

as keep the Town shall follow with Hue and Cry with all the Town, and the Towns near, and so Hue and Cry shall be made from Town to Town, until that they be taken and delivered to the Sheriff, as before is said; and for the Arrestments of such Strangers none shall be punished.

funt la veille les siwent o tute la viles ove les visnees viles o heu e cri de vile en vile jeques taunt qil serra pris e livrez au viscounte cum est avauntdit e pur le reseivement de tels estraunges nul ne seit enchescune.

At what time great Towns shall be opened and shut, 7 Co. 7. At what time the Night Watch shall begin and end. 5 Ed. 3, c. 14. Cro. El. 204. Savil, 83. How they shall be used who disobey arrests. 5 H. 4, c. 3.

This is the principal Statute relating to hue and cry, though the old common law method of pursuing felons in this way is recognized in Stat. Westm. 1, 3 E. 1, c. 9, and in Stat. 4 E. 1, *de officio coronatoris*. Kilty observes that there are few persons but have considered the pursuing of robbers and the cry of "stop thief," as the established and proper mode of effecting their apprehension. And he cites in addition to this common opinion and usage part of the oath prescribed by the Act of 1715, ch. 15, for the appointment of constables. "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, &c." There are in the Council proceedings several orders respecting the *posse comitatus* to the same effect.

Hue and cry then is the pursuit of an offender from town to town till he is taken; which all who are present when a felony is committed, or a dangerous wound given, or who know that a felony has been committed, are bound to raise against the offenders, who do or may escape, under pain of fine and imprisonment. It is incumbent on constables to pursue hue and cry when called on, and they are severely punishable if they neglect it, but though their presence is advisable it is not necessary. A person raising hue and cry without cause is punishable by fine and imprisonment.

To raise a hue and cry regularly, the party goes to the nearest constable and declares the fact, describes the offender, his person and dress, tells his name if he knows it, and the way he is gone, and gives such other circumstances as may lead to his discovery. *Whereupon the constable ought **155** immediately, whether it be day or night, to raise his own town and search for the offender, and on not finding him send a like notice with the utmost expedition to the constables of all the neighbouring towns, who are to make like search, and on failure to apprehend the party give like notice to their neighbouring fellow officers until the offender be found. If when hue and cry is levied by a constable the inhabitants of his district refuse to pursue, they are punishable for the neglect by fine and imprisonment.