, Town, or Lord of the Liberty, where the Offence is committed.

Persons exercising the Mystery of a Tanner, not having served seven Years as an Apprentice, or hired Servant, except the Widow or Children of a Tanner, and having been brought up in that Profession four Years, Cutters or Workers of Leather Tanning.

Stat. 1 Jac. 1. c. 22. Sect. 5.

Forfeit all the Leather they tan, or the Value thereof, to be divided *ut supra*.

Persons buying rough Hides, or Calve Skins in the Hair, except such as can lawfully tan them.

Stat. 1 Jac. 1. c. 22. Sect. 7.

Forfeit them, or the just Value, to be divided *ut supra*.

Persons sawtalling Hides, or buying them other-where than in open Fair or Market.

Stat. 1 Jac. 1. c. 22. Sect. 7.

Six Shillings and Eight-pence a Hide, to be divided *ut supra*.

Tanner

Forfeits

Offences.

Tanner who overlimes his Hides, or useth in Tanning any thing save Ash-Bark, Tapwork, Malt, Meal, Lime, Culver-Dung or Hen-Dung, or suffers them to be frozen, or parched with Fire or Sun; or tans rotten Hides, or works them in other Sort than is by the Statute limited.

Stat. 1 Jac. 1. c. 22. Sect. 11.

Tanner, who by Mixtures raises any Hide for Sole-Leather not fit for that Use.

Stat. 1 Jac. 1. c. 22. Sect. 14.

Persons putting to Sale tanned Leather red and unwrought, but in Fair or Market, unless searched and sealed before, or offering to sell such Leather before it be searched and sealed.

Stat. 1 Jac. 1. c. 22. Sect. 14.

Persons putting to Sale any Leather insufficiently tann'd or dried.

Stat. 1 Jac. 1. c. 22. Sect. 15.

Tanner hastning the Tanning of his Leather, by giving it unkind Heats with hot Wooze, or otherwise.

Stat. 1 Jac. 1. c. 22. Sect. 17.

Penalties.

Forfeits every Hide so tann'd, and put to Sale, or the full Value thereof, to be divid'd *ut supra*.

Forfeits it, to be divid'd *ut supra*.

Six Shillings and Eight-pence a Hide, and for every Dozen of Calf-Skins, or Sheep-Skins, 3 s. 4 d. besides the Hides and Skins themselves, or the full Value thereof, to be divid'd *ut supra*.

Forfeit the Whole, to be divid'd *ut supra*.

Ten Pounds, to be divid'd *ut supra*, and to stand upon the Pillory three Days in the next Market.

Tabern. See Tit. Alehouse.
Testimonial. See Servants.

Tobacco.

[1700] MAY grant a special Warrant to search for, and seize Walnut-Tree Leaves, Hop-Leaves, &c. cut, mix'd, or manufactured to resemble,

To secure them at the King's Cost, till the Cause of Seizure be determined by the Qu. Sessions, who are to hear and determine the same at the farthest at the second

Offences.

Penalties.

resemble Tobacco, and the Engines, &c. And if seized within six Miles of any Sea-Port, such Leaves, &c. to be brought to the next Custom-house Warehouse; and if at any greater Distance. Stat. 1 Geo. 1. c. 46. Sect. 4.

second Quarter-Sessions after Seizure made.

After Condemnation, to be openly burnt or destroyed, by Order of Sessions, at the King's Charge.

Servants and Labourers employed in Cutting, Colouring, Curing, or manufacturing any such Leaves, &c. to resemble Tobacco, or making a Mixture thereof, or knowingly vending the same.

To be committed to the common Gaol, or House of Correction, to hard Labour, not exceeding six Months, without Bail or Mainprize.

One Witness.

Stat. 1 Geo. 1. c. 46. Sect. 5.

[Qu. Sess.] Two Justices of Peace may, at the Quarter-Sessions, present any Persons for sowing, planting, or making Tobacco, which Presentment is a Conviction in Law, and the Party forfeits forty Shillings for every Rod, unless he, having Notice in Writing ten Days before, shall traverse such Presentment, and find Sureties to prosecute next Quarter-Sessions.

Stat. 22 & 23 Car. 2. c. 26. Sect. 3.

Note; A Clause in Stat. 9 Geo. 1. c. prohibiting the Importation of Tobacco strip'd from the Stalk or Stem, is repealed by Stat. 2 Geo. 2. c. 9.

Tobacco-pipe Clay.

[Qu. Sess.] **E**Xporting Tobacco-pipe Clay.
Stat. 13 & 14 Car. 2. cap. 18.
Sect. 7.

Three Shillings a Pound, to be divided between the King and the Professor.

Coll. See Hay-Market.

Transportation.

Offences.

[One] **T**O rescue such Felon or Offenders, as are ordered for Transportation; and the Person aiding or assisting them in making their Escape.

Stat. 6 Geo. 1. c. 23. Sect. 5.

A Felon ordered for Transportation, who shall be afterwards at large within the Kingdom of *Great Britain*, without some lawful Cause, before the Expiration of the Term for which such Felon was ordered to be transported, being lawfully convicted.

Stat. 6 Geo. 1. c. 23. Sect. 6.

Certificate of the Clerk of the Peace, containing the Effect and Tenor of the Indictment, and Conviction of such Felon produced in Court, is a sufficient Proof.

Sect. 7.

Penalties.

Felony, without Benefit of Clergy.

Felony, without Benefit of Clergy.

And may be tried either in the County where apprehended, or from whence ordered for Transportation.

See Smugglers or Runners of Foreign Goods.

[Two] The Lord Mayor of *London*, or one Justice of the Peace of the City of *London*; and in all other Places two Justices may allow of Contracts by Persons above 15, and under 21 Years of Age, with Merchants or others, for serving in the Plantations, not exceeding eight Years.

Stat. 4 Geo. 1. c. 11. Sect. 5.

The Court before whom Felons are convicted, may nominate and appoint, if they shall think fit, two or more Justices, to contract for the Performance of the Transportation of such Felons, to any of the Colonies and Plantations in

Ame-

Contracts to be certified to the next Qu. Sessions, and there registered without Fee, by the Clerk of the Peace.

Contracts and Security to be certified by the Justices to the next Court, held for the County, &c. to be filed and kept among the Records of such Court.

Offences.

Penalties.

America: And to order such sufficient Security, as directed by 4 Geo. 1. c. 11. And also to cause such Felons to be delivered by the Gaolers to the Persons contracting for them.

Stat. 6 Geo. 1. c. 23. Sect. 2.

[*Qu. Sess.*] To order the Treasurer of the County, &c. for which the Court was held, that ordered such Felons to be transported, to pay all such Charges and Expences to such Person or Persons, as shall be employed for the Purposes aforesaid. Stat. 6 Geo. 1. c. 23. Sect. 3.

All Securities for Transportation of Felons to be by Bond in the Name of the Clerk of the Peace of the County, &c. which said Clerks of the Peace, and their Successors shall prosecute such Bonds in their own Names (to which Purpose they are a Body Corporate) and to be paid such Costs, Charges, and Expences as the *Qu. Sessions* shall direct, out of the publick Stock by the Treasurer of the County, &c.

Stat. 6 Geo. 1. c. 23. Sect. 4.

The Monies recovered on such Securities, to the Use of the County, &c. and paid to the Treasurer, to be Part of the County-Stock.

Note; The Person contracting, and to whom such Felons are delivered, in order to be transported; or the Persons directed by the Justices, may carry and secure them in and through any County of Great Britain. Stat. 6 Geo. 1. c. 23. Sect. 5.

Treasurers.

[*Qu. Sess.*] THE Treasurer (or his Executors, &c.) who hath been negligent to execute his Office, or render an Account.

Stat. 43 Eliz. c. 3. Sect. 7.

Five Pounds at least.

Treasurers

X x x

Finable,

Offences.

Penalties.

Treasurers wilfully refusing to give Relief. Stat. 43 *Eliz. c. 3.* Sect. 12.

Fineable, to be levied by Distress and Sale of Goods, by a Warrant of any two to be appointed by the Rest.

Two Treasurers for the County are to be chosen yearly at *Easter-Sessions*, by the more Part of the Justices, out of such Subsidy-men as were taxed in the last Tax of Subsidies, at five Pounds Lands, or ten Pounds Goods. Stat. 43 *Eliz. cap. 2.* Sect. 14.

Treasurer for the County refusing to execute the Office, distribute Relief, or to account to their Successors, and pay the Monies in their Hands to the Lord Chief Justice of the King's Bench, and the Knight Marshal, by equal Portions.

Stat. 43 *Eliz. c. 2.* Sect. 16.

Three Pounds at least, to be levied by Distress and Sale, and to be prosecuted by any two Justices, authorised by the Rest.

See Tit. *Bridges.*

Trees. See Tit. *Wood.*

Trespases. See Tit. *Informers.*

Trophy-Money.

[**Three**] **T**O certify under their Hands and Seals, the Examination, Stating, and Allowance by the Quarter-Sessions, of *Trophy-Money* raised, levied and collected for any precedent Year. Stat. 12 *Ann. Sess. 1. c. 10.* Sect. 2. and Sess. 2. *c. 8.* Sect. 2.

