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THE
S T A T U T E S
OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
1 & 2 VICTORIA. 1838.

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T A B L E

Containing the TITLES of all

THE STATUTES,

Passed in the FIRST Session of the THIRTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland*;

1° & 2° VICTORIA.

PUBLIC GENERAL ACTS.

1. AN Act to continue for Six Calendar Months all such Commissions of the Peace as were in force at the Time of the Decease of His late Majesty King *William* the Fourth, and as have not been superseded, determined, or made void during the Reign of Her present Majesty. Page 1
2. An Act for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of *Great Britain* and *Ireland*. 2
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6. An Act to regulate the Expences of conveying Prisoners in *Ireland*. 15
7. An Act to enable the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase Ground and Tenements required to complete the Site for the new Houses of Parliament. 16
8. An Act to enable Her Majesty to grant an annual Sum to Her Royal Highness *Victoria Maria^a Louisa* Duchess of *Kent*. 35

9. An Act to make temporary Provision for the Government of
Lower Canada. Page 36
10. An Act to make good certain Contracts which have been or
may be entered into by certain Banking and other Copartner-
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11. An Act to apply the Sum of Two Millions to the Service
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12. An Act for raising the Sum of Eleven millions four hundred
and thirteen thousand seven hundred and fifty Pounds by Ex-
chequer Bills, for the Service of the Year One thousand eight
hundred and thirty-eight. *Ibid.*
13. An Act to enable the Grand Juries of the County and County
of the City of *Waterford* to make Presentments, at the Spring
Assizes for the Year One thousand eight hundred and thirty-
eight, for the House of Industry of the said Counties. *Ibid.*
14. An Act to repeal so much of an Act of the Thirty-ninth and
Fortieth Years of King *George* the Third as authorizes Magis-
trates to commit to Gaols or Houses of Correction Persons who
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for the Administration of the Government in case the Crown
should*

- should descend to Her Royal Highness the Princess Alexandrina Victoria, Daughter of His late Royal Highness the Duke of Kent, being under the Age of Eighteen Years ; and for the Care and Guardianship of Her Person.* Page 100
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DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. AN Act for making and maintaining a Harbour and other Works at *Paington* in the County of *Devon*. Page 675
- ii. An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of *Milton-next-Sittingborne* in the County of *Kent*. *Ibid.*
- iii. An Act to alter and enlarge some of the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, for better repairing the Roads from *Warminster* and from *Frome* to the *Bath* Road, and other Roads therein mentioned. *Ibid.*
- iv. An Act for extending the Time for completing the *London* and *Greenwich* Railway. 676
- v. An Act for regulating the Market in the Town of *Exmouth* in the County of *Devon*. *Ibid.*
- vi. An Act for repairing and improving the Road leading from *Haleworthy* in the Parish of *Davidstow* in the County of *Cornwall* to the East End of *Wadebridge*, and from the West End of *Wadebridge* into and through the Borough of *Mitchell* in the said County; and for making and maintaining certain new Roads to communicate therewith. *Ibid.*
- vii. An Act for more effectually repairing and keeping in repair certain Roads in the County of *Kincardine*. *Ibid.*
- viii. An Act to repeal an Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, for improving the Navigation of the River *Ribble* [in the County Palatine of *Lancaster*, and for the further Improvement of the Navigation of the said River. *Ibid.*
- ix. An Act to amend the several Acts relating to the *West India* Dock Company and the *East India* Dock Company; and to consolidate the said Companies. 677
- x. An Act for building a Bridge over the River *Thames* from *Cookham* in the County of *Berks* to the opposite Shore in the County of *Bucks*. *Ibid.*
- xi. An Act for establishing a Floating Bridge or Bridges over the Harbour of *Portsmouth* from or near a Place called *Gosport Beach*, in the Parish of *Alverstoke* in the County of *Southampton*, to the opposite Shore, to or near a Place called *Portsmouth Point*, in the Parish of *Portsmouth* in the said County, with proper Approaches thereto. *Ibid.*
- xii. An Act for providing Market Places, and for regulating the Markets, within the Borough of *Brecon* in the County of *Brecon*. *Ibid.*
- xiii. An

- xiii. An Act for the Improvement of the Borough of *Tenby* in the County of *Pembroke*; and for regulating and maintaining the Harbour and Pier belonging thereto. *Page* 677
- xiv. An Act to amend an Act of the Fotty-eighth Year of the Reign of His Majesty King *George* the Third relating to the Improvement of the Town of *Leominster* in the County of *Hereford*. *Ibid.*
- xv. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Ashby-de-la-Zouch* and other Places in the Counties of *Leicester*, *Derby*, *Warwick*, and *Stafford*. 678
- xvi. An Act for more effectually repairing and maintaining the Road from *Top of Odsall* near *Bradford* through *Wibsey Low Moor* to *Huddersfield* in the West Riding of the County of *York*. *Ibid.*
- xvii. An Act for repairing, amending, and maintaining the Road from *Shrewsbury*, through *Ellesmere* in the County of *Salop*, to *Wrexham* in the County of *Denbigh*, and other Roads branching out of the same. *Ibid.*
- xviii. An Act for making a Turnpike Road from *Combmartin* in the County of *Devon* to *Bratton Down* in the same County, and several other Roads in the Neighbourhood thereof. *Ibid.*
- xix. An Act to alter and amend the Powers and Provisions of an Act relating to the *Lower King's Ferry* Roads in the Counties of *Flint* and *Chester*, and for making a new Road to communicate therewith; and for other Purposes relating thereto. 679
- xx. An Act to enable the *London* and *Croydon* Railway Company to enlarge their Station in the Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*, and to amend the Acts relating to the said Railway and Station. *Ibid.*
- xxi. An Act to enable the *St. Helen's* and *Runcorn Gap* Railway Company to raise a further Sum of Money, and for amending the Provisions of the several Acts relating to such Railway. *Ibid.*
- xxii. An Act to enable the *Brandling* Junction Railway Company to raise an additional Sum of Money. *Ibid.*
- xxiii. An Act to authorize the *Newcastle upon Tyne* and *Carlisle* Railway Company to raise an additional Sum of Money for the Purposes of their Undertaking. *Ibid.*
- xxiv. An Act to alter the Line of the *Cheltenham* and Great Western Union Railway, and to amend the Act relating thereto. *Ibid.*
- xxv. An Act for enabling the Company of Proprietors of the *Manchester*, *Bolton*, and *Bury* Canal Navigation and Railway to raise more Money; and for amending the Powers and Provisions of the several Acts relating thereto. *Ibid.*
- xxvi. An Act for making several Branches in the County of *Somerset* from the Line of the *Bristol* and *Exeter* Railway, and for amending the Act relating to such Railway. 680
- xxvii. An

xxvii. An Act for making a Railway from *Penhill* in the Parish of *Fremington* in the County of *Devon* to the Town of *Barnstaple*, and for constructing a Dock in the said Parish of *Fremington*, to be called "The *Taw Vale* Railway and Dock."

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xxviii. An Act for making and maintaining a Pier or Jetty and other Works at the Town and Borough of *Deal* in the Parish of *Deal* in the County of *Kent*. *Ibid.*

xxix. An Act for supplying with Water the Town of *Bury*, and the several Townships of *Walmersley-cum-Shuttleworth*, *Bury*, and *Elton*, all in the Parish of *Bury* in the County Palatine of *Lancaster*. *Ibid.*

xxx. An Act to amend an Act for making and maintaining the *Turton* and *Entwisle* Reservoir. *Ibid.*

xxxi. An Act for building a Bridge over the River *Wye* at a Place called *Boughrood Ferry*, in the Counties of *Brecon* and *Radnor*, and for making convenient Approaches thereto. *Ibid.*

xxxii. An Act to amend an Act passed in the Fifth and Sixth Year of the Reign of King *William* the Fourth, regarding *Londonderry Bridge*; and to amend several Acts relating to the City and Port of *Londonderry*. *Ibid.*

xxxiii. An Act to amend an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of Birkenhead in the County Palatine of Chester, and for regulating the Police thereof, and for establishing a Market within the said Township.* 681

xxxiv. An Act for making a new Street or Thoroughfare, and widening and improving certain other Streets or Thoroughfares, within the Town and Borough of *Sheffield* in the County of *York*. *Ibid.*

xxxv. An Act for establishing a general Cemetery in the Parish of *Gravesend* in the County of *Kent*. *Ibid.*

xxxvi. An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Oakham* and *Uppingham*, and other Places, in the Counties of *Rutland*, *Leicester*, and *Northampton*. *Ibid.*

xxxvii. An Act for inclosing Lands within the Townships or Divisions of *Strickland Roger*, *Whinfell*, and *Helsington* in the Parish of *Kirkby in Kendal* in the County of *Westmorland*; and for draining and improving certain Lands in the said Township of *Helsington*, and in the Townships of *Underbarrow* and *Bradley Field* and *Levens*, in the Parishes of *Kirkby in Kendal* and *Heversham* in the same County. *Ibid.*

xxxviii. An Act for making, repairing, and maintaining certain Roads in Her Majesty's Forest of *Dean*, and the Waste Lands belonging to the said Forest, and in several Parishes adjoining thereto, in the County of *Gloucester*. *Ibid.*

xxxix. An Act for more effectually amending and improving the Roads from *Buckstones* by *Barkisland School* to the *Rochdale* and

and *Elland* Turnpike Road, near the Town of *Elland*, and from *Sykehouse* to the Highway leading from *Barkisland* to *Stainland*, all in the West Riding of the County of *York*.

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- xi. An Act for repairing the Road from *French Top* in the West Riding of the County of *York* to *Stayley* in the County Palatine of *Chester*. *Ibid.*
- xli. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks, towards Reading, to a Place called The Seven Mile Stone, in the Parish of Beenham, in the said County, and a certain other Road communicating therewith.* *Ibid.*
- xlii. An Act for repairing and maintaining a Road from near *Salterhebble* in the Parish of *Halifax* to the *Huddersfield* and *New Hey* Turnpike Road in the Parish of *Huddersfield*, and to *Sowerby Bridge* in the said Parish of *Halifax*, all in the West Riding of the County of *York*, with a Bridge on the Line of the said Road. *Ibid.*
- xliii. An Act for repairing and maintaining the Roads leading from *Wakefield* to *Halifax*, and from near *Hipperholm Bar* to near *Stump Cross*, all in the West Riding of the County of *York*. 683
- xliv. An Act for repairing and maintaining the Road leading from the South End of *Angel Lane* in *Brampton Bierley* to a certain public Highway in *Mexbrough*, and from *Clegg's Cottage* in *Rawmarsh* to the West End of the Village of *Hooton Roberts* in the County of *York*. *Ibid.*
- xlv. An Act for repairing, maintaining, and improving the Road leading from *Toucester* to the Turnpike Road in *Cotton End* in the Parish of *Hardingston* in the County of *Northampton*. *Ibid.*
- xlvi. An Act for repairing and maintaining the Road from *Aylesbury* to *Thame*, and the Roads from *Thame* to *Oxford*, *Shillingford*, *Postcomb*, and *Bicester*, in the Counties of *Buckingham* and *Oxford*. *Ibid.*
- xlvii. An Act to repeal as much of an Act, intituled *An Act for making and maintaining the Road from Glasgow to Redburn Bridge, and certain other Roads, in the Counties of Stirling, Dumbarton, and Lanark*, as relates to the *Balmore* Road; and to improve and make and maintain the said Road, and certain other Roads connected therewith, in the Parishes of *Campsie* and *Baldernock* and County of *Stirling* aforesaid. 684
- xlviii. An Act for repairing and maintaining the Road from *Quebec* to *Homefield Lane End*, all in the Parish of *Leeds* in the West Riding of the County of *York*, with a Bridge or Bridges on the Line of such Road. *Ibid.*
- xlix. An Act for repairing the Road from *Maulden Wood Corner* to *Westwood Gate* in the County of *Bedford*. *Ibid.*

- l. An Act for better lighting with Gas the Town and Township of *Blackburn* in the County Palatine of *Lancaster*. Page 684
- li. An Act to enable the *Exeter* Commercial Gas Light and Coke Company to raise a further Sum of Money. *Ibid.*
- lii. An Act to amend an Act of King *George* the Fourth, for lighting with Gas the Borough of *Leicester* in the County of *Leicester*, and the Liberties, Precincts, and Suburbs thereof. 685
- liii. An Act for lighting with Gas the Town of *Leamington Priors*, and the Neighbourhood thereof, in the County of *Warwick*. *Ibid.*
- liv. An Act for the Erection of a new Church in the Parish of *Lee* in the County of *Kent*. *Ibid.*
- lv. An Act for the Erection and Endowment of a Chapelry for the District of *Lower Beeding* in the County of *Sussex*, and for other Purposes. *Ibid.*
- lvi. An Act for enabling the *Bolton* and *Preston* Railway Company to extend and alter the Line of such Railway, and to make collateral Branches thereto, and for amending and enlarging the Powers and Provisions of the Act relating thereto. *Ibid.*
- lvii. An Act for amending and enlarging the Provisions of the Act relating to the Midland Counties Railway, and for making a Branch therefrom to the Town of *Mountsorrel* in the County *Leicester*. *Ibid.*
- lviii. An Act for making a Railway from *Edinburgh* to *Glasgow*, to be called "The *Edinburgh* and *Glasgow* Railway," with a Branch to *Falkirk*. *Ibid.*
- lix. An Act to alter, amend, extend, and enlarge the Powers and Provisions of the several Acts relating to the Grand Junction Railway, and for other Purposes connected therewith. 686
- lx. An Act for altering and amending several Acts relating to the *Garnkirk* and *Glasgow* Railway; and for enabling the Company to raise a further Sum of Money. *Ibid.*
- lxi. An Act to enable the *Newtyle* and *Coupar Angus* Railway Company to raise a further Sum of Money. *Ibid.*
- lxii. An Act for extending the Time for making a Dock or Docks at *Southampton*. *Ibid.*
- lxiii. An Act to amend and enlarge the Powers and Provisions of an Act passed in the First and Second Years of the Reign of King *William* the Fourth, for erecting and maintaining a Pier and other Works for landing and embarking Passengers in the Port of the Town of *Southampton*. *Ibid.*
- lxiv. An Act for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*, and for other Purposes relating thereto. *Ibid.*
- lxv. An Act for building a Bridge over the River *Dove* at *Rocester* in the County of *Stafford*. *Ibid.*

- lxvi. An Act for building a Bridge from the Parish of *Saint Philip and Jacob* over the Floating Harbour to the Parish of *Temple* in the City and County of *Bristol*. Page 687
- lxvii. An Act to repeal, amend, and enlarge some of the Provisions of the Act relating to the Metropolitan Suspension Bridge. *Ibid.*
- lxviii. An Act for building a Bridge over the River *Tweed* between *Ladykirk* in the County of *Berwick* and *Norham* in the County of *Durham*, and for making Avenues and Approaches thereto. *Ibid.*
- lxix. An Act for amending the Provisions of Two Acts of Parliament relating to the City of *Hereford*; and for limiting the Duration of the *St. Ethelbert's* or Nine Days Fair held annually in the said City. *Ibid.*
- lxx. An Act for better paving, lighting, watching, and improving the Parish of *Ramsgate* in the County of *Kent*, and for regulating the Police thereof. *Ibid.*
- lxxi. An Act to incorporate the Subscribers to the Institution called "The Refuge for the Destitute," and for the better enabling them to carry on their charitable Designs. *Ibid.*
- lxxii. An Act to incorporate the Governors and Subscribers to *St. Luke's Hospital* for Lunatics, and for better enabling them to carry on their charitable Designs. 688
- lxxiii. An Act for more effectually repairing and maintaining the Road from *Borrowstounness*, by the West End of *Linlithgow*, and by *Torphichen*, *Bathgate*, and *Whitburn*, to the Confines of the County of *Linlithgow* at or near *Hollhouseburn*; the Road from *Borrowstounness* to the River *Avon*; and the Road leading Eastward from *Borrowstounness* to *Champany* by the Kirk of *Carriden* in the County of *Linlithgow*. *Ibid.*
- lxxiv. An Act for more effectually repairing the Road from *Dundalk* to *Dunleer* in the County of *Louth*. *Ibid.*
- lxxv. An Act for repairing and maintaining the Road from *Lutterworth Hand* on the *Walling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. *Ibid.*
- lxxvi. An Act to repeal the *Wadsley* and *Langset* Turnpike Road Act so far as relates to the *Wadsley* and *Langset* District of the said Road in the West Riding of the County of *York*, and to make new Provisions in lieu thereof; and also for extending the said District of Road to or near to *Moorfields* in the Parish of *Sheffield*; and for other Purposes. 689
- lxxvii. An Act to vary and alter the Lines of the *Kirkstall*, *Ihley*, and *Shipley* District of Road, and for making a new Road from the *Otley* Branch Road in the said District to *Burley* in the Parish of *Otley*, all in the West Riding of the County of *York*. *Ibid.*

- lxxviii. An Act for amending an Act of King *George the Third*, for draining Lands in *South Holland*, and for repairing and maintaining the Road from *Spalding High Bridge to Brother House*, in the County of *Lincoln*. Page 689
- lxxix. An Act for altering and amending an Act of the Eleventh Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of Caithness; and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof*. 690
- lxxx. An Act for granting further Powers to the *Festiniog Railway Company*. *Ibid.*
- lxxxi. An Act to amend and enlarge the Powers and Provisions of the Act relating to the *Eastern Counties Railway*. *Ibid.*
- lxxxii. An Act to alter the Line of the *Birmingham and Derby Junction Railway*. *Ibid.*
- lxxxiii. An Act for making a new Street from *Holborn Bridge* in the City of *London* towards *Clerkenwell Green*. *Ibid.*
- lxxxiv. An Act for maintaining the Pier and Harbour of *New-quay* in the County of *Cornwall*. *Ibid.*
- lxxxv. An Act to repeal an Act of the last Session of Parliament, for improving the Harbour of *Fishguard* in the County of *Pembroke*. 691
- lxxxvi. An Act to alter and amend, and in part repeal, the Powers of certain Acts for supplying the City of *Glasgow* and Suburbs with Water; to enable the Company of Proprietors of the *Glasgow Waterworks* to purchase the *Cranstonhill Waterworks*, and to raise a further Sum of Money; and to alter the Rates leviable by the said Company of Proprietors. *Ibid.*
- lxxxvii. An Act for draining and embanking certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry*. *Ibid.*
- lxxxviii. An Act for establishing a Steam Communication over *Milford Haven* at or near *Pembroke Ferry* in the County of *Pembroke*. *Ibid.*
- lxxxix. An Act to amend an Act for the Amendment of Four several Acts passed in the Fifth, Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty King *George the Third*, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruzley*, and of *Little* and *Lesness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof. *Ibid.*
- xc. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Barnsley* and other Places in the West Riding of the County of *York*. *Ibid.*
- xci. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for the Recovery of Small Debts within

- the Town of *Ashby-de-la-Zouch* and other Places in the Counties of *Leicester, Derby, Warwick, and Stafford.* Page 691
- xcii. An Act to enable "The National Loan Fund Life Assurance Society" to sue and be sued in the Name of the Chairman or Secretary or any One Director of the said Society. 692
- xciii. An Act for repairing and maintaining the Road from the *Leeds* and *Halifax* Turnpike Road at *Stanningley* to the Bridge over the *Leeds* and *Liverpool* Canal, and making and maintaining a Continuation of the same Road to *Water Lane* in *Leeds*, and other Roads communicating therewith, all in the West Riding of the County of *York.* *Ibid.*
- xciv. An Act for more effectually repairing, improving, and maintaining the *Dudley Hill* and *Killinghall* Turnpike Road, and for making a new Road therefrom to communicate with the *Leeds* and *Harrogate* Turnpike Road, all in the West Riding of the County of *York.* *Ibid.*
- xcv. An Act for dividing, allotting, and inclosing Common and Waste Lands called *Portfield* otherwise *Poorfield*, in the County of the Town of *Haverfordwest.* *Ibid.*
- xcvi. An Act for enlarging and extending the Powers and altering and amending the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for lighting with Gas the Town of Oldham and the Neighbourhood thereof within the Parish of Prestwich-cum-Oldham in the County Palatine of Lancaster, and for the better supplying the Inhabitants of the said Town and Neighbourhood with Water.* *Ibid.*
- xcvii. An Act for forming and regulating a Company to be called "The *India* Steam Ship Company," and to enable the said Company to purchase certain Letters Patent. 693
- xcviii. An Act for uniting the Medieties of the Rectory of *Liverpool* in the County Palatine of *Lancaster*, and for the better Endowment thereof, and of certain Churches in the said Town. *Ibid.*
- xcix. An Act for amending certain Acts relating to the Civil Court of Record of the Borough of *Liverpool*, and improving the Proceedings thereof. *Ibid.*
- e. An Act for improving the Site of the Royal Exchange in the City of *London*, and the Avenues adjoining thereto. *Ibid.*
- ci. An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties. *Ibid.*
- cii. An Act for forming and establishing "The Colonial Patent Sugar Company," and to enable the said Company to purchase certain Letters Patent. 705

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. AN Act for dividing, allotting, and inclosing a certain Tract of uninclosed Common or Waste Land called *Ogley Hay*, in the County of *Stafford*. Page 706
2. An Act for inclosing Lands in the Parish of *Sutton* in the *Isle of Ely* and County of *Cambridge*. *Ibid.*
3. An Act for inclosing Lands in the Parish of *Quedgley* in the County of *Gloucester*. *Ibid.*
4. An Act for authorizing the Sale of Part of the Settled Estates of *Christopher Turnor* Esquire, and for investing the Monies arising from such Sale in the Purchase of other more convenient Estates, to be settled to the same Uses. 707
5. An Act for inclosing Lands in the Parish of *Bratton Fleming* in the County of *Devon*. *Ibid.*
6. An Act for inclosing Lands in the Parish of *Swavesey* in the County of *Cambridge*. *Ibid.*
7. An Act for inclosing Lands in the Parish of *Linton* in the County of *Cambridge*. *Ibid.*
8. An Act for inclosing Lands in the Parish of *Witcham* in the *Isle of Ely* in the County of *Cambridge*. *Ibid.*
9. An Act for inclosing Lands in the Parishes of *Wickwar*, *Cromhall*, and *Tortworth* in the County of *Gloucester*. *Ibid.*
10. An Act for inclosing Lands in the Parish of *Chesterton* in the County of *Cambridge*. 708
11. An Act for inclosing Lands in the Parish of *Higham Ferrers* in the County of *Northampton*. *Ibid.*
12. An Act for inclosing Lands in the Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet* in the County of *Essex*. *Ibid.*
13. An Act for inclosing Lands in the Manors of *Bishop's Castle* and *Munslow* in the County of *Salop*. *Ibid.*
14. An Act for authorizing the Investment of a Fund under the Will and Codicil of the Most Noble *Charles* late Duke of *Norfolk* in the Purchase of Estates in any Part of *England*. *Ibid.*
15. An Act for the Sale of the Advowson of the Vicarage of *Painswick* in the County of *Gloucester*. *Ibid.*
16. An Act for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Lands, Commons, and Commonable Places in the Parish of *Fen Drayton* in the County of *Cambridge*. 709
17. An

17. An Act for inclosing Lands in the Township of *Curbridge* in the Parish of *Witney* in the County of *Oxford*. Page 709
18. An Act for inclosing Lands in the Parish of *Gazeley* in the County of *Suffolk*. *Ibid.*
19. An Act for inclosing Lands in the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* in the County of *Norfolk*. *Ibid.*
20. An Act for inclosing Lands in the Manor of *Great Warley* in the several Parishes of *Great Warley* and *Shenfield* in the County of *Essex*. 710
21. An Act for authorizing the granting of Leases of Part of the Estates in the County of *Carnarvon* devised by the Will of the late *Richard Parry* Esquire. *Ibid.*
22. An Act to explain and extend the Powers of the Trustees of *Lady Glenorchy's* Chapel and School in *Edinburgh*. *Ibid.*
23. An Act for authorizing the Sale, Exchange, and Partition of the Real Estate devised by the Will of *Richard Henry Alexander Bennet* Esquire, deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for authorizing the Investment in Land of the residuary Personal Estate bequeathed by the same Will; and for other Purposes. *Ibid.*
24. An Act for giving Effect to certain Powers of Appointment over Settled Estates of the Duke of *Norfolk*, so that by the Exercise of such Powers the Estates to be appointed may be discharged from the Countess of *Surrey's* Pin Money; and for discharging certain Parts of the said Settled Estates from the Portions of the Daughters and younger Sons of the Earl and Countess of *Surrey*. *Ibid.*
25. An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester* to establish a Second School, to be called "The Modern Free School in *Macclesfield* in the County of *Chester*;" and for other Purposes. *Ibid.*
26. An Act for renewing, granting, and confirming certain joint Powers of Appointment to the Honourable *John Simpson* and *Henry Bridgeman Simpson* his eldest Son, and certain sole Powers of Appointment, and of Revocation and new Appointment, to the said *Henry Bridgeman Simpson*; and for establishing and confirming certain Indentures of Settlement made on the Marriage of the said *Henry Bridgeman Simpson* respectively affecting the Estates of the said *John Simpson* and *Henry Bridgeman Simpson* in the several Counties of *Nottingham*, *Derby*, *York*, and *Warwick*. *Ibid.*
27. An Act for effecting an Exchange of Lands in the County of *Glamorgan* between *Morgan Popkin Traherne* Esquire and the Right Honourable Sir *John Nicholl* Knight. 711
28. An Act for authorizing the Sale of Part of the Estates devised by the Will of *Samuel Smith* Esquire, deceased, and for invest-
ing

- ing the Proceeds of such Sale in the Purchase of other Estates, to be settled upon the same Trusts. Page 711
29. An Act to confirm a Division already made and to enable a further Division of the residuary Personal Estate of *William Gray* deceased, and to determine the Right of Survivorship and Contingency affecting the same. *Ibid.*
30. An Act for effecting an Exchange between the Warden and Fellows of the College of *All Souls, Oxford*, and *Thomas Penrice* Esquire. *Ibid.*
31. An Act to authorize the making of Conveyances in Fee or Demises for long Terms of Years of Estates devised by or settled to the Uses of the Will of *Thomas Peter Legh* Esquire, deceased, for building on or otherwise improving the same, under yearly Rents to be reserved in the same Conveyances and Demises, and to sell certain Parts of the said Estates, and to purchase other Estates in lieu thereof, under the Control of the Court of Chancery; and for other Purposes connected with the same Estates. *Ibid.*
32. An Act for enabling the Trustees of certain Lands situate in the Parish of *Paddington* in the County of *Middlesex* to grant Building Leases of the said Lands, and for other Purposes. *Ibid.*
33. An Act for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury* in the County of *Suffolk* to release and discharge from Shackage and Commonage certain Lands within the said Borough, and for other Purposes relating to other Lands belonging to the said Borough. *Ibid.*
34. An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable *William Henry* Earl of *Rochford* deceased, and for the Application of the Produce thereof, and for authorizing the granting of Leases of the same Estate; and for other Purposes. *Ibid.*
35. An Act for enabling the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of the Parishioners of the Parish of *Saint Saviour* in *Southwark* in the County of *Surrey* to sell the old School and Schoolhouse and the Site thereof; and also for enabling the Right Reverend *Charles Richard* Lord Bishop of *Winchester* and his Lessees to grant to the said Governors another Site for the Purpose of a more convenient School and Schoolhouse and proper Offices being erected thereon. 712

PRIVATE ACTS,

NOT PRINTED.

