

CAP. XXV.

An act for appointing a sufficient number of constables for the service of the city and liberty of Westminster; and to compel proper persons to take upon them the office of jurymen, to prevent nuisances, and other offences, within the said city and liberty.

WHEREAS by reason of some defects in an act of parliament, ^{27 Eliz. Private.} passed in the twenty seventh year of the reign of Queen Elizabeth, intituled, An act for the good government of the city and borough of Westminster in the county of Middlesex; the publick ways and passages are greatly obstructed, and many other annoyances and offenses are daily committed within the said city and borough: and whereas by reason of the great increase of buildings in Westminster of late years, and of some irregularity in the appointment of constables for the said city and borough, there is not at present a sufficient number of those officers for the service of Westminster: to remedy which said evils; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of June one thousand seven hundred and fifty six, the dean of the collegiate church of Saint Peter, Westminster, for the time being, or the high steward of the city and liberty of Westminster for the time being, or his lawful deputy, is hereby authorized and required (calling to his assistance the burgeses of the said city and liberty of Westminster, if the said dean, or high steward or his deputy, shall think fit) at a court leet to be holden for the said city and liberty, on Tuesday next following the feast of Saint Michael the archangel in every year, yearly to appoint eighty able and fit persons residing within the said city and liberty, being artificers, or persons using any trade of buying or selling (alehousekeepers, victuallers, or persons retailing spirituous liquors, only excepted) to be constables for the said city and liberty of Westminster, being duly presented thereto, in manner herein after mentioned and directed.

Eighty constables to be appointed yearly for the city and liberty of Westminster,

II. And for the better and more easy executing the said office of constable, and for preserving the peace in Westminster; be it further enacted by the authority aforesaid, That the constables to be appointed as aforesaid, shall be chosen out of the several parishes in Westminster as followeth; that is to say, There shall be yearly chosen out of the parish of Saint Margaret fourteen; out of the parish of Saint John the Evangelist four; out of the parish of Saint Martin in the Fields fourteen; out of the parish of Saint George Hanover Square twelve; out of the parish of Saint James fourteen; out of the parish of Saint Anne eight; out of the parish of Saint Paul Covent Garden six; out of the parish of Saint Clement Danes six; and out of the parish of Saint Mary

to be chosen out of the several parishes, and in the proportions here mentioned;

who are to take the usual oath of office, and serve for one year.

Mary le Strand two: and the constables so appointed shall take the usual oath of office, and shall do and execute all and every matter and thing appertaining and belonging to the office of a constable, for the space of one whole year, to commence from their appointment to the said office, or until other persons shall be appointed in their stead, or shall find fit and able persons, to be approved of by the said court leet, to serve and take the oath of the office of constable, as their deputies, and in their room and stead; such other persons not being alehousekeepers, victualers, or persons retailing spirituous liquors.

Precepts to be issued for returning and summoning a leet jury.

III. And in order that fit and proper persons may be appointed to the said office of constable; be it further enacted by the authority aforesaid, That the said dean of *Westminster* for the time being, or the said high steward for the time being, or his deputy (calling to his assistance the burgesses of the said city and liberty of *Westminster*, if the said dean, or high steward, or his deputy, shall think fit) shall and may, and he is hereby authorized and required to issue out a precept or precepts within six weeks before the feast of Saint *Michael* in every year, directed to the high bailiff of *Westminster*, who is hereby authorized, directed and required to obey the same, to impanel and return forty substantial householders and traders residing within the said several parishes in *Westminster*, in the proportions before mentioned; and to summon such persons to appear at such time and place as in such precept or precepts shall be directed and appointed; and out of the persons so impanelled, summoned and returned, the said dean, or high steward, or his deputy (calling to his assistance the burgesses of the said city and liberty of *Westminster*, if the said dean, high steward, or his deputy, shall think fit) shall, at a court to be held by him for that purpose, nominate and appoint so many as he shall think fit, not exceeding thirty, taking care that one or more be nominated out of each of the said parishes; and that the persons so nominated and appointed shall be called *The Leet Jury*, and shall be sworn to present to the said court fit and proper persons to be chosen and appointed constables for the service of the city and liberty of *Westminster* for the year then next ensuing; that is to say, The said jury shall present to serve as constables for the parish of Saint *Margaret* twenty eight; the parish of Saint *John the Evangelist* eight; the parish of Saint *Martin in the Fields* twenty eight; the parish of Saint *George Hanover Square* twenty four; the parish of Saint *James* twenty eight; the parish of Saint *Anne* sixteen; the parish of Saint *Paul Covent Garden* twelve; the parish of Saint *Clement Danes* twelve; and the parish of Saint *Mary le Strand* four; out of which said number so presented the said court shall, at the time, and in the manner and proportions herein before directed, appoint eighty to be constables to serve for the said city and liberty; and the persons so nominated and appointed to be *The Leet Jury*, shall continue in the said office for one whole year, or till others are appointed and sworn in their room and stead.

who are to present a certain number of proper persons out of each parish to serve as constables.

