ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XXV.

An Act for the better raiſing and ordering the Militia Forces of the *Tower Hamlets*, in the County of *Middleſex*. [30th *December* 1796.]



WHEREAS it is expedient to vary the Mode of raiſing the Militia within and for the Liberty or Diſtrict of the *Tower* Diviſion, in the County of *Middleſex*, commonly known by the Name of the *Tower Hamlets*: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for His Majeſty's Conſtable of the *Tower*, and Lieutenant of the *Tower Hamlets* for the Time being, and in the Abſence of the ſaid Conſtable or Lieutenant out of the Kingdom, or in caſe of Vacancy of the Office of Lieutenant, the Deputy Lieutenants of the ſaid Hamlets, authorized by His Majeſty, or any Three or more of them for the Time being, or the major Part of them, aſſembled at any Publick Meeting or Court of Lieutenancy to be called for that Purpoſe, and they are hereby reſpectively empowered and required to call together, arm, array, and cauſe to be trained and exerciſed

Preamble.

Conſtable of the *Tower*, and Lieutenant of the *Tower Hamlets*, &c. may arm and exerciſe the Militia of the Hamlets according to 26 *Geo.* III, Cap. 107, the Proviſions of which ſhall

extend to them.

ciſed ſuch Perſons within and for the ſaid *Tower Hamlets*, in ſuch Manner as in and by an Act, paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, is directed with reſpect to the ſeveral Counties, Cities, and Places, in the ſaid Act named; and that, from and after the paſſing of this Act, all the Powers and Authorities given and granted by the ſaid Act of the Twenty-ſixth Year aforeſaid, or by any ſubſequent Act or Acts of Parliament relating to the Militia Forces of this Kingdom, and alſo all Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Bounties, Allowances, Clauſes, Matters, and Things, contained in any ſuch Act or Acts, ſhall be applied, practiſed, and put in Execution, with reſpect to the Militia to be raiſed within and for the ſaid Hamlets, in as full and ample a Manner as if the ſaid Powers, Authorities, Proviſions, Rules, Regulations, Penalties, Forfeitures, Bounties, Allowances, Clauſes, Matters, and Things, had been expreſsly enacted in and by this Act, ſave and except all ſuch Matters and Things as are herein-after otherwiſe declared and provided; and that, from and after the paſſing of this Act, the ſeveral Powers and Authorities given, granted, and contained, in an Act, paſſed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled, *An Act for ordering the Forces in the ſeveral Counties of this Kingdom*, ſo far as the ſame are repugnant to this Act, ſhall no longer be applied or put in Execution with reſpect to the ſaid *Tower Hamlets*.

13 and 14 *Car.* II. Cap. 3, ſo far as repugnant to this Act, not to be applied to the *Tower Hamlets*.

Men to be raiſed in the following Proportions.

II. And be it further enacted, That the Number of Men to be raiſed for the Militia of the ſaid *Tower Hamlets*, out of and from the ſeveral Pariſhes, Hamlets, Manors, Precincts, and Liberties, within the ſame, ſhall be reſpectively as follows; (that is to ſay),

For the Pariſh of *Saint Mary, White Chapel*, One hundred and thirty-two.
For the Pariſh of *Chriſt Church*, Seventy-eight.
For the Liberty of *Norton Falgate*, Thirty-one.
For the Precinct of the *Old Artillery*, Eleven.
For the Pariſh of *Saint Leonard, Shoreditch*, One hundred and fifty-five.
For the Pariſh of *Saint John* at *Hackney*, Eighty-four.
For the Pariſh of *Saint Mathew, Bethnal Green*, One hundred and twenty-two.
For the Hamlet of *Mile End, New Town*, Twenty-two.
For the Hamlet of *Mile End, Old Town*, Fifty-ſeven.
For the Pariſh of *Saint Leonard, Bromley*, Six.
For the Pariſh of *Saint Mary, Stratford le Bow*, Twenty-two.
For the Hamlet of *Poplar* and *Blackwall*, Twenty-ſix.
For the Pariſh of *Saint Ann*, Twenty-ſix.
For the Hamlet of *Ratcliff*, Forty-four.
For the Pariſh of *Saint Paul, Shadwell*, Seventy-one.
For the Pariſh of *Saint George*, One hundred and ten.
For the Pariſh of *Saint John* of *Wapping*, Forty-five.
For the Manor or Liberty of *Eaſt Smithfield*, Forty-five.
For the Precinct of *Saint Catherines*, Eleven.