36. An Act for naturalizing *James Patry*.
 37. An Act for naturalizing *Peter Joseph Meugens*.
 38. An Act for naturalizing *Alexander Constantine Ionides*.
 39. An Act for naturalizing *Frederick Schoann*.
 40. An Act for naturalizing *Henry Joseph Edward Saffran*.
 41. An Act for naturalizing *Frederic Joly*.
 42. An Act for naturalizing *Benedetto Albano*.
 43. An Act for naturalizing *George Lewis Augustus Behrens*.
 44. An Act for naturalizing *Sophia Nelthorpe Le Jeune*.
 45. An Act for naturalizing *Sarah Nelthorpe Newman*.
 46. An Act for naturalizing *Mark Ludwig Beurle*.
 47. An Act for naturalizing *John Nicholas Sibeth*.
 48. An Act for naturalizing *Gustavus Theodore Anthony Count Batthyany*.
 49. An Act for naturalizing *Frederick Rudolph Grohte*.
 50. An Act to dissolve the Marriage of Lieutenant Colonel *Lethbridge* with *Sarah Anne* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
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THE
STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginae,
Primo.

‘ **A**T the Parliament begun and holden at *Westminster*, the
‘ Fifteenth Day of *November*, *Anno Domini* 1837, in
‘ the First Year of the Reign of our Sovereign Lady
‘ VICTORIA, by the Grace of God, Queen of the United Kingdom
‘ of *Great Britain and Ireland*, Defender of the Faith: Being the
‘ First Session of the Thirteenth Parliament of the United King-
‘ dom of *Great Britain and Ireland*.’

C A P. I.

An Act to continue for Six Calendar Months all such Com-
missions of the Peace as were in force at the Time of the
Decease of His late Majesty King *William* the Fourth, and
as have not been superseded, determined, or made void
during the Reign of Her present Majesty.

[4th *December* 1837.]

‘ **W**HEREAS by the Law as it now stands it is enacted and
‘ provided no Patent or Grant of any Office or Employ-
‘ ment, either Civil or Military, shall cease, determine, or be void
‘ by reason of the Death or Demise of any King or Queen of this
‘ Realm, but that every such Patent or Grant shall be, continue,
‘ and remain in full force and virtue for the Space of Six Months
‘ next after any such Death or Demise, unless in the meantime
‘ superseded, determined, or made void by the next and immediate
‘ Successor to whom the Imperial Crown of this Realm is limited
‘ and appointed to go, remain, and descend: And whereas divers
‘ Commissions of the Peace which were in force at the Time of
‘ the Decease of our late most gracious Sovereign King *William*
‘ the Fourth, in the United Kingdom of *Great Britain and Ire-*
‘ *land*, and in the *Isle of Man*, have not been superseded, deter-
‘ mined, or made void by Her present Majesty *Queen Victoria*,
‘ and it is expedient that such Commissions of the Peace should
‘ be continued in force for the Time and in manner herein-after
‘ mentioned;’ be it therefore enacted by the Queen’s most Excel-

Commissions of the Peace in force at the Death of His late Majesty, and not since made void, continued for Six Calendar Months.

lent 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 all Commissions of the Peace which at the Time of the Death or Demise of His late Majesty King *William* the Fourth were in force and effect, and which have not been or shall not be superseded, determined, or made void by Her present Majesty at any Time before the passing of this Act, shall be and continue and remain in full force and virtue for the Space of Six Calendar Months next after the passing of this Act, unless the same shall be respectively in the meantime superseded, determined, or made void by Her present Majesty (whom God long preserve), or by any Successor of Her said Majesty to whom the Imperial Crown of this Realm is by Law limited or appointed to go, remain, or descend.

C A P. II.

An Act for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of *Great Britain* and *Ireland*.

[23d December 1837.]

‘ Most Gracious Sovereign,

- ‘ **W**HEREAS an Act was passed in the Parliament of *Great Britain* in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Support of His Majesty's Household, and of the Honour and Dignity of the Crown of Great Britain*; and another Act was passed in the Twenty-second Year of the Reign of His said late Majesty, intituled *An Act for enabling His Majesty to discharge the Debt contracted upon the Civil List Revenues, and for preventing the same from being in arrear for the future, by regulating the Mode of Payments out of the said Revenues, and by suppressing or regulating certain Offices therein mentioned, which are now paid out of the Revenues of the Civil List*; and another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act to authorize the Lord Steward of the Household, the Lord Chamberlain, the Master of the Horse, the Master of the Robes, and the Lords of the Treasury respectively, to pay Bounties granted by His Majesty to Persons in low and indigent Circumstances*; and another Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty for the Purpose (among other things) of repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, and for applying the said Duties, together with other Duties composing the Public Revenue; and another Act was passed in the Parliament of *Ireland*, in the Thirty-third Year of the Reign of His said late Majesty, intituled *An Act for the Support of the Honour and Dignity of His Majesty's Crown in Ireland, and for granting to His Majesty a Civil List Establishment, under certain Provisions and Regulations*; and another Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act for the better Regulation of the Civil List*; and another Act was passed in the Fifty-ninth Year of the Reign of

' His said late Majesty, intituled *An Act for the further Regulation* 59 G. 3. c. 22.
 ' *of His Majesty's Household, and the Care of His Royal Person*
 ' *during the Continuance of His Indisposition*; and another Act
 ' was passed in the First Year of the Reign of His late Majesty
 ' King *George the Fourth*, intituled *An Act for the Support of His* 1 G. 4. c. 1.
 ' *Majesty's Household, and of the Honour and Dignity of the Crown*
 ' *of the United Kingdom of Great Britain and Ireland*; and another
 ' Act was passed in the First and Second Years of the Reign of His
 ' said late Majesty King *George the Fourth*, intituled *An Act for* 1 & 2 G. 4. c. 31.
 ' *removing Doubts as to the Continuance of the Hereditary Revenues*
 ' *in Scotland*; and another Act was passed in the First Year of the
 ' Reign of His late Majesty King *William the Fourth*, intituled *An* 11 G. 4. &
 ' *Act to repeal certain of the Duties on Cider in the United Kingdom,* 1 W. 4. c. 51.
 ' *and on Beer and Ale in Great Britain, and to make other Provi-*
 ' *sions in relation thereto*; and another Act was passed in the First
 ' Year of the Reign of His said late Majesty King *William the*
 ' *Fourth*, intituled *An Act for the Support of His Majesty's House-* 1 W. 4. c. 25.
 ' *hold, and of the Honour and Dignity of the Crown of the United*
 ' *Kingdom of Great Britain and Ireland*: And whereas by the said
 ' last-recited Act of the First Year of the Reign of His said late
 ' Majesty King *William the Fourth* it was enacted, that all the
 ' Hereditary Rates, Duties, Payments, and Revenues in *England,*
 ' *Scotland, and Ireland*, and other Hereditary Rates, Duties, and
 ' Payments as in the said Act mentioned, should be carried to and
 ' made Part of the Consolidated Fund of the United Kingdom of
 ' *Great Britain and Ireland*, and from and after the Decease of
 ' His said Majesty King *William the Fourth* the same should be
 ' payable and paid to His Majesty's Heirs and Successors: And
 ' whereas the said several Hereditary Rates, Duties, Payments, and
 ' Revenues now belong and are due and payable to Your most
 ' Excellent Majesty: And whereas Your Majesty has been gra-
 ' ciously pleased to signify to Your faithful Commons in Parliament
 ' assembled, that Your Majesty placed unreservedly at their Disposal
 ' those Hereditary Revenues which were transferred to the Public
 ' by Your Majesty's immediate Predecessors, and that, desirous the
 ' Expenditure in this as in every other Department of the Govern-
 ' ment should be kept within due Limits, Your Majesty felt confi-
 ' dent that Your faithful Commons would gladly make adequate
 ' Provision for the Support of the Honour and Dignity of the
 ' Crown: Your Majesty's most dutiful and loyal Subjects, the
 ' Commons of the United Kingdom of *Great Britain and Ireland*
 ' in Parliament assembled, with Hearts full of the warmest Duty
 ' and Gratitude, are desirous that a certain and competent Revenue
 ' for defraying the Expences of Your Majesty's Household, and
 ' supporting the Honour and Dignity of the Crown of the United
 ' Kingdom, during Your Majesty's Life (which God long preserve),
 ' may be settled upon Your Majesty, as a Testimony of our unfeigned
 ' Affection to Your sacred Person, by whose happy Succession to
 ' the Throne Your Majesty's Subjects have the strongest Assurance
 ' that the Religion, Laws, and Liberties of this Realm will be
 ' continued, and that Your Majesty's said Subjects and their
 ' Posterity may, through the Divine Goodness, enjoy every Blessing
 ' under Your Majesty's auspicious Reign, have therefore freely
 ' resolved to grant unto You, our most Gracious Sovereign Lady

Powers of Acts
as to Hereditary
Revenues to
remain in force.

‘ Queen *Victoria*, a certain Revenue payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and that the Produce of the said Hereditary Revenues now payable to Your Majesty should be carried to and form Part of the said Consolidated Fund:’ And we do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’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 all Powers, Authorities, Provisions, Regulations, and Clauses contained in the said recited Acts, or any or either of them, or in any other Act or Acts of the Parliaments of *Great Britain* or of *Ireland*, or of the United Kingdom of *Great Britain* and *Ireland*, in force at the Time of the Decease of His late Majesty King *William* the Fourth, or at the Time of the passing of this Act, as to the said Hereditary Rates, Duties, Payments, and Revenues in any and every Part of the United Kingdom of *Great Britain* and *Ireland*, and the levying and collecting the Payment or keeping separate Accounts thereof, or computing the Amount of any such Rates, Duties, Payments, or Revenues respectively, shall be and the same are hereby declared and enacted to be in full Force and Effect, and shall be used and applied to all the Hereditary Rates, Duties, Payments, and Revenues by this Act carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and for the levying, collecting, paying, or keeping separate Accounts of or computing the Amount of all or any such Rates, Duties, Payments, and Revenues, as fully and effectually to all Intents and Purposes as if the said Powers, Authorities, Provisions, Regulations, and Clauses were severally and separately re-enacted in the Body of and made Part of this Act.

Hereditary Re-
venues carried
to the Consoli-
dated Fund
during the Life
of Her Majesty.

II. And be it enacted, That the Produce of all the Hereditary Rates, Duties, Payments, and Revenues in *England*, *Scotland*, and *Ireland* respectively, and also the small Branches of the Hereditary Revenue, and the Produce of the Hereditary casual Revenues arising from any Droits of Admiralty or Droits of the Crown, or from the Duties called the Four-and-a-Half *per Centum* Duties or *West India* Duties, and from the surplus Revenues of *Gibraltar*, or any other Possession of Her Majesty out of the United Kingdom, and from all other casual Revenues arising either in the Foreign Possessions of Her Majesty, or in the United Kingdom, which were surrendered by His said late Majesty King *William* the Fourth for his Life, and which upon the Demise of His said late Majesty became payable to Her present Majesty, which have accrued since the Decease of His said late Majesty, or which shall accrue during the Life of Her present Majesty (whom God long preserve), and which shall not have been applied and distributed in the Payment of any Charge thereupon respectively, (save and except the Hereditary Duties of Excise on Beer, Ale, and Cider in *Great Britain*.) shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and from and after the Decease of Her present Majesty (whom God long preserve) all the said Hereditary Revenues shall be payable and paid to Her Majesty’s Heirs and Successors.

After Her
Demise the
Hereditary Re-
venues to be
payable to Her
Successors.

III. And

III. And be it enacted, That for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown, and for the Payment of the Charges on the First, Second, Third, Fourth, and Sixth Classes in the Schedule to this Act annexed, there shall be granted to Her Majesty during Her Life a net yearly Revenue of Three hundred and eighty-five thousand Pounds; and that the said Revenue shall be charged on and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and shall commence from and immediately after the Decease of His said late Majesty King *William* the Fourth, and be paid to Her present Majesty during Her Life (which God long preserve), with preference to all other Payments which have heretofore been or which shall or may hereafter be charged upon the same, to be paid quarterly; (that is to say,) on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year, by even and equal Portions; the first Charge for the same to be made on the Consolidated Fund on the Quarter Day next immediately after the passing of this Act, and to include the Proportion of the said Revenue which has accrued and become due to Her Majesty in the Period between the Day of the Death of His late Majesty and the said Quarter Day; but it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, after the passing of this Act, and previously to the making up of the Consolidated Fund for the Quarter then next ensuing, to direct and cause to be issued and paid at the Receipt of Her Majesty's Exchequer, out of the growing Produce of the said Consolidated Fund, such Issues and Payments for Arrears or Charges of the Civil List granted by this Act as may have become due and payable since the Day of the Death of His late Majesty, in part of the Amount to be charged for the same on the Account of the Consolidated Fund for the ensuing Quarter; and the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, shall and they are hereby authorized on and during every succeeding Quarter to cause the said yearly Revenue to be issued and applied from Time to Time, daily, weekly, or otherwise, as soon as the same can be satisfied, for the Uses and Purposes by this Act appointed, out of the Monies arisen or to arise as aforesaid, so as by the said daily, weekly, or other Payments One Fourth Part of such yearly Revenue or Sum of Money be not exceeded in, for, or in respect of each Quarter, and so that upon every of the said Quarterly Days the whole Amount then due thereupon be computed, made up, or satisfied according to the true Intent and Meaning of this Act.

IV. And whereas the Sum of Two hundred thousand Pounds was granted in the last Session of Parliament to enable Her Majesty to satisfy such Charges, Pensions, and Annuities as would have been payable out of the Civil List, in case the Demise of His said late Majesty had not taken place before the Thirty-first Day of *December* One thousand eight hundred and thirty-seven: And whereas the Hereditary Revenues of Her Majesty

The clear yearly Sum of 385,000*l.* to be paid out of the Consolidated Fund for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown.

So much of the Sum of 200,000*l.* granted to make Civil List Payments as shall have been so applied shall be repaid out of

the Money granted for the Civil List by this Act.

‘ arisen and paid into the Exchequer since the Time of His late Majesty’s Decease have, in pursuance of the said recited Acts of the Twenty-seventh Year of the Reign of His late Majesty King George the Third, and the First Year of the Reign of His late Majesty King George the Fourth, and the First Year of the Reign of His late Majesty King William the Fourth, been set apart at the Exchequer for the Use of Her Majesty;’ be it therefore enacted, That out of the first Monies which shall be issued and paid out of the Consolidated Fund in respect of the Civil List Revenue granted to Her Majesty by this Act there shall be repaid to or retained in the Exchequer, towards completing the Aids granted by Parliament for the Service of the Year One thousand eight hundred and thirty-seven, a Sum equal to so much of the said Sum of Two hundred thousand Pounds as shall have been or shall be advanced and applied in satisfying any Payments for which Provision shall be made in the Civil List under this Act, and which after the passing of this Act become properly charged or chargeable upon the Civil List Revenues; and there shall be repaid to the Consolidated Fund a Sum equal to so much of the Amount of the said Hereditary Revenues so set apart at the Exchequer as aforesaid as has been or may be issued or applied out of those Revenues for satisfying the said Charges as aforesaid; and the Remainder of the said Hereditary Revenues which may not have been issued or paid in satisfaction of any such Charges or of any other Charges thereon shall be carried to the said Consolidated Fund immediately after the passing of this Act.

1,200*l.* a Year to be issued to defray the Charge of Pensions.

V. ‘ And whereas it is expedient to make Provision, at the Rate of One thousand two hundred Pounds a Year for each and every succeeding Year of Her Majesty’s Reign, to defray the Charge of such Pensions as may be granted by Her Majesty chargeable on Her Majesty’s Civil List Revenues;’ be it therefore enacted, That it shall be lawful for the Lord High Treasurer, or for the Commissioners of Her Majesty’s Treasury for the Time being, to charge upon and issue quarterly out of the said Consolidated Fund, as an Addition to the Sum hereby granted for Her Majesty’s Civil List, such Sums as shall be required to defray the Charge of such Pensions as may be granted as aforesaid, at the Rate of One thousand two hundred Pounds a Year for the First Year of Her Majesty’s Reign, and at the like additional yearly Rate for the Second and every succeeding Year of Her said Reign.

Restriction on Grants of Pension.

VI. ‘ And whereas it was resolved by the Commons House of Parliament, on the Eighteenth Day of *February* One thousand eight hundred and thirty-four, “ That it is the bounden Duty of the responsible Advisers of the Crown to recommend to His Majesty for Grants of Pensions on the Civil List such Persons only as have just Claims on the Royal Beneficence, or who by their personal Services to the Crown, by the Performance of Duties to the Public, or by their useful Discoveries in Science and Attainments in Literature and the Arts, have merited the gracious Consideration of their Sovereign and the Gratitude of their Country”: And whereas it is expedient that Provision should be made by Law for carrying into full Effect the said Resolution, and for giving an Assurance to Parliament that the

‘ responsible

‘ responsible Advisers of the Crown have acted in conformity
 ‘ therewith;’ be it therefore enacted, That the Pensions which
 may hereafter be charged upon the Civil List Revenues shall be
 granted to such Persons only as have just Claims on the Royal
 Beneficence, [or who by their personal Services to the Crown, by
 the Performance of Duties to the Public, or by their useful Dis-
 coveries in Science and Attainments in Literature and the Arts,
 have merited the gracious Consideration of their Sovereign and
 the Gratitude of their Country; and that a List of all such Pen-
 sions granted in each Year ending the Twentieth Day of *June*
 shall be laid before Parliament within Thirty Days after the said
 Twentieth Day of *June* in each Year, if Parliament shall be then
 sitting, but if Parliament shall not be then sitting, then within
 Thirty Days after the next Meeting of Parliament.

List of Pensions
 to be laid before
 Parliament
 yearly.

VII. ‘ And whereas by the said recited Act of the First Year
 ‘ of the Reign of His late Majesty King *William* the Fourth, for
 ‘ repealing the Duties on Beer, Ale, and Cider, it was provided
 ‘ that the Hereditary Duties of Excise on Beer, Ale, and Cider in
 ‘ *Great Britain*, the Collection and Payment whereof were, under
 ‘ the Provisions of the said Act, suspended during the Life of His
 ‘ said late Majesty, should on the Demise of His said Majesty
 ‘ revive and be again payable, collected, and paid: And whereas,
 ‘ in pursuance of such Provision, the Commissioners of Excise
 ‘ have, since the Demise of His said late Majesty, caused the said
 ‘ Hereditary Duties to be charged on all Beer, Ale, and Cider
 ‘ brewed or made in *Great Britain*, but the Amount thereof has
 ‘ not yet been collected: And whereas the whole of the Duties
 ‘ on Beer, Ale, and Cider having been repealed by the said
 ‘ recited Act, save and except the said Hereditary Duties, it is
 ‘ expedient to make Provision that the said Hereditary Duties
 ‘ also shall not be collected or paid during the Continuance of
 ‘ this Act, and that the Sums already charged in respect thereof
 ‘ should be remitted;’ be it therefore enacted, That during the
 Continuance of this Act the said Hereditary Duties on Ale, Beer,
 and Cider shall not be charged, collected, or paid, or be charge-
 able or payable; and it shall be lawful for the Commissioners of
 Excise, and they are hereby authorized and required, to remit
 and discharge the Amount of the said Duties in the several Cases
 in which they have been charged but not collected as aforesaid:
 Provided always, that if the Heir or Successor of Her Majesty
 (whom God long preserve) shall signify His or Her Royal Will
 and Pleasure, in manner herein-after provided, to resume the
 Possession of the several Hereditary Revenues of the Crown, the
 said Hereditary Duties on Ale, Beer, and Cider shall from thence-
 forth revive and be again charged, collected, and paid for the
 Use of such Heir or Successor, and His or Her Heirs and Suc-
 cessors, in the Manner provided by the said recited Act.

As to Heredi-
 tary Duties on
 Beer, Ale, and
 Cider.

VIII. ‘ And whereas by the said recited Act of the Twenty-
 ‘ second Year of the Reign of His late Majesty King *George* the
 ‘ Third it was enacted that the Commissioners of the Treasury
 ‘ should draw out a Plan for the Establishments and Payments
 ‘ of the Civil List Revenues in Classes according to the Order
 ‘ mentioned in the said Act, and that all Sums of Money which
 ‘ should become due and payable out of the said Civil List

Mode of appro-
 priating the
 Monies issued.

‘ Revenues for any of the Purposes mentioned in the said Act
 ‘ should be paid in the Order and according to the Plan therein
 ‘ mentioned; and it is expedient to alter the said Classes so as to
 ‘ confine the same to the Expences of Her Majesty’s Household,
 ‘ and the Honour and Dignity of the Crown, and to specify the
 ‘ Amount to be appropriated to each Class; and for this Purpose
 ‘ an Estimate has been laid before Parliament of the future
 ‘ Amount of Charges on the several Classes so altered, which
 ‘ Amount for each Class respectively is specified in the Schedule
 ‘ to this Act;’ be it therefore enacted, That it shall be lawful
 for the Lord High Treasurer, or the Commissioners of the Treasury
 for the Time being, or any Three or more of them, and they are
 hereby required at the Commencement of every Quarter, or
 within Thirty Days from the Commencement of each Quarter, by
 Warrant under their Hands, to direct what Sums shall respec-
 tively be set apart and appropriated in the Receipt of Her Majesty’s
 Exchequer, out of the quarterly Revenues of the Civil List, for
 the Purpose of defraying the several Charges upon the respective
 Classes thereof, but so as that the Sum to be appropriated to
 any One Class do not exceed One Fourth Part of the estimated
 annual Amount of that Class as specified in the Schedule to this
 Act, together with any Saving which may have accrued upon the
 said Class in the preceding Quarter; and the several and respec-
 tive Sums in the said Warrant directed to be set apart and appro-
 priated shall be so set apart by the Comptroller General of Her
 Majesty’s Exchequer, and be appropriated to the respective Classes
 accordingly; and each and every Sum so set apart and appro-
 priated shall in the first place be applied in Payment of all the
 unsatisfied Charges of every Description of the Class in respect
 of which such Appropriation shall have been made in preference
 to any other Charges whatever upon Her Majesty’s Civil List
 Revenues; and no Part thereof shall, on any Account whatever,
 be applied until after the Termination of each Year ending on
 the Thirty-first Day of *December*, for any other Purpose, or in aid
 of any other of the Classes of the Civil List, or of any other of
 the Charges thereon, any thing contained in the said recited Act
 of the Twenty-second Year of the Reign of His late Majesty King
George the Third, or any other Act, to the contrary notwith-
 standing.