Leet jury to continue in office for one year.

IV. Provided always, and be it enacted by the authority aforesaid

foresaid, That in case any person who shall be summoned by the said high bailiff, by virtue of any precept or precepts to be directed as aforesaid, to take upon him the said office of juryman, shall neglect or refuse to appear according to the direction of such summons, or appearing shall refuse to take upon him the said office (being thereunto appointed) or shall at any time refuse to appear to present proper persons to be constables, being duly summoned for that purpose, every such person shall forfeit the sum of forty shillings; which said sum of forty shillings shall be set upon him by the said court by way of fine for such his contempt or refusal, to be recovered in such manner as is herein after directed.

40s. fine on persons summoned, refusing to appear, to execute the office of jury-men.

V. And be it further enacted by the authority aforesaid, That all and every person and persons who shall be presented by the jury as aforesaid, as fit and proper persons for the office of constable, shall by a precept or precepts from the said court, be summoned by the petty constables to whom such precept shall be directed, to appear at the said court leet, to be holden for the city and liberty of *Westminster*, to take upon them the said office; and in case any person that shall be so summoned, shall neglect to appear according to the direction of such summons (proof being made of the service of such summons on oath) or appearing, shall refuse to take upon him the office of constable, being thereunto appointed as aforesaid, or to find a fit and able person, then to take upon him the said office in his stead, every such person shall forfeit the sum of eight pounds; which said sum of eight pounds shall be set upon him by the said court, by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as is herein after directed.

Precepts to be issued for summoning persons presented to serve as constables, to attend the court;

and on their refusing to attend or serve, they are to forfeit 8l.

VI. And be it further enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, shall and may, and he is hereby authorized and impowered to adjourn the said court leet from time to time, as he shall think fit: and in case any constable shall die, remove out of the parish for which he was appointed, or shall be discharged from his said office on account of his inability, or for other just cause, it shall be lawful for him, and he is hereby authorized and impowered, at such adjourned courts, to summon others before him, being first presented by the jury as aforesaid; which said jury, the said dean, or high steward, or his deputy, shall summon for that purpose, and to appoint one or more of such fit person or persons to serve as constables or constable in the room and stead of such person or persons as shall die, be removed or discharged as aforesaid, in like manner as is before directed for appointing constables at the annual leet; and all persons who shall be so summoned and appointed, are hereby required to appear and take upon them, or find other fit persons to take upon them the execution of the said office, on pain of the like penalties and forfeitures as are before inflicted upon persons refusing to appear, according to the direction of their summons, or to take upon them the execution of the office of constable, at the annual leet.

Court may be adjourned from time to time; and on death, removal, or discharge of any constables, others to be presented to the court, and chosen into the office.

None liable to
serve as con-
stable,

or jurymen,
more than
once in seven
years.

High constable to be
chosen, who
is to take the
usual oath of
office, and
serve for one
year.

On his death
or removal
another to be
appointed.

None may
serve as high
constable for
more than
three years
together.
20l. penalty
not serving the
said office.

Precepts to be
issued for re-
turning and
summoning
an annoyance
jury.

VII. Provided always, and be it further enacted by the authority aforesaid, That no person who hath served or shall hereafter serve, by himself or deputy, the office of constable, shall be presented again to the said office, or shall be summoned or appointed to serve the same in less than seven years after the end of such former service; and that no person who hath been or shall be nominated and sworn to be on the leet jury, and hath served or shall serve the said office of jurymen, shall be again summoned or appointed to serve the said office, in less than seven years after the end of such former service.

VIII. And be it further enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, shall, at the said court leet to be holden on *Tuesday* next after the feast of Saint *Michael* yearly, appoint an able person, being an artificer, or using some trade of buying and selling, and not being an alehouse-keeper, victualler, or retailer of spirituous liquors, to be high constable of the said city and liberty of *Westminster*, being duly summoned for that purpose, who shall take the usual oath of office, and do and execute all and every matter and thing appertaining to the office of high constable for the space of one whole year, to commence from his appointment to the said office, or until another person shall be appointed in his stead; and that in case of the death or removal of such high constable, the said dean, or high steward, or his deputy, shall at some adjournment of the said leet, appoint another person to serve in his room, being duly summoned for that purpose.