[**Qu. Sess.**] The Lieutenantcy shall not issue out any Warrants for levying *Trophy-Money*, till the *Justices of Peace*, or the major Part of them at their Quarter-Session, shall have examined, stated, and allowed the Accounts of the *Trophy-Money* last raised, levied and collected for any preceding Year, and certified such Examination of the said Accounts, under the Hands and Seals of three or more of them, to the respective Lieutenants, or their Deputies. Stat. 12 *Ann. Sess. 1. c. 10.* Sect. 2. And Sess. 2. *c. 8.* Sect. 2.

Note; The Act of 1 *Geo. 1. c. 14.* about the Militia and *Trophy-Money*, is revived and continued for seven Years, and to the End of the next Session, by Stat. 9 *Geo. 1. c. 8.*

Turnpikes.

Turnpikes. See Tit. Highways.

Offences.

[One] **P**ersons driving any Horse, Sheep, or other Cattle through any Grounds adjoining to the Ways where Turnpikes are erected, whereby the Toll shall be avoided. Stat. 8 Geo. 1. c. 5. and other Statutes.

Owners or Occupiers of Lands adjoining, so permitting Passage. Stat. 2 Geo. 2. c. 5. Sect. 4.

Disposing of Tickets to avoid the Toll.

Ibid. Sect. 12.

[Two] Persons maliciously breaking down or destroying any Turnpike Gates, Posts, Walls, Fences, Rails, &c. erected to prevent Passengers, &c. from passing by without paying Toll.

Stat. 1 Geo. 2. Sect. 2. cap. 19. Sect. 1.

By 8 Geo. 2. c. 20. Sect. 1.

[Open and Term.] Persons guilty of a second like Offence, or who shall maliciously break down any Lock, Sluice, or Flood-gate, erected for preserving the Navigation of any River.

Ibid. Sect. 2.

[Qu. Sect.] This Act to be read at every Quarter-Sessions, Leet, &c. and to continue for five Years, and to the End of the next Sessions of Parliament.

Ibid. Sect. 4.

May judge and determine when Ways are sufficiently repaired, and thereupon order the Toll to cease, on paying of the Money advanced, and Interest, though the Term of the Turnpike be not expired.

Stat. 8 Geo. 1. c. 5.

X x 3

Penalties.

Ten Shillings on Conviction on Oath of one Witness, leviable by Distress, &c.

Ten Shillings on like Conviction, &c.

Forfeits 10 s.

On Conviction before two Justices, or Sessions, on Oath of one Witness, Commitment to Gaol or House of Correction, and Labour for three Months, and also whipped in open Market.

Felony without Clergy.

Guilty of Felony, and may be transported for seven Years.

Note 3

Offences.

Penalties.

Note; By divers Acts the Quarter-Sessions are to appoint Receivers or Collectors of Tolls of Turnpikes, who are weekly to account on Oath, and pay the Money to the Surveyors, towards mending their Ways; and the Collectors, on refusing to pay the Toll, may distress any Horse, Coach, Waggon, Oxen, &c. till the Toll and Charge of the Distress be satisfied. Also Collectors not accounting, may be committed (by a Special Session) to the common Gaol without Bail. See Stat. 2 Geo. 2. c. 5. Sect. 6.

And Surveyors are (twice) yearly to yield an Account at the Sessions, of the Money received from the Collectors. and of their Disbursements, &c. And the Sessions may make them such Allowances for their Pains as they think fit.

Surveyors refusing to take on them the Office, being thereto appointed by the Sessions, or to do their Duty therein, the Sessions may fine them, and appoint others.

Surveyors not accounting, or Collectors not paying the Surveyors the Money by them received, to be committed to Gaol.

Also Surveyors, by an Order of Sessions, may mortgage the Profits of the Turnpikes, not exceeding the Terms granted, in order to raise Money at 5 per Cent. for Repair of Highways. *Vide ut supra.*

See also the several Statutes 1 and 2 Geo. 2. for Repairing Roads, &c.

Persons wilfully destroying or throwing down Turnpikes. By 5 Geo. 2. c. 33. Sect. 1.	Guilty of Felony, and to be transported for seven Years.
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Tithes.

[One] Persons substracting or with-holding small Tithes.

Stat. 7 & 8 W. 3. cap. 6. Sect. 3.

Where two Justices have adjudged what Sum any Quaker is to pay for great or small Tithes.

Stat. 7 & 8 W. 3. cap. 6. Sect. 3.

Shall levy the Sum adjudged by two Justices, upon their Certificate, where the Party substracting, or with-holding, removes out of the County.

To be levied by Warrant, under either of their Hands and Seals, by Distress and Sale.

[Two]

To

Offences.

Penalties.

[100] Defendants in the Ecclesiastical Court, against whom the Judge complains for any Contumacy, or Misdemeanor, in any Suit there depending for Tithes.

To be committed to Prison till they find sufficient Sureties to be bound by Recognizance, or otherwise, to obey the Process, Proceedings, Decrees and Sentences of the said Court.

Stat. 27 H. 8. c. 20. Sect. 1.
— 2 & 3 Ed. 6. cap. 13.
Sect. 13. Quor. 1.

This extends not to London.

Persons, after a Sentence for Tithes in the Ecclesiastical Court, refusing to pay Tithes or Sums of Money adjudg'd, upon a Certificate thereof from the Judge.

To be committed to the next Gaol, till they find Surety by Recognizance, to perform the Sentence.

Stat. 32 H. 8. c. 7. Sect. 4.
— 2 & 3 Ed. 6. cap. 13.
Sect. 1. Quor. 1.

This extends not to London.

Upon Complaint made, within two Years, against any Person for Subtraction or with-holding of small Tithes, under Hand and Seal, to summon the Person, and after Appearance, or Default (Summons being proved) to examine and determine the same, by Evidence upon Oath, and in Writing under Hand and Seal, to adjudge such reasonable Allowance for Tithes, and Costs, not exceeding 10s. as they shall think fit, except in Case of Prescription, or *Modus decimandi*.

Stat. 7 & 8 W. 3. c. 6. Sect. 2.

Persons refusing or neglecting for ten Days after Notice, to pay the Sum adjudged for Subtraction of Tithes.

The Sum to be levied by Distress and Sale in three Days after the Distress, unless paid before: All Charges to be deducted out of the Money raised by the Sale.

Where any Person makes a false and vexatious Complaint for Subtraction or with-holding of small Tithes, to give Costs not exceeding 10s. to the Party prosecuted.

Neither of the Justices who put this Act in Execution, must be Patron.

Stat. 7 & 8 W. 3. c. 6. Sect. 12.

Quaker refusing to pay, or compound for great or small Tithes,

To be convened before two Justices, who are to examine upon Oath,
X x 4

Offences.

Penalties.

Tithes, or to pay any Church Rates.

Stat. 7 & 8 W. 3. c. 34. Sect. 4.

Oath, the Truth and Justice of the Complaint, and by Order under their Hands and Seals direct the Payment thereof, not exceeding ten Pounds.

If not Patrons, or interested in the Tithes, are on Complaint of any Parson, &c. to summon in Writing *Quakers*, and determine on Appearance, or in Default, and Summons proved upon Oath, to hear and determine the Complaint, and make such Order as directed by Stat. 7 & 8 W. 3. c. 6. And also to order such Costs and Charges as they shall think reasonable, not exceeding 10 s

Stat. 1 Geo. 1. c. 6. Sect. 2.

No Appeal lies.

On Default of Payment of the yearly Sum of 70 l. or any Part thereof, to the Rector of the new Parish of *St. Nicholas Debtford*, by the Space of 28 Days after any of the Days of Payment in the Act limited for Payments thereof, the said Rector may make his Complaint to any two or more Justices of the Counties of *Kent* or *Surrey*, and on Oath of the Sum in Arrear the Justices are to summon the Defaulters to attend them within four Days from the Date of the Summons, to shew Cause why such Arrear should not be paid; and if sufficient Cause be not shewn to the Satisfaction of the Justices (Oath being first made of the Notice of Summons in Case the Parties shall not attend) the Justices, by Warrant, are to cause the Arrears to be levied by Distress, rendering the Overplus after Charges and Costs deducted, to be ascertained by the Justices. See the several Acts for the Maintenance of the Rectors of the fifty new Churches, &c.

[*Qu. Sect.*] May reverse the Judgment of two Justices, relating to Tithes on an Appeal; but if they affirm it, are to give Costs against the Appellant, to be levied as provided by 7 & 8 W. 3. cap. 34. unless the Title of such Tithes, &c. be in Question.

1 Geo. 1. c. 6. Sect. 2.

Vagrants.

17 Geo. 2. concerning Vagrants.

[*Enc*] ALL Persons that threaten to run away and leave their Wives or Children to the

May commit to the House of Correction, there to be kept to hard Labour for any Time not

Offences.

the Parish, or who unlawfully return to such Parish or Place from whence they have been removed by two Justices, without bringing a Certificate from the Place where they belong, or not having wherewith to maintain themselves, live idle, and refuse to work for the ordinary Wages; and all Persons who go from Door to Door, or place themselves in Streets, Highways, or Places, to beg or gather Alms in the Parishes or Places where they dwell, are Vagrants.

View, Confession, or one Witness.

Penalties.

not exceeding one Month, and may order Overseers to pay Five Shillings to Persons apprehending the Offenders; and if such Offenders resist, they shall be deemed as Rogues and Vagabonds, and must suffer as such.