Treasury may
 direct Savings
 in any Class to
 be applied at
 the End of the
 Year in aid of
 other Classes.

IX. Provided always, and be it enacted, That if any Saving
 or Surplus shall arise in any Quarter in respect of any Money
 appropriated for defraying the Charges of any particular Class,
 so as that the Sum appropriated thereto shall be more than suffi-
 cient for the full and complete Payment of the Charges thereon,
 such quarterly Saving or Surplus shall in every such Case be
 carried forward in the Exchequer to the Account and Credit and
 be applied for the Purposes of the Class in which it shall have
 arisen, until the Thirty-first Day of *December* in every Year; and
 whenever any such Saving or Surplus remaining at the End of
 the Year shall have arisen in any of the Classes of the Civil List,
 then it shall be lawful for the Lord High Treasurer, or Commis-
 sioners of the Treasury for the Time being, or any Three or
 more of them, to direct the same to be applied in aid of the
 Charges or Expences of any other Class (except the Fifth Class),

or of any Charge or Charges upon Her Majesty's Civil List Revenues, in such Manner as may, under the Circumstances, appear to be most expedient: Provided always, that the Charge upon the Fifth Class shall in no Case exceed the Sum by this Act limited for that Class.

X. And be it enacted, That whenever the total Charge upon the Civil List from the Thirty-first Day of *December* in any One Year to the Thirty-first Day of *December* in the succeeding Year, on account of the First, Second, Third, Fourth, and Sixth Classes, shall amount to more than the Sum of Four hundred thousand Pounds, an Account, stating the Particulars of such Exceedings, and the Cause thereof, shall be submitted to Parliament within Thirty Days after the same shall have been ascertained, if Parliament shall be then sitting, but if Parliament shall not be then sitting, then the said Account shall be presented within Thirty Days after the next Meeting of Parliament.

In case of Exceedings, Particulars to be laid before Parliament.

XI. 'And whereas Doubts may be entertained whether the Provisions of the Acts relating to the Civil List Revenues have expired with the Civil List Revenue of His late Majesty King *William* the Fourth, by the Decease of His late Majesty;' be it therefore enacted and declared, That all the Provisions, Regulations, Restrictions, Clauses, Matters, and Things contained in the said recited Acts, or any or either of them, which were applicable and in force as to the Civil List Revenues at the Time of the Decease of His said late Majesty, shall, so far as the same are not altered, varied, or repealed by this Act, be, and remain and continue, and are hereby declared to be in full Force and Effect as to the Civil List Revenue granted by this Act, and shall be used and applied so far as the same are applicable, in relation to the issuing, paying, receiving, Distribution, Care, Management, Regulation, and accounting for the Civil List Revenue granted by this Act, as fully and effectually to all Intents and Purposes as if the same were severally, separately, and respectively repeated and re-enacted in the Body of this Act and made Part thereof.

Provisions of all former Civil List Acts to remain in force for the Purposes of this Act, except as hereby altered.

XII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in anywise to impair, affect, or prejudice any Rights or Powers of Control, Management, or Direction which have been or may be exercised by Authority of the Crown or other lawful Warrant relative to any Leases, Grants, or Assurances of any of the said small Branches of Her Majesty's Hereditary Revenues, or to any Suits or Proceedings for Recovery of the same, or to Compositions made or to be made on account of any of the small Branches, or to any Remission, Mitigation, or Pardon of any Penalties or Forfeitures incurred or to be incurred, or to Fines taken or to be taken, or to Rents, Boons, and Services reserved or to be reserved upon such Grants, Leases, and Assurances, or to the Mitigation or Remission of the same, or to any other lawful Act, Matter, or Thing which has been or may be done touching the said Branches, or to the granting of any Droits of Admiralty or any Droits of the Crown, or any Part or Proportion of any such Droits respectively, as a Reward or Remuneration to any Officer or Officers or other Person or Persons seizing or taking the same, or giving any Information

This Act not to affect certain Powers relating to the small Branches of Hereditary Revenue.

mation relating thereto, or to the granting, disposing of, or leasing any Freehold or Copyhold Property, or the Produce or any Part of the Produce or Amount or Value of any Freehold or Copyhold, to which Her Majesty or any of Her Royal Predecessors have or hath or shall become entitled, either by Escheat for Want of Heirs, or by reason of any Forfeiture, or by reason that the same have been or shall be purchased by or for the Use of or in Trust for any Alien or Aliens in the Manner authorized by any Act touching or concerning the granting, disposing, or leasing of the same, or to the granting or distributing of any Personal Property devolved to the Crown by reason of the Want of next of Kin or personal Representative of any deceased Person; but that the same Rights and Powers shall continue to be used, exercised, and enjoyed in as full, free, ample, and effectual a Manner to all Intents and Purposes as if this Act had not been passed, and as the same have been or might have been enjoyed by His late Majesty King *William* the Fourth at the Time of His Decease, subject nevertheless to all such Restrictions and Regulations as were in force, by virtue of any Act in relation thereto, at the Time of the Decease of His said late Majesty, it being the true Intent and Meaning of this Act that the said Rights and Powers shall not in any Degree be abridged, restrained, affected, or prejudiced in any Manner whatsoever, but only that the Monies accruing to the Crown, after the full and free Exercise and Enjoyment of the said Rights and Powers, subject as aforesaid, shall during Her Majesty's Life be carried to and made Part of the Consolidated Fund of the United Kingdom.

Saving of
Rights in Scot-
land.

XIII. Saving always to all and every Person and Persons; Bodies Politic and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns, all such Grants, Gifts of Mortification, Rights, Titles, Estates, Customs, Interests, Claims, and Demands whatsoever of, in, to, or out of the Revenues, Hereditaments, and others belonging to His late Majesty King *William* the Fourth in *Scotland*, as they or any of them had or ought to have had at the passing of this Act, as fully and effectually to all Intents and Purposes as if this Act had never been passed; any thing herein contained to the contrary notwithstanding.

Payments of
Civil List to be
free from Land
Tax, &c.

XIV. And be it enacted, That all Payments out of the Civil List Revenue shall be paid net and clear of all Taxes or Charges for or in respect of any Land Tax, or of the Duties of One Shilling and Sixpence respectively, and clear of all Fees and other Deductions heretofore charged upon and deducted from such Payments.

Sum of 10,000*l.*
for Home
Secret Service.

XV. And be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of the Treasury for the Time being, or any Three or more of them, to direct the Issue out of the said Consolidated Fund, to such Person or Persons as shall be named in any Warrant or Warrants under their Hands to receive the same, the Sum of Ten thousand Pounds in each and every Year, to be applied to the same Purposes and under the same Authority as the Sum of Ten thousand Pounds *per Annum* formerly charged upon the Fourth Class of the Civil List for Home Secret Service has heretofore been applied: Provided always, that the said Sum shall only be issued in equal quarterly Payments in each Quarter of a Year.

XVI. ' And

XVI. ' And whereas it is expedient to make further Provision for carrying into effect an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Receipt and Appropriation of certain Sums voluntarily contributed by the Most Noble John Jeffreys Marquis Camden in aid of the Public Service;* be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, to direct the Payment to the said Marquis *Camden*, out of the Consolidated Fund, of such Amount or Sum of Money, quarterly and every Quarter, as shall be equal to the Amount of Fees due to the said Marquis *Camden* on the quarterly Issues which shall be made under the Authority of this Act.

Providing for Issue to Marquis Camden under 59 G. 3. c. 43.

XVII. And be it enacted, That this Act shall continue in force for Six Months after the Death of Her most Excellent Majesty (whom God long preserve), unless the Heir or Successor of Her said Majesty shall sooner signify to both Houses of Parliament His or Her Royal Will and Pleasure to resume the Possession of the several Hereditary Rates, Duties, Payments, and Revenues hereby surrendered by Her Majesty.

Continuance of Act.

XVIII. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

SCHEDULE to which this Act refers.

FIRST CLASS: - - For Her Majesty's Privy Purse	£	60,000
SECOND CLASS: - - Salaries of Her Majesty's Household and Retired Allowances	}	191,260
THIRD CLASS: - - Expences of Her Majesty's Household		
FOURTH CLASS: - - Royal Bounty, Alms, and Special Services	}	172,500
FIFTH CLASS: - - Pensions to the Extent of £1,200 per Annum.		
SIXTH CLASS: - - Unappropriated Monies	-	8,040
	£	385,000

C A P. III.

An Act to carry into further Execution the Provisions of an Act for completing the full Payment of Compensation to Owners of Slaves upon the Abolition of Slavery.

[23d December 1837.]

' WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to carry into further Execution an Act for compensating Owners of Slaves upon the Abolition of Slavery, and for completing the full Payment of such Compensation*, it was enacted, that for making Provision for the Payment of Compensation

6 & 7 W. 4. c. 82.

' awarded

' awarded in the Colonies of the *Cape of Good Hope*, the *Mauritius*,
 ' and the *Virgin Islands*, or any Portion thereof, either in Money
 ' or in Three Pounds Ten Shillings Reduced Annuities, there
 ' should be written in and placed to the Credit of the Commissioners
 ' for the Reduction of the National Debt in the Books of the Bank
 ' of *England*, by the Accountant General of the Governor and
 ' Company of the said Bank, in a new and separate Account,
 ' under the Title of "The Slave Compensation Account," the
 ' Sum of Three millions four hundred and thirty-seven thousand
 ' two hundred and seventy Pounds Eleven Shillings and Ten-pence
 ' of Capital of Reduced Annuities, bearing Interest after the Rate
 ' of Three Pounds Ten Shillings *per Centum per Annum*; and it
 ' was further enacted, that upon Application for the Payment of
 ' any Sum which should thereafter be awarded to any Person or
 ' Persons, Owners of Slaves in the said Colonies of the *Cape of*
 ' *Good Hope*, or the *Mauritius*, or the *Virgin Islands*, for Com-
 ' pensation, the Commissioners for the Reduction of the National
 ' Debt should, at the Option and under the Direction of any Three
 ' or more of the Lords Commissioners of the Treasury, pay the
 ' same in Money out of the "*West India Compensation Account*,"
 ' or transfer or cause to be transferred from the said Account,
 ' intituled "*The Slave Compensation Account*," to the Person
 ' entitled to such Slave Compensation, in satisfaction thereof, a
 ' proportionate Amount of the said Reduced Three Pounds Ten
 ' Shillings *per Centum per Annum* Annuities, to be ascertained in
 ' the Manner therein provided; and it was also enacted, that the
 ' Amount of any Claims for Slave Compensation in the Colonies
 ' of the *Cape of Good Hope* and the *Mauritius*, and also in other
 ' Colonies which might become the Subject of counter Claim or
 ' Litigation before the Commissioners of Arbitration, or in the
 ' Courts of the said Colonies, or in any Court of Appeal, might
 ' be transferred in the said Reduced Three Pounds Ten Shillings
 ' *per Centum per Annum* Annuities, into the Name of the Ac-
 ' countant General of the Court of Chancery at the Bank of
 ' *England*: And whereas, in consequence of the Payment of
 ' certain Claims relating to the Island of *Mauritius* having been
 ' made in Money previously to the passing of the said Act, the
 ' whole Amount of the Reduced Three Pounds Ten Shillings *per*
 ' *Centum per Annum* Annuities thereby created will not be required
 ' for the Purpose therein provided for; and it is expedient that
 ' Power should be further given to discharge and satisfy all such
 ' Claims for Compensation as still remain unpaid by the Transfer
 ' of a proportionate Amount of the said Reduced Three Pounds
 ' Ten Shillings *per Centum per Annum* Annuities: Be it therefore
 ' enacted by the Queen'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 Author-
 ' rity of the same, That it shall and may be lawful for the said
 ' Commissioners for the Reduction of the National Debt, at the
 ' Option and under the Direction of any Three or more of the
 ' Commissioners of Her Majesty's Treasury of the United Kingdom
 ' of *Great Britain* and *Ireland*, upon Application being made to
 ' them for the Payment of any Sum which shall have been awarded
 ' or may hereafter be awarded to any Person or Persons, Owners of
 ' Slaves

Empowering
 the Payment of
 Compensation
 remaining un-
 paid to Owners
 of Slaves.

Slaves in any other Colonies as well as in the said Colonies of the *Cape of Good Hope*, the *Mauritius*, and the *Virgin Islands*, either to pay the same in Money out of the "*West India Compensation Account*," or to transfer or cause to be transferred to the Person or Persons entitled to such Slave Compensation a proportionate Amount of the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded, in the Manner already provided for by the said Act in respect of Compensation to Owners of Slaves in the Colonies of the *Cape of Good Hope*, the *Mauritius*, or the *Virgin Islands*.

II. And be it enacted, That the Powers and Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, or in an Act of the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves*, or in an Act of the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery*, or in an Act of the Sixth Year of the Reign of His said late Majesty, intituled *An Act for carrying into further Execution Two Acts of His present Majesty relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation*, shall, so far as the same may be applicable, apply to this Act, in the same Manner as if they had been severally re-enacted herein.

Powers and Provisions of certain Acts of W. 4., as far as applicable, to apply to this Act.

III. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in the present Session of Parliament.

Act may be altered, &c. this Session.

C A P. IV.

An Act to remove Doubts as to summoning Juries at Adjourned Quarter Sessions of the Peace. [23d December 1837.]

‘ WHEREAS Doubts have existed as to the Legality of summoning Juries for the Trial of Prisoners at Adjourned Quarter Sessions, and it is expedient to remove the same:’ Be it therefore enacted and declared by the Queen’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 is and shall be lawful for the Justices of the Peace for any County, Riding, Division, or Place within *England* and *Wales*, in Quarter Sessions assembled, and for the Recorder of any City or Borough at any Court of Quarter Sessions holden in and for the same, when to such Justices and Recorder respectively it shall seem meet, to direct the Clerk of the Peace to take the necessary Steps for causing Juries to be summoned to attend any Adjourned Court of Quarter Sessions for the Despatch of the Business of such Adjourned Quarter Sessions, in the same Manner as they may be

Juries may be summoned to attend Adjourned Quarter Sessions.

This Act not
to affect 6 G. 4.
c. 50.

Act may be
altered, &c. this
Session.

now summoned to attend any General Quarter Sessions; and the Juries so summoned to attend any Adjourned Quarter Sessions shall have the same Duties and Powers as if they had been summoned to attend any General Quarter Sessions: Provided always, that nothing herein contained shall be construed to affect or alter any Part of an Act passed in the Sixth Year of His late Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws relating to Jurors and Juries.*

II. Provided always, and be it enacted, That this Act may be altered, amended, or repealed during the present Session.

C A P. V.

An Act for the Relief of Quakers, Moravians, and Separatists elected to Municipal Offices. (a) [23d December 1837.]

9 G. 4. c. 17.

Instead of the
Declaration re-
quired by 9 G. 4.
c. 17. and 5 & 6
W. 4. c. 76. the
following De-
claration to be
made.

‘ WHEREAS in consequence of the conscientious Scruples of
‘ Persons of the Persuasion of the People called Quakers, of
‘ Moravians, and Separatists, the Declaration prescribed by an Act
‘ of the Ninth Year of King George the Fourth, intituled *An Act
‘ for repealing so much of several Acts as imposes the Necessity of
‘ receiving the Sacrament of the Lord’s Supper as a Qualification
‘ for certain Offices and Employments*, on accepting Office in
‘ Municipal Corporations, operates as a practical Grievance, and
‘ to a certain Extent as a Disfranchisement of Persons under the
‘ Influence of those Scruples, to the manifest Detriment of them-
‘ selves and their fellow Subjects: And whereas no Mischief or
‘ Inconvenience is likely to arise from affording such Relief in
‘ relation to these Matters as is herein-after mentioned:’ Be it
‘ therefore enacted by the Queen’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 instead of the Declarations required
‘ to be subscribed in the recited Act of the Ninth Year of King
‘ George the Fourth, and in an Act of the Fifth and Sixth Years of
‘ King William the Fourth, intituled *An Act for the Regulation of
‘ Municipal Corporations in England and Wales*, respectively,
‘ every Person of the Persuasion of the People called Quakers,
‘ and every Moravian, and Separatists, entertaining such consci-
‘ entious Scruples as aforesaid, be permitted to make the following
‘ Declaration on accepting Office in any Municipal Corporation as
‘ Mayor, Alderman, or Councillor:

Declaration.

‘ I *A.B.*, being one of the People called Quakers [or one of the
‘ Persuasion of the People called Quakers, or of the United
‘ Brethren called Moravians, or of the Denomination called Sepa-
‘ ratists, as the Case may be], having conscientious Scruples
‘ against subscribing the Declaration contained in an Act passed
‘ in the Ninth Year of the Reign of King George the Fourth,
‘ intituled *An Act for repealing so much of several Acts as imposes
‘ the Necessity of receiving the Sacrament of the Lord’s Supper as
‘ a Qualification for certain Offices and Employments*, do solemnly,
‘ sincerely, and truly declare and affirm, That I will not exercise
‘ any Power or Authority or Influence which I may possess by
‘ virtue of the Office of _____ to injure or weaken the

(a) [See Chap. 15. post.]

‘ Protestant

‘ Protestant Church as it is by Law established in *England*, nor to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Right or Privileges to which such Church or the said Bishops and Clergy may be by Law entitled.’

II. And be it enacted, That such Affirmation or Declaration shall be of the same Force and Effect as if the Person making it had made or subscribed the Declarations aforesaid as contained in the said Act of the Ninth Year of the Reign of King *George* the Fourth and the Fifth and Sixth Years of King *William* the Fourth respectively.

Such Declaration to be of the same Force as that in 9 G. 4. c. 17.

C A P. VI.

An Act to regulate the Expences of conveying Prisoners in *Ireland*. [23d December 1837.]

‘ WHEREAS no Provision is now by Law made for the Expences attendant upon the Conveyance of Prisoners to or from Gaols or other Places of Confinement in *Ireland*, and it is expedient to make such Provision:’ Be it therefore enacted by the Queen’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 reasonable and necessary Expences actually incurred by any Chief or other Constable or Sub-Constable, Gaoler or other Person, in conveying any Prisoner to or from any County Gaol, or Bridewell, or House of Correction in *Ireland*, or to or from any Assizes or Sessions Court in *Ireland*, by Order of any Justice of the Peace or other lawful Authority, or from any County Gaol to a District Lunatic Asylum in *Ireland*, shall be defrayed by the Paymaster of the Constabulary Force for the County, County of a City, or County of a Town in which such Expences may be incurred, out of any Funds in his Hands applicable to the Maintenance of the said Constabulary Force; and the same shall be allowed him in his Account, as if the same had been a Disbursement in respect of the said Force, and be subject to the like Audit and Examination; and the whole Amount of the Monies so from Time to Time paid in Liquidation of the Expences incurred in the Conveyance of Prisoners in each County, County of a City, or County of a Town, shall be stated in the Certificate which the Inspector General of the said Force is now by Law required to prepare, of the Monies chargeable on such County, County of a City, or County of a Town in respect of the said Constabulary Force, and shall, over and above and in addition to the Monies so chargeable on such County, County of a City, or County of a Town in respect of the said Force, be presented by the Grand Jury thereof to be levied off the County at large, and when levied, be paid over, together with such Monies, to the proper Bank or Person appointed to receive the same.

Expences of conveying Prisoners shall be paid by the Paymaster of the Constabulary Force, and repaid by Grand Jury Presentment.

II. And be it enacted, That this Act may be altered or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

C A P. VII.

An Act to enable the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase Ground and Tenements required to complete the Site for the new Houses of Parliament.

[23d December 1837.]

‘ **W**HEREAS in order to obtain a Site sufficiently extensive
 ‘ for the Erection of the intended new Houses of Parliament,
 ‘ and for the Approaches thereto, it will be expedient to empower
 ‘ the Commissioners of Her Majesty's Woods, Forests, Land Re-
 ‘ venues, Works, and Buildings to purchase, take, and use certain
 ‘ Houses, Wharfs, Buildings, Ground, and Hereditaments situate
 ‘ in *Abingdon Street, Little Abingdon Street, Parliament Place,*
 ‘ and on the West Bank of the River *Thames*, in the Parishes of
 ‘ *Saint John the Evangelist* and *Saint Margaret* within the City
 ‘ and Liberty of *Westminster* in the County of *Middlesex*: And
 ‘ whereas a Map or Plan describing the Houses, Wharfs, Buildings,
 ‘ Ground, and Premises required to be purchased, taken, and used
 ‘ for the Purposes aforesaid under or by virtue of this Act, and a
 ‘ Book of Reference containing a List of the Names of the Owners
 ‘ and Occupiers of such Premises, have been made, for the Pur-
 ‘ pose of being deposited at the Office of the Commissioners of
 ‘ Her Majesty's Woods, Forests, Land Revenues, Works, and
 ‘ Buildings:’ Be it therefore enacted by the Queen's most Ex-
 ‘ cellent 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 Map or Plan and Book of Reference, after the same shall
 ‘ have been authenticated by the Signature of the Right Honourable
 ‘ the Speaker of the House of Commons, shall be deposited with
 ‘ and shall remain in the Custody of the said Commissioners for the
 ‘ Time being of Her Majesty's Woods, Forests, Land Revenues,
 ‘ Works, and Buildings; and one Copy thereof signed by the Speaker
 ‘ of the House of Commons shall be deposited in the Parliament
 ‘ Office, and one other Copy so signed shall be deposited with the
 ‘ Clerk of the Peace of the City and Liberty of *Westminster*, within
 ‘ One Month from the passing of this Act, to the end that all
 ‘ Persons may at all seasonable Times have Liberty to inspect and
 ‘ peruse the same, and to take Extracts or Copies thereof, at their
 ‘ Will and Pleasure, paying the Sum of One Shilling for every such
 ‘ Inspection, and at the Rate of Sixpence for every Seventy-two
 ‘ Words of such Copies or Extracts of the said Map or Plan and
 ‘ Book of Reference; and that the said Commissioners, in making
 ‘ the said Purchases, Alterations, and Improvements, shall not
 ‘ deviate more than Fifty Feet from the Lines described in the said
 ‘ Map or Plan, without the Consent and Approbation in Writing
 ‘ of the Person or Persons, Bodies Politic, Corporate, or Collegiate,
 ‘ through whose Lands or Premises such Deviation shall be made.

II. Provided always, and be it enacted, That if any of the
 Houses, Wharfs, Buildings, Ground, and Hereditaments required
 for the Purposes of this Act, or the Name or Names of any of
 the Owners or Occupiers thereof respectively, shall happen to be

Plan of the re-
 quired Premises
 to remain in the
 Custody of the
 Commissioners
 of Woods.

Copies to be
 deposited in the
 Parliament
 Office and with
 the Clerk of
 the Peace for
 Inspection.

Omissions or
 Misnomers not
 to prevent the
 Execution of
 this Act.

omitted, misnamed, or inaccurately described in and by the Map or Plan or Book of Reference herein-before mentioned, then and in such Case, if it shall appear to any Two or more of Her Majesty's Justices of the Peace for the City and Liberty of *Westminster*, and be certified in Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, the same shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued in manner herein mentioned, and conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in the said Map or Plan or Book of Reference.

III. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, when they shall deem it necessary, by and out of the Monies applicable to the rebuilding the said Two Houses of Parliament, and by and with the Consent and Approbation in Writing of the Lord High Treasurer or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to treat and agree for the Purchase of any of the Houses, Wharfs, Buildings, Ground, and Hereditaments described or comprised in the said Map or Plan and Book of Reference, or in such Deviation as herein-before mentioned, and of any subsisting Leases, Terms, Estates, and Interests therein or Charges thereon, which the said Commissioners may, by and with such Consent and Approbation as aforesaid, deem necessary or expedient to be purchased for the Purposes aforesaid.

Commissioners of Woods, &c. empowered to treat for Purchase of Houses, Wharfs, &c.

IV. And be it enacted, That all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purpose of carrying this Act into execution, may be done and executed by any Two of them, and the same shall be as valid and effectual and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

Two Commissioners empowered to act.