IX. Provided always, That no person shall serve the said office of high constable for more than three years together; and every person who shall be so summoned and appointed, is hereby required to appear and take upon him the execution of the said office of high constable, on pain of forfeiting the sum of twenty pounds; which said sum shall be set upon him by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as herein after is directed.

X. *And whereas the obstruction of the publick ways and passages in Westminster, and other annoyances and offences committed therein, are greatly owing to the want of a sufficient power to compel persons to take upon them the office of jurymen, to prevent nuisances and other offences committed in Westminster, and to the want of an easy method of recovering the americiaments set by such jury; be it therefore enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, the two chief burgeses of Westminster, and the other burgeses for the time being, or any five of them, whereof the said dean, high steward, or his deputy, or one of the said two chief burgeses, to be one, shall and may, and they are hereby authorized and required, twice in every year, to issue out their precept or precepts under the common seal of their court, directed to the high bailiff of Westminster, who is hereby authorized, directed and required to obey the same, to impanel and return eighty substantial householders and*

and traders residing and dwelling within the said several parishes in *Westminster*, in the proportions before-mentioned, and to summon such persons to appear before them, at such time, and such place, as in such precept or precepts shall be set forth; and out of the persons so impanelled, summoned and returned, the said dean, high steward, or his deputy, the said two chief burgeses, and the other burgeses, or any five of them, whereof the said dean, high steward, or his deputy, or one of the two chief burgeses, to be one, shall, at a court to be held for that purpose, nominate and appoint so many as they shall think proper, not exceeding forty eight, taking care that one or more be nominated out of each of the said parishes; and that the several persons so nominated and appointed shall be called *The Annoyance Jury*, and shall take an oath to the effect following; which oath the said court are hereby impowered to administer.

I A. B. do swear, That I will diligently enquire and make true presentment to this court of all such publick annoyances, and other offences, that shall be committed in *Westminster*, during the time of my continuance in the office whereunto I am now appointed: and that I will present no person or thing through hatred or malice, nor leave any unpresented through love, favour or affection.

So help me G O D.

XI. Provided always, and be it enacted by the authority aforefaid, That in case any person who shall be summoned as aforefaid to take upon him the said office of jurymen, shall neglect or refuse to appear according to the direction of such summons, or appearing, shall refuse to take upon him the said office (being thereunto appointed) every person so offending shall forfeit the sum of forty shillings; which said sum shall be set upon him by the said court, by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as is herein after directed.

40s. penalty on persons summoned refusing to appear, or to execute the office of jurymen.

XII. And be it further enacted by the authority aforefaid, That the *Jury of Annoyance* to be appointed as aforefaid, shall subdivide themselves into smaller bodies, not being less than twelve in each body, and they are hereby authorized and required, as often as they shall be directed by the said court, strictly to inquire into, and present to the said court, according to their oath, upon their own view and knowledge, all defective and bad pavements, and all annoyances in, obstructions of, or encroachments upon, any of the publick ways or passages within the said city or liberty; and the said jury shall give or leave notice in writing of their intention to present the same, at the house or houses to which such defective pavements belong, or to the person or persons who shall cause or suffer such annoyances, obstructions or encroachments; and if such pavements are not amended, or such annoyances, obstructions or encroachments, removed within fourteen days after such notice given, then the

Duty of the annoyance jury and court with respect to the pavements, annoyances, obstructions and encroachments in the publick ways,

40s. fine on persons insulting or obstructing the jury, in the execution of their office.

said jury shall amerce the person or persons inhabiting the said house or houses, or causing or suffering such annoyances, obstructions or encroachments, in such sums as they shall think proper, according to the nature of the offence, not exceeding forty shillings for any one offence; to be recovered in such manner as is herein after directed: and if any person or persons shall abuse or insult any of the said *Jury of Annoyance*, when they are in the execution of their office, or shall any way obstruct them in executing the duties of the said office, it shall be lawful for any one or more justice or justices of the peace for the said city and liberty of *Westminster*, upon the fact alledged being duly proved upon the oath of two or more credible witnesses, to fine such person or persons so offending as aforesaid, in any sum not exceeding forty shillings; to be recovered in such manner as is herein after directed.

Duty of the jury and court, with respect to the pavements and annoyances before empty houses.