Rogues and Vagabonds.

[One] All Persons going about as Patent-Gatherers, or Gatherers of Alms, under Pretences of Loss by Fire, or other Casualty, or Collectors for Prisons, Gaols, or Hospitals, Fencers and Bearwards, Common Players of Interludes, and such as for Hire, Gain or Reward, act, or cause to be acted, any Interlude, Tragedy, &c. or other Entertainment of the Stage, or any Parts therein, not being authorized; All Minstrels, Jugglers, Gypsies, or Persons pretending to have Skill in Physiognomy, Palmistry, or other crafty Science, or pretending to tell Fortunes, or playing or betting at any unlawful Games or Play, and all who run away and leave their Wives and Children, whereby they become chargeable; and all Pedlars not duly licensed, and Persons wandring abroad and lodging in Alehouses, Barns, &c. not giving a good Account of themselves,

One may commit to the House of Correction till the next Sessions.

General or Quarter-Sessions may, if Cause be, adjudge such Person to be a Rogue and Vagabond, and may further order him to be kept there to hard Labour for any Time not exceeding six Months.

*Offences.**Penalties.*

selfs, are declared Rogues and Vagabonds.

(Incorrigible Rogues.)

[One] All End-Gatherers offending against 13 Geo. 1. for regulating the Woollen Manufacture being convicted of such Offence, Persons apprehended as Rogues and Vagabonds, and escaping or refusing to go before a Justice, or refusing to be examined on Oath before such Justice concerning his Settlement, or refusing to be conveyed by Pass, or knowingly giving a false Account of themselves after Warning given them of their Punishment; and all Rogues or Vagabonds that shall escape out of any House of Correction before his Time by Virtue of this Act, and all Persons who having been punished as Rogues and Vagabonds, and discharged, shall again commit any of the said Offences, shall be deemed Incorrigible Rogues.

One Justice may commit till General or Quarter Sessions, when General or Quarter Sessions may order such Incorrigible Rogue to be continued at hard Labour for any Time not exceeding two Years, and afterwards may cause them to be passed.

Any Person may apprehend Offenders and convey them before a Magistrate, to be dealt with as before directed.

Privy Search.

[Two] Shall (if Occasion be) meet in their Divisions, and issue out Warrants to the Peace-Officers to make a privy Search in one Night through their Limits for Rogues and Vagabonds, and when apprehended are to be examined as to their last Place of Settlement, which Examination is to be reduced into Writing and signed by the Justice and the Party, and transmitted to the next General Sessions, and shall order all such Persons to be whipped publicly by the Constable, &c. or may send such Person to the House of Correction, there to remain till next Sessions, or any less Space of Time; and after such Justice may
by

(Private Search.)

by Pass under Hand and Seal send such Person to the Place of his last legal Settlement; which Pass is to the Effect following.

To the Constable of _____ in the County of _____
 or to the Tythingman, or other Officer (as the Case shall be, or if the Offender is committed to the House of Correction, then to the Governor or Master thereof) And also to all Constables and other Officers whom it may concern, to receive and convey; and to the Church-wardens, Chapel-wardens, or Overseers of the Poor of the Parish, Town, or Place, (as the Case shall be) of _____ in the County of _____ or either of them, to receive and oley.

W *Hereas* _____ was (or were) apprehended in the Parish of _____ (or in the Town of _____ or other Place, describing it) as a Rogue and Vagabond, or as Rogues and Vagabonds, videlicet, wandering and begging there (or as the Case shall be) and upon Examination of the said _____ taken before _____ upon Oath (which Examination is herunto annexed) it doth appear, that his, her, or their last legal Settlement is at _____ in this County (or, in the County of _____) or, that the said _____ was (or were) born in the Parish of _____ in this County (or, in the County of _____) and hath (or have) not since obtained any legal Settlement; or that the said _____ is (or are) under the Age of fourteen Years, and hath (or have) a Father or Mother living or abiding in the Parish (or Town) of _____ (or other Place, describing it). These are therefore to require you the said Constable, or other Officer, (or Governor or Master of the House of Correction, as the Case shall be) to convey the said _____ in the next direct Way to the said Parish (or Town) of _____ (or other Place) within the said County, and there to deliver him (her or them) to some Church-warden, Chapel-warden, or Overseer of the Poor of the same Parish (Town or Place) to be there provided for according to Law (or in Case the said Parish, Town or Place, to which such Person or Persons is or are to be sent, lies in some other County, Riding, Division, Corporation, or Franchise having Separate General or Quarter Sessions of the Peace, then the Form shall be as followeth, videlicet, To convey the said _____ to the Parish (or Town) of _____ that being the first Parish (or Town) in the next Precinct through which he (she or they) ought to pass in the direct Way to the said Parish (or Town) of _____ to which he (she or they) is (or are) to be sent, and to deliver him (her or them) to the Constable, or other Officer of such first Town (or Parish) in such next Precinct

(Private Search.)

Precincts, together with this Pass, and the Duplicate of the Examination of the said taking his Receipt for the same; and the said is (or are) to be thence conveyed on in like Manner to the said Parish (or Town) of there to be delivered to some Church-warden, Chapel-warden, or Overseer of the Poor of the same Parish (Town or Place) to be there provided for according to Law; (and you the said Church-wardens, Chapel-wardens, and Overseers of the Poor, are hereby required to receive the said Person (or Persons) and provide for him, her (or them) as aforesaid.

Duplicates of the Pass and Examination must be filed at the next General or Quarter Sessions.

(Certificate.)

[One] Shall cause a Certificate to be delivered with the Pass above, therein ascertaining how they are to be conveyed by Horse, Cart, or on Foot, and what Allowance such Constable shall have. The Certificate is to the Effect following.

W *Hereas by a Pass (reciting the Substance or Effect of the said Pass) I (or we) do hereby order and direct the said Person (or Persons) to be conveyed on Foot (or in a Cart, or by Horse, et cetera) to the said Town (or Parish) of in (or other Place, describing it) in the Way to such Parish (Town, or Place, as the Case shall be) in Days Time; for which the said Constable (et cetera) is to be allowed the Sum of and no more.*

Given under my Hand (or our Hands) this
Day, et cetera.

Persons shall pay for their Passage if they are found able.

(Passing to Scotland.)

Constables, &c. of any Parish or Place within the Counties of *Cumberland, Northumberland, Durham, and Town of Berwick upon Tweed*, are required, upon any Person's being delivered to them by a Pass and Examination, who shall have been apprehended within the said Counties or Town, or brought to them by legal Pass, to deliver the Examination,

(*Passing to Scotland.*)

tion to the Clerk of the Peace of such County, and to convey such Persons unto the next adjoining Shire, Stewarty, or Place in *Scotland*, and to deliver him to some Constable or other Officer of the next Parish, &c. within the said Shire, and taking his Receipt for him.

(*Passing to Ireland, &c.*)

[One] All Master and Masters of Ships and Vessels bound for *Ireland*, &c. are required by Warrant under Hand and Seal of one Justice of the County, &c. where the Ship shall lie, directed to him, to take on board such Vagrants as shall therein be named, and convey them to such Place in *Ireland* as such Ship, &c. shall be bound to, or arrive at; and for the Charges thereof such Master shall take, and the Constable who serves him with the Warrant shall pay him, such Rate *per Head* as Quarter-Sessions shall appoint, and the Master is to give the Constable a Receipt for the Money paid.

[One] May grant a Distress Warrant against the Master of a Ship, &c. who refuses to take Vagrants and sign such Receipts, to levy 5*l.* The Master is not obliged to take more than one Vagrant for every twenty Tons.

[General or *Qu. Just.*] Shall appoint the Allowances *per Mile*.

High Constables are to pay the Rates to Petty Constables for passing Vagrants upon producing their Receipts.

Tallow and Parchment.

[One] **T**O take the Affidavit of the Maker of *Paper, Tallow, Parchment and Paste-board*, what the Value of the same is, for which he is to pay 20*l.* *per Cent.* Tax.
Stat. 8 & 9 *W. 3. c. 7.*

[Two] Where Complaint is made by the Owner of any *Papers, Parchment, Tallow, or Paste-board*, that the same hath been seized for any Offence against the Act 8 & 9 *W. 3. c. 7.* they are to summon Witnesses, and to examine the Cause of the Seizure upon Oath, and so hear and determine the Matter between the Owner and the Seisor.

Ibid.

Complaint must be made in eight Days after the Seizure is made.

Note; An Appeal lies to the Quarter-Sessions.

Witchamper, See Tit. *Witchamper*.

Under-

Under-Sheriffs.

Offences.

[Two] EVERY Under-Sheriff before he intermeddles with his Office, not taking the Oath of Supremacy, and also the following Oath.

Stat. 27 Eliz. c. 12. Sect. 2.

Quar. 1.

Penalties.

Forfeits 40 Pounds, to be divided between the King and the Prosecutor, and treble Damages to the Party grieved, if he commits any Act contrary to his Duty.