For the Liberty of the *Tower Without*, Five.
For the Pariſh of *Trinity, Minories*, Eight.
And for the Precinct of *Well Cloſe*, Nine.

Conſtable, &c. to appoint a Clerk and Meſſenger, and Officers who have been approved by the King.

III. And be it further enacted, That the ſaid Conſtable, and Lieutenant, and in his Abſence, or on any Vacancy as aforeſaid, Three or more Deputy Lieutenants, at a publick Meeting as aforeſaid, may and ſhall appoint a Clerk and Meſſenger, and alſo ſuch Militia Officers as have been uſually appointed for the ſaid Hamlets, the Names of ſuch Officers having been firſt preſented to and approved by His Majeſty.

A General Court of Lieutenancy to be held.

IV. And be it further enacted, That the ſaid Conſtable, or Lieutenant of the ſaid Hamlets, or in his Abſence, the Deputy Lieutenants aforeſaid, or any Three or more of them, ſhall, and they are hereby empowered and required to hold a General Court of Lieutenancy, for the ſaid Hamlets, on the Second *Thurſday* next after the paſſing of this Act, for carrying the Purpoſes of this Act duly into Execution.

Reſidents in the Hamlets and Peace Officers ſubject to the like Duties, &c. as in Counties at large.

V. And be it further enacted, That the ſeveral Perſons reſiding within the ſaid *Tower Hamlets*, and all High and Petty Conſtables, Headboroughs, and other Peace Officers, of and for all and every Part of the ſaid Hamlets, ſhall be ſubject to the like Duties, Reſtrictions, Penalties, and Puniſhments, as Perſons reſiding in the ſeveral Counties at large, and the Peace Officers acting within and for the ſame, are by any Laws now in being, relating to the Militia Forces, ſubject or liable to.

When embodied, His Majeſty may put One Regiment under the Command of General Officers to be led to a certain Diſtance.

VI. And be it further enacted, That whenever the ſaid Militia ſhall be drawn out and embodied, One Regiment thereof ſhall remain within the ſaid Diſtrict of the Tower, called the *Tower Hamlets*, for the Defence and Preſervation thereof; and it ſhall be lawful for His Majeſty to put the other Regiment of the ſaid Militia under the Command of ſuch General Officers as His Majeſty ſhall be pleaſed to appoint; and to direct the ſaid other Regiment to be led by its reſpective Officers into any Parts of this Kingdom, not exceeding the Diſtance of Twelve Miles from the Tower of *London*, or to the neareſt Place of Encampment, Barracks, or Quarters, beyond the ſaid Diſtance of Twelve Miles, for repelling and preventing any Invaſion, and for the Suppreſſion of any Rebellion or Inſurrection within the Realm of *Great Britain*.

Conſtable, &c. may continue to raiſe Trophy Money.

VII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Conſtable, or Lieutenant and Deputy Lieutenants, or any Three or more of them reſpectively as aforeſaid, to continue to raiſe and levy in every Year, the Proportion of One Month's Aſſeſſment of Trophy Money within the ſaid Hamlets, as he or they have been uſed to do by virtue and in purſuance of the ſaid Act paſſed in the Thirteenth and Fourteenth Years of the Reign of His late Majeſty King *Charles* the Second.

Qualification of Officers.