XIII. And be it further enacted by the authority aforesaid, That where the said *Jury of Annoyance* shall upon their view as aforesaid, find any bad or defective payment, belonging to any empty house or building within the said city or liberty, or any annoyance before such house or building, it shall and may be lawful to and for the said jury, and they are hereby authorized, directed and required, to present such defective or bad pavement, or such nuisance, to the said court of burgesses, first leaving notice in writing on the door or other publick part of such empty house or building, of their intention to present the same; and in case the owner or owners, proprietor or proprietors, of such house or houses, building or buildings, shall not within fourteen days after such notice given as aforesaid, cause such pavement to be amended, or such annoyance removed, then the said court shall forthwith cause such pavement to be repaired, or such nuisance to be removed, and the said jury shall amerce the owner or owners, proprietor or proprietors, of such house or building, in such sum or sums of money as by the order and directions of the said court shall be laid out and expended in making good such defective pavement, or removing such nuisance, and the charge attending the same; which said amerciamment or amerciamments so set as aforesaid, shall be levied on the next tenant or tenants, occupier or occupiers, of the ground floor of such house or houses, building or buildings, in such manner as is herein after directed for the levying of other amerciamments that shall be set and imposed by virtue of this act; and it shall and may be lawful to and for such tenant or tenants, occupier or occupiers, of such houses or buildings, who shall pay any sum or sums of money so amerced as aforesaid (if they shall pay the same voluntarily) to deduct and detain out of their rent then due, or thereafter to grow due, all and every such sum or sums of money as they shall so pay.

Amerciamment may be levied on the succeeding tenant,

who is to deduct the same out of the rent.

Duty of the jury with respect to weights and measures.

XIV. And for preventing persons dealing by unlawful weights, balances or measures, within the said city or liberty of *Westminster*; be it further enacted by the authority aforesaid, That the said *Annoyance Jury* shall and are hereby authorized and empowered,

ered, at all feasonable times in the day time, to enter into any shop, house or warehouse, within the said city and liberty, belonging to any person or persons that deal by weight or measure; and if the said jury shall find any weight, balance or measure, to be unlawful or defective, it shall and may be lawful to and for the said jury, and they are hereby directed and required, to break and destroy the same, and to amerce the person or persons so offending, in such sum or sums of money as they shall think proper, according to the nature of the offence, not exceeding forty shillings for any one offence.

XV. Provided always, and be it enacted by the authority aforesaid, That no person who hath been or shall be nominated and appointed to be on the *Annoyance Jury*, and hath served or shall serve the said office of juryman, shall be again summoned or appointed to serve the said office, in less than three years after the end of such former service. None liable to serve on the annoyance jury more than once in three years.

XVI. And be it further enacted by the authority aforesaid, That in case the said high bailiff or his deputy, or other officer acting under him, or under the order or authority of the said court, by virtue of this act or otherwise, shall ask, demand, or take of any person or persons whatsoever, any sum or sums of money or other gratuity or reward whatsoever, for or under pretence of excusing any person or persons from appearing to serve, or for not summoning any person or persons to serve the said office of constable, or to serve on either of the juries aforesaid, or on any other jury within the said city and liberty of *Westminster*; or if any person whatsoever shall give any sum or sums of money, or other reward whatsoever, to any such officer as aforesaid, for or on account of excusing him from serving or being summoned to serve the office of constable, or to serve on such juries, that then and in either of such cases, it shall and may be lawful for any one or more justice or justices of the peace for the said city and liberty of *Westminster*, upon the fact alledged being duly proved upon the oath of two or more credible witnesses, to fine such person or persons so offending as aforesaid, in any sum not exceeding forty shillings, to be recovered in such manner as is herein after directed. 40s. on high bailiff, or other officer, accepting any gratuity to excuse persons from appearing to serve, or not summoning them, and on persons giving any gratuity on such account.

XVII. And be it enacted by the authority aforesaid, That upon the non-payment of any fine or amerciamment that shall be set or imposed upon any person or persons by the authority of this act, it shall and may be lawful for the high bailiff of *Westminster*, or his deputy or deputies, and he and they is and are hereby authorized, directed and required, by a warrant or warrants from the said court leet, or by a warrant or warrants under the common seal of the said court of burgessees, or by a warrant or warrants from the justice or justices of the peace before whom any such person or persons shall be convicted as aforesaid, to levy all and every such fines and amerciamentes as shall be set and imposed as aforesaid, by distress of the goods and chattels of every such person or persons as shall be fined or amerced as aforesaid, being then resiant or inhabiting within the said city or Fines and amerciamentes to be levied by distress and sale.

For want of
diſtreſs, and on
non-payment,
offender to be
committed.

Fines to be
paid over to
the overſeers,
and applied in
aid of the
poors rate.

Amercia-
ments ſet by
the annoy-
ance jury, to
go to the high
bailiff, and
court of bur-
geſſes.