I A. B. will not use, nor exercise the Office of Under-Sheriff corruptly; during the Time that I shall remain therein; neither shall or will accept, receive or take by any Colour, Means or Device whatsoever, or consent to the taking of any Manner of Fee or Reward of any Person or Persons, for the Impanelling or Return of any Inquest, Jury, or Tales, in any Court of Record for the King, or betwixt Party and Party, above two Shillings, or the Value thereof; and such Fees as are allowed and appointed for the same by the Laws and Statutes of this Realm, but will, according to my Power, truly and indifferently, with convenient Speed impanel all Jurors, and return such Writ or Writs touching the same, as shall appertain to be done by my Duty or Office, during the Time I shall remain in the said Office.

So help me G O D.

Bailiffs of Franchises, Deputies, or Clerk of a Sheriff, or Under-Sheriffs, intermeddling with their several Offices, before they have taken the said Oaths. *Ibid.*

Forfeit forty Pounds *ut supra.*

[Qu. Sess.] Have Power to hear and determine the Defaults and Offences aforesaid. *Ibid.*

See Sheriffs.

Wages.

[Two] G ivers of greater Wages, than are set by the Justices in Easter Sessions yearly.

Stat. 5 Eliz. c. 4. Sect. 18.

Takers

Five Pounds, and ten Days Imprisonment, without Bail.

One

Wages. Waggon and Waggoners. 687

Offences.

Penalties.

Takers of more Wages, than are set by the Justices.

Stat. 5 *Eliz. c. 4.* Sect. 19.

One and twenty Days Imprisonment, without Bail.

To hear and determine all Wages, Demands, Frauds, and Defaults of Labourers in the *Woollen, Linnen, Fustian, Cotton, and Iron Manufactures*, for or concerning any Work done in the same Manufactures. Stat. 1 *Ann. Sess. 2. c. 18.* Sect. 4.

Witnesses to be summoned. An Appeal lies to the Quarter-Sessions.

See Tit. *Clothiers, Servants, &c.*

(Wages of the Knights of the Shire.)

[*Qu. Sess.*] *Sheriffs, Coroners, Chief Constables, and Bailiffs*, not being present at assessing the Wages of Knights of the Shire, which is 4 s. a Day.

Stat. 23 *H. 6. c. 11.* Sect. 1.

Forty Shillings.

The Sheriff, or other Officer, who levies more than is assessed for the Knights of the Shires Wages.

Stat. 23 *H. 6. c. 11.* Sect. 1.

Twenty Pounds to the King, ten Pounds to the Prosecutor.

(Wages of Burgeses.)

[*Quo*] To tax every City and Borough in the several Counties in *Wales*, where they inhabited respectively, towards the Wages of the Burgeses, which is 2 s. a Day.

Stat. 35 *H. 6. c. 11.* Sect. 4.

Waggon and Waggoners.

[*One*] Travelling with *Waggon, Wain, Cart, or Carriage*, with above six Horses, Oxen or Beasts.

Stat.

Five Pounds, to be levied by Distress and Sale of any of the said Beasts, in three Days.

One Moiety to the Highways, the other Moiety to the Prosecutor,

Offences.

Penalties.

Stat. 6 *Ann. c. 29. Sect. 3.*

This extends not to such as carry Hay, Straw, Corn, Coal, Chalk, Timber, Materials for Building, Stone of all Sorts, Ammunition or Artillery.

tor, so as he be an Inhabitant of the Town, Village, or Place.

Any Person, or Persons may discover and prosecute Persons drawing with more than six Horses, &c. contrary to 6 *Ann. c. 29.* and seize and distrain all or any the Horse, &c. the same to be delivered to the Surveyors of the Highways, or other Officer of the Place where, &c. and if the five Pounds be not paid in three Days, the Distress to be sold, and the Money to be delivered to the Justice, to be distributed, as by the said Act is directed. Stat. 9 *Ann. c. 18. Sect. 1.*

Persons refusing or neglecting to lead Horse, &c. distrained for driving with above six Horses, to the Surveyor, or other Parish Officer.

Stat. 9 *Ann. c. 18. Sect. 2.*

Twenty Pounds, to be levied by Distress and Sale; for want of Distress, to be committed to the common Gaol till Payment.

One Moiety to the Informer, the other to be laid out in the Repair of the Highways.

Surveyors of the Highways, or other Parish Officer, refusing, or neglecting to deliver the Sum of Money, or Penalty by him received, to the Justice.

Stat. 9 *Ann. c. 18. Sect. 2.*

Twenty Pounds, to be levied and disposed *ut supra.*

Persons employed by any Carrier, or other Person subject to the Penalties in the said Acts of 6. *c. 29.* and 9 *Ann. c. 18.* driving, or assisting in the Driving, with more than 6 Horses, &c.

Stat. 9 *Ann. c. 18. Sect. 3.*

Five Pounds, to be levied and disposed *ut supra.*

No travelling Waggon, Wain, Cart or Carriage, wherein Goods shall be carried, other than according to the Stat. 6 *Ann. c. 29.* to be drawn, or go in any public

Upon the like Forfeitures, in the 6 *Ann. c. 29.* or in the 9 *Ann. c. 18.*

Offences.

Penalties.

liak Highway or Road, with above five Horses, Oxen, or Beasts, at length.

Stat. 1 Geo. 1. c. 11. Sect. 1.

Carter, Drayman, Carman, Waggoner, or other Person, riding in any Cart, &c. not having another on Foot to guide it in the Streets of London and Westminster, Southwark, or other Streets within the Bills of Mortality.

One Witness.

Stat. 1 Geo. 1. Sect. 2. cap. 57. Sect. 8.

No Waggon travelling for Hire shall go or be drawn with more than six Horses, either at length, or in Pairs, or side-ways.

Stat. 5 Geo. 1. c. 12. Sect. 1.

The Horse, or Horses, or other Thing so seized or distrained, to be delivered to the Constable, or other Parish Officer of the Place where, &c. till Proof upon Oath be made before some Justice of the Offence, who is to issue his Precept to such Constable, &c. to deliver the Horse or Horses so forfeited, to the Person who seized or distrained the same, and to allow reasonable Charges for keeping and securing the Horse, &c. 5 Geo. 1. c. 12. Sect. 2.

No Cart travelling for Hire, shall go, or be drawn with more than three Horses.

Stat. 5 Geo. 1. c. 12. Sect. 1.

No Waggon travelling for Hire, having the Wheels bound with Streaks, or Tire of less Breadth than two Inches and an Half, when worn; or being set or fastened on with Rose-headed Nails, shall go or be drawn with more than three Horses.

Stat. 5 Geo. 1. c. 12. Sect. 3.

Forfeit 10 s. to be levied by Distress and Sale.

One Moiety to the Informer, the other to the Poor of the Parish, where, &c.

In Default of Payment to be committed to the House of Correction, for three Days to hard Labour.

Owner or Driver forfeits all the Horses above six, and all Geers, Bridles, &c. to the Use of the Person who shall seize the same.

Owner, or Driver, forfeits all the Horses above three, and all Geers, &c. and to be seized, distrained, and applied *ut supra*.

Forfeits *ut supra*.

Offences.

Persons hindring, or with Force attempting to hinder or obstruct the Seisures, &c. made by Virtue of this Act, or who shall refuse, or use any Violence to Persons concerned in making such Seisure, &c.

Stat. 5 Geo. 1. cap. 12. Sect. 4.

One Witness.

Note; This Act extends not to Waggons, Wains, Carts, or Carriages, employed in and about Husbandry, or manuring Land, and carrying of Cheese, Butter, Hay, Straw, Corn unthreshed, Coals, Chalk, or any one Tree, or Piece of Timber, or any one Stone, or Block of Marble, Caravans, and covered Carriages of Noblemen and Gentlemen; for their own private Use, or Timber, Ammunition, or Artillery for the King's Use. Stat. 5 Geo. 1. c. 12. Sect. 5.

Persons carrying at any one Load, in the Cities of London and Westminster, or within ten Miles thereof, in Waggons or Carts, having their Wheels shod or bound with Tire or Streaks of Iron, more than 12 Sacks of Meal, each containing five Bushels, and no more; nor more than twelve Quarters of Malt, nor more than seven Hundred and an Half of Bricks; nor more than one Chaldron of Coals.

Stat. 6 Geo. 1. c. 6. Sect. 1.

One Witness.

[Two] Persons refusing to provide Carriages for the King for ready Money tendered, or refusing to appear. Stat. 13 Car. 2. c. 8. Sect. 2. 1 Jac. 2. c. 10. Sect. 2. 5 & 6 W. & M. c. 22.

Constable's Oath, or two Witnesses.

To be committed to the common Gaol for three Months, without Bail or Mainprise.

And also forfeit ten Pounds for every Offence.

To be levied by Distress and Sale, if the Penalty be not paid within three Days.

Forfeit one of the Horses, together with the Geers, Bridles, &c. to any Person that shall seize or Distrain the same: In such Manner, and to such Uses as the Penalties and Forfeitures are to be levied and applied by the Stat. 5 Geo. 1. c. 12.

Forty Shillings, to be levied by Distress and Sale.

Upon Notice by Warrant from the Lord High Admiral, or two principal Officers, or Commissioners of the Navy, or Master, or Lieutenant of the Ordnance, of what Carriages are required for the King,

Waggon and Waggoners. Watchman, &c. 691

Offences.

Penalties.

