

deliver such persons to the Constable, and so to convey them to the Justice of Peace, by him to be examined, and to be bound over or committed, until the Offenders be acquitted in due manner. See more of *Watch* in the title *Felony*.

§. 4. *These Watchmen are also to apprehend all Rogues and Vagabonds, Night-walkers, Evef-droppers, Scouts, and such like, and such as go armed, &c.*

Note, That in an Action of false Imprisonment brought by one *Sm. Cro. 1.* against *Brown* (a Constable of *Chelmsford* in *Essex*) these things were holden for Law concerning Watches, about 32 *Eliz.* P. 204.

1. First, That no man is compellable to watch except 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 cometh; and therefore *Gawdy* (Justice) said, That the Statute of *Winchester* is, That from henceforth Watches shall be kept as hath been used in times past, &c. And so the manner of watching is not referred to the will of the Constable, but only to the use heretofore, which is commonly by turn, or by the House.

3. That if a man who is compellable to watch shall contemptuously refuse to watch upon commandment of the Constable, the Constable *Ex Officio* may set him in the Stocks for such his contempt. *Tamen quære de hoc.* Or else the Constable may present such his default at the Assizes or Sessions of the Peace, &c. Or may complain thereof to any Justice of Peace who may bind the Offender to the Good-behaviour, and so over to the next Quarter Sessions, &c.

Note also, That both Watching and Warding must be by men that be able of body and sufficiently weaponed.

And note, That Watching is properly intended of the Night, and warding for the Day time; and for the Warding in the Day-time, for the apprehending of Rogues and the like idle evil Members, is of great use; it therefore is and must be left to the discretion of the Constable and directions of the Justice of Peace to appoint or alter according to the occasion. Resol. 36.

## C H A P. CV. V. 61.

### Watermen.

§. 1. **E**Very Justice of Peace (as it seemeth by the general words of the Statute) within the Shires next adjoining to the River of *Thames* (between *Gravesend* and *Windfor*) within his several Jurisdiction hath power (upon complaint made to him by the Overseers and Rulers of the Watermen and Wherry-men or two of them, or by the Masters of any such Servants) to examine, hear and determine all offences against the Statute, and to set at large him that shall be imprisoned by such Overseers or Rulers, according to this Act (if there be just cause) and also by his discretion to punish those Overseers and Rulers that shall unjustly punish any person by colour of this Act.

The offences of Watermen against this Statute are these.

§. 2. 1. No single man shall be a Waterman there unless he be an Housekeeper, or an Apprentice, or retained in service by the whole year. See 1 *Jac. c. 16.* P. Botem. P. Ibid. 5.

2. One of the (two) Watermen, rowing together in one Boat, must be allowed by the most part of the Eight Overseers, by writing under their Seal and must have used rowing there two years before.

3. Water-