V. And be it enacted, That all Hereditaments, Estates, and Interests which may be purchased in pursuance of this Act shall be conveyed, assigned, and assured to or in Trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners shall direct.

Hereditaments, &c. to be conveyed to Her Majesty.

VI. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or for Years or in Tail, Husbands, Guardians, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, not only for and on behalf of themselves, their Heirs and Executors and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, or Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised or possessed or interested in their own Right, or entitled to Dower or other Interest therein, and for every

Incapacitated Persons empowered to sell.

other Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any such Houses, Wharfs, Buildings, Ground, and Hereditaments as aforesaid, to contract and agree for the Sale of the same and every Part thereof; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so contracting and agreeing as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue of in pursuance of this Act; and all such Contracts or Agreements for such Sales shall be made at the Costs and Expence of the said Commissioners; and all such Houses, Wharfs, Buildings, Ground, and Hereditaments which shall be so agreed to be purchased as aforesaid shall when so purchased or agreed to be purchased, and upon Tender or Payment in manner herein-after directed of the Sum or Sums of Money agreed to be paid for the same, be vested in Her Majesty, Her Heirs and Successors, who shall thenceforth be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, freed and discharged from all Rights of Way, and all other and former Estates, Rights, Titles, Interests, Claims, and Demands whatsoever; and the same shall be employed and made use of by the Commissioners, under the Direction of the said Lord High Treasurer, or of the said Commissioners for executing the said Office of Lord High Treasurer, or any Three or more of them, as and for Part of a Site for the intended new Houses of Parliament, and for making Approaches thereto, or for any other Purposes connected therewith.

Commissioners empowered to pull down Houses, &c. and to sell the Materials.

VII. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to direct or contract for the taking down any Houses or Buildings to be purchased or made use of for the Purposes of this Act, and for the selling and disposing of the Materials of all such Houses and Buildings; and all such Materials, and the Money arising from the Sale thereof, shall be and are hereby vested in the said Commissioners; and all such Money (after paying and defraying the necessary Expences of pulling down such Houses and Buildings, and the Sale of the Materials thereof) shall and may be applied and disposed of, under the Direction of the said Commissioners, in laying out or paving the Ground on which such Houses and Buildings were erected, or in paving or making good the Pavement of the Street or Place adjoining such Ground, or for any other of the Purposes relating to the rebuilding of the said Two Houses of Parliament.

Commissioners to make good Deficiencies in Land Tax;

VIII. ' And whereas the Site of the said intended Houses of Parliament and of the Approaches thereto comprises divers Messuages and other Hereditaments which now stand charged and chargeable with the Payment of certain annual Sums towards the general Quota of Land Tax now by Law payable by the Parishes of *Saint Margaret and Saint John the Evangelist, Westminster,* and

‘ and by the Appropriation of such Messuages and other Hereditaments to such Site there would be a proportionate Deficiency in the Land Tax Assessment for the said Parishes, and such Deficiency would fall upon and have to be borne by the other rateable Property in such Parish unless Provision were made to remedy the same;’ be it therefore enacted, That the said Commissioners shall be and they are hereby empowered and required, by and out of the Monies applicable to the rebuilding the said Two Houses of Parliament, to purchase or redeem, under or according to the Powers and Provisions contained in the several Acts relating to the Redemption and Sale of the Land Tax in Great Britain, all such Sums as are now charged and chargeable upon all such Messuages and other Hereditaments within the said Parishes as shall be purchased, taken, used, or appropriated for the Site of the said intended Two Houses of Parliament or the Approaches thereto.

IX. ‘ And whereas by reason of the Purchases to be made and other Proceedings to be had and taken under the Authority of this Act there may be Deficiencies in the Produce of the Rates and Assessments for the Relief of the Poor, and the paving, cleansing, and lighting the Streets in the Parishes of *Saint Margaret and Saint John the Evangelist, Westminster*;’ be it therefore enacted, That after the Occupier or Occupiers of any of the Messuages or other Hereditaments to be purchased under the Powers contained in this Act shall have quitted the Possession thereof in pursuance of any Requisition or Notice from the said Commissioners, and thenceforth until the said intended new Houses of Parliament shall be completed and occupied, the said Commissioners shall, out of the Monies applicable to the rebuilding the said Houses of Parliament, pay and make good all such Sum and Sums of Money as shall thenceforth until the said Houses are occupied from Time to Time be deficient in respect of the Produce of the Assessments for Poor’s Rates, and Paving, Cleansing, and Lighting Rates, within the said Parishes, by reason or means of the Want of Occupiers in or the taking down of such Messuages or other Hereditaments, according to the Produce of such Rates and Assessments respectively (or as near thereto as Circumstances will admit) during or in respect of the Year ended the Twenty-fifth Day of *March* One thousand eight hundred and thirty-seven, and the same shall accordingly be paid to the Collectors of the said Rates and Assessments in the said Parishes: Provided always, that nothing in this Enactment contained shall extend or be construed to extend to make any Person liable to be assessed to the Poor’s Rates, or the Paving, Cleansing, and Lighting Rates, or any other Parochial Rates, within the said Parishes, in respect of any Occupation for which they would not by Law be liable, nor to prejudice the Right of any Person claiming to be exempted or not to be liable to be assessed to the said Rates or any of them.

X. And be it enacted, That when and so soon as the said Commissioners shall have purchased the Houses, Buildings, Erections, and Hereditaments in the said Street or Place called *Parliament Place*, herein-before authorized to be purchased for the Purposes aforesaid, the said Street or Place shall from thenceforth and for

and in Poor and other Parochial Rates.

Parliament Place to cease to be a Thoroughfare.

ever thereafter cease to be a public Way or Passage, and the Soil and Freehold thereof shall thereupon be vested in Her Majesty, Her Heirs and Successors, freed and discharged from all public and private Rights of passing and repassing over and along the same, and shall and may be made use of and applied by the said Commissioners for the Purposes of this Act.

If Parties refuse to treat or shall not agree, a Jury to be summoned.

XI. And be it enacted, That if any Owners or Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons, seised, possessed of, or interested in any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the High Bailiff of the City and Liberties of *Westminster*, or his Deputy, as the Case may be, or in case such High Bailiff or his Deputy shall be anyways interested in the Matter in question, then some one of the Coroners of the County of *Middlesex* not interested therein, shall, upon the Warrant of the said Commissioners in manner herein-after mentioned, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of *Westminster* (which Oaths the said High Bailiff or Deputy or Coroner is and are hereby empowered and required to administer) what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, and of such respective Estates and Interest therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations and Improvements intended by this Act had not been in contemplation, and also for or on account of the taking of such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments for the Purposes or under and by virtue of the Authority of this Act; and in order thereto the said High Bailiff, Deputy, or Coroner is and are hereby empowered and required,

quired, from Time to Time as Occasion shall require, to summon, and call before the said Jury, and to examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said High Bailiff, Deputy, or Coroner is and are hereby empowered to administer); and such High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said High Bailiff, Deputy, or Coroner, to summon, impanel, and return, at some convenient Place in the said City of *Westminster*, a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said High Bailiff, Deputy, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing under the Hands of the said Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of the Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said High Bailiff, Deputy, or Coroner is and are hereby empowered to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said High Bailiff,

Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Notice to be given of Compensation claimed.

XII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Person or Persons by way of Compensation for Goodwill or Improvements alleged to have been lost, or any Injury or Damage alleged to have been sustained by him or them, by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless Notice in Writing, stating the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given by and on behalf of such Person or Persons to the said Commissioners within Three Calendar Months next after such supposed Loss shall have been incurred, or such supposed Damage or Injury shall have been occasioned or sustained, and Ten Days at least before the Time of the meeting of such Jury.

Penalty on High Bailiff, Jury, and Witnesses for Neglect of Duty.

XIII. And be it enacted, That if the High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of Her Majesty's Justices of the Peace for the City of *Westminster*, by Distress and Sale of the Goods and Chattels of the Persons so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Providing for Expences of Jury.

XIV. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same by the said Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable

reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but if any Jury so summoned and sworn as aforesaid shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing and procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences (to be settled by such High Bailiff, Deputy, or Coroner in manner aforesaid) shall be paid to the said Commissioners by the said Body or Bodies Politic, Corporate, or Collegiate or other Person or Persons so claiming such Compensation, or refusing to treat and agree as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by such Ways and Means as are provided for the Recovery of Penalties, Forfeitures, and Fines by this Act empowered or authorized to be imposed.

XV. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said City and Liberty of *Westminster*, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said City and Liberty, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every

Verdicts to be recorded.

Seventy-two Words, and so in proportion for any less Number of Words.

Commissioners empowered to purchase the Whole of the Premises if the Owners are unwilling to sell a Part.

XVI. And be it enacted, That if in any Case the Owner or Owners of any House, Wharf, or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Wharf, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby required, at the Option of any Owner or Owners of any such House, Wharf, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the Whole or such Part thereof as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners, with such Consent and Approbation as aforesaid, shall see fit for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the Whole of such House, Wharf, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained; and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in manner aforesaid.

Commissioners not to take possession until the Purchase Money is tendered or paid.

XVII. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England* as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners empowered to take possession on Payment of Purchase Money into the Bank of England.

XVIII. And be it enacted, That if any Body or Bodies, Person or Persons, seized or possessed of or interested in any such Tenement or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found or shall not be known, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest,

Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in Her Majesty, Her Heirs and Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may be thereupon pulled down, made use of, and employed for the Purposes aforesaid, according to the Directions of the said Commissioners, and under the Regulations in this Act mentioned and contained.

XIX. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, by and with the Consent and Approbation in Writing of the said Lord High Treasurer, or of the said Commissioners for executing the said Office of Lord High Treasurer, or any Three or more of them, absolutely to sell and dispose of all or any Part of the Houses, Wharfs, Buildings, Ground, Tenements, and Hereditaments which shall be so purchased or acquired as aforesaid and shall not be wanted for the Purposes aforesaid; and also to demise or lease, or, previous to any such Demise or Lease, to enter into any Contract or Agreement for the demising or leasing, with such Consent and Approbation as aforesaid, all or any Part of such last-mentioned Houses, Wharfs, Buildings, Ground, Tenements, and Hereditaments, for any Term or Terms of Years, at such Rent or Rents, and under such Covenants, Conditions, Clauses, and Restrictions, and in such Manner, as the said Commissioners shall from Time to Time, with such Consent and Approbation as aforesaid, judge proper and think most advantageous, and to receive and take any Fine or Fines for the granting of such Leases, and to apply all such Monies, Rents, and Fines to be received in respect of the Sale or leasing of any of the Premises aforesaid in the same Manner and for the same Purposes as the Monies appropriated to the rebuilding of the said Two Houses of Parliament are applicable; and all such Conveyances and Leases shall be good, valid, and effectual.

XX. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge

Commissioners may sell or lease Premises not wanted for the Purposes of this Act.

Application of Purchase Money when amounting to 200*l*.

OR

1 G. 4. c. 35.

or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex-parte* the said Commissioners, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon the Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents

Rents and Profits of the Houses, Wharfs, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXI. Provided also, and be it enacted, That if any Money so agreed or assessed to be paid for any Houses, Wharfs, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 200*l.* and amounting to 20*l.*

XXII. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interest, and Charges so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20*l.*

XXIII. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interest therein or Charge thereon, to be purchased taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in

In case of not making out Titles.

case

ease the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interest or Charges (describing such Tenements or Hereditaments), but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise, the Person in Possession shall be deemed entitled until the contrary be shown.

XXIV. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interest, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Wharfs, Buildings, Ground, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown

to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

XXV. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money out of the Monies appropriated to the rebuilding of the said Two Houses of Parliament as aforesaid, for such Purposes as the said Court shall direct.

XXVI. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in possession of any such Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in the said Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall at the End of Six Calendar Months next after Notice in Writing signed by the said Commissioners shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenants holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Ground or Hereditaments are herein-before directed to be ascertained; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole,

Court of Exchequer may order Expences of Purchases to be paid by the Commissioners.

Tenants at Will or from Year to Year to quit after Notice.

Compensation to such Tenants.

Sole, in possession of any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, or any Part of any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises, as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by the Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever under or by virtue whereof any such Person or Persons shall hold the said Premises shall at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none effect as against the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the City and Liberty of *Westminster* to issue his Precept or Warrant to the Constables of the said City and Liberty of *Westminster* for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of such Commissioners; and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing herein contained shall extend to empower or authorize the said Commissioners to compel the present Occupiers of the several Messuages now numbered or known as Numbers 1, 2, 4, 5, 6, 7, 8, and 9, on the East Side of *Abingdon Street*, or any of them, to quit and deliver up to the said Commissioners the actual Possession of the same until the Expiration of Six Calendar Months at the least next after Notice in Writing of the Intention of the said Commissioners to purchase such Messuages respectively under the Powers contained in this Act shall have been given to such Occupiers respectively, or left at the Premises which are the Subject of such Notice, signed by the said Commissioners; nor shall any of the Powers contained in this Act be available to the said Commissioners for the Purchase of the said Messuages or any of them after the Expiration of Three Years from the passing of this Act.

Commissioners
may arch over
or fill up Sewers
and Drains.

XXVII. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to cause to be arched over or filled up all the Sewers and Drains or

Part

Part or Parts thereof within the said City or Liberty of *Westminster* which shall lie and be in or near or under the said Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments to be purchased under or by virtue of this Act, as shall appear necessary for the completing of the rebuilding the said Two Houses of Parliament and other the Purposes aforesaid, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced without another Drain or Sewer being made in lieu thereof, equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain or Part thereof as aforesaid the said Commissioners shall cause to be made and built, as shall be required by the Commissioners of Sewers, other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels, than the Sewers or Drains which shall be filled up; and when made and completed the said respective Sewers and Drains shall be under the Jurisdiction, Care, and Management of Her Majesty's Commissioners of Sewers for the District or Place in which the same shall be situate: Provided always, that in case the said Commissioners of Sewers shall require any Sewer or Drain, or Part or Parts of any Sewer or Drain, that may be destroyed or altered under the Authority of this Act, or any new Sewer or Drain, to be built or made of enlarged Capacity, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Surveyor or Architect for the Time being, of such their Desire, before such Sewer or Drain shall be begun to be rebuilt or altered, then and in every such Case such Sewer or Drain shall be built or made of enlarged Dimensions as the said Commissioners of Sewers may require, and such last-mentioned Commissioners shall bear and pay the Difference in Expencc that may be incurred by such enlarged Capacity.

Other Sewers and Drains to be made if required.

XXVIII. And be it enacted, That in all Actions, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law to be had, brought, prosecuted, or preferred in pursuance of this Act, the said Commissioners may sue and be sued in the Name of their Secretary or Clerk appointed by the said Commissioners for the Purposes of this Act, or the Person officiating as such; and that no Action or Prosecution to be brought, commenced, or defended by or against the said Commissioners or any of them, by virtue of this Act, in the Name of their Secretary or Clerk, or the Person officiating as such, shall abate or be discontinued by the Death or Removal of such Secretary or Clerk or the Person officiating as such, or by any Act of such Secretary or Clerk, or the Person officiating as such, without the Consent of the said Commissioners; but the Secretary or Clerk for the Time being to the said Commissioners, or the Person officiating as such, shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be: Provided always, that any such Secretary or Clerk, or the Person officiating as such, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of

Commissioners may sue and be sued in the Name of their Secretary or Clerk.

his

his being so made Plaintiff or Defendant therein, and also the Costs and Charges of prosecuting any Indictment or Indictments or other Proceedings whatsoever which shall or may be commenced or prosecuted against any Person or Persons whomsoever by Order of the said Commissioners.

Commissioners
not to be per-
sonally liable.

XXIX. And be it enacted, That nothing in this Act, or in any Conveyance, Contract, Lease, or other Deed or Instrument hereby authorized to be entered into or made by the said Commissioners, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Conveyance, Contract, Lease, or other Deed or Instrument contained on the Part of the same Commissioners or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Conveyance, Contract, Lease, or other Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies which shall come to their Hands for the Purpose of being applied in the rebuilding of the said Two Houses of Parliament.

Deeds not liable
to Stamp Duty.

XXX. And be it enacted, That no Contract, Conveyance, Lease, or other Deed or Instrument which shall be made, granted, or executed by the Commissioners under any of the Powers or Authorities hereby granted, nor any Contracts or Agreements, Bond or other Security, Assignments, Conveyances, or other Deed or Instrument which shall be made, entered into, or executed by any other Person or Persons to or with them for any of the Purposes of this Act, or for any Purposes connected with the rebuilding of the said Houses of Parliament, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Deeds to be
inrolled.

XXXI. And be it enacted, That every Contract, Conveyance, Lease, or Deed whereby any of the Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments hereby authorized to be purchased, sold, leased, or demised, shall be so purchased or agreed to be purchased, or shall be so sold, leased, or demised, shall be inrolled in the Office of Land Revenue Records and Inrolments, on Payment of the usual Fees for such Inrolment, and a Minute or Docquet thereof shall be entered and preserved in the Office of the said Commissioners of Her Majesty's Woods, Forests, Land

Revenues, Works, and Buildings; and that every such Conveyance, Deed, or Instrument whereby any of the Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments aforesaid shall be conveyed or assigned to Her Majesty, Her Heirs or Successors, or to a Trustee or Trustees for Her Majesty, Her Heirs or Successors, when so inrolled and entered, shall without any other Inrolment or Registry thereof be as good and available in Law and of the like Force and Effect in all respects as if the same had been inrolled in any of Her Majesty's Courts at *Westminster*, or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Conveyances of Lands and Tenements in the County of *Middlesex*; any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

XXXII. And be it enacted, That from and after the Expiration of Five Years after the Transfer or Conveyance of any Houses, Wharfs, Buildings, Ground, Tenements, or Hereditaments to be purchased in pursuance of this Act, or the taking possession of any such Premises under the Powers of this Act, the same shall become and be and remain absolutely vested in Her Majesty, Her Heirs, Successors, and Assigns; and that if any Proceeding shall be taken before the Expiration of the said Term of Five Years for the Recovery of the Possession of any such Premises so purchased or taken as aforesaid, within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises, there shall be paid or tendered to any Person so obtaining such Judgment, in lieu of such Premises, his Costs on any Proceeding for the obtaining such Judgment, and such Sum of Money as a Jury shall, in the Manner herein-after mentioned, find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of this Act, or when Possession thereof was taken as aforesaid.

XXXIII. And be it enacted, That the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof; and the Value so found shall be certified by the presiding Judge under his Hand; and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises; and such Value shall be the Amount to be paid in lieu of the said Premises.

XXXIV. And be it enacted, That the Right of Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the said Commissioners, or by their Order, or otherwise belonging to and used by them for the Purpose of rebuilding the said Two Houses of Parliament, or other the Purposes aforesaid, shall be vested in the said Commissioners, and they are hereby authorized and empowered to dispose of and apply the same for the Purposes aforesaid as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with Effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them

After the Expiration of Five Years the Promises to vest absolutely in Her Majesty.

In case of Proceeding for Recovery of Premises within Five Years.

The Jury who shall try such Proceeding shall ascertain the Value to be paid in lieu of the Premises.

Gates, Bars, Posts, Rails, &c. vested in the Commissioners.

them respectively to their own Use or Uses, or shall disturb them the said Commissioners, or their Officers, or other Persons acting under them, in the Possession thereof.

For punishing
Persons guilty
of Perjury.

XXXV. And be it enacted, That all Persons who in any Examination to be taken by Oath by virtue of this Act shall wilfully give false Evidence or otherwise forswear themselves before any such Jury as aforesaid, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Limitation of
Actions.

XXXVI. Provided always, and be it enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act until Twenty-eight Days Notice shall be thereof given to the Secretary or Clerk, or Person officiating as such, to the said Commissioners, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, nor after Three Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought, and tried in the said County of *Middlesex*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may at his or their Election plead specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial so to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-eight Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than the said County of *Middlesex*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Saving the
Rights of Per-
sons interested
in Waterside
Premises on
the Western
Shore of the
Thames.

XXXVII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Party interested in any Wharfs or Waterside Premises on the Western Shore of the said River *Thames*, either above or below the Terrace intended to be erected by the said Commissioners in front of the said Houses of Parliament towards the said River, from commencing and prosecuting any Action or Suit in any of Her Majesty's Courts of Record at *Westminster* which such Person or Party would have been entitled to commence and prosecute if this Act had not been passed, for any Deterioration, Damage, Obstruction, or Injury which such Person or Party shall or may have sustained or be apprehensive of sustaining in respect of such Wharfs and Waterside Premises in consequence of the Erection of the said Terrace and other Works;

Works; and that any such Action or Suit which may be commenced and prosecuted against the said Commissioners may be commenced and prosecuted against them in the Name of their Secretary or Clerk or the Person officiating as such: Provided always, that any Damages to be recovered in any such last-mentioned Action or Suit, with the Costs thereof, shall be payable and shall be paid by the said Commissioners by and out of any Monies applicable to the rebuilding of the said Houses of Parliament; and that nothing herein contained shall entitle any Person to Damages or Costs who would not have been so entitled if this Act had not been passed: Provided also, that the Provision herein contained for limiting the Period for commencing and bringing Actions or Suits under this Act, and requiring Notice to be given thereof before such Actions or Suits shall be commenced or brought, or any other Provision as to Actions or Suits, shall not be applicable to any Action or Suit to be commenced or prosecuted by the Persons or Parties interested in Wharfs or Waterside Premises as herein-before mentioned.

C A P. VIII.

An Act to enable Her Majesty to grant an annual Sum to Her Royal Highness *Victoria Maria Louisa* Duchess of *Kent*.
[26th January 1838.]

‘ Most Gracious Sovereign,

‘ **W**HEREAS Your Majesty by Your most gracious Message hath been pleased to signify that Your Majesty, taking into consideration the Provision made by Law for the Support of Her Royal Highness the Duchess of *Kent*, Your Majesty’s beloved Mother, recommends this Subject to the Care of Your faithful Commons, with full Confidence in their Readiness to adopt such Measures as Her Royal Highness’s Rank and Station and increased Proximity to the Throne may seem to require: And whereas certain Annuities have been granted to Her Royal Highness in pursuance of divers Acts of Parliament, and it is expedient to consolidate the same with the additional yearly Sum which Your faithful Commons have now resolved to grant: Therefore we, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, duly considering Your Majesty’s gracious Intention, and desiring to mark the cordial Sense of Gratitude entertained by Your faithful Subjects towards Her Royal Highness the Duchess of *Kent*, Your Majesty’s beloved Mother, do most humbly beseech Your Majesty that it may be enacted;’ and be it enacted by the Queen’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 be lawful for Her Majesty to give and grant, by Letters Patent under the Great Seal of *Great Britain*, to Her Royal Highness *Victoria Maria Louisa* Duchess of *Kent*, for the Term of Her natural Life, for a Provision for Her said Royal Highness, a certain annual Payment or Annuity of Thirty thousand

An Annuity of 30,000*l.* granted to Her Royal Highness the Duchess of *Kent*.

thousand Pounds of lawful Money of *Great Britain*; and the said annual Payment or Annuity shall be deemed and considered to have commenced and taken effect upon the Eleventh Day of *October* One thousand eight hundred and thirty-seven; and the first Payment of a proportionate Part thereof shall be made for the Quarter ended on the Fifth Day of *January* One thousand eight hundred and thirty-eight, and shall thereafter be paid quarterly; that is to say, on the Fifth Day of *April*, the Fifth Day of *July*, the Tenth Day of *October*, and the Fifth Day of *January*, in every Year; and the said annual Payment or Annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with Preference to all other Payments which shall or may hereafter be charged upon and payable out of the said Fund); and the Acquittance or Acquittances, Receipt or Receipts of Her said Royal Highness the Duchess of *Kent*, or of such other Person or Persons as shall by Her said Royal Highness be duly authorized and appointed to receive such annual Payment or Annuity, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said annual Payment or Annuity so to be given and granted shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever.

Former Annuities granted to Her Royal Highness the Duchess of Kent to cease.

II. And be it enacted, That when Her Majesty shall have made the said Grant, the several Annuities granted to Her said Royal Highness the Duchess of *Kent* under the Authority of several Acts passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, in the Sixth Year of the Reign of His Majesty King *George* the Fourth, and in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, shall cease and determine from the Period when the Grant made under the Authority of this Act shall commence and take effect.

C A P. IX.

An Act to make temporary Provision for the Government of *Lower Canada*. [10th February 1838.]