King, they are to issue Warrants to Places, not twelve Miles distant from the Place of Landing, to send sufficient Carriages, at 1 s. a Mile, for every Tun of Timber, and 8 d. a Mile for all other Provisions. Stat. 13 & 14 Car. 2. c. 20. Sect. 1.

Persons refusing, neglecting, or delaying to find the Carriages above mentioned. Stat. 13 & 14 Car. 2. c. 20. Sect. 3.

Oath of the Constable, or other Officer, or two Witnesses.

Waggoners, or Carriers, taking more for Land-Carriage of Goods, than the Justices have assessed. Stat. 3 & 4 W. & M. c. 12. Sect. 24. Prosecution in six Months.

Twenty Shillings to be levied by Distress and Sale.

Five Pounds, to be levied by Distress and Sale, for the Use of the Party grieved.

[Qu. Sess.] To assess yearly at *Easter*-Sessions, within their Jurisdiction, the Prices of Land-Carriage of Goods by Waggoner or Carrier. Stat. 3 & 4 W. & M. c. 12. Sect. 24.

Warren. See Tit. Game.

Watchman.

[Two] **T**O certify that a Watchman, or other Person, endeavouring to apprehend a Burglar, or House-breaker, was killed, which entitles the Executors or Administrators of the Person killed to forty Pounds. Stat. 5 Ann. c. 31. Sect. 2.

Watermen, &c.

[One] **N**ONE who keep, use, or work, any Boat, Barge, &c. carrying Passengers or Goods for Hire, between *Graysend* and *Windsor*, to take or employ any Apprentice or Servant, unless a House keeper, or one having some known Habitation or Place of Abode, where he may receive and entertain such Appren-

Forfeits 10 l. on Conviction before the Lord Mayor or one Justice of *London* or County where the Offender is found, on Oath of two Witnesses; levied by Distress, &c. on Warrant of the Lord Mayor or one Justice, or committed to the next Work-house to Labour, not less than 14 Days, or above a Month.

Y y 2

Offences.

Penalties.

Apprentice, &c. which Place, &c. he is to register with the Clerk of the Company, and so on every Revival. And the taking or employing an Apprentice or Servant otherwise.

Stat. 2 Geo. 2. c. 26. Sect. 1.

Clerk of the said Company, on Application, is to register such Habitation or Place of Abode, and so on every Removal, without Fee or Reward; and if he refuses, &c. *Ibid.* Sect. 1.

And Waterman, Wherryman, or Lighterman, neglecting or refusing to register their Habitation or Place, or Removal as aforesaid, on Application to the Rulers of the Company.

Ibid. Sect. 1.

No such Apprentice to be entrusted with the sole Care of any Boat or Vessel, till sixteen Years of Age, if a Waterman's Son, and seventeen, if the Son of a Landman. *Ibid.* Sect. 2.

On Breach of any the Orders and Constitutions made by the Rulers for good Government of Watermen, &c. (approved by a Court of Mayor and Aldermen, and confirmed by the Lord Chief Justice of B. R.) If sufficient Distress cannot be found, then on Oath thereof before the Lord Mayor, or any one Justice where the Offender is found.

Ibid. Sect. 3.

None but such as have served 7 Years to a Waterman or Lighterman (except Trinity-men, Fishermen,

Ten Pounds, to be levied and applied as *infra.* Sect. 9 & 10.

Their Apprentices to be turned over to other Masters.

Ten Shillings on the Master for every Offence; to be levied and applied as *infra*, Sect. 9 & 10.

Commitment to a Workhouse, &c. to labour not less than 14 Days, nor above a Month, if convicted according to this Act, or that of 11 & 12 W. 3. touching Watermen, &c.

Ten Pounds, to be levied and recovered *ut ante*, for Commitment, &c. *ut supra.*

Offences.

Penalties.

ermen, Ballast-men, or such as work Western Barges, Mill-Boats, Chalk-Hoys, &c. allowed by the said Act 11 & 12 W. 3.) to row or cause to be rowed or worked any Boat or Vessel, within the said Limits for Hire.

Ibid. Sect. 4.

The Assistants of the said Company to be reduced to Thirty. *Ibid.* Sect. 5.

This Act not to prejudice the Lord of the Manor of *Gravesend*, nor the Inhabitants of *Gravesend* and *Milton*, as to the Passage and Ferry on the *Tbames*. And Owners of the Keys between *Hermitage-Bridge* and *London-Bridge*, may use their large Crafts as before. *Ibid.* Sect. 5, 6 & 7.

All Penalties and Forfeitures on this Act to be sued for, &c. by the Rulers of the said Company, or any two of them, as is directed by the said Act 11 & 12 W. 3. and when recovered or levied, paid to them, to be distributed for the Use of the Poor of the said Company, as their Rulers think fit. And all Prosecutions for Penalties, &c. to be within a Month after the Offence.

All Constables and Headboroughs to assist in Execution of the Act. Actions, &c. relating to the Water-Service, or Government of the Company, &c. to be thirty Days after the Fact. General Issue pleadable; treble Costs on Nonsuits, Discontinuances, or Judgments for Defendants: To be a publick Act, and judicially taken Notice of by all Judges, Justices, &c. *Ibid.* Sect. 9 & 10.

Ways. See Highways.

Weights and Measures.

[One] ONE selling, buying, or keeping any Weight, or Measure, which is not according to the Standard of the *Exchequer*. Stat. 16 Car. 1. c. 19. Sect. 2.
One Witness.

Five Shillings for the Poor, to be levied by Distress and Sale; in Default of Distress, to be committed till Payment.

[Two]

Y 3

Five

Offences.

Penalties.

[Two] Clerk of the Market, or any other Officer, who seals any Weight or Measure, not agreeable to the Standard, or refusing to seal such as are agreeable thereto.

Stat. 16 Car. 1. c. 19. Sect. 4.
One Witness.

If they take any other Fine, Fee, Reward, or Sum of Money, than are allowed by Statute or ancient Custom, for Signing or Examining Weights and Measures, or otherwise misdemean themselves.

Stat. 16 Car. 1. c. 19. Sect. 5.
One Witness.

Selling Corn or Salt by other Bushel, or Measure, than according to the Standard struck even by the Brim.

Stat. 22 Car. 2. c. 8. Sect. 2.

Selling or buying Corn without Measuring, or in other Manner than according to 22 Car. 2. c. 8. and that without shaking the Measure by the Buyer.

Stat. 22 & 23 Car. 2. c. 12. Sect. 2.

The Sub-Commissioners, or Collectors of the Excise, not providing or procuring within their respective Circuits, or Divisions, a substantial Ale-Quart, and Ale-pint, Winchester Measure.

Stat. 11 & 12 W. 3. cap. 15. Sect. 3.

The Mayor or Chief Officer of every City, Town Corporate, Borough, or Market-Town, neglecting, or refusing, upon Request

Five Pounds for the Poor, to be levied *ut supra*.

First Offence 5 l. second 10 l. and 20 l. for every other, for the Poor, to be levied *ut supra*.

Forty Shillings, to be levied by Distress and Sale.

Besides the Penalties of the former Act, all the Corn or Salt, or the Value thereof, forfeited to the Person complaining.

Five Pounds, to be levied and employed *ut supra*.

Five Pounds, to be levied and employed *ut supra*.

Offences.

Penalties.

Request to him made, to stamp and mark Ale-Quart and Ale-Pint.

Stat. 11 *Ed* 12 *M. 3. cap. 15.*
Sect. 5.

One or more Witnesses.

Prosecution to be within thirty Days.

Note; This Act extends not to the Universities, by Stat. 11 *Ed* 12 *M. 3. c. 11. Sect. 19.*

Selling in any other Water-Measure than is according to Stat. 1 *Ann. Sect. 1. c. 15. Sect. 1.*

One Witness.

Note; This extends not to London.

[Two] Persons buying and selling with any other Weights and Measures than such as are marked, except on Shipboard.

Stat. 11 *H. 7. cap. 4. Sect. 12.*
Quor. 1.

[Qu. Sell.] The King's Purveyor, or any other buying or taking any Corn by any other Measure than eight Bushels striked for the Quarter.

Stat. 1 *H. 5. c. 10. Sect. 2.*

Imposting or making any Tun of Wine less than 252 Gallons *Engl. Measure*, the Pipe 126, the Barrel of Herrings and Eels 30 Gallons, the Butt of Salmon 84 Gallons. Stat. 2 *H. 6. c. 11. Sect. 3, 4.*

Every City, Borough, and Town within *England*, that has not a common Balance, with common Weights sealed, according to the Standard of the *Exchequer*, at the Colls of the City, &c.

Ten Shillings, to be levied by Distress and Sale.

One Half to the Informer, the other to the Poor.

First Offence 6 *s.* 8 *d.* Second 13 *s.* 4 *d.* and Pillory; and the Weights and Measures to be broke and burnt.

Five Pounds to the King, and as much to the Party grieved, and a Year's Imprisonment.

Forfeits the Commodities therein contained to the Lord of the Town where they are found; the Prosecutor to have the fourth Part.

The City forfeits 10 *l.* to the King, the Borough 5 *l.* and every other Town 40 *s.* The Inhabitants to weigh *gratis*. Foreigners to pay for under 40 *lb.* a Farthing; for between 40 and 100 *lb.*

Offences.

Penalties.