VIII. And be it further enacted, That the Eſtates requiſite for the Qualification of the Deputy Lieutenants and Officers of the Militia for the *Tower Hamlets* ſhall be as follows; (that is to ſay), Every Deputy Lieu-

tenant ſhall be ſeiſed or poſſeſſed, either in Law or Equity, for his own Uſe and Benefit, in Poſſeſſion, of a Freehold, Copyhold, or Cuſtomary Eſtate for Life, or for the Life of his Wife, (ſhe having a Freehold, Copyhold, or Cuſtomary Eſtate for her Life), or for ſome greater Eſtate, or of an Eſtate for ſome long Term of Years, determinable on One or more Life or Lives, or of an Eſtate for a Term originally granted for Twenty-one Years or more, in Manors, Meſſuages, Lands, Tenements, and Hereditaments, in any Part of the Kingdom called *Great Britain*, of the yearly Value of One hundred Pounds, or ſhall be Heir Apparent of ſome Perſon who ſhall in like Manner be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Two hundred Pounds; a Colonel ſhall be, in like Manner, ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Three hundred Pounds, or ſhall be Heir Apparent of a Perſon who ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Six hundred Pounds; a Lieutenant Colonel, or Major Commandant, ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Two hundred Pounds, or ſhall be Heir Apparent of a Perſon who ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Four hundred Pounds; a Major or Captain ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of One hundred Pounds, or ſhall be Son of a Perſon who ſhall be, or at the Time of his Death was, in like Manner, ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Two hundred Pounds; a Lieutenant ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Thirty Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate alone to the Amount of Six hundred Pounds, or ſeiſed or poſſeſſed of Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds, or ſhall be the Son of a Perſon who ſhall be, or at the Time of his Death was, in like Manner, ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Fifty Pounds, or who ſhall be, or at the Time of his Death was, poſſeſſed of a Perſonal Eſtate alone, to the Amount of One thouſand Pounds, or ſeiſed or poſſeſſed of Real and Perſonal Eſtate together, to the Amount or Value of two thouſand Pounds; an Enſign ſhall, in like Manner, be ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Fifteen Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate alone to the Amount of Two hundred Pounds, or ſeiſed or poſſeſſed of Real and Perſonal Eſtate together, to the Amount or Value of Four hundred Pounds, or ſhall be the Son of a Perſon who ſhall be, or at the Time of his Death was, in like Manner ſeiſed or poſſeſſed of a like Eſtate as aforeſaid, of the yearly Value of Thirty Pounds, or who ſhall be, or at the Time of his Death was, poſſeſſed of a Perſonal Eſtate alone, to the Amount of Five hundred Pounds, or ſeiſed or poſſeſſed of Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds.

Eſtates granted for 20 Years, of annual Value equal to thoſe required for Qualifications, ſufficient.

IX. And be it further enacted, That a Perſon poſſeſſed, either in Law or Equity, for his own Uſe and Benefit, in Poſſeſſion, of an Eſtate for a certain Term, originally granted for Twenty Years or more, of an annual Value (over and above all Rents and Charges payable out of or in reſpect of the ſame) equal to the Value of ſuch an Eſtate as is required

quired for the Qualification of a Deputy Lieutenant and Commiſſioned Officer of the Militia reſpectively, ſhall be and is hereby deemed and declared to be ſufficiently qualified to act in the Execution of this Act.

No Rank ſuperior to Lieutenant to be given till the Qualification be delivered to the Clerk of the Peace, &c.

X. And be it further enacted, That no Perſon ſhall hereafter be appointed to be Deputy Lieutenant of the *Tower Hamlets* aforeſaid, or be appointed to a higher Rank in the Militia, than that of a Lieutenant, until he ſhall have delivered in to the Clerk of the Peace for the Liberties of the *Tower*, or (in his Abſence) to his Deputy, a ſpecific Deſcription in Writing, ſigned by himſelf, of his Qualification, ſtating the County, Pariſh, or Place, in which the Eſtate or Eſtates which from his Qualification is or are ſituate; and the Clerk of the Peace, or his Deputy, ſhall tranſmit to the Lieutenant of the ſaid Hamlets, a Copy of ſuch Deſcription and no Commiſſion granted after the paſſing of this Act, for a higher Rank in the Militia than that of Lieutenant ſhall be valid, unleſs it be declared in the Commiſſion that the Officer to whom the Commiſſion is given, hath delivered in his Qualification as above directed.