‘ **W**HEREAS in the present State of the Province of *Lower Canada* the House of Assembly of the said Province, constituted under the Act passed in the Thirty-first Year of His Majesty King *George* the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,'* and to make further Provision for the Government of the said Province, cannot be called together without serious Detriment to the Interests of the said Province, by reason whereof the Government of the said Province cannot be duly administered according to the Provisions of the said Act: And whereas it is expedient to make temporary Provision for the Government of *Lower*

' *Lower Canada*, in order that Parliament may be enabled, after mature Deliberation, to make permanent Arrangements for the Constitution and Government of the said Province, upon such a Basis as may best secure the Rights and Liberties and promote the Interests of all Classes of Her Majesty's Subjects in the said Province: Be it therefore enacted by the Queen'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 the Proclamation of this Act in the said Province as hereinafter provided, until the First Day of *November* in the Year One thousand eight hundred and forty, so much of the said Act of the Thirty-first Year of King *George* the Third, and of any other Act or Acts of Parliament, as constitutes or provides for the Constitution or calling of a Legislative Council or Legislative Assembly for the Province of *Lower Canada*, or as confers any Powers or Functions upon the said Legislative Council and Legislative Assembly, or either of those Bodies, shall cease and be of no Force.

The Powers of the present Legislature of Lower Canada suspended.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Commissions to be from Time to Time issued under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, and with the Advice of Her Privy Council, to constitute a special Council for the Affairs of *Lower Canada*, and for that Purpose to appoint or authorize the Governor of the Province of *Lower Canada* to appoint such and so many special Councillors as to Her Majesty shall seem meet, and to make such Provision as to Her Majesty shall seem meet for the Removal, Suspension, or Resignation of all or any such Councillors: Provided always, that no Member of the said Special Council shall be permitted to sit or to vote therein until he shall have taken and subscribed before the Governor of the Province of *Lower Canada*, or before some Person authorized by the said Governor to administer such Oath, the same Oath which is now required to be taken by the Members of the Legislative Council and Assembly before sitting or voting therein respectively.

Her Majesty may appoint a special Council for the Affairs of Lower Canada.

Members of the Council to take an Oath.

III. And be it enacted, That from and after such Proclamation as aforesaid, and until the said First Day of *November* in the Year One thousand eight hundred and forty, it shall be lawful for the Governor of the Province of *Lower Canada*, with the Advice and Consent of the Majority of the said Councillors present at a Meeting or Meetings to be for that Purpose from Time to Time convened by the Governor of the said Province, to make such Laws or Ordinances for the Peace, Welfare, and good Government of the said Province of *Lower Canada* as the Legislature of *Lower Canada* as now constituted is empowered to make; and that all Laws or Ordinances so made, subject to the Provisions herein-after contained for Disallowance thereof by Her Majesty, shall have the like Force and Effect as Laws passed before the passing of this Act by the Legislative Council and Assembly of the said Province of *Lower Canada*, and assented to by Her Majesty, or in Her Majesty's Name by the Governor of the said Province: Provided always, that no such Law or Ordinance shall be made unless the same shall have been first proposed by the said Governor for Adoption by the Council,

The Governor and Council may make Laws or Ordinances for the Government of Lower Canada.

Such Laws to be proposed by the Governor

Limiting their Duration.

Proviso as to imposing Taxes.

Laws or Ordinances not to affect the existing Laws respecting Rights of Election, &c.

No Law, &c. to appropriate the Monies in hand for Repayment of the Sum of 142,160*l.* unless on Certificate of Commissioners of Treasury; nor to an Amount exceeding the Appropriation of 1832.

Laws or Ordinances may be disallowed by Her Majesty in Council.

nor unless the said Governor and Five at least of the said Councillors shall be actually present when such Law or Ordinance shall be made: Provided also, that no Law or Ordinance so made shall continue in force beyond the First Day of *November* in the Year One thousand eight hundred and forty-two, unless continued by competent Authority: Provided also, that it shall not be lawful by any such Law or Ordinance to impose any Tax, Duty, Rate, or Impost, save only in so far as any Tax, Duty, Rate, or Impost which at the passing of this Act is payable within the said Province may be thereby continued: Provided also, that it shall not be lawful, by any such Law or Ordinance, to alter in any respect the Law now existing in the said Province respecting the Constitution or Composition of the Legislative Assembly thereof, or respecting the Right of any Person to vote at the Election of any Member of the said Assembly, or respecting the Qualifications of such Voters, or respecting the Division of the said Province into Counties, Cities, and Towns for the Purpose of such Elections; nor shall it be lawful by any such Law or Ordinance to repeal, suspend or alter any Provision of any Act of the Parliament of *Great Britain*, or of the Parliament of the United Kingdom, or of any Act of the Legislature of *Lower Canada* as now constituted, repealing or altering any such Act of Parliament.

IV. Provided always, and be it enacted, That it shall not be lawful by any such Law or Ordinance to appropriate any Monies which now are or which shall hereafter be in the Hands of the Receiver General of the said Province of *Lower Canada* towards the Repayment of any Sum or Sums of Money which shall have been issued out of the Sum of One hundred and forty-two thousand one hundred and sixty Pounds Fourteen Shillings and Sixpence granted to Her Majesty by an Act passed in the last Session of Parliament for Advances on account of Charges for the Administration of Justice and of the Civil Government of the Province of *Lower Canada*, unless upon a Certificate from Three or more of the Commissioners of Her Majesty's Treasury, setting forth the several Sums which shall have been so advanced for any of the Purposes aforesaid: Provided also, that, exclusive of any such Repayment as aforesaid, no Appropriation to be made by any such Law or Ordinance of the Monies aforesaid in respect of the Public Service for any One Year shall exceed the total Amount of the Sums appropriated by Law within the said Province for the Public Service thereof for the Year One thousand eight hundred and thirty-two.

V. And be it enacted, That the Governor of the said Province is hereby required by the first convenient Opportunity to transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of every Law or Ordinance made under the Authority of this Act; and that it shall be lawful, at any Time within Two Years after such Law or Ordinance shall have been so received by such Secretary of State, for Her Majesty, Her Heirs or Successors, by Her or Their Order in Council, to declare Her or Their Disallowance of such Law or Ordinance; and that such Disallowance, together with a Certificate under the Hand and Seal of such Secretary of State, testifying the Day on which such Law or Ordinance was received as aforesaid, being signified by such Governor

by Proclamation within the said Province, shall make void and annul the same from and after the Date of such Signification.

VI. And be it enacted, That nothing herein contained shall be taken to affect or invalidate any Law, Statute, or Ordinance now in force within the said Province of *Lower Canada*, or in any Part thereof, except in so far as the same is repugnant to this Act.

This Act not to affect Laws, &c. now in force, &c.

VII. And be it enacted, That this Act shall be proclaimed by the Governor of the said Province of *Lower Canada* within the said Province, and shall commence and take effect within the said Province from the Proclamation thereof.

Proclamation of this Act.

VIII. And be it enacted, That for the Purposes of this Act any Person authorized to execute the Commission of Governor of the Province of *Lower Canada* shall be taken to be the Governor thereof.

The Term "Governor" defined.

IX. And be it enacted, That this Act may be altered or repealed by any Act to be passed in the present Session of Parliament.

Act may be altered, &c.

C A P. X.

An Act to make good certain Contracts which have been or may be entered into by certain Banking and other Copartnerships. [20th February 1838.]

WHEREAS divers Associations and Copartnerships, consisting of more than Six Members or Shareholders, have from Time to Time been formed for the Purpose of being engaged in and carrying on the Business of Banking and divers other Trades and Dealings for Gain and Profit, and have accordingly for some Time past been and now are engaged in carrying on the same by means of Boards of Directors or Managers, Committees or other Officers, acting on behalf of all the Members or Shareholders of or Persons otherwise interested in such Associations or Copartnerships: And whereas divers Spiritual Persons, having or holding Dignities, Prebends, Canonries, Benefices, Stipendiary Curacies, or Lectureships, have been and are Members or Shareholders of or otherwise interested in divers of such Associations and Copartnerships, and it has not been commonly known or understood that the holding of such Shares or Interests by such Spiritual Persons was contrary to Law: And whereas it is expedient to render legal and valid all Contracts entered into by such Associations or Copartnerships, or which for a limited Time may be entered into by them, although the same may now be void by reason of such Spiritual Persons being or having been such Members or Shareholders or otherwise interested as aforesaid; be it therefore enacted by the Queen'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 no such Association or Copartnership already formed or which may be formed at any Time before the End of the next Session of Parliament, nor any Contract either as between the Members, Partners, or Shareholders composing such Association or Copartnership for the Purposes thereof, or as between such Association or Copartnership and other Persons, heretofore entered into, or which before the End of the next Session of Parliament shall

No Association or Copartnership, or Contract entered into by any of them, to be illegal or void by reason only of Spiritual

Persons being Members of such Association or Copartnership.

shall be entered into, by any such Association or Copartnership already formed or hereafter to be formed, shall be deemed or taken to be illegal or void, or to occasion any Forfeiture whatsoever, by reason only of any such Spiritual Person as aforesaid being or having been a Member, Partner, Shareholder, Manager, or Director of or otherwise interested in the same, but all such Associations and Copartnerships shall have the same Validity and all such Contracts shall and may be enforced in the same Manner to all Intents and Purposes as if no such Spiritual Person had been or was a Member, Partner, Shareholder, Manager, or Director of or interested in such Association or Copartnership.

In all Actions and Suits the Defendant to be entitled to taxed Costs, and the Court may make Order for further Costs.

II. And be it further enacted, That in all Actions and Suits which shall have been brought or instituted by or on behalf of any such Association or Copartnership, in case any Defendant therein shall before the Sixth Day of *February* One thousand eight hundred and thirty-eight, by Plea or otherwise, have insisted on the Invalidity of any Contract thereby sought to be enforced by reason of any such Spiritual Person as aforesaid being or having been a Member or Shareholder in such Association or Copartnership, such Defendant shall be entitled to the full Costs of such Plea or other Defence, to be paid by the Plaintiff, and to be taxed as the Court in which the said Action or Suit shall be depending, or any Judge thereof, shall direct; and in order fully to indemnify such Defendant it shall be lawful for such Court or Judge to order the Plaintiff to pay to him such further Costs (if any) of the said Action or Suit as the Justice of the Case may require.

Act may be repealed this Session.

III. And be it further enacted, That this Act may be repealed or altered by any other Act in this present Session of Parliament.

C A P. XI.

An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and thirty-eight. [26th *February* 1838.]

C A P. XII.

An Act for raising the Sum of Eleven millions four hundred and thirteen thousand seven hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-eight. [26th *February* 1838.]

C A P. XIII.

An Act to enable the Grand Juries of the County and County of the City of *Waterford* to make Presentments, at the Spring Assizes for the Year One thousand eight hundred and thirty-eight, for the House of Industry of the said Counties. [26th *February* 1838.]

‘ **W**HEREAS at the last Presentment Sessions held in and for the County of *Waterford*, in the Month of *December* last, for the Purposes of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled ‘ *An*

‘ *An Act to consolidate and amend the Laws relating to the
 ‘ Presentment of Public Money by Grand Juries in Ireland, an
 ‘ Application was duly made on behalf of the House of Industry
 ‘ of the County and County of the City of *Waterford*, for a
 ‘ Presentment for the Sum of Six hundred Pounds, to be paid to
 ‘ the Corporation of the said House of Industry, and applied by
 ‘ the said Corporation towards the Support and Maintenance of the
 ‘ same: And whereas such Application was not approved at such
 ‘ Sessions, because one of the Persons who had signed said Ap-
 ‘ plication did not attend thereat, and the Grand Juries of the
 ‘ said County and County of the City of *Waterford* will by
 ‘ reason thereof be precluded from making any Presentment at
 ‘ the next Spring Assizes for the Support of said Institution; in
 ‘ consequence whereof the said Corporation will be unable to sup-
 ‘ port the same, or to maintain a very great Number of destitute
 ‘ Persons now supported in the said House; and it is expedient
 ‘ that Provision should be made to prevent the Consequences
 ‘ which would ensue from the Dismissal of such Persons from
 ‘ the said House, guarding at the same Time against any undue
 ‘ Interference with the Rights of the County Magistrates and of
 ‘ the Cess Payers appointed to attend the said County Presentment
 ‘ Sessions as conferred by the said recited Act of His late Majesty
 ‘ King *William* the Fourth:’ Be it therefore enacted by the
 Queen’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 the respective
 Grand Juries of the said County of *Waterford* and of the County
 of the City of *Waterford*, assembled before or at the next Spring
 Assizes, to make such Presentment for the Support and Main-
 tenance of the said Corporation, notwithstanding the said Appli-
 cation had not been approved at the Presentment Sessions;
 provided always, that a Majority of the County Magistrates and
 of the Cess Payers appointed according to the said recited Act to
 attend the said County Presentment Sessions do not memorialize
 the Grand Jury against the passing of the said Presentment: Pro-
 vided also, that the said Application shall be laid before the said
 Grand Juries with Debtor and Creditor Accounts of the Funds
 and Expences of such House of Industry from the Time of the
 last preceding Application to the County Presentment Sessions,
 and that the said Grand Juries shall and may respectively examine
 on Oath any Governor or Officer of the said Corporation, when
 they may think fit, in relation thereto.*

6 & 7 W. 4.
 c. 116.

Grand Juries
 of the County
 and of the City
 of *Waterford*
 empowered, at
 the next Spring
 Assizes, to make
 Presentments
 for the Mainte-
 nance of the
 House of In-
 dustry.

C A P. XIV.

An Act to repeal so much of an Act of the Thirty-ninth and Fortieth Years of King *George* the Third as authorizes Magistrates to commit to Gaols or Houses of Correction Persons who are apprehended under Circumstances that denote a Derangement of Mind and a Purpose of committing a Crime; and to make other Provisions for the safe Custody of such Persons. [30th March 1838.]

39 & 40 G. 3.
c. 94.

‘ **W**HEREAS by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the safe Custody of Insane Persons charged with Offences*, it was amongst other things enacted, “that if any Person should be discovered and apprehended under Circumstances that denote a Derangement of Mind and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, and any of His Majesty’s Justices of the Peace before whom such Person may be brought shall think fit to issue a Warrant for committing him or her as a dangerous Person suspected to be insane, such Cause of Commitment being plainly expressed in the Warrant, the Person so committed shall not be bailed except by Two Justices of the Peace, one whereof shall be the Justice who has issued such Warrant, or by the Court of General Quarter Sessions, or by One of the Judges of His Majesty’s Courts in *Westminster Hall*, or by the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal”; and it is expedient to repeal so much of the said Act as has been herein-before recited, and to make other Provisions for the safe Custody of such Persons: Be it therefore enacted by the Queen’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 so much of the said Act as is herein-before recited shall be and is hereby repealed.

Recited Act in part repealed.

Persons in Custody under the repealed Provisions of recited Act, or hereafter apprehended as insane or dangerous Idiots, may be sent to Lunatic Asylums.

II. And be it enacted, That in all Cases where any Person shall be in Custody at the Time of the passing of this Act under or by virtue of any Warrant for Commitment made or issued by any of Her Majesty’s Justices of the Peace under the Authority of the said herein-before recited Provisions of the said Act of the Thirty-ninth and Fortieth Years of His late Majesty King *George* the Third, and hereby repealed, and if at any Time after the passing of this Act any Person shall be discovered and apprehended under Circumstances that denote a Derangement of Mind and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, it shall and may be lawful for any Two Justices of the Peace of the County, City, Borough, or Place where such Person shall be so kept in Custody or apprehended to call to their Assistance a Physician, Surgeon, or Apothecary, and if upon View and Examination of the said Person so in Custody or apprehended, or from other Proof, the said Justices shall be satisfied that such Person is insane or a dangerous Idiot, the said Justices, if they shall so think fit, by an Order under their Hands and Seals, directed to the Keeper of the Gaol

or

or House of Correction, if in Custody at the Time of passing this Act, or if hereafter apprehended, to the Constable or Overseers of the Poor of the Parish, Township, or Place where such Person shall be apprehended, shall cause the said Person to be conveyed to and placed in the County Lunatic Asylum, provided there be one situated within or belonging to the County, in which such Person shall be in Custody at the Time of passing this Act, or shall be hereafter apprehended, and if there be no such Asylum, then to some Public Hospital, or some House duly licensed for the Reception of insane Persons; and it shall be lawful for the said Justices to inquire into and ascertain, by the best legal Evidence that can be procured under the Circumstances of personal legal Disability of such insane Person or dangerous Idiot, the Place of the last legal Settlement of such Person; and it shall and may be lawful for such Two Justices to make an Order under their Hands and Seals upon the Overseers or Churchwardens of such Parish, Township, or Place where they adjudge him or her to be legally settled, to pay all reasonable Charges of examining such Person, and conveying him or her to such County Lunatic Asylum, Public Hospital, or licensed House, and to pay such weekly Sum for his or her Maintenance in such Place of Custody as they or any Two Justices shall, by Writing under their Hands, from Time to Time direct; and where such Place of Settlement cannot be ascertained, such Order shall be made upon the Treasurer of the County, City, Borough, or Place where such Person shall have been in Custody or apprehended: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from taking such insane Person or dangerous Idiot under their own Care and Protection, if he shall enter into sufficient Recognizance for his or her peaceable Behaviour or safe Custody, before Two Justices of the Peace, or the Court of Quarter Sessions, or One of the Judges of Her Majesty's Courts in *Westminster Hall*: Provided always, that the Churchwardens and Overseers of the Parish in which the Justices shall adjudge any insane Person or dangerous Idiot to be settled may appeal against any such Order to the next General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, in like Manner and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of the County, Riding, or Division, or to the Town Clerk of the City, Borough, or Place, as the Case may be, upon whose Rates the Burden of maintaining such insane Person or dangerous Idiot might fall, if such Order should be invalid, and such Clerk of the Peace or Town Clerk shall be Respondent in such Appeal, which Appeal the Justices of the Peace assembled at the said General Quarter Sessions are hereby authorized and empowered to hear and determine, in the same Manner as Appeals against Orders of Removal are now heard and determined.

III. And be it enacted, That if upon Examination it shall appear to the Physician, Surgeon, or Apothecary present at the Examination of any Person in Custody at the Time of passing this Act as aforesaid, that he or she is not an insane Person or a dangerous Idiot, and that such Person may be suffered to go at large with

Justices may inquire into Settlement of Lunatics or dangerous Idiots, and make Order for Payment of their Maintenance, &c.

If Settlement cannot be ascertained.

Nothing herein to prevent Relations from taking Lunatics under their own Care.

Appeal.

Persons proved not to be insane may be liberated.

with Safety, it shall and may be lawful for such Medical Person and he is hereby required to give a Certificate to that Effect, signed by him, to the Visiting Justices of the Gaol or House of Correction in which such Person is in Custody, who are hereby required to transmit the same forthwith to Her Majesty's Principal Secretary of State for the Home Department, who, if he shall so think fit, shall order the Liberation of such Person from Custody.

Act not to alter Laws relating to the Discharge of recovered Lunatics.

IV. And be it enacted, That nothing herein contained, except where otherwise expressly mentioned, shall alter the Laws relating to the Discharge of Persons who may cease to be insane or dangerous Idiots from any County Lunatic Asylum, Public Hospital, or House duly licensed for the Reception of insane Persons, nor authorize the Removal by any Parish Officer of any poor Person from such Asylum, Public Hospital, or licensed House, without an Order for that Purpose made by Two Justices of the Peace for the County in which such House shall be situated, after due Inquiry into the Circumstances of the Case, unless such Person shall have been discharged as cured.

Extent of Act.

V. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Commencement of Act.

VI. And be it enacted, That this Act shall commence and take effect immediately from and after the passing thereof.

Act may be altered this Session.

VII. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

C A P. XV.

An Act for the further Relief of Quakers, Moravians, and Separatists.

[30th March 1838.]

1 Vict. c. 5.

‘ WHEREAS by an Act passed in this present Session of Parliament, intituled *An Act for the Relief of Quakers, Moravians, and Separatists elected to Municipal Offices*, it is enacted that every Person of the Persuasion of the People called Quakers, and every Moravian and Separatist, entertaining conscientious Scruples against making and subscribing the Declaration prescribed by the Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, may, on accepting Office in any Municipal Corporation as Mayor, Alderman, or Councillor, instead of making such Declaration, be permitted to make the Declaration in the said Act of this present Session mentioned: And whereas the Relief given by the said last-mentioned Act may safely be extended in manner herein-after mentioned;’ be it therefore enacted by the Queen'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 every Person being of the Persuasion of the People called Quakers, or being a Moravian or Separatist, and entertaining such conscientious Scruples as aforesaid, who has been or shall be placed, elected, or chosen in or to the Office of Recorder, Bailiff, Town Clerk,

9 G. 4. c. 17.

Instead of the Declaration required by the Act 9 G. 4. c. 17. that contained in the Act of

Clerk, or Common Councilman, or any Office of Magistracy, or Place, Trust, or Employment relating to the Government of any City, Corporation, Borough, or Cinque Port within *England* and *Wales*, or the Town of *Berwick-upon-Tweed*, or who has been or shall be admitted into any Office or Employment, or has accepted or shall accept from Her Majesty, Her Heirs or Successors any Patent, Grant, or Commission, may, instead of making and subscribing the Declaration prescribed by the said Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, make and subscribe the Declaration contained in the said Act of this present Session of Parliament; and every such Person so making and subscribing such last-mentioned Declaration shall have the same Rights, Powers, and Authorities which he would have had if he had made and subscribed the Declaration contained in the said Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth: Provided always, that every Declaration to be made by virtue of this Act shall be made and subscribed before the same Person or Persons, or Court, and within the same Time, and shall be preserved in the same Manner, as by the said Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth is directed as to the Declaration therein mentioned.

the present Session may be taken by Quakers, Moravians, or Separatists elected to Office in any Corporation.

C A P. XVI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-nine; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

[11th *April* 1838.]

[*This Act is the same, except as to Dates, as 7 W. 4. & 1 Vict. c. 12.*]

C A P. XVII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[11th *April* 1838.]

[*Number of Forces 89, 305. This Act is the same, except as to Dates and the Sections here inserted, as 7 W. 4. & 1 Vict. c. 7.*]

‘ WHEREAS the raising or keeping a standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty’s Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Eighty-nine thousand three hundred and five Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions

Number of the Forces.

‘ Possessions of the *East India* Company, but including the
 ‘ Officers and Men of the Troops and Companies recruiting for
 ‘ those Regiments: And whereas no Man can be forejudged of
 ‘ Life or Limb, or subjected in Time of Peace to any Kind of
 ‘ Punishment within this Realm, by Martial Law, or in any other
 ‘ Manner than by Judgment of his Peers and according to the
 ‘ known and established Laws of this Realm; yet nevertheless, it
 ‘ being requisite, for the retaining all the before-mentioned
 ‘ Forces in their Duty, that an exact Discipline be observed, and
 ‘ that Soldiers who shall mutiny or stir up Sedition, or shall desert
 ‘ Her Majesty’s Service, be brought to a more exemplary and
 ‘ speedy Punishment than the usual Forms of the Law will allow:’
 Be it therefore enacted by the Queen’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 if any Person who is or
 shall be commissioned or in Pay as an Officer, or who is or shall
 be listed or in Pay as a Non-commissioned Officer or Soldier,
 shall, at any Time during the Continuance of this Act, begin,
 excite, cause, or join in any Mutiny or Sedition in Her Majesty’s
 Land or Marine Forces, or shall not use his utmost Endeavours
 to suppress the same, or coming to the Knowledge of any Mutiny
 or intended Mutiny shall not, without Delay, give Information
 thereof to his Commanding Officer; or shall misbehave himself
 before the Enemy; or shall shamefully abandon or deliver up any
 Garrison, Fortress, Post, or Guard committed to his Charge, or
 which he shall be commanded to defend; or shall compel the
 Governor or Commanding Officer of any Garrison, Fortress, or
 Post to deliver up to the Enemy or to abandon the same; or
 shall speak Words or use any other Means to induce such Go-
 vernor or Commanding Officer, or others, to misbehave before
 the Enemy, or shamefully to abandon or deliver up any Garrison,
 Fortress, Post, or Guard committed to their respective Charge,
 or which he or they shall be commanded to defend; or shall
 leave his Post before relieved, or shall be found sleeping on his
 Post; or shall hold Correspondence with or give Advice or Intel-
 ligence to any Rebel or Enemy of Her Majesty, either by Letters,
 Messages, Signs, or Tokens, in any Manner or Way whatsoever;
 or shall treat or enter into any Terms with such Rebel or Enemy
 without Her Majesty’s Licence or Licence of the General or
 Chief Commander; or shall strike or shall use or offer any
 Violence against his Superior Officer, being in the Execution of
 his Office, or shall disobey any lawful Command of his Superior
 Officer; or shall desert Her Majesty’s Service; all and every
 Person and Persons so offending in any of the Matters before
 mentioned, whether such Offence shall be committed within this
 Realm, or in any other of Her Majesty’s Dominions, or in Foreign
 Parts, upon Land or upon the Sea, shall suffer Death or such other
 Punishment as by a Court-martial shall be awarded.