Ec. in the Keeping of the Head Officer, or Constable there. Stat. 8 H. 6. c. 5. Sect. 9.

a Half-penny; for between 100 and 1000 *lb.* one Penny, towards Maintaining the Weights.

Refrain'd to Market-Towns by Stat. 11 H. 7. c. 4.

In every City, Borough, and Town, there shall be a common Bushel sealed.

Stat. 11 H. 6. c. 8. Sect. 10.

Upon the Penalties in 8 H. 6. cap. 5.

Measures and Weights of Brass shall be sent to every City and Borough, there to be kept, as their Treasure, according to which all Measures and Weights in every County shall be reformed. Stat. 11 H. 7. c. 4.

The Mayor or Chief Officer, in Cities and Boroughs shall have a special Mark, wherewith he shall seal the Measures and Weights, and shall take for Sealing a Bushel, one Penny, every other Measure an Half-penny; 100 Weight one Penny, Half-hundred an Half-penny, every less Weight a Farthing. Refusing or delaying to Seal, or doing any Thing contrary to

Stat. 11 H. 7. c. 4.

Forty Shillings, to be divided between the King and the Party grieved.

Justices of the Quarter-Sessions are to give in Charge the Statute for ascertaining the Measures of Ale and Beer.

Stat. 11 & 12 W. 3. c. 15. Sect. 9.

Westminster.

[Special Sess.] Constables, Church-wardens and Vestrymen in Westminster, and Weekly Bills on 26 of December yearly, to make Lists of a competent Number of Inhabitants to be returned in ten Days after, or two or more Justices at a Special Sessions.

Stat. 2 Geo. 2. c. 11. Sect. 1.

The said Justices to give Notice two Days before, of holding such Sessions; and then by their Warrant appoint two or more out of the said Lists, to be Surveyors of the Streets, &c. *Ibid.*

Constables,

Offences.

Constables, Headboroughs or Beadles, within six Days after, to give Notice to the Persons so appointed, by serving them with the said Warrant, or leaving a Copy at their House, &c. And if the Party so appointed and served, refuse or neglect to execute the said Office.

Stat. 2 Geo. 2. c. 11. Sect. 1.

And on Refusal or Death of a Surveyor, the Justices to appoint others, who neglecting or refusing, forfeit

And Constables, or Church-wardens, not returning Lists, &c.

Ibid. Sect. 1.

Surveyors so appointed, within ten Days after their accepting the Office, (and so every six Weeks after, if the Justices at a Special Sessions think fit) to view all Streets, Lanes, and Alleys, within their Parish or Division; and make Return thereof in Writing on Oath, to a *Special Sessions* to be held the Week preceding the General Quarter Sessions, or General Sessions, with the Names of all Inhabitants, Landlords, &c. whose Pavements are out of Repair. And such Special Sessions shall examine the Errors and Mistakes of such Return, which when settled, any two of them shall present, under their Hands and Seals, to the next General Sessions for *Westminster* or *Middlesex*, respectively in *English* thus: *viz.*

A Presentment of the Surveyors of the Streets for the Parish, Division, or Place of ———, made to us and other Justices of the Peace assembled in a Special Sessions, in Pursuance of an Act of Parliament for better paving and cleansing the Streets in the City and Liberty of Westminster,

Penalties.

Twenty Pounds, levied by Distress, by Warrant of two Justices, on Oath of one Witness, payable to such as shall act as Surveyors, and applied by such Justices Order, for the Uses of the Act.

Twenty Pounds in like Manner.

Ten Pounds in like Manner.

* Note; The Justices are to hold such Special Sessions on Pain of 5 l. on each Justice. *Ibid.*

Offences.

Penalties.

Act, and other Places within the Weekly Bills of Mortality, in the County of Middlesex, on the — Day of — in the Year of our Lord —, which Presentment we have examined on Oath, and do approve of, and do return to this Court of Sessions. *Ibid*, Sect. 2.

Note; It is sufficient, in such Presentment to insert only the Christian and Surname of such whose Payments are out of Repair, with the Names of the Streets or Places, and the Contents of the Pavement.

And Surveyors and Justices are in like Manner to present Nuisances or Obstructions, relating to the cleansing or paving the Streets. And such Presentments, under two Justices Hands and Seals, are of equal Force with that on View by Justices, of a Highway out of Repair. And the General Sessions are to proceed thereon, as by the Laws relating to Highways. *Ibid*. Sect. 3.

[Two Just.] Surveyors (if two Justices think fit, &c.) may cause publick Notice in the Parish Church, after Morning Service or Sermon, by the Parson, or Clerk, of all Defaults and Neglects in repairing the Streets, and of the Defaulters Names, &c. And if not amended in 20 Days after, may cause them to be amended, and shall be re-imbursed by him who ought to have done it; and if he on Demand refuse or neglect to pay it, the Surveyors, on Application to a Justice of that District, and making Oath of his Charges, shall be paid all such Charges as shall be allowed by such Justice.

Ibid. Sect. 4.

Also the Surveyors are to pave or repair before empty or unoccupied Houses, giving an Account to the next Special Sessions of such as require to be *new paved*; and if the Justices there think it fit, the Surveyor is to see it done forthwith. And the Charge of Repairing or new Paving to be settled by two Justices in Special Sessions, with such Recompence to the Surveyor for his Trouble, Loss of Time, and disburshing his Money, as they think fit.

And what they allow is to be levied on the next Tenant or Occupier (by Distress and Sale, on Warrant of two Justices) who may deduct it out of his Rent. And if such House be burnt or pulled down, it may be levied on the Materials, or on the Tenant or Occupier, when rebuilt. *Ibid*. Sect. 5.

A Surveyor neglecting his Duty required by this Act.

Ibid. Sect. 6.

Forty Shillings for every Offence, to be levied in a Month after, and paid and disposed *as* *supra*.

A

Five

Offences.

Penalties.

A Justice of Peace for neglecting
or refusing.

Ibid. Sect. 7.

Five Pounds, one Molety to the
Prosecutor, the other to the Use
in the Act. To be sued for at
Westminster, within six Weeks af-
ter the Offence. 2.

Where Justices on View or Prosecution, And any Irregularity or
Damage in Pavements, by laying or amending Waterpipes, they
may order the Surveyors or Inhabitants to amend it, to be repayed
by the Proprietors of such Water-works; and if not repayed on De-
mand, the said Justices, or two of them, (on Oath of the Premises) are
to levy the Expences, &c. of the Goods and Chattels on any of the
Chief Officers, Treasurers, Cashiers, Collectors, or Pavers of such Wa-
ter-works, with the Charges of Distress, &c.

Ibid. Sect. 8.

[One Just.] If any Justice of *Westminster* or *Middlesex*, at such
Special Sessions, shall in Writing signed make Presentment on his
View, of any Offence within this Act, it shall have the Force of a
Return, by a Surveyor, *ut supra*. And such Sessions or Adjournment
thereof, are to proceed thence accordingly. And Justices are to take
all possible Care to cause the said Pavements to be reduced to a pro-
per Level, &c. as soon as may be.

Ibid. Sect. 9.

[Two Just.] All Laws in Force for cleansing, &c. the Streets
in *Westminster*, and *Weekly Bills*, to be observed, especially all Clauses,
&c. in the Stat. 2 *W. & M.* c. 8. and 8 & 9 *W.* 3. c. 37. to be
put in Execution by any two Justices in their respective Limits, as
far as consistent herewith.

Ibid. Sect. 10.

And Scavengers, Rakers, &c.
to lay in Heaps all the Dirt in
the several Streets, Ways and Pas-
sages in their respective Divisions,
and carry the same away.

Ibid. Sect. 10.

Forty Shillings for every Neg-
lect, to be levied and disposed *ut*
supra.

This Act not to extend to any of the Royal Palaces, or *St. James's*
Square.

Ibid. Sect. 11.

Such Special Sessions, held *ut supra*, may allow Surveyors not ex-
ceeding 8 *l. per Ann.* payable out of the Scavenger's Rates. And the
Clerk of the Peace, or his Deputy, &c. shall not ask or receive any
Fee or Reward for any thing done in Pursuance of the Act.

Ibid. Sect. 12.

Oxford.

Offences.

Penalties.

Oxford-Street, Cavendish-Square, and all the Streets and Passages now, or hereafter in *Marybone-Fields*, to be within this and the said Acts. 2 *W. & M. c. 8.* and 8 *& 9 W. 3. c. 37.*

Ibid. Sect. 13.

This Act to continue for three Years, from 4 *Junii* 1729, and to the End of the next Session. Declared a publick Act, and General Issue pleadable, &c. And if the Plaintiff be Nonsuit, Discontinue, or Verdict against him, or Judgment on Demurrer, the Defendant to have treble Costs, &c.

Ibid. Sect. 14.

See also Tit. Highway and Scabenger.

White Herrings. See Salt.

Wild fowl. See Tr. Game.

Windows.

[Two] **T**O put in Execution the Statute of 7 *& 8 W. 3. c. 18.* for laying a Duty on Houses; and also 8 *& 9 W. 3. c. 20.* and 1 *Ann. c. 13.* and 5 *Ann. c. 13.* and 7 *Ann. c. 7.* concerning the same Duty.