Clerk of the Peace to enter Qualifications in a Roll, and Dates of Commiſſions, &c. in the *Gazette*.

Deputy Lieutenants, &c. to take the Oaths within Six Months.

XI. And be it further enacted, That the Clerk of the Peace for the Liberties aforeſaid, ſhall, and he is hereby required to enter the Qualification tranſmitted to him, according to the Directions of this Act, upon a Roll to be provided and kept for that Purpoſe, and to cauſe to be inſerted in the *London Gazette*, the Dates of the Commiſſions, and Names and Ranks of the Officers appointed, together with the Names of the Officers in whoſe Room they ſhall be appointed, if the Caſe ſhall require the ſame, in like Manner as Commiſſions in the Army are directed to be publiſhed from the War Office; and he is hereby authorized to charge the Expence of ſuch Inſertion in the *Gazette* for each Commiſſion, to the Treaſurer for the Time being of the County of *Middleſex*, who is hereby directed to pay the ſame; and every Deputy Lieutenant and Commiſſioned Officer, not having already taken and ſubſcribed the Oaths, and made, repeated, and ſubſcribed the Declaration as required by the Laws in Force at and immediately before the paſſing of this Act, ſhall, at ſome General or Quarter Seſſions of the Peace, or in One of His Majeſty's Courts of Record at *Weſtminſter*, within Six Months after he ſhall have accepted his Commiſſion, take the Oaths appointed to be taken by an Act, paſſed in the Firſt Year of the Reign of His Majeſty King *George* the Firſt, intituled, *An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*; and alſo by an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for altering the Oath of Abjuration and the Aſſurance; and for amending ſo much of an Act of the Seventh Year of Her late Majeſty Queen* Anne, *intituled,* '*An Act for Improvement of the Union of* 'the *Two Kingdoms*;' *as, after the Time therein limited, requires the Delivery of certain Liſts and Copies therein mentioned, to Perſons indicted of High Treaſon, or Miſpriſion of Treaſon;* and ſhall alſo make, repeat, and ſubſcribe the Declaration in the ſaid Act of the Firſt Year of King *George*

George the First, directed to be made, repeated, and subscribed, by all Officers, Civil and Military.

Penalty on unqualified Persons, or who have not delivered in their Qualifications, for acting, &c.

XII. And be it further enacted, That if any Person shall execute any of the Powers hereby directed to be executed by Deputy Lieutenants, Colonels, Lieutenant Colonels, or Majors, not being qualified as aforesaid, or without having delivered in such specific Description of his Qualification as is herein-before required, every such Person shall forfeit and pay the Sum of One hundred Pounds; and if any Person shall execute any of the Powers hereby directed to be executed by Captains, not being qualified as aforesaid, or without having delivered in such specific Description of his Qualification as is herein-before required, every such Person shall forfeit and pay the Sum of Fifty Pounds, One Moiety of which said several Penalties shall go to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof to the Use of the Person who shall sue for the same; and in every such Action, Suit, or Information, the Proof of his Qualification shall be upon the Person against whom the same is brought.

Prosecutions to be heard and determined by the General Quarter Sessions for the *Tower* Liberties.

XIII. And be it further enacted, That all Indictments and Prosecutions for any Offence committed within any Part of the said *Tower Hamlets*, relating to the said Militia Laws, or to any Offence committed against this Act, or in disobeying the Order or Orders of the Justice or Justices of the Peace herein-after mentioned, shall be preferred before, and heard and determined by the Justices assembled at some General Quarter Sessions of the Peace, to be holden for the said Liberties of the Tower, or the major Part of them so assembled, and not elsewhere; which said Justices are hereby empowered to hear and determine the same, and to make and give such Order and Judgement therein, and to inflict such Punishment in consequence thereof, as in the like Cases by Law is now used or directed; and all High and Petty Constables and other Peace Officers, of and for all and every or any Part of the said *Tower Hamlets*, are hereby directed and required to execute all and every Order and Orders of the said Justices, in all or any of the Premises aforesaid.

Peace Officers to obey the Order of the Justices of the said Liberties.

XIV. And be it further enacted, That when any Summons, Warrant, Conviction, Order, Judgement, or other Matter or Thing, in the Execution of this Act, or of the said Militia Laws, be so made and done by the Justice and Justices of the Peace for the *Tower* Liberties, who are hereby empowered and directed to hear and determine the same, and to make such Summons, Warrant, Conviction, Order, Adjudication, and Judgement therein as to Law doth appertain, all and every the High and Petty Constables, and other Peace Officers aforesaid, are hereby directed to obey the Order of the said Justice and Justices therein.

Deputy Lieutenants or Officers who are Justices may act as such.

XV. Provided also, and be it further enacted, That any Justice or Justices of the Peace for the said Liberties may act in the Execution of the Premises aforesaid, notwithstanding he may be a Deputy Lieutenant of the said Hamlets or Officer in the said Militia; and that any such Justice of the Peace for the said Liberties of the *Tower*, dwelling or being within the said Hamlets, may act for the said Liberties in the Execution of

this Act, or in any other Caſe whatſoever relating to the ſaid Militia Laws at any Place within the ſaid Hamlets.

Appeal may be made to the General Quarter Seſſions.

XVI. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by the Act of any Juſtice or Juſtices of the Peace as aforeſaid, he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace, to be holden in and for the ſaid Liberties, or any Adjournment thereof, within Three Calendar Months next after the Cauſe of ſuch Complaint ſhall ariſe, ſuch Appellant firſt giving Ten Days Notice in Writing to the Juſtice or Juſtices by whoſe Act or Acts ſuch Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, of his, her, or their Intention to appeal, and at the ſame Time entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Liberties, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions, which ſaid Juſtices at or in ſuch Seſſions, or at any Adjournment thereof, or at any ſubſequent Seſſions, upon due Proof of Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall and are hereby empowered to hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and to award ſuch Coſts to the Parties appealing or appealed againſt, and to make ſuch Order and Orders therein as the ſaid Juſtices ſhall think neceſſary, which ſaid Determination ſhall be binding, final, and concluſive to all Intents and Purpoſes whatſoever: Provided always, That no Proceedings to be had or taken by any Juſtice or Juſtices of the Peace in the Execution of this Act, ſhall be vacated or quaſhed for Want of Form, or be removed or removeable into any Court by *Certiorari*, or other Writ or Proceſs whatſoever.

Proceedings not to be quaſhed for Want of Form, or removeable into any Court.

24 *Geo.* II. Cap. 44, to extend to this Act.

XVII. And be it further enacted, That the Statute made in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for rendering Juſtices of the Peace more ſafe in the Execution of their Office, and for indemnifying Conſtables and others acting in Obedience to their Warrants*, ſhall extend to the Deputy Lieutenants, Juſtices of the Peace, Conſtables, Headboroughs, Peace Officers, and other Perſons whatſoever, acting under the Authority or in the Execution of this Act, or in anywiſe aiding or aſſiſting therein.

Plaintiff not to recover Coſts, where Injury was not maliciouſly done.

XVIII. And be it further enacted, That when a Verdict ſhall be given for the Plaintiff in any Action or Suit brought, after Notice ſhall have been given purſuant to the ſaid Statute, and it ſhall not appear to the Court that the Injury complained of was maliciouſly done, the Plaintiff ſhall recover no Coſts, nor more than Two-pence Damages.

Publick Act.

XIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and be taken Notice of, and allowed in all Courts whatſoever, without the ſame being ſpecially pleaded.

General Saving.

XX. Saving always, to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to the Conſtable or Lieutenant of the ſaid Hamlets for the Time being, and the Officers and Miniſters of the ſame,

or of any Part thereof, and to the Governor of the Fort of the *Tower* for the Time being, and the Officers and Miniſters of the ſame, and to all other Perſon and Perſons whatſoever, all Juriſdictions, Powers, Privileges, Exemptions, and Immunities whatſoever, belonging or heretofore uſed or enjoyed.

FINIS.