III. And be it enacted, That no Person whatever enlisted into
 Her Majesty’s Service as a Soldier shall be liable to be arrested or
 taken therefrom, by reason of the Warrant of any Justice or
 other Process, for not supporting, or for leaving chargeable on
 any Parish, Township, or Union, any Wife or any Child or
 Children,

Crimes punish-
 able by Death.

Soldiers not to
 be taken away
 from the Service
 for Debts under
 30l.

Children, or (except in the Case of an Apprentice) on account of any Breach of Contract, or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall

The Queen may make Articles of War in conformity with this Act.

Powers of General Courts-martial.

shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes :

In malingering, feigning^d Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure :

In purloining or selling Government Stores :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money intrusted to him :

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct ; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service ; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in Lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct ; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment ; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony ; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial ; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award ; and a Regimental Court-martial may try any Soldier for habitual Drunkenness and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days ; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid, it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment : Provided always, that when such Court

Regimental
Courts-martial.

shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Mixture of
Officers upon
Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in Her Majesty's Land Forces, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on Shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Proceedings of
Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the
Court

Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

XXX. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service, receiving Pay in respect of such Service, and to the Forces of the *East India* Company, while they shall be in any Part of the United Kingdom, and until their Arrival in the Territories of the *East India* Company, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at Home or Abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer or their

Persons subject
to this Act.

their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Act to extend
to certain
Islands.

XXXIII. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers, who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, and also as to the Exemption from Arrest for Debts under Thirty Pounds of Soldiers in the said Islands.

Offences con-
nected with
Enlistment.

XXXVI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money and having absconded after having been enlisted may be ascertained, before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered

to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred into any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved upon Oath, before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on
Officers offend-
ing against
Laws regarding
Enlistment.

XXXVII. And be it enacted, That every Military Officer who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits of Her Majesty's Service, or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Forfeiture of
Pay.

XLV. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence; provided that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement;

finement; and upon rejoining Her Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

VII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; pro-

Rates to be paid
for Carriages,
and Mode of
proceeding.

vided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Market in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Tolls.

LXI. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, and all Recruits marching by Route, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores, along any Canal,

Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

LXV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds nor less than Five Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXXVIII. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Person convicted of wilful and corrupt Perjury are subject and liable to.

Administration of Oaths.

Perjury.

C A P. XVIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. [11th April 1838.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 7 Will. 4. & 1 Vict. c. 8., and except that the Twenty-fourth Section of that Act is omitted in this Act.*]

Marines not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person enlisted in Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate or other Process for not supporting or for leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children, nor, except in the Case of an Apprentice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of Her Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action: Provided always, that any Plaintiff, upon Notice in Writing of the Cause of Action to be first given to any Marine, or left with the Adjutant of the Division to which he shall belong, may, in case no Appearance shall be entered in due Time, file a Common Appearance for him in any Action brought for the Recovery of a Debt, and may proceed therein to Judgment and Outlawry, and may have Execution thereon, other than against the Body of the Defendant.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of

of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster, Dublin, and Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions Abroad: Provided always, that no Person shall be subject by such Rules and Articles to be transported as a Felon or to suffer any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain and Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions, or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

Proceedings of Courts-martial.

sworn

sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed One Month at a Time or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment

Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on account of Services, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XII. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore-stated, and for such Court to proceed to try any Marine or Marines, below the Rank of Commissioned Officer, for any of the afore-mentioned Offences cognizable by a District or

If no Superior Officer of Land Forces is present in command of a District, &c. an Officer of Marines may convene a Court-martial.

or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act afore-mentioned, for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

Divisional
Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination or of any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement not exceeding Twenty Days: Provided also, that when the Imprisonment so to be adjudged shall be Part solitary and Part otherwise, the whole Period, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Divisional Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay, for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Detachment
Courts-martial.

XIV. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Marking a
Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature, shall thereupon forfeit

all

all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gun-powder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

XVII. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a General, District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which any such Court shall be appointed to be held, to give Evidence on any Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued; and if such Court shall not be then sitting, then by the Order of any Judge or Baron of the Courts at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of Queen's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpena to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Witnesses.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed by a General Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as hereinbefore provided any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time

Transportation
of Offenders.

of

of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual and have all the same Consequences as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime, and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons or their afterwards returning or their being at large without Leave shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, the Sentence and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Forfeiture of
Pay.

XXIV. And be it enacted, That no Marine who shall absent himself without Leave, or who shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful
for

for such Officer if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed, with the Authority and Consent of the Commissioners for executing the Office of Lord High Admiral, but not otherwise, to receive the Arrears of Pay and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the Whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent; and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

XXIX. 'And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions of Royal Marines for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such Parties to be diligent and active in their Duty in this Behalf;' be it therefore enacted, That for and in respect of every Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

XXXI. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, or House of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty signed by any Justice within

Reward for apprehending Marines attempting to desert.

Custody and Subsistence of Deserters.

whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Enlisting and
swearing of
Recruits.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine, he shall within Four Days, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the several Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be
lawful

lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

XXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce, to the Justice before whom the Recruit ought regularly to have been brought for Attestation, a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity upon being attested, or designedly made any false Representation, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be

Offences connected with Enlistment.

inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in

7 & 8 G. 4. c. 29. *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Rates for Car-
riages.

XLIX. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon

Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England*, for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof;) and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert, in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; Provided also, that a Cart

with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

Penalty for purchasing Clothes, &c. from any Marine.

LIII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Ammunition, Clothes, Cap, or other Military Furniture or Appointments from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles belonging to any Marine or Marine Deserter, which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods.

Administration of Oaths.

LVII. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Perjury.

Marines to be subject to the Discipline of the Navy while on board Ship.

LXIV. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished: Provided always, that if any Marine Officer or Marine

so borne on the Books of any of Her Majesty's Ships shall commit on Shore any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

C A P. XIX.

An Act to amend the Act for the Abolition of Slavery in the British Colonies. [11th April 1838.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves:* And whereas, in pursuance of the Powers for that Purpose in the said Act contained, divers Orders in Council, Ordinances, and Acts of Assembly have been made for giving Effect to the said Act by supplementary Enactments in the said Colonies: And whereas it hath since appeared that further Provisions are necessary for the Protection of the apprenticed Labourers in the said Colonies, and for giving full Effect to the Intent and Meaning of the said Act for the Abolition of Slavery: Be it therefore enacted by the Queen'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 be lawful for the Governor of each Colony in which this Act shall be in force to regulate from Time to Time, by Proclamation, by and with the Advice of the Council, the Distribution of the Hours of legal Labour of apprenticed Labourers within such Colony; and that after such Proclamation it shall not be lawful to employ any Apprentice in that Colony, unless by voluntary Contract, otherwise than according to such proclaimed Regulation; provided that no such Regulation shall lessen, save as herein-after provided, the whole Amount of weekly Labour which may be lawfully required of Apprentices within that Colony.

II. And be it enacted, That it shall be lawful, by any such Proclamation as aforesaid, to make Provision for reckoning as Part of the legal Time of compulsory Labour the Time necessary to enable the Apprentices to go, at any Rate not exceeding Three Miles by the Hour, to and from their Labour from and to their respective Places of Abode, and such necessary Times shall be reckoned and allowed accordingly in the whole Amount of weekly Labour which may be lawfully required of such Apprentices.

III. And whereas Provision was made by the said Act of Parliament for securing to apprenticed Labourers during the Continuance of their Apprenticeship the like Food, Clothing, Lodging, Medicine, Medical Attendance, and other Maintenance and Allowances which the Person or Persons for the Time being entitled to their Services was or were required to supply, provide, and allow to them whilst in the State of Slavery: And whereas in certain Cases Exemptions from Labour, Allowances of Food

3 & 4 W. 4. c. 73.

Hours of Labour to be regulated by Proclamation.

Time to be allowed for going to work and returning.

Customary Privileges and Allowances to be continued.

‘ or other Articles, and other Privileges and Indulgences, were
 ‘ given to Slaves in the said Colonies either by Law or Custom,
 ‘ the Continuance of which has not been sufficiently provided for
 ‘ by Law, and which therefore are not in all Cases enjoyed by
 ‘ the said apprenticed Labourers;’ be it therefore enacted, That
 all Exemptions from Labour, Allowances, Privileges, and Indul-
 gences to which in his or her State of Slavery any apprenticed
 Labourer was or would have been entitled by Law, or by any
 Custom established for the Space of Three Years at least before
 the passing of the said Act of Parliament in any of the said
 Colonies, or in any District or Parish thereof, shall, after having
 been ascertained and declared as herein-after provided, during the
 Continuance of the said Apprenticeship in that Colony, be fully
 and of Right enjoyed by the apprenticed Labourers in such
 Colony, District, or Parish respectively; and every Person entitled
 to the Services of any apprenticed Labourer who, by himself or
 herself, or by his or her Agent, shall withhold from or not allow
 to any such Apprentice all such usual Exemptions, Allowances,
 Privileges, and Indulgences as aforesaid, shall be liable to the same
 Penalties in all respects as if he or she had not supplied to such
 Apprentice the Allowances which by the said Act of Parliament
 he or she was required to supply to such Apprentice, unless by
 voluntary Contract, sanctioned by the Special Justice of the Dis-
 trict, any other Arrangement shall be made between any Employer
 and his or her Apprentices; and no apprenticed Labourer from
 whom such Allowances shall be withheld shall be liable to Punish-
 ment for Deficiency of Work during the Period for which such
 Allowance shall be withheld.

Governors in
 Council to de-
 termine usual
 Indulgences.

IV. And be it enacted, That it shall be lawful for the Governor
 of every such Colony, with the Advice of his Council, to inquire
 from Time to Time, and thereupon for the Governor to declare by
 Proclamation, what Exemptions, Allowances, Privileges, or Indul-
 gences have been so established within that Colony or in any
 District or Parish thereof; and every such Proclamation shall
 have the Force of Law in that Colony.

Proprietors of
 Estates to fur-
 nish Appren-
 tices while in
 Confinement or
 in Hospital with
 Food and Necess-
 aries.

V. And be it enacted, That the Proprietor or the Representative
 of the Proprietor of any Estate on which any Apprentice shall
 be confined in any Prison, Workhouse, or Hospital by the
 Procurement of such Proprietor, or his or her authorized Agent,
 Representative, or Servant, shall, to the Satisfaction of the Special
 Justice of the District, furnish to every such apprenticed Labourer
 sufficient Food, Medicines, and other Necessaries during the Time
 he or she shall be so confined therein; and every Person refusing
 or neglecting so to do shall be liable to the Penalties provided
 for the Punishment of such Persons as shall not supply to Apprentices
 the Allowances required by Law.

Official Um-
 pires may be
 appointed.

VI. And be it enacted, That in any of the said Colonies in
 which no Provision shall be in force at the Time of the Proclama-
 tion of this Act for the Appointment of an Umpire to act in default
 of the Parties whose Concurrence is necessary to the Completion
 of the Appraisement of the Value of the Services of any such
 Apprentice seeking his or her Discharge from Apprenticeship,
 or in the Case of an alleged excessive Valuation of the Services
 of any apprenticed Labourer by such Parties, it shall be lawful

for the Governor, if he shall think fit, to appoint, by Warrant under his Hand and the Public Seal of the Colony, so many Persons as he shall think necessary to be official Umpires of Appraisement in that Colony; and the Names and Places of the Abode of the Persons so appointed shall be published in the Public Gazette of the Colony: Provided always, that no such official Umpire shall take on himself to act in that Capacity until he shall have been sworn before some Justice of the Peace to act fairly and impartially in the Execution of his Office.

VII. And be it enacted, That in every Case in which an Appraisement of the Sum which ought to be given for the Discharge of any Apprentice cannot be completed because of the Disagreement or Default of the Persons appointed to value and appraise the same, according to the Laws in force in that Colony before the passing of this Act, or in the Case of such excessive Valuation as aforesaid, it shall be lawful for the Governor in every Colony in which such official Umpires shall have been appointed under this Act, on the Application of any Person whose Concurrence in the Appraisement is necessary to the Completion thereof, or of any Person interested therein, or of any Person on his or her Behalf, to direct the Valuation to be made by One of the said official Umpires, who shall thereupon proceed to fix a Value upon such Apprentice, which Valuation shall be binding and conclusive on all Parties; and upon the Amount of such Valuation being paid as by Law directed, such Apprentice shall be absolutely discharged from the Remainder of his or her Term of Apprenticeship.

Functions of
official Umpires.

VIII. And be it enacted, That in such Cases as aforesaid the said official Umpire alone shall have Authority and shall be required to give the like Notices and to perform all Acts and observe all Forms necessary for completing the Discharge of the said Apprentice, as fully as the Persons first appointed for the Purpose of completing such Discharge had Power or were required to do, or as near thereunto as may be; and the Governor, with the Advice of his Council, shall have Power in every such Colony to make such Regulations as may be necessary for adapting the Form of Procedure in that Colony to the Case of an Umpire acting alone in making and completing such Appraisement and Discharge.

Procedure to
be adapted to
Umpire acting
alone.

IX. And be it enacted, That no Supervisor or other Person in charge of any House of Correction, Workhouse, or other Place of Confinement shall receive into his Custody as a Prisoner any Person under Charge of being a vagrant or runaway Apprentice unless under a Warrant of Committal to that particular Place of Confinement, signed by a Justice holding a Special Commission under the Provisions of the said Act of Parliament; any Law or Custom to the contrary notwithstanding.

Vagrant Ap-
prentices to be
committed by
Special Justices
only.

X. And be it enacted, That every Supervisor or Person having charge of any Place of Confinement who shall neglect to advertise the Name and Description of any apprenticed Labourer committed to such Place of Confinement as a vagrant or runaway Apprentice, the Date of every such Committal, and the Name of the committing Magistrates, as by Law required, or who shall detain, except under legal Sentence, any such apprenticed Labourer beyond the

Penalty on
Supervisors
neglecting to
advertise Va-
grants, &c.

the Time required by Law for such Advertisement, shall be liable to a Penalty, at the Discretion of any Two Special Justices before whom he shall be convicted of such Offence, not exceeding the Rate of One Pound Sterling in each Case for each Day during which he shall have made such Default or shall have illegally detained any such apprenticed Labourer.

Justices may enter and examine all Prisons and Workhouses.

XI. And be it declared and enacted, That every Justice of the Peace holding a Special Commission under the said recited Act of Parliament shall have full Power and Authority at all Times, with such Persons as he shall think necessary to take with him, to enter into and upon any Plantation or Mill, or any Lands, Building, or Place whatsoever, at or within which any apprenticed Labourer shall be then employed in any agricultural or manufacturing Labour, or into any Hospital or Place set apart or used for the Cure or Reception of the Sick of or belonging to any Plantation or Estate, or into any Gaol, Prison, Workhouse, Cell, or other Place within such District or Division used, or which such Special Justice shall have reasonable Grounds for suspecting to be used, for the Custody of any apprenticed Labourer, and there to remain so long as to him shall seem necessary or proper for the Purpose of fully investigating any Complaints which any such apprenticed Labourer may be desirous to prefer, or of fully examining into the State of any such Hospital, Gaol, Prison, Workhouse, or Cell, or the Condition of any apprenticed Labourer confined or being therein, and to examine every Apprentice or other Person whom he shall think fit to examine, either alone, or in the Presence of such other Persons, as to the said Justice shall seem fit; and for the Purposes aforesaid or any of them it shall be lawful for any such Special Justice, and for the Persons whom he shall think fit to take with him, to pass and repass across or along any used Path or Way.

Governor may make Regulations for Treatment of apprenticed Labourers in Prison, &c.

XII. And be it enacted, That it shall be lawful for the Governor, by and with the Advice of his Council, in each of the said Colonies, if he shall deem it expedient for the better Protection of the apprenticed Labourer, to make such new or other Regulations for the Treatment of all apprenticed Labourers during the Period of their Confinement in any Prison, Workhouse, Hospital, or other Place of Confinement, as to him shall seem proper, which Regulations shall have the Force of Law.

Penalty for obstructing Justices.

XIII. And be it enacted, That every Person who shall obstruct or oppose any such Special Justice exercising or attempting to exercise any of the Rights or Powers hereby committed to him shall for any such Offence be proceeded against, and on Conviction thereof shall be punished, in the same Manner as any Person may now by Law be proceeded against and punished in the same Colony for obstructing any Special Justice appointed in pursuance of the said recited Act of Parliament in the Discharge of his Office.

Governor may order Actions against Justices to be discontinued.

XIV. And be it enacted, That if any Action whatsoever shall at any Time after the passing of this Act be brought against any such Special Justice or Justices for any thing done by him or them in the Execution of his or their Office, it shall be lawful for the Governor, if he shall think fit, to order that the Proceedings in such Action shall be stayed, and that the Action shall be

be discontinued; and such Proceedings shall be stayed and such Action discontinued accordingly.

XV. And be it enacted, That it shall be lawful for any Special Justice or Justices in any of the said Colonies, in every Case in which he or they shall have convicted any Person or Persons of any Wrong or Injury done to any apprenticed Labourer or Labourers, and shall have adjudged such Person or Persons respectively to pay any Fine or Penalty which under any Law in force such Justice or Justices is or are authorized to impose, to award the Whole or any Part of such Penalty to the apprenticed Labourer or Labourers against whom the Offence in respect of such Conviction shall take place shall have been committed.

Penalties may be paid over to Apprentices.

XVI. And for the more effectual Prevention of Cruelty and Injustice towards the said apprenticed Labourers, be it enacted, That if it shall be made to appear to the Satisfaction of the Governor of any such Colony that any apprenticed Labourer hath been subjected to any Cruelty or any grievous Injustice or Wrong done to or inflicted upon him or her by the Person or Persons entitled to his or her Services, or by the authorized Agent, Representative, or Servant of any such Person or Persons, or in the Execution of any Punishment inflicted for any Offence against the said Act of Parliament, or any Act or Ordinance made in pursuance of the said Act of Parliament, or for the Breach of any Regulation made for the Discipline of any Prison, Hospital, or Workhouse, or for any other Purpose, it shall be lawful for the Governor, by any Order to be for that Purpose made by him under his Hand, and sealed with the Public Seal of the Colony, to direct the immediate Discharge of any such apprenticed Labourer for his or her remaining Term of Apprenticeship, which Order, being enrolled in the Office of the Public Secretary of the Colony, shall thenceforward be a full and sufficient Discharge to such Apprentice from his or her remaining Term of Apprenticeship: Provided always, that no such Order shall be so made unless the Circumstances of any such Case shall have been first examined into upon Oath by Two Special Justices, nor until the Report in Writing of such Examination by such Special Justices containing the Evidence on which such Report is founded, shall have been received by him: Provided also, that, notwithstanding any such Order for the Discharge of any Apprentice, every offending Person shall be liable to the like Penalties for such Cruelty, Injustice, and Wrong as if such Order had not been made.

Apprentices cruelly treated may be discharged.

XVII. And be it enacted, That in case any apprenticed Labourer shall be discharged by any such Order, in consequence of any Cruelty, Injustice, or Wrong done to or inflicted upon him or her as aforesaid by any Person or Persons other than the Person or Persons for the Time being entitled to his or her Services, the Person or Persons by whom or by whose Procurement such Cruelty, Injustice, or Wrong shall have been done or inflicted shall be liable to pay to the Person or Persons entitled as aforesaid to the Services of such apprenticed Labourer the full Value of the Services of such apprenticed Labourer during the remaining Term of his or her Apprenticeship in case he or she had not been so discharged, which may be recovered by Action of Debt in any of the Courts of Law within the Colony.

Any Persons other than those entitled to the Services of apprenticed Labourers inflicting Injury on them, to pay the Value of their Services.

XVIII. And

Abolition of
certain Punish-
ments for
Offences against
the Abolition
Act.

XVIII. And be it enacted, That from and after the Proclamation of this Act it shall not be lawful to place any Female Apprentice on a Treadmill or in the Chain or Penal Gang of any Parish, or to punish any Female Apprentice by whipping or beating her Person, or by cutting off her Hair, for any Offence by her committed, or for the Breach of any Regulation, whether made for the Discipline of any Prison, Hospital, or Workhouse, or for any other Purpose; and that it shall not be lawful to punish any apprenticed Labourer, being a Male, by whipping or beating his Person, after the Fifteenth Day of *August* in the Year One thousand eight hundred and thirty-eight in any of the said Colonies except the Island of *Mauritius*, or after the Fifteenth Day of *February* in the Year One thousand eight hundred and thirty-nine in the Island of *Mauritius*, against any Provision of the said Act of Parliament for the Abolition of Slavery, or against any Provision of any Order in Council, Ordinance, or Act of Assembly made in pursuance of the said Act of Parliament, or for any Offence for which any other Person of free Condition within the same Colony is not liable to the like Punishment; and that from and after the Proclamation of this Act it shall not be lawful to punish any apprenticed Labourer, being a Male, by whipping or beating his Person, for any Offence by him committed against or for the Breach of any Regulation made for the Discipline of any Prison, Hospital, or Workhouse, unless with the Approbation and in the Presence of a Special Justice acting under the said recited Act of Parliament.

Classification of
Apprentices
may be revised.

XIX. ' And whereas there is Reason to believe that in some of the said Colonies no complete Division has been made of the apprenticed Labourers into distinct Classes, and that in the Divisions which have been made certain Apprentices have been erroneously registered as prædial apprenticed Labourers, and it is necessary that Provision should be made for the Completion of every incomplete Classification, and for the Correction of all erroneous Classifications;' be it enacted, That in each of the said Colonies in which at the Time of the Proclamation of this Act no complete Classification shall have been made, or no legal Provision shall be in force for revising the Classification of the Apprentices in such Colony, it shall be lawful for the Governor thereof, if he shall think fit, by Proclamation, by and with the Advice of the Council, to make Regulations for the complete Classification and effectual Revision of the Classification, as the Case may require, in such Colony, and for this Purpose to appoint fit and proper Persons having no Interest in any such Classification to complete such Classification and make such Revision, and that the Persons so appointed shall have full Power to correct all such Errors as shall be proved to them to exist in the said Classification, and that their Decision in each Case shall be final, except in the Case of Appeal as herein-after provided; provided that no Regulation so to be made as aforesaid for such Classification or Revision shall be repugnant to the said Act of Parliament, and that no Person who was of the Age of Twelve Years and upwards on the Twenty-eighth Day of *August* in the Year One thousand eight hundred and thirty-three shall be included or retained in either of the Classes of prædial apprenticed Labourers, unless such Person shall

shall for Twelve Calendar Months at least next before the said Twenty-eighth Day of *August* One thousand eight hundred and thirty-three have been habitually employed in Agriculture or in the Manufacture of Colonial Produce, any subsequent Agreement to the contrary notwithstanding: Provided always, that either of the Parties to this Classification who shall be dissatisfied with the Decision of the Revisors, or any other Person on his or her Behalf, may, within One Calendar Month after such Decision shall have been made, appeal against such Decision by Petition to the Governor of the Colony, and the Governor of the Colony to whom any such Petition may be preferred shall, with the Advice of his Council, proceed in a summary Way to hear and decide the Matter of the Petition, and his Decision shall be final, subject only to an Appeal to Her Majesty in Council.

XX. ' And whereas Doubts have arisen respecting the Validity of the Division of apprenticed Labourers into Three Classes in the Island of *Jamaica*, by reason that the said Division was carried into effect under Rules and Regulations established by an Act of Assembly which has been disallowed by Her Majesty by the Advice of Her Privy Council; be it therefore declared and enacted, That the said Classification in the Island of *Jamaica* shall, for the Purpose of such Revision, be taken to be valid and effectual, and shall be subject to such Revision as is herein-before directed.

XXI. And be it enacted, That whensoever any Governor shall have put in force any of the special Powers conferred upon him by this Act, for the Change or Completion of any Classification, for the Discharge of any Apprentice, or for the Regulation of any Prison or Workhouse, or for the staying of any legal Proceedings, or for the Proclamation of any Exemptions, Allowances, Privileges, or Indulgences as herein-before described, he shall, by the earliest convenient Opportunity, transmit to Her Majesty's Principal Secretary of State for the Colonies a Report of the Particulars of all Acts so done, and such Report shall be laid upon the Tables of both Houses of Parliament within Forty Days after it shall have been so received, or within Forty Days after the Commencement of the then next ensuing Session of Parliament.