Limitation of
actions.

liberty of *Westminster*, and to cauſe ſale to be made thereof in caſe they ſhall not be redeemed within five days, rendering the overplus, if any, to the owner, upon demand, after deducting the reaſonable charges of ſuch diſtreſs and ſale; and if ſuch offender or offenders ſhall not have goods or chattels within the ſaid city and liberty, whereof ſuch fine or fines, amerciamento or amerciaments, can be levied as aforeſaid, then and in ſuch caſe, and upon the non-payment of ſuch fine or fines, amerciamento or amerciaments, it ſhall and may be lawful for any one or more juſtice or juſtices of the peace, by warrant under his or their hand and ſeal, or hands and ſeals, to commit ſuch offender or offenders to one of his Maſteſty's gaols within the city or liberty of *Westminster*, there to remain for the ſpace of ten days, unleſs he, ſhe or they ſhall ſooner pay, or cauſe to be paid, the ſaid fine or fines, amerciamento or amerciaments, ſo impoſed as aforeſaid; in which caſe, he, ſhe or they, on payment thereof, ſhall be forthwith diſcharged out of cuſtody.

XVIII. And be it further enacted by the authority aforeſaid, That all and every the fine or fines which ſhall be ſet, impoſed and recovered, by virtue of this act, ſhall, from time to time, be paid by the high bailiff of *Westminster*, or other perſon into whoſe hands the ſame ſhall come, within fourteen days next after the receipt thereof, to the overſeers of the poor for the time being of the ſeveral pariſhes in *Westminster* reſpectively, out of which the ſame ſhall be ſo recovered, who ſhall give a receipt or receipts for the ſame; and the ſaid overſeers are hereby directed and required to apply the ſaid fine or fines to the ſame uſes and purpoſes that the poor rates in the ſaid ſeveral pariſhes are by law to be applied; and ſhall duly account upon oath for the ſame at the time, and in the manner, they are obliged to account for all other ſums of money that ſhall come into their hands; and all and every the amerciamento and amerciaments which ſhall be ſet and impoſed by the ſaid *Annoyance Jury*, and recovered by virtue of this act, ſhall be applied and diſpoſed of in manner following; that is to ſay, The ſaid high bailiff for the time being, ſhall be, and he is hereby intituled to one moiety or half-part thereof, and ſhall receive and take the ſame to his own uſe, and the other moiety or half part thereof ſhall be taken and applied by the ſaid court of burgeſſes to pay the neceſſary charges and expences that ſhall attend the execution of this act.

XIX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be brought or commenced againſt any perſon or perſons for any thing done in purſuance of this preſent act, or in relation to the premiſſes, that in every ſuch caſe, the action ſhall be commenced within ſix months next after the fact committed, and not afterwards; and ſhall be laid and brought in the county of *Middleſex*, and not elſewhere, except the perſon or perſons againſt whom ſuch action ſhall be brought, ſhall remove into and reſide in the city of *London*; in which caſe, the ſaid action ſhall be laid and brought in the ſaid city of *London*; and the defendand or defendands in ſuch action or actions

to be brought, may plead the general issue, and give this act General issue. and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority thereof; and if it shall appear so to be done, or if any such action or suit shall be brought after the time before limited for bringing the same, or shall be brought in any other county, city or place, than the county of *Middlesex* (except in such case as aforesaid) that then and in such case the jury shall find for the defendant or defendants; and if upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have for costs of suit, in other cases by law. Treble costs.

XX: Provided always, That this act, or any thing or matter Exemptions therein contained, shall not extend to the church or college of from this act. *Westminster*, nor to the close of *Westminster*, nor to any person or persons inhabiting within the site, circuit or precinct of the said church, college or close, for any offence or misgovernment to be committed by them or any of them, within the site, circuit or precinct of the said church, college or close.

C A P. XXVI.

An act for further continuing an act of the sixth year of the reign of his present Majesty, for securing and encouraging the trade of his present Majesty's sugar colonies in America; to indemnify commissioners of the land tax for counties at large and ridings, who have acted by virtue of leasehold estates; and to obviate a doubt relating to the qualification of commissioners of the land tax, for the city and liberty of Westminster.

WHEREAS an act made in the sixth year of the reign of his present Majesty, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America; and which by several subsequent acts hath been continued, until the twenty fourth day of June one thousand seven hundred and fifty six, hath by experience been found useful and beneficial, and is near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same is hereby further continued, from the expiration thereof, for the term of three years. Further continued for three years. 6 Geo. 2. c. 13.

II. And whereas in an act made in this session of parliament, for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and fifty six; and also in several former acts, respecting the qua-