Stat. 8 *Ann. cap. 4.*

[Three] May annually appoint two such Persons, as they shall think able and responsible, to be Collectors of the Duties on Houses, whether their Names be or be not presented by the preceding Collectors.

Stat. 6 *Geo. 1. c. 21.* Sect. 59.

Where there shall be any Ar-rears of the Duty on Houses, by the Failure of any Collector, for which any Parish or Place shall be answerable, to cause such Ar-rears to be raised by Re-assessment, and to be paid to the Receiver General, or into the Exchequer. *Ibid.*

To be levied by such Ways and Means, as the Duties on Houses are raised and levied.

Wood.

Offences.

[One] Persons suspected for having or conveying any Wood, Underwood, Poles, or young Trees, Bark or Bass of Trees, or any Gates, Stiles, Posts, Pales, Rails, Hedge-wood, Broom or Furze found by a Search Warrant, and can give no good Account how they came by the same; or if they do not in convenient Time, produce the Person, of whom they bought the same, or some Witnesses to prove Sale on Oath, Constables or any other Person may apprehend them.

Stat. 15 Car. 2. c. 2. Sect. 3.

See 43 Eliz. cap. 7. in Tit. Ditches.

Maliciously setting on Fire, or burning Wood, Under-wood, or Coppice.

Stat. 1 Geo. 1. c. 48. Sect. 4.

[Two] When appointed by the Sessions, shall summon twelve Commoners to set out the fourth Part of Woods, or Coppices, where they have Common, for the Lord, Owner of the Soil, to fell, or cut down.

Stat. 35 H. 8. c. 17. Sect. 17.

If any Person shall, either by Day or Night, maliciously and in a clandestine and private Manner, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any Wood-Springs, or Springs of Wood, Trees, Poles, Wood, Tops of Trees, Underwoods, or Coppice-woods, Thorns, or Quicksets, without the Consent of the Owner, or Person entrusted with the Care and Custody thereof,

First Offence, Convicts within 43 Eliz. c. 7. and accordingly punished; and shall make such Recompence, and in such Time, as Justice shall appoint; and a Sum not exceeding 10*s.* as Justice shall direct, for the Poor; in Default to be committed to the House of Correction, not to exceed a Month, or be whipped.

Second Offence, to be sent to the House of Correction for a Month, to be kept to hard Labour.

Third, to be deemed incorrigible Rogues.

Felony, &c.

Lords of Manors, Owners and Proprietors, that are damaged, shall recover such Damages against the Parish as the Statute 13 Ed. 1. c. 1. direct, if the Parish do not convict the Offender in six Months.

A Warrant for the same.

Offences.

of, or shall break open, throw down, level, or destroy any Hedges, Gates, Posts, Stiles, Railings, Walls, Fences, Dikes, Ditches, Banks, or other Inclosures of Woods, Wood-grounds, Parks, Chases, or Coppices, Plantations, Timber-Trees, Fruit-Trees, or other Trees, Thorns or Quicksets.

Stat. 6 Geo. 1. c. 16. Sect. 1.

May upon Complaint of any Inhabitant of the Parish, where Wood, Wood-Springs, &c. are in a riotous, open, tumultuous, or in a secret and clandestine Manner, forcibly or wrongfully, and without Consent of the Proprietor, &c. cut down, destroyed, broke, bark'd, thrown down, burned, took, defaced, spoiled, or carried away: Or where any Hedges, Gates, Posts, Stiles, Rails, Fences, Ditches, Banks, or Inclosures are maliciously broke open, thrown down, levelled, or destroyed, cause Offenders to be apprehended, and if convicted.

Stat. 6 Geo. 1. c. 16. Sect. 2.

Or Justices in open Sessions, upon Complaint of any Inhabitant of the Parish where Timber, Trees, &c. are maliciously cut, &c. may cause the Offenders to be apprehended, and finally hear, determine and adjudge such Offenders; and after Conviction

Stat. 1 Geo. 1. c. 48. Sect. 2.

Penalties.

Liabie to the Penalties and Punishments in the

Stat. 1 Geo. 1. Sess. 2. c. 48.

Commit them to the House of Correction to hard Labour, for three Months, without Bail; and to be whipt once a Month in the next Market-Town, on the Market-Day, between Eleven and Two. And not to be discharged till Security given for their good Behaviour for two Years. Sect. 3.

Where there is no House of Correction, to be committed to the common Gaol for four Months, and to be whipt by the common Hangman once a Month.

Wool.

Offences.

[*Qu. Sect.*] **P**ersons pressing together with Screws, Presses, or other Engines into any Sack, Bag, &c. or putting or pressing any *Wool or Yarn* made of Wool, into any Cask or Vessel, or causing to be laid near the Shore, or Coasts of the Sea, or any navigable River; or into any House or Place adjoining, any Wool, Wool-fells, or Yarn made of Wool to export the same.

Stat. 13 & 14 Car. 2. cap. 18. Sect. 7.

Conveying of Packs, Bags, or Casks of Wool, &c. to or from any Place in *England, &c.* but at seasonable Times, *viz.* from *March 1. to September 29.* between the Hours of Four in the Morning and Eight in the Evening; and from *Sept. 29 to March 1,* between Seven in the Morning and Five in the Evening.

Stat. 13 & 14 Car. 2. c. 18. Sect. 9.

The Transportation or Conveying the Wool, &c. mentioned in Stat. 13 & 14 Car. 2. c. 18. Sect. 11.

Penalties.

Forfeit the same, or to the Value, to be divided between the King and the Prosecutor.

The Loss of all such Goods, or the Value, to be divided *ut supra.*

Felony.

See *Tic. Cloth.*

Woods

Words Spoke against the Queen's Title.

Offences.

Penalties.

[One] **T**O take the Information of Words spoken against the Queen's Title to the Crown, &c. in three Days after they were spoken, but not after.

Stat. 4 Ann. c. 8. Sect. 3.

— 6 Ann. c. 7. Sect. 3.

Two Witnesses.

Worsh. See Tit. Poor and Vagabonds.

Worshmen. See Tit. Harbest Worshmen.

Wrecks.

[One] **O**wner of, or Captain, Master, Mariner, or other Officer, belonging to any Ship, who shall wilfully cast away, burn, or otherwise destroy the Ship of which he is the Owner, or to which he belongeth, or in any wise directing or procuring the same to be done, if to the Prejudice of Persons under-writing Policies of Insurance, or Merchants loading Goods thereon.

To suffer Death.

Stat. 4 Geo. 1. c. 12. Sect. 3.

Note; The Stat. 12 Ann. Sess. 2. c. 18. enforced and made perpetual by 4 Geo. 1. c. 12. Sect. 1.

See Ships.

Wrought Plate.

[One] **E**very Officer for the Duties on *Wrought Plate* or Manufactures of Silver, who shall be impowered to make a Charge on the Maker or Worker of Plate, &c. shall in the first Place be sworn for the due and faithful Execution of his Office by any Justice of the Peace, who shall give such Officer a Certificate thereof.

Stat. 6 Geo. 1. c. 11. Sect. 11.

P002.

Vide ante
Page 67.

AFTER the 24th of June 1744. Church-wardens and Overseers of the Poor shall yearly, within fourteen Days after other Overseers shall be appointed, deliver to such Overseers a true Account in Writing in a Book for that Purpose, and signed by the Church-wardens and Overseers hereby directed to account, of all Sums of Money by them received or rated, and assessed and not received; and also of all Goods, Chattels, Stock and Materials that shall be in their Hands, or in the Hands of any of the Poor, and of all Monies paid by the Church-wardens and Overseers so accounting, and of all other Things concerning their said Office, and shall also pay and deliver over all Sums of Money, Goods, Chattels, and other Things as shall be in their Hands, unto such succeeding Overseers of the Poor, which said Account shall be verified upon Oath or Affirmation before one or more Justice or Justices, who are authorised to administer, sign and attest the Caption of the same without Fee or Reward, which said Book shall be carefully preserved by the Church-wardens and Overseers, or one of them, in some publick or other Place in every Parish, Township or Place; and they shall permit any Person there assessed, or liable to be assessed, to inspect the same, and shall upon Demand give Copies of the same, or any Part thereof, paying after the Rate of Six-pence for every three hundred Words.

At what Time
Overseers shall
make up their
Accounts.
17 G. 2. c. 38.

Books inspect-
ed paying Six-
pence.
And copied 6 d.
for 300 Words.

And upon Refusal to account as aforesaid, two Justices or more have Power to commit to the common Gaol until Account shall be given. Punishment not accounting.

On the Death or Insolvency of Overseers, two Justices may appoint others to serve in their Stead, who shall continue till new Overseers are appointed. Death or Insolvency.

Overseers removing are to deliver over their Accounts verified as aforesaid to some Church-warden or Overseer, under the like Penalty of Overseers refusing to account. Overseers removing.

Overseers dying, their Executors shall account in forty Days, the Money due on the Account, to be paid before any other of the Deceased's Debts. Overseers dying.

All Parties aggrieved may appeal to the General or Appeal Quarter-Sessions.

Power of Justices to relieve upon Appeal.

Justices upon Appeal, from Rates and Assessments (where they shall see Cause to give Relief) are required to amend the same in such Manner only as shall be necessary for giving Relief, without altering such Rate to other Person mentioned in the same; but if upon Appeal it shall be found necessary to quash or set aside the same, then the Justices are to direct the Church-wardens and Overseers of the Poor to make a new equal Rate or Assessment, who are required to make the same accordingly.

Warrants to distrain for the Poor's Rate.

The Goods of any Person assessed and refusing to pay, may be levied by Warrant of Distress, not only in the Place for which such Assessment was made, but in any other Place within the same County or Precinct; and if Distress cannot be met with in the said County, on Oath thereof before a Justice in any other County, such Goods may be levied in such other County by Virtue of such Warrant and Certificate. Any Person aggrieved may appeal to the Sessions, who may make a final Order therein.

Where any Distress shall be made for any Sum of Money justly due for the Relief of the Poor, the Distress itself shall not be deemed unlawful, nor the Party a Trespasser, on Account of any Defect, or want of Form in the Warrant for the Appointment of such Overseers, or in the Rate or Assessment, or in the Warrant of Distress thereupon; nor shall the Party or Parties distraining be deemed a Trespasser *ab initio* on Account of any Irregularity, which shall be afterwards done by the Party distraining; but the Party aggrieved by such Irregularity shall recover full Satisfaction for the Special Damage he has sustained, and no more.

Plaintiff recovering, to have full Costs and all Remedies for the same.

No Plaintiff shall recover for any Irregularity, if Tender of Amends be made by the Party distraining.

Succeeding Overseers are empowered to levy Arrears to reimburse the Former so much as they have expended for the Use of the Poor, and which are allowed in their Accounts.

And where any Person shall come into or occupy any House, &c. out of, or from which any other Person assessed shall be removed, or which at the Time of making such Rate, was empty or unoccupied; that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate in Proportion to the Time that such Person occupied the same respectively, in the same Manner, and under the same Penalty of Distress, as if such Person so removing had not removed, or such Person so coming in or occupying

pying had been originally rated in such Rate ; such Proportion to be ascertained by two Justices.

That true and just Copies of all Rates and Assessments, hereafter to be made for the Relief of the Poor, be fairly wrote and entered in a Book or Books, to be provided for that Purpose, by the Church-wardens and Overseers of the Poor of every Parish, Township, or Place, who shall take Care that such Copies be wrote and entered accordingly, within fourteen Days after all Appeals from such Rates are determined, and shall attest the same by putting their Names thereto ; and all and every such Book or Books shall be carefully preserved by the Church wardens and Overseers of the Poor for the Time being, or one of them, in some publick or other Place, in every such Parish, Township, or Place, whereto all Persons assessed, or liable to be assessed, may freely resort, and shall be delivered over from Time to Time, to the new and succeeding Church-wardens and Overseers of the Poor, as soon as they enter into their said Offices, to be preserved as aforesaid, and shall be produced by them at the General or Quarter Sessions, when any Appeal is to be heard or determined.

Copies of Rates to be entered in a Book.

to be kept for publick Perusal.

That if any Church-warden, Overseer of the Poor, or other Officer of any Parish, Township, or Place, shall neglect or refuse to obey and perform the several Orders and Directions of this Act, or any of them, where no Penalty is before provided by this Act, or shall act contrary thereto ; every such Church-warden, Overseer of the Poor, or other Officer so offending in the Premises, shall, for every such Offence, on Oath thereof made, within two Calendar Months after the Offence committed, before any two or more of his Majesty's Justices of the Peace, forfeit, for the Use of the Poor of such Parish, Township, or Place, a Sum not exceeding five Pounds, nor less than twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, by Warrant from such Justices ; which Sum shall be paid to some Church-warden or Overseer of the Poor of such Parish, Township, or Place, for the Purpose aforesaid.

Penalty on Parish Officers not obeying this Act,

That Overseers of the Poor, within every Township or Place where there are no Church-wardens, shall from Time to Time do, perform, and execute all and every the Acts, Powers and Authorities, concerning the Relief of, and other Matters and Things relating to the Poor, as Church wardens and Overseers of the Poor may do, perform, and execute by this Act, or any former Statute, concerning the Poor, and shall lose, forfeit and suffer all

Power of Overseers, where there are no Church-wardens.

such Pains and Penalties for Neglect, Abuse, or Non-performance thereof, as Church-wardens and Overseers of the Poor are liable to, by Virtue of this or any former Statute concerning the Poor.

17 Geo. 2. c. 3.
Poor Rates to
be published in
the Church.

From and after the first Day of *May* 1744. the Church-wardens and Overseers of the Poor shall give, or cause to be given, publick Notice in the Church of every Rate for the Relief of the Poor, allowed by the Justices of Peace, the next *Sunday* after the same shall have been so allowed, and that no Rate shall be esteemed or reputed valid and sufficient, so as to collect and raise the same, unless such Notice shall have been given.

That the Church-wardens and Overseers of the Poor, or other Persons authorized in every Parish, Township, or Place, shall permit all and every the Inhabitants of the said Parish, &c. to inspect every such Rate at all seasonable Times, paying one Shilling for the same, and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to any Inhabitant of the said Parish, &c. paying at the Rate of Six pence for every 24 Names.

That if any Church-warden or Overseer of the Poor, or other Person authorized as aforesaid, shall not permit any Inhabitant or Parishioner to inspect the said Rates, or shall refuse or neglect to give Copies thereof as aforesaid, such Church-warden or Overseer, or other Person authorized as aforesaid, for every such Offence shall forfeit and pay to the Party aggrieved, the Sum of Twenty Pounds, to be sued for and recovered by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record, wherin no Effoin, &c. or more than one Imparlance shall be allowed.

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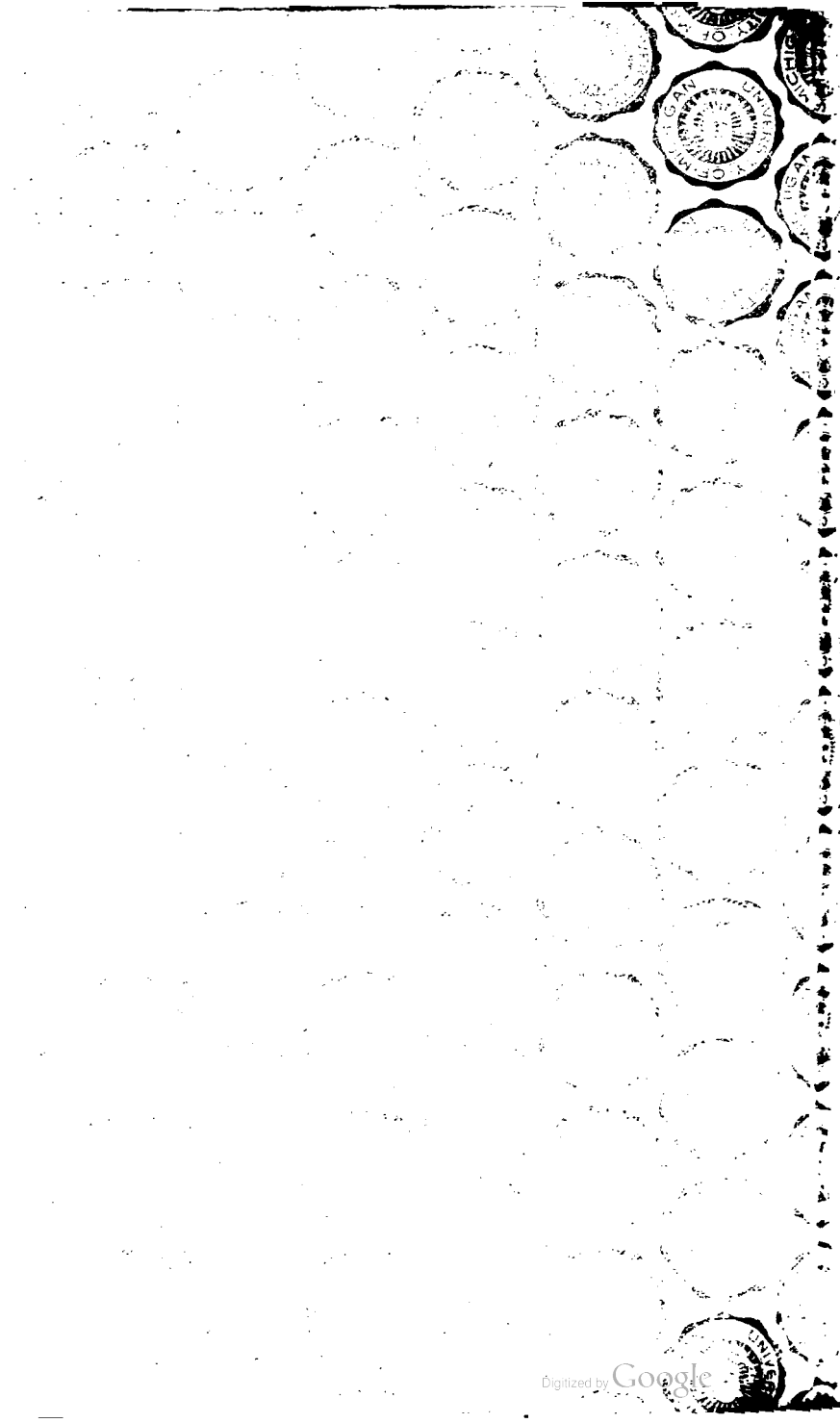
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