XXII. And be it enacted, That it shall not be necessary for any apprenticed Labourer to be furnished with a Pass or Permission of any Kind during any Time of the Day or Night which is not Part of the legal Time of compulsory Labour, or which, in the Case of voluntary Contracts sanctioned according to Law, is not Part of the Time during which he or she shall have voluntarily contracted to work for any Employer, but that except during such Times of compulsory or contract Labour every apprenticed Labourer shall be as free to go from Place to Place on his or her lawful Occasions as any other Person of free Condition, and that all Laws repugnant to this Provision are hereby repealed: Provided always, that nothing herein contained shall be taken to authorize any Proceeding which would be a Trespass in any other Person of free Condition.

XXIII. And be it enacted, That every Person who shall offend against any Provision of this Act for which no Penalty is specially provided, and who shall be convicted thereof before a Special Justice, shall be liable to any Penalty not exceeding the greatest Penalty

Classification in Jamaica under disallowed Regulations declared good for the Purpose of Revision.

Report of Prison Regulations to be laid before Parliament.

Apprenticed Labourers not required to have Passes, except during their Masters Time.

Providing for Cases where the Penalty is not specially mentioned.

Penalty which a Special Justice is empowered to inflict upon any Person entitled to the Services of an apprentice Labourer, or his or her Agent or Servant, for any Violation of the said Act of Parliament, or of any Act of Assembly or Ordinance made in pursuance of the said Act of Parliament.

Repeal of certain Clauses in the Jamaica Police Act.

XXIV. ' And whereas by an Act of the Governor, Council, and Assembly of the Island of *Jamaica*, passed on the Eighteenth Day of *December* in the Year One thousand eight hundred and thirty-seven, intituled *An Act to organize a Police*, it is amongst other things enacted, that it shall be the Duty of the Police, and they are thereby required, at all Times, to take up all Vagrants or idle and disorderly Persons, and to quell all Riots, and disperse all unlawful Meetings, and to apprehend all and every Person and Persons unlawfully armed, or having in his, her, or their Possession any Arms or Ammunition without a Warrant for that Purpose from some Magistrate of the Parish in which such Persons shall reside, or having in his, her, or their Possession any Quantity of Sugar, Rum, Pimento, Coffee, or other Produce, or any Canes, Wood, or Grass, who shall not be able to produce a Permit from the Proprietor, Overseer, or other Person in charge of the Property whereon such Produce was grown or manufactured, or otherwise show that he, she, or they has or have honestly become possessed of such Property, and to carry such Person or Persons so apprehended before the nearest Justice, who shall examine into the Matter, and upon Conviction adjudge the Party or Parties offending to pay a Fine not exceeding the Sum of Five Pounds, or in failure of Payment of such Fine to commit such Offender or Offenders to labour in the House of Correction for a Space of Time not exceeding Thirty Days; and it is thereby provided, that in the event of no Application from the Owner of such Produce within Five Days the same shall be sold by Order of such Justice, and one Moiety of the Proceeds to be paid to the Police apprehending such Parties and the other Moiety to be appropriated to the Poor of the Parish in which such Condemnation shall take place; and it is thereby also provided, that if the Justice so called upon to adjudicate shall consider the Offence to be of too aggravated a Nature to be dealt with in such summary Manner, he shall commit the Offender to be tried at the Quarter Sessions of the Parish in which such Offence was committed; and it is thereby also provided and enacted, that when and so soon as it shall appear that the Produce so found in the Possession of any such Offender, being an apprenticed Labourer under the Provisions of the Act for the Abolition of Slavery in the said Island, in consideration of Compensation, and for promoting the Industry of the manumitted Slaves, and to declare Chapter One hundred and fifty-five of the Fifty-second Year of King *George* the Third in force in the said Island, was taken from the Premises, or is the Property of the Owner, Employer, or Person entitled to the Services of such apprenticed Labourer, then the Jurisdiction of the local Justice shall immediately cease, and the Offender shall be handed over to the Police, to be carried before the Special Justice of the District to which such apprenticed Labourer belongs, to be dealt with according to Law: Be it enacted, That so much as is herein-before recited of the said Act of the said Governor, Council, and

and Assembly shall be and the same is hereby repealed, and shall cease to have the Force and Effect of Law within the said Island.

XXV. And be it enacted, That the Governor of each of the said Colonies shall cause this Act to be proclaimed within such Colony; and this Act shall come into force within such Colony on a Day to be named in the Proclamation; and that so much of all Orders, Ordinances, and Acts of Assembly as is inconsistent with this Act shall cease to be in force in each of the said Colonies from the Time when this Act shall come into force in such Colony: Provided always, that nothing in this Act contained shall apply to any Colony to which the said Act of Parliament for the Abolition of Slavery does not apply, or in which the Apprenticeship established under the said Act of Parliament shall be already lawfully determined at the Time when the Governor shall receive Notice of the passing of this Act.

Proclamation
of this Act.

Limiting the
Application
thereof.

XXVI. And be it enacted, That all the Provisions herein-before contained shall continue in force in each of the Colonies in which they shall be so proclaimed until the lawful Determination of the said Apprenticeship within that Colony, and shall then cease to be of force, except as to any thing done, or any Privilege or Immunity granted for any thing done under the Authority of this Act, and except so far as any Provision of any Law, Ordinance, Order, or Act of Assembly is repealed or made of no force by this Act.

Continuance of
the aforesaid
Provisions.

XXVII. ' And whereas in such of the Colonies aforesaid as are subject to the legislative Authority of Her Majesty in Council certain Laws were in force at or immediately before the Time when the said recited Act came into operation, determining the Amount of Food and other Allowances to be supplied to the Persons then held in Slavery in the said Colonies respectively: And whereas Doubts have arisen whether, consistently with the Provisions of the said Act, it is competent to Her Majesty in Council to increase the said Allowances; be it therefore declared and enacted, That it is and shall be competent to Her Majesty in Council, by any Order or Orders in Council for that Purpose to be made from Time to Time, to increase the Amount of the said Allowances, as to Her Majesty in Council shall seem meet; any thing in the said recited Act to the contrary notwithstanding.

Her Majesty in
Council may
increase the
Amount of
Allowances to
Slaves.

XXVIII. ' And whereas under certain of the Provisions of the said recited Act Children bound out as apprenticed Labourers before the First Day of *August* One thousand eight hundred and forty, or apprenticed Labourers under the Sentences or Adjudications of the Special Magistrates, may in certain Cases be compelled to serve as apprenticed Labourers after the said First Day of *August* One thousand eight hundred and forty, and it is expedient that the said Act should in that respect be amended; be it therefore enacted, That no Person shall by virtue of the said Act, or by virtue of any Indenture of Apprenticeship entered into by him or her or on his or her Behalf in pursuance thereof, be liable to serve as an apprenticed Labourer after the First Day of *February* One thousand eight hundred and forty-one in the Island of *Mauritius*, or after the First Day of *August* One thousand eight hundred and forty in any other of the Colonies aforesaid;

Termination of
certain Appren-
ticeships.

aforesaid; any thing in the said Act or in any such Indenture contained to the contrary notwithstanding.

Construction of
Terms.

XXIX. And be it enacted, That in the Construction of this Act the Word "Governor" shall be taken to mean every Person lawfully charged with the Administration of the Government of any such Colony; and the Words "Apprentice" and "apprenticed Labourer" shall be taken to mean such Persons only as, having been formerly held in Slavery, are now Apprentices subject to the Provisions of the said recited Act of Parliament, or of any Order in Council, Ordinance, or Act of Assembly made or passed in pursuance thereof; and in *British Guiana* the Governor and Court of Policy shall exercise all the Powers herein given to the Governor with the Advice of his Council.

Act may be
amended this
Session.

XXX. And be it enacted, That this Act may be repealed or amended by any Act to be passed in this Session of Parliament.

C A P. XX.

An Act for the Consolidation of the Offices of First Fruits, Tenth, and Queen *Anne's* Bounty. [11th April 1838.]

2 Anne, c. 11.

WHEREAS Her most gracious Majesty Queen *Anne*, in Her Royal Bounty to the Poor Clergy of the Church of *England*, and pursuant to and by virtue of an Act of Parliament made in the Second Year of Her said Majesty's Reign, intituled *An Act for making more effectual Her Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy, by enabling Her Majesty to grant in perpetuity the Revenues of the First Fruits and Tenth, and also for enabling other Persons to make Grants for the same Purpose*, did, in and by Her Letters Patent under the Great Seal of *England*, bearing Date the Third Day of *November* in the Third Year of Her said Majesty's Reign, make, nominate, constitute, and appoint the Persons therein named to be One Body Politic and Corporate by the Name of "The Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy," with such Powers and Authorities as are therein mentioned and expressed; and did in and by the said Letters Patent give and grant unto the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and their Successors, all the Revenues of the First Fruits and yearly perpetual Tenth of all Dignities, Offices, Benefices, and Promotions Spiritual whatsoever payable to Her said Majesty, Her Heirs and Successors, by virtue of any Act or Acts of Parliament whatsoever, and all Arrears of the said First Fruits and Tenth (except as therein is excepted), to be applied and disposed of by the said Governors thereby constituted to and for such Ends, Intents, and Purposes as in and by the said Letters Patent are contained and directed: And whereas by virtue of an Act of Parliament made and passed in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Restitution of First Fruits to the Crown*, the said Revenues of First Fruits and yearly perpetual Tenth are within the Order, Survey, Rule, and Governance of Her Majesty's Court of Exchequer: And whereas His Majesty King *Charles* the

Second,

Eliz. c. 4.

' Second, by Letters Patent under the Great Seal of *England*,
 ' bearing Date the Twenty-fourth Day of *January* in the Thirty-
 ' first Year of His Reign, did give and grant unto *Marmaduke*
 ' *Gibbs* Esquire, his Heirs and Assigns, the Office of Remem-
 ' brancer of First Fruits and Tenths in His Majesty's Court of
 ' Exchequer, to hold the said Office unto the said *Marmaduke*
 ' *Gibbs*, his Heirs and Assigns, by himself, or by his or their suf-
 ' ficient Deputy or Deputies for ever, immediately and so soon
 ' after the Date of the said Letters Patent as the said Office should
 ' become vacant as therein mentioned, and which soon afterwards
 ' happened, upon Trust that he the said *Marmaduke Gibbs*, his
 ' Heirs and Assigns, should stand seised of the said Office, with
 ' the Wages, Fees, and Emoluments thereof (except as therein
 ' mentioned), for *Henry Duke of Grafton*, his Heirs and Assigns,
 ' as in the said Letters Patent is mentioned: And whereas by an
 ' Act passed in the Third Year of the Reign of King *George* the
 ' First, intituled *An Act for the better collecting and levying the* 3 G. 1. c. 10.
 ' *Revenue of the Tenths of the Clergy*, it was amongst other things
 ' enacted, that from and after the Twenty-sixth Day of *December*
 ' then last past there should be One Collector or Receiver of the
 ' said perpetual yearly Tenths of all Dignities, Offices, Benefices,
 ' and Promotions Spiritual whatsoever, granted to the said Cor-
 ' poration of the Governors of the Bounty of Queen *Anne* for the
 ' Augmentation of the Maintenance of the Poor Clergy by the
 ' said first-recited Act and Letters Patent, (which had not been
 ' legally discharged by any Act or Acts since made, or otherwise,)
 ' from Time to Time to be appointed by His Majesty, His Heirs
 ' and Successors, by His or Their Letters Patent under the Great
 ' Seal of *Great Britain*, as in the said Act now in recital is men-
 ' tioned; which said Collector or Receiver should be and was
 ' thereby charged and chargeable to levy, collect, and receive all
 ' such Sums of Money wherewith all and every such Dignities,
 ' Offices, Benefices, and Promotions Spiritual were charged and
 ' chargeable for and towards the Payment of the said perpetual
 ' yearly Tenths; and should pay and content the said Sums of
 ' Money yearly into the Receipt of His Majesty's Exchequer at
 ' *Westminster*, in such Manner and Form as was therein-after men-
 ' tioned: And whereas under or by virtue of the several Acts and
 ' Letters Patent herein-before mentioned or referred to, and other
 ' Acts of Parliament and Letters Patent of the Crown, the said
 ' Revenue of First Fruits is now collected and received in a certain
 ' Office called the Office of First Fruits, which Office is a Branch
 ' of the said Court of Exchequer, and consists of Four Officers;
 ' *videlicet*, a Remembrancer of First Fruits and Tenths, who holds
 ' his Office in Fee under or by virtue of the said Letters Patent
 ' of King *Charles* the Second, a Collector or Receiver, and Two
 ' sworn Clerks; and the Revenue of yearly Tenths is in the first
 ' instance collected and received by a Collector or Receiver, who
 ' holds his Office under or by virtue of the said Act of the Third
 ' Year of King *George* the First, or Letters Patent granted in
 ' pursuance thereof, and has Two Clerks for his Assistance in
 ' the Business of such Collection and Receipt; and the said Reve-
 ' nues of First Fruits and yearly Tenths are from Time to Time
 ' paid by the respective Collectors or Receivers thereof into the
 ' Bank

‘ Bank of *England*, to the Account of Her Majesty’s Exchequer ;
 ‘ and the same Monies, or the Amount thereof, are or is after-
 ‘ wards from Time to Time paid to the Treasurer for the Time
 ‘ being of the said Governors of the Bounty of Queen *Anne* for
 ‘ the Augmentation of the Maintenance of the Poor Clergy : And
 ‘ whereas the Names of the present Officers employed in the said
 ‘ Offices of First Fruits and Tenths for the Collection, Receipt,
 ‘ and Payment, in manner aforesaid, of the said Revenue of First
 ‘ Fruits and yearly perpetual Tenths, and the average yearly Amount
 ‘ of the Emoluments of all such Officers respectively, arising from
 ‘ Salaries and Fees, or otherwise (as stated by such Officers respec-
 ‘ tively), and the annual Expences of the said Offices for Rent,
 ‘ Salary to an Office Keeper, Stationery, Coals, Candles, and other
 ‘ incidental Matters, are set forth in the Schedule to this Act,
 ‘ and amount in the whole to the yearly Sum of Two thousand
 ‘ and twenty-two Pounds Eighteen Shillings and Eleven-pence :
 ‘ And whereas the Method at present in use for the Collection and
 ‘ Receipt of the said First Fruits and Tenths by the said several
 ‘ Officers respectively, and the Payment of the same into the Bank
 ‘ of *England* to the Account of Her Majesty’s Exchequer, and
 ‘ the subsequent Payment thereof to the Treasurer of the Gover-
 ‘ nors of the Bounty of Queen *Anne*, as herein-before mentioned,
 ‘ is unnecessarily circuitous, complicated, and expensive ; and it is
 ‘ therefore expedient that the said Office of Remembrancer of First
 ‘ Fruits and Tenths, and the said several Offices of Collectors or
 ‘ Receivers of First Fruits and Tenths, and the Clerkships attached
 ‘ to the same Offices respectively, should be abolished, and that the
 ‘ Collection and Receipt as well as the Expenditure and Appli-
 ‘ cation of the whole Revenue of First Fruits and Tenths should
 ‘ be placed under the Management of the said Governors of the
 ‘ Bounty of Queen *Anne*, and their Treasurer for the Time being
 ‘ under their immediate Control, by which Means the Collection
 ‘ and Receipt of the said First Fruits and Tenths, and the Proceed-
 ‘ ings to recover and enforce the Payment thereof, may be rendered
 ‘ more simple and less oppressive to the Clergy paying the same,
 ‘ and the Expences attending such Collection and Receipt may
 ‘ be greatly lessened, and the clear Revenues of First Fruits and
 ‘ Tenths be consequently increased for the Augmentation of the
 ‘ Maintenance of the Poor Clergy, as directed by the said Letters
 ‘ Patent of Her said Majesty Queen *Anne* :’ Be it therefore enacted
 by the Queen’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-fourth Day of *December*
 next after the passing of this Act the said Office of Remembrancer
 of First Fruits and Tenths, the said Offices of Collectors or Re-
 ceivers of First Fruits and Tenths respectively, and the several
 Clerkships and other Offices attached or belonging thereto respec-
 tively, shall be and the same are hereby abolished.

Abolishing
 Offices of First
 Fruits and
 Tenths.

Books, &c.
 belonging to
 abolished Offices
 to be delivered
 up to the Treas-
 urer of Queen
 Anne’s Bounty.

II. And be it enacted, That the several Records, Deeds, Books,
 Accounts, Papers, Vouchers, and other Documents whatsoever of
 or concerning the Duties and Business of the said several Offices
 respectively so to be abolished as aforesaid, shall, on or before the
 said Twenty-fourth Day of *December* next after the passing of this

Act, be delivered by the several Officers or Persons now having the Custody or Possession of the same into the Hands and Possession of the Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne*, at his Office for the Time being in the City of *London* or *Westminster*, to be by such Treasurer for the Time being duly kept and preserved in his said Office, subject nevertheless to such Rules, Orders, and Regulations as the said Governors of the Bounty of Queen *Anne* shall or may from Time to Time ordain or make touching the same; and that the Barons of Her Majesty's Court of Exchequer shall, if necessary, make such Order or Orders as to them may seem meet for the Delivery of the said several Records, Deeds, Books, Accounts, Papers, Vouchers, and other Documents to the said Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne* as aforesaid.

III. And be it enacted, That from and after the said Twenty-fourth Day of *December* next after the passing of this Act the Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy shall be the one and only Collector or Receiver of all the said Revenues of First Fruits and yearly perpetual Tenths of all Dignities, Offices, Benefices, and Promotions Spiritual whatsoever, which shall thereafter be or become payable under or by virtue of any Act or Acts of Parliament, or otherwise howsoever, and of all past, present, and future Arrears of the same Revenues of First Fruits and Tenths respectively; and that the Monies to be received by such Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne* shall be from Time to Time paid and disposed of and accounted for by such Treasurer in the same Manner as the Monies which would have been received by him for or in respect of such Revenues, in case this Act had not been made, would have been paid and disposed of and accounted for.

IV. Provided always, and be it enacted, That the Enactments herein-before contained making the said Revenues of First Fruits and Tenths payable immediately to the said Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne*, instead of being as heretofore first paid into Her Majesty's Exchequer, shall not take away, lessen, defeat, prevent, or in any way affect or alter any Writ, Process, or Remedy whatsoever heretofore in use in Her Majesty's Name in Her Majesty's said Court of Exchequer, or otherwise, for the Recovery or compelling Payment of the said Revenues of First Fruits and Tenths, or the Arrears thereof, or the Penalties for the Nonpayment of the same; but that all such Writs, Process, and Remedies shall and may be issued, sued, and prosecuted by or in the said Court of Exchequer in the Name of Her said Majesty, or otherwise, and in the same Manner and Form to all Intents and Purposes and as fully and effectually as if the said Revenues of First Fruits and Tenths were still payable in the same Manner and to the same Officers as before the passing of this Act; and that from and after the said Twenty-fourth Day of *December* next after the passing of this Act the said Treasurer for the Time being of the Governors of the Bounty of Queen *Anne*

The Treasurer of Queen Anne's Bounty to be the sole Collector of the First Fruits and Tenths.

Alteration in the Mode of collecting First Fruits and Tenths not to affect the Remedies for compelling Payment.

shall and may have and exeroise the same Powers and Authorities with regard to the issuing, suing forth, and Prosecution of such Writs, Process, and Proceedings for or relating to the Recovery or compelling Payment of the said Revenues of First Fruits and Tenths, and all Penalties for Nonpayment thereof, or otherwise relating thereto, as the said Remembrancer of First Fruits, and the said Collectors or Receivers of First Fruits and Tenths respectively, whose Offices are hereby abolished, had or might have exercised immediately before the passing of this Act.

Duties of
abolished Offices
to be performed
by Treasurer of
Queen Anne's
Bounty.

V. And be it enacted, That from and after the said Twenty-fourth Day of *December* next after the passing of this Act all Returns by the Bishops of the several Dioceses and by other Ordinaries of Institutions to Benefices, and all Returns whatsoever heretofore made to, and all Notices, Process, and other Proceedings, Charges, Discharges, Bonds, Recognizances, Estreats, Matters, and Things usually issued, done, had, received, filed, recorded, or taken by or under the Authority of the said Remembrancer of First Fruits and Tenths, or the said Collectors and Receivers of First Fruits and Tenths, and other Officers whose Offices are hereby abolished, or any of them, for the Recovery or enforcing the Payment of the said Revenues of First Fruits and Tenths, or for any other Purpose whatsoever, and which shall from henceforth be by Law required or needful to be made and delivered, issued, done, had, received, filed, recorded, or taken, shall be respectively made and delivered to, and issued, done, had, received, filed, recorded, and taken by the Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne*, or the Clerks in the Office of such Treasurer by and under his Direction, according to the Course and Practice of such Office, as fully and effectually to all Intents, Constructions, and Purposes as the same might or could have been made and delivered to, or issued, done, had, received, filed, recorded, or taken by the said Remembrancer, Collectors, and Receivers and other Officers, whose Offices respectively are hereby abolished, or any of them, before the passing of this Act.

Searches to be
made and Copies
of Documents
to be obtained
as heretofore.

VI. And be it enacted, That from and after the said Twenty-fourth Day of *December* next after the passing of this Act all such Searches, Copies, or Extracts as may now be made, taken, or obtained by any Person or Persons whomsoever in and from the Records, Books, and other Documents in or belonging to the said Offices of First Fruits and Tenths respectively, shall or may be made and taken from the same Records, Books, and other Documents, and all other similar Records, Books, and other Documents for the Time being which by virtue of this Act shall be in or belonging to the Office of the Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne*, at such Time and Times, or in such Manner, and upon Payment of such Fees as the said Governors shall, under their Common Seal, order and direct; and that all such Copies or Extracts, signed and authenticated by the said Treasurer for the Time being, or such other Person or Persons as shall be appointed by him for that Purpose, shall be as available in Evidence and as valid and effectual to all Intents and Purposes as the same would by Law have been

if

if the same had been signed, authenticated, and given before the passing of this Act by the said Remembrancer and other Officers whose Offices are hereby abolished, or any of them.

VII. And be it enacted, That in the meantime and until such Order or Orders shall be made in that respect, as are herein-after provided, all Fees for such Searches and Copies or Extracts as aforesaid, and all such other Fees, Perquisites, and other Payments whatsoever (except Salaries) as are now paid to or received by and for the Use and Benefit of the said Remembrancer and other Officers whose Offices are hereby abolished, shall be paid to and received by the said Treasurer for the Time being of the Bounty of Queen *Anne*, and shall be by him from Time to Time accounted for and paid and disposed of in the same Manner and for the same Purposes as the said Revenues of First Fruits and Tenths hereby made payable to him as aforesaid.

Fees for Searches, &c. to be paid to the Treasurer of Queen Anne's Bounty.

VIII. And be it enacted, That the said Treasurer for the Time being of the Bounty of Queen *Anne* shall upon or immediately after the Receipt of every Return of Institutions made by the Bishops of the respective Dioceses in *England* or *Wales*, or other Ordinaries, deliver or transmit by the Post, or otherwise, to every Clerk or other Person instituted to any Ecclesiastical Benefice, an Account or Statement in Writing of the Payments (if any) which are to be made by him for or in respect of the First Fruits and yearly Tenths of such Benefice, and of the Times and Manner of making such Payments.

Account of First Fruits and Tenths payable to be sent to Clerks on Institution.

IX. And be it enacted, That when and as often as it shall appear to the Treasurer for the Time being of the Governors of the Bounty of Queen *Anne* that any Person liable to the Payment of First Fruits or Tenths shall have omitted or neglected to pay the same respectively for One Calendar Month over or after the proper Time for such Payment, the said Treasurer for the Time being shall thereupon give to each such Person a Notice in Writing, or transmit the same by the Post addressed to him at the Place of Residence belonging to the Benefice or other Ecclesiastical Preferment in respect of which such Payment is required, or other his usual Place of Residence, if known to the said Treasurer, stating the Amount then appearing to be due from such Person for or in respect of First Fruits and Tenths respectively; and that such Notice shall from Time to Time be repeated as often as the said Treasurer may deem expedient; and that in particular between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *December* in every Year such a Notice shall be given, sent, or transmitted as aforesaid to every Archbishop, Bishop, or other Dignitary, Rector, Vicar, or other Person from whom any First Fruits or yearly Tenths, or any Sum or Sums of Money in respect thereof, may then appear to be due, to the end that the Payments of such First Fruits and Tenths may in no Case be omitted or neglected through Ignorance or Inadvertence.

Notice of Arrears to be sent to the Party omitting to pay.

