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June, 1715.

An ACT appointing certain days on which the several and respective county courts within this province are to be held. Lib. LL. No. 4. fol. 135.

An ACT for the appointment of constables, and what relates to their office, and ascertaining what persons are taxables. Lib. LL. No. 4. fol. 136.

Supplementary acts, 1719, ch. 12, and 1752, ch. 7.

Constables to
be appointed,
&c.

BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That the justices of peace in every respective county of this province, at the first county court held after Michaelmas, shall (a) appoint constables in each hundred of their several and respective counties; and the said constables, so appointed shall, before they enter into that office, take the several oaths appointed to be taken by all officers by the acts of assembly of this province, and the oath of a constable, in form following; that is to say, "You, A. B. shall well and truly serve our Sovereign Lord the King in the office of a constable; you shall see and cause that his majesty's peace be well and duly kept, according to your power; you shall arrest all such persons as in your presence shall commit any riot, fray, or other breach of his majesty's peace; you shall do your best endeavour, upon complaint to you made; to seize all felons, barretors, rioters, or persons riotously assembled, and if any such offender shall make any resistance with force, you shall levy hue and cry, and cause them to be pursued so as they may be taken; you shall do your best endeavour that hue and cry be duly raised and pursued against murderers, thieves and other felons, and fugitive servants, and the laws and orders against vagabonds, and such other idle persons, coming within your limits, be duly put in execution at your county courts coming; you shall, so far as in you lies, put in execution the act of assembly against profane cursing, swearing and drunkenness, and also true presentment make of all bloodsheds, affrays, outcries, rescues, and other offences committed against his majesty's peace, within your limits; you shall well and truly execute all precepts and warrants to you directed from the justices of the peace of this county, or higher officers; and you shall well and truly, according to your power, knowledge and ability, do and execute all things belonging to the office of a constable so long as you shall continue in this office. So help you GOD."

(a) By the act of 1752, ch. 7, section 2, the county clerk shall signify such appointment within five days, to the sheriff, and the sheriff to the person appointed, within ten days, on penalty of twenty shillings currency.

Penalty for refusing to take the oaths, &c.

II. AND, If the person or persons so appointed shall, before any justice of the peace, refuse to (b) take the several oaths aforesaid, or shall refuse to provide a sufficient person to supply his place, by serving in the said office and taking the oaths aforesaid, that then such person, so refusing, shall be fined to his majesty, his heirs and successors, in the sum of five hundred pounds of tobacco, towards the defraying the public charge of that county, and that such justice of peace before whom such refusal shall be made, shall issue his warrant to the sheriff to levy the said fine by distress and sale of the goods and chattels of such person so fined as aforesaid, returning to him the overplus; which said sheriff is hereby empowered and required to levy the same accordingly, and render an account thereof to the justices of peace of that county at the time of laying the county levy.

(b) By the act of 1752, ch. 7, section 2, persons so appointed shall qualify themselves by taking the said oaths within five days after notice given by the sheriff of such appointment, under the penalty in this clause mentioned.

Constables to take a list, &c.

III. AND BE IT ENACTED, by the authority aforesaid, by and with the advice and consent aforesaid, That every constable shall, on or before the twentieth day of June in every year respectively, repair in person to every house or habitation within his hundred, and there require of the master, mistress, dame, or other chief person of the family, a true list from under their hands of all their taxable persons, distinctly to be named, they and every of them have within their respective families; out of which list the said constable shall make two fair (c) lists under his hand, and one he shall send to the sheriff of the county, and the other he shall present to the next county court, to be set up.

(c) By 1719, ch. 12, sections 6 and 7, constables shall return their lists of taxables to the sheriff by the first of August yearly; shall carry unsettled freemen before a magistrate to give security for their levy, or be committed; and for not pursuing the directions of these two acts in taking and returning taxables, shall forfeit 500lb. tobacco, one half to the county schools, the other half to the informer.

Masters, &c. refusing to be fined, &c.

IV. AND, In case any master, mistress, dame, or other chief person of a family, shall refuse, deny or delay to give such list, or in their absence leave at their dwelling-houses, or quarters, such a list and account of their taxable persons of their several families, or in the said account shall conceal any taxable