X. And be it enacted, That all the Laws, Statutes, and Provisions touching or concerning the said Revenues of First Fruits and Tenths, and the imposing, charging, assessing, and levying, and the true answering and Payment of the said First Fruits and Tenths, or touching the Charge or Discharge or Alteration of them or any of them, or any Matter or Thing relating thereto,

Provisions of former Acts relating to First Fruits and Tenths to continue in force, except where altered by this Act.

which were in force immediately before the passing of this Act, and which are not hereby or herein-before altered or repealed, shall be, remain, and continue in their full Force and Effect, and shall hereafter be observed and put in due Execution according to the Tenor or Purport of the same and every of them in all Things, excepting such as are in or by this Act altered or repealed.

Compensation
to the Remem-
brancer of First
Fruits and
Tenths.

XI. 'And whereas it is fit and reasonable that a fair and proper Price or Consideration in Money should be paid out of the Funds of the said Governors of the Bounty of Queen *Anne* to *Henry Warre* Esquire, the present Remembrancer of First Fruits and Tenths, or other the Owner or Owners of the Freehold and Inheritance of such Office under the said Letters Patent of King *Charles* the Second, as and for the Purchase of or a Compensation for the Loss of the same by virtue of this Act; and that a fair and proper Compensation in Money should also be paid out of the Funds of the said Governors of the Bounty of Queen *Anne* to *George Arbuthnot* Esquire, the present Collector or Receiver of First Fruits, and to Mr. *George Gunthorpe*, the present senior sworn Clerk in the said Office of First Fruits, and to Mr. *Richard Griffiths*, the present senior sworn Clerk in the said Office of Tenths, for the Loss which they will respectively sustain by the Abolition of their said respective Offices by virtue of this Act;' be it therefore enacted, That the Governors of the Bounty of Queen *Anne* shall, by and out of the Funds of their said Corporation, pay to the said *Henry Warre*, or other the Owner or Owners of the said Office of Remembrancer of First Fruits and Tenths, and the Freehold and Inheritance thereof, as and for the Purchase of or a Compensation for the Loss of the same by virtue of this Act, such a Sum of Money as shall by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under their Hands, be ascertained and declared to be the fair and reasonable Value of the said Office of Remembrancer of First Fruits and Tenths, and the Freehold and Inheritance thereof.

Compensation
to other Officers.

XII. And be it enacted, That the said Governors of the Bounty of Queen *Anne* shall, by and out of the Funds of their said Corporation, pay to each of them the said *George Arbuthnot*, *George Gunthorpe*, and *Richard Griffiths*, such Sum or Sums of Money, either annually or in gross, as shall by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under his or their Hand or Hands respectively, be ascertained and declared to be a fair and reasonable Compensation for the Loss which the said last-mentioned Officers respectively will sustain by the Abolition of their said respective Offices by virtue of this Act.

Title to be
shown to the
Office of Re-
membrancer.

XIII. And be it enacted, That the said *Henry Warre*, or other the Person or Persons claiming to be the Owner or Owners of or entitled to the said Office of Remembrancer of First Fruits and Tenths shall, within One Calendar Month next after the passing of this Act, at his or their own Expence, prepare and deliver to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, an

Abstract

Abstract of the Title to the said Office of Remembrancer, and the Fee and Inheritance thereof, under the said Letters Patent of King *Charles* the Second, and shall deduce and evidence a good Title to the same to the reasonable Satisfaction of the Counsel of the said Governors; and that on such good and marketable Title being deduced and evidenced as aforesaid the said Governors, or their Treasurer for the Time being, shall, upon an Order for that Purpose made by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, pay to the said *Henry Warre*, or other the Owner or Owners of the said Office of Remembrancer of First Fruits and Tenths, and the Fee Simple and Inheritance thereof, the Sum of Money which shall in manner aforesaid have been ascertained and declared to be the fair and reasonable Price or Value of the same, and that the Receipt of the Person or Persons to whom the same Money shall be paid shall be good and sufficient Discharge to the said Governors.

XIV. Provided always, and be it enacted, That in case a good Title to the said Office of Remembrancer of First Fruits and Tenths, and the Fee Simple and Inheritance thereof, shall not be deduced and evidenced, then and in that Case it shall and may be lawful for the said Governors and they are hereby required, with all convenient Speed, to pay the Sum of Money which shall have been in manner aforesaid ascertained and declared to be the reasonable Price and Value of the said Office of Remembrancer into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Governors of the Bounty of Queen *Anne*, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the said *Henry Warre*, or other the Person or Persons, Body or Bodies, who would have been entitled to the Fees, Emoluments, and Profits of the said Office of Remembrancer of First Fruits and Tenths in case the same had not been abolished, in or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Office, or any Part or Parts, Share or Shares, Estate or Estates, Interest or Interests thereof or therein, or Charge or Charges thereon, or affecting any other Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the said

In case of not making out a good Title, Purchase Money to be paid into Court of Exchequer.

1 G. 4. c. 35.

Office of Remembrancer of First Fruits and Tenths so hereby abolished as aforesaid stood settled or limited immediately before the passing of this Act, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and that in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and that in the meantime and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the said *Henry Warre*, or other the Person or Persons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were actually made.

Persons in Possession of Office of Remembrancer to be deemed right-fully entitled thereto until contrary is proved.

XV. Provided always, and be it enacted, That if any Question shall arise touching the Title of the said *Henry Warre*, or of any other Person or Persons, Body or Bodies, to the Monies to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of or as a Compensation for the said Office of Remembrancer of First Fruits and Tenths, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the said *Henry Warre*, the present Possessor of the said Office of Remembrancer, and all and every Person or Persons claiming under him, shall be deemed and taken to have been lawfully entitled to the said Office, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of the said Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Office of Remembrancer, or to some Part or Share thereof, or to some Estate or Interest therein or Charge thereon.

Bishop of Ripon and Bishops of any future new Sees to be Governors.

XVI. And be it enacted, That the Right Reverend *Charles Thomas* Lord Bishop of *Ripon*, and the Bishop of *Ripon* for the Time being, shall be a Governor of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy; and that in the event of the Foundation of any new See or Sees in *England* or *Wales* the Bishop or Bishops thereof for the Time being shall be a Governor or Governors of the said Bounty.

General Meeting of Governors to be held yearly.

XVII. And be it enacted, That between the First Day of *February* and the First Day of *July* in every Year, on some convenient Day and at some convenient Place in the City of *London* or *Westminster*, to be respectively appointed for that Purpose by the said Governors of the Bounty of Queen *Anne*, they the said Governors shall hold an extraordinary General Court or Meeting for

for the Dispatch of the Business of the said Governors, and that at least Fourteen Days previous Notice of the Time and Place of such General Court or Meeting shall be yearly given in the *London Gazette*.

XVIII. And be it enacted, That the said Governors of the Bounty of Queen *Anne* shall, in the Month of *November* in every Year, make out in Writing a Return of all their Receipts and Disbursements during the preceding Year ending on the Thirty-first Day of *December* then last past, and of all Sums of Money which at the Time of making such Account or Return shall appear to be due or in arrear from any Person or Persons whomsoever for or in respect of First Fruits and Tenths respectively, and shall present such Account or Return to Her Majesty in Council; and that the same or Copies thereof shall, at the Commencement of the ensuing Session, be laid before both Houses of Parliament; and shall cause a Duplicate of each such Account or Return to be deposited, on or before the First Day of *December* in every Year, at the Office of the Secretary of the said Governors for the Time being, who shall keep and preserve the same respectively at his said Office; and all Persons whatsoever may at all reasonable Times have Access thereto, and be furnished by the said Secretary with Copies or Extracts thereof or of such Part or Parts thereof as they shall require, stamped with the Common Seal of the said Governors, on giving reasonable Notice to the said Secretary, and on Payment of Two Shillings and Sixpence for such Inspection, and after the Rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and all Copies of or Extracts from any of the said Duplicates of the said Accounts or Returns, purporting to be stamped with the Common Seal of the said Governors, shall be received in Evidence in all Courts and before all Judges whatsoever without any further Proof thereof.

Account to be annually laid before Her Majesty in Council and both Houses of Parliament.

XIX. And be it enacted, That it shall be lawful for Her Majesty and Her Successors, under Her or Their Royal Sign Manual, from Time to Time as there shall be Occasion, and at the Recommendation of the said Governors of the Bounty of Queen *Anne*, to make Rules, Orders, Regulations, and Arrangements for the better collecting, receiving, and enforcing the Payment of the said First Fruits and Tenths, and accounting for the same, and for prescribing or regulating the Duties of the said Treasurer for the Time being with respect to the said First Fruits and Tenths, and his Receipt, Disposition, and accounting for the same, and the Number, Duties, and Employment of the Clerks or other Persons to be employed therein under the Direction of such Treasurer or otherwise, and for the Remuneration of the said Treasurer, Clerks, and other Persons respectively, for the Duties performed by him and them respectively in the Matters aforesaid, either by a fixed Salary or Salaries, or by the Appropriation to him or them respectively, for his or their own Benefit, of all or any of the Fees herein-before directed to be paid to such Treasurer for the Time being, and for enforcing and carrying into more complete Operation the Objects and Purposes of this Act.

Governors empowered to make Rules and Orders.

XX. And whereas it is expedient that the said Governors of the Bounty of Queen *Anne* should be empowered to adopt and

Deeds for Purchases, &c. to be made in the following Form.

‘ use short Forms of Deeds in Cases of Purchases and Grants by way of Gift or Benefaction of Lands, Tenements, and Hereditaments, and annual Stipends, Rent-charges, or Annuities, for the perpetual Augmentation of small Livings and Cures;’ be it therefore enacted, That all Conveyances and Grants, either by way of Purchase or by way of Gift or of Benefaction, of Lands, Tenements, and Hereditaments, hereafter to be made to or by the Direction of the said Governors and their Successors, according to the Rules and Orders established for the Regulation of the said Bounty by Letters Patent under the Great Seal of *Great Britain*, and pursuant to the Charter of Incorporation of the said Governors, and the several Acts of Parliament in that Case made and provided for the perpetual Augmentation of small Livings and Cures, may be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; namely,

‘ I of in consideration of [*state the Consideration*], do hereby grant and convey to the said Governors, their Successors and Assigns, [*or to the Rector, Vicar, Curate, or Incumbent of the Rectory, Vicarage, Curacy, or Chapelry (as the Case may be), and his Successors, by the Direction of the said Governors, (testified by their affixing their Common Seal to this Deed), all (describing the Premises to be conveyed), together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same and every Part thereof as I am or shall become seised or possessed of, to hold the said Premises to the said Governors, their Successors and Assigns, for ever, to be by them applied and disposed of (or to hold the said Premises to the said Rector, &c., as the Case may be, and his Successors, for ever,*] for the Augmentation of the Maintenance of the said Rector, Vicar, Curate, or Incumbent (*as the Case may be*) of the Rectory, Vicarage, Curacy, or Chapelry of . In witness whereof, &c.’

And all such Conveyances and Grants shall be valid and effectual in the Law to convey all the Right, Title, and Interest of the Grantors or Grantor in the Premises thereby conveyed or granted.

Deed for granting Stipends, &c. to be in the following Form.

XXI. And be it enacted, That all Deeds for the Purpose of granting Stipends, Rent-charges, or Annuities, to or by the Direction of the said Governors for the Augmentation of small Livings and Cures, may be made according to the Form following, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; viz’,

‘ I of in consideration of [*state the Consideration*], do hereby give and grant unto the Governors of the Bounty of *Queen Anne* for the Augmentation of the Maintenance of the Poor Clergy, and their Successors, [*or to the Rector, Vicar, Curate, or Incumbent of the Rectory, Vicarage, Curacy, &c. of , and his Successors, by the Direction of the said Governors, testified by their affixing their Common Seal to this Grant,*] the clear Rent-charge or annual Sum of to be issuing out of and charged upon all [*describe the Premises charged*], to hold the said clear Rent-charge or annual Sum of , free from all Charges and Deductions

' Deductions now payable or hereafter to be made payable, unto
 ' the said Governors, their Successors and Assigns, to be by them
 ' applied to the perpetual Augmentation of the Maintenance of
 ' the Rector, Vicar, Curate, or Incumbent (*as the Case may be*),
 ' of, &c. [*or* unto the Rector, Vicar, Curate, or Incumbent of, &c.,
 ' (*as the Case may be*), for the perpetual Augmentation of the
 ' said Rectory, Vicarage, Curacy, or Benefice], such clear Rent-
 ' charge or annual Sum to be paid yearly for ever, by Four
 ' equal quarterly Payments, on the Days and Times following,
 ' [*specify the Days and Times and the Place at which the Payments*
 ' *are to be made,*] the first Payment to be made on such of the
 ' said Days as shall first happen next after the Date hereof. In
 ' witness whereof, &c.'

And every such Gift and Grant shall be valid and effectual in the Law for the Purpose of securing the Payment of such clear Rent-charge or annual Sum as shall be therein expressed to be granted, as far as the Estate or Interest of the Grantors or Grantor in the Tenements and Hereditaments thereby charged shall extend, and shall be construed and adjudged in all Courts of Judicature to authorize and empower the Grantees or Grantee therein named, and their respective Successors and Assigns, if such clear Rent-charge or annual Sum, or any Part thereof, shall be in arrear for the Space of Twenty-eight Days, to levy the same by distraining any Goods upon the Premises charged, and selling the Distress, as in the Case of Rent reserved on common Leases for Years, and to repeat such Distress and Sale from Time to Time, whenever necessary, until such clear Rent-charge or annual Sum, and all Arrears thereof, and any Costs attending the Nonpayment thereof, shall be fully discharged.

XXII. And be it enacted, That in all such Conveyances and Grants made for valuable Consideration for the Augmentation of any small Living or Cure the Word "grant" shall, where the Grantors or Grantor at the Time of such Conveyances or Grants had or claimed to have a beneficial Interest in the Premises conveyed, granted, or charged, operate as and be construed and adjudged in all Courts of Judicature to be an express Covenant to or with the Grantees or Grantee, their or his Successors and Assigns, by or from the Grantors or Grantor, their, his, or her Successors, Heirs, Executors, and Administrators, that, notwithstanding any Act of the said Grantors or Grantor or their or any of their Ancestors, to the contrary, the said Grantors or Grantor were or was at the Time of the Execution of such Conveyances or Grants seised or possessed of, and had full Power and Authority to grant and convey or to charge, the Lands or Premises thereby granted or charged, for an indefeasible Estate of Inheritance in Fee Simple, or otherwise for such Estate or Interest as therein expressed, free from all Incumbrances, and that, notwithstanding any such Act as aforesaid, the Grantees or Grantee, their or his Successors and Assigns, shall quietly enjoy such Lands and Premises, or such Rent-charge, as the Case may be, against all Persons whomsoever claiming or to claim by, from, under, or in Trust for such Grantors or Grantor, or by, from, under, or in Trust for their or any of their Ancestors, and be indemnified and saved harmless by the said Grantors or Grantor,

Definition of the
 Word "grant"
 in Conveyances,
 &c.

Grantor, their, his, or her Successors, Heirs, Executors, and Administrators, from all Incumbrances whatsoever made or created by such Grantors or Grantor, or any of them, or their or any of their Ancestors, and also for further Assurance, at the Expence of the Grantees or Grantee, their or his Successors or Assigns, of such Lands and Premises, or of such Rent-charge, by the said Grantors or Grantor, and all Persons claiming under them, him, or her, unless and except and so far as the same shall be restrained or limited by express particular Words contained in such Conveyances and Grants; but where the said Grantors or Grantor at the Time of such Conveyances or Grants were or was Bare Trustees or a Bare Trustee only of the Premises thereby conveyed or granted, the Word "grant" shall operate as and be construed and adjudged to be an express Covenant with the Grantees or Grantee, their or his Successors and Assigns, by or from the Grantors or Grantor, their, his, or her Heirs, Executors, and Administrators, that such Grantors or Grantor had done no Act to incumber the Premises thereby conveyed or granted; and the Grantees or Grantee, their or his Successors and Assigns, shall and may in all Actions to be brought assign Breach or Breaches of Covenant as they might do in case such Covenants were expressly inserted in such Conveyances and Grants.

Governors of Queen Anne's Bounty to cause Deeds to be enrolled.

XXIII. And be it enacted, That it shall and may be lawful to and for the said Governors of the Bounty of Queen Anne to cause and procure to be enrolled in Her Majesty's High Court of Chancery all or any of such Deeds as may be hereafter made or executed for the Purpose of conveying, giving, granting, or annexing any Lands, Tenements, or Hereditaments, or any Stipend, Rent-charge, or annual Sum, to or by the Direction of the said Governors or their Successors for the Augmentation of Livings or Cures as aforesaid; and when any such Deed or Deeds shall have been so enrolled a Copy of the Enrolment thereof, certified by the proper Officer having the Custody of such Enrolment to be a true Copy of such Enrolment, and examined with the said Enrolment, shall be of the same Force, Effect, and Validity to all Intents and Purposes as the original Deed would be if the same were produced; and that any Rule or Practice requiring Deeds to be acknowledged before Enrolment shall not apply to any Deed by this Act authorized to be enrolled in Her Majesty's High Court of Chancery.

Powers of Acts now in force respecting Forms of Deeds, &c. not to be affected.

XXIV. Provided always, and be it enacted, That none of the Provisions herein-before contained, empowering the said Governors of the Bounty of Queen Anne to adopt and use the Forms of Deeds herein-before mentioned, shall affect or interfere with any Power or Authority contained in any Act or Acts now in force authorizing the Use of any other Forms or Form of Deeds and Conveyances, but that the Forms of Deeds and Conveyances by any such Acts or Act authorized to be used may still be adopted and used as if this Act had not been passed.

Act may be altered, &c. this Session.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The SCHEDULE referred to by this Act.

FIRST FRUITS OFFICE.

		£ s. d.	£ s. d.
Henry Warre, Esquire, Remembrancer.	Annual Average Amount of Fees - - -	560 0 0	
	Payment from the Court of Exchequer in lieu of certain abolished Fees - - -	63 0 0	
			623 0 0
George Arbuthnot, Es- quire, Receiver.	- - -	- - -	250 0 0
Mr. George Gunthorpe, senior sworn Clerk.	Annual Average Amount of Fees - - -	262 14 2	
	Under Receiver's Patent	20 0 0	
			282 14 2
Mr. John Geesin, junior sworn Clerk.	Annual Average Amount of Fees - - -	- - -	118 4 9
		£	1,273 18 11

TENTHS OFFICE.

		£ s. d.	£ s. d.
The Office of Receiver has become vacant by the Death of Thomas Venables, Esq., who had received - - - }	Salary - - -	300 0 0	
	Fees - - -	125 0 0	
			425 0 0
Richard Griffiths, senior Clerk.	Salary - - -	- - -	100 0 0
William Bridges, junior Clerk.	Salary - - -	- - -	100 0 0
Besides the Fees on Notices, the Amount of which is not stated.			
Office Keeper - - -	- - -	- - -	25 0 0
Rent of Office, Stationery, Coals, and Sundries.	- - -	- - -	99 0 0
		£	749 0 0

CAP. XXI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-eight. [9th May 1838.]

CAP. XXII.

An Act to enable the Commissioners for the Affairs of *India* to make Rules and Regulations for *Haileybury* College. [9th May 1838.]

4 W. 4. c. 85.

7 W. 4. & 1 Vict.
c. 70.

Commissioners
for the Affairs
of *India* to
make Rules for
the Government
of *Haileybury*
College.

WHEREAS in an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting an Arrangement with the East India Company, and for the Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and thirty-four*, are contained several Enactments respecting the Admission of Students into the College of the said Company at *Haileybury*, upon a Principle then intended to be brought into Practice, of there being Four Candidates and no more than One Student admitted into the said College for every expected Vacancy in the Civil Establishment of *India*, according to a yearly prospective Estimate by the said Act provided for; and by such Enactments it was provided, amongst other things, that it should be lawful for the said Commissioners to form such Rules, Regulations, and Provisions for the good Government of the said College as in their Judgment should appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they should have completed their Residence there, and for the Appointment and Remuneration of proper Examiners; and such Rules, Regulations, and Provisions were to be submitted to Her Majesty in Council, for Her Revision and Approbation: And whereas by virtue of an Act passed in the last Session of Parliament, intituled *An Act to authorize the Commissioners for the Affairs of India and the Court of Directors of the East India Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the East India Company's College at Haileybury, and for providing during such Suspension for the Examination of Candidates for the said College*, the said Commissioners and Court of Directors have suspended the said Enactments: And whereas, notwithstanding such Suspension, or any future Suspension of the said Enactments, it is expedient that the said Commissioners should have Power to frame Rules for the Government of the said College, as herein-after mentioned: Be it therefore enacted by the Queen'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 be lawful for the Board of Commissioners for the Affairs of *India*, from Time to Time, whether the said Enactments shall or shall not be suspended, to frame and make such Rules, Regulations, and Provisions for the good Government of the said

College as in their Judgment shall appear best adapted to secure the appropriate Education of young Men intended for the Civil Service of the *East India* Company in *India*, and from Time to Time, by any new or other Rules, Regulations, or Provisions, to revoke or alter the same, as to such Commissioners may seem fit: Provided always, that no Rules, Regulations, or Provisions to be framed or made under the Authority of this Act shall have any Force or Effect until the same shall have been submitted to Her Majesty, and until Her Majesty's Approbation thereof shall have been signified by an Order of Her Majesty in Council: Provided also, that Notice of all such Rules, Regulations, and Provisions shall be given by the said Commissioners to the Court of Directors of the *East India* Company Twenty-one Days at least previously to the same being submitted to Her Majesty for Approbation as aforesaid.

II. And be it enacted, That it shall be lawful for the Court of Directors of the *East India* Company to nominate, appoint, and send to any of the Presidencies for the Time being in the *East Indies* any Person in the Capacity of a Writer who shall have been duly entered at such College, and have resided there the Number of Terms which shall be prescribed by any such Rules and Regulations as aforesaid, and who shall produce to the said Court of Directors a Certificate under the Hand of the Principal of the said College testifying that he has duly conformed to the Rules and Regulations of the said College.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

E. I. Company may appoint and send to India as Writer any Student who has conformed to the Rules of the College.

Act may be amended this Session.

C A P. XXIII.

An Act to amend the Law for providing fit Houses for the beneficed Clergy. (a) [9th May 1838.]

WHEREAS for further promoting the Residence of the Clergy it is expedient and desirable that the Powers and Provisions given and made by an Act passed in the Seventeenth Year of the Reign of King *George* the Third, intituled *An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices*, as the same are explained and amended by an Act passed in the Twenty-first Year of the same Reign, intituled *An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His present Majesty, intituled "An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices,"* should be extended: Be it therefore enacted by the Queen'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 immediately after the passing of this Act

17 G. 3. c. 53.

21 G. 3. c. 66.

(a) [See Chap. 29. post.]

it

Extension of the Provisions of recited Acts relating to the repairing and building of Houses of Residence.

it shall be lawful for the Incumbent of any Benefice to borrow and take up at Interest for the Purposes of the said Acts, and also for the Purpose of buying or procuring, if necessary, a proper Site for a House and other necessary Buildings, or for the Purposes of the said Acts only, any Sum or Sums of Money not exceeding Three Years net Income of such Benefice, and to take all such Proceedings as are required in and by the said Acts (so far as the same are applicable for that Purpose), and, as a Security for the Money so to be borrowed, to mortgage the Glebe, Tithe, Rent-charges, Rents, and other Profits and Emoluments belonging to such Benefice, to such Person or Persons, Corporation or Corporations Aggregate or Sole, as shall lend the same Money, by One or more Deed or Deeds, for the Term of Thirty-five Years, or until the Money so to be borrowed, with Interest for the same, and such Costs and Charges as may attend the Recovery thereof, shall be fully paid and satisfied, according to the Terms and Conditions of the said Acts (so far as the same are applicable, and not hereby repealed or altered); and that from and after the Expiration of the First Year of the said Term (in which Year no Part of the Principal Sum borrowed shall be repayable) the Incumbent shall yearly and every Year (such Year to be computed from the Day of the Date of the Mortgage) pay to the Mortgagee One Thirtieth Part of the said Principal Sum, until the whole thereof shall be repaid, and shall at the End of the First and each succeeding Year pay the yearly Interest on the said Principal Sum, or on so much thereof as shall from Time to Time remain unpaid, in each Case according to the Terms and Conditions of the said Acts, except so far as the same are hereby repealed or altered; and such Mortgage Deed or Deeds shall be made as nearly as may be in the Form or to the Effect of the Form contained in the Schedule to the said Acts or One of them, and shall bind every succeeding Incumbent of such Benefice until the Principal and Interest, Costs and Charges, shall be paid off and discharged, as fully and effectually as if such Successor had made and executed the same.

Repeal of so much as requires Non-residents to pay 10*l.* per Cent. per An. of Sum borrowed, &c.

II. And be it enacted, That so much of the said Acts as requires the Incumbent of a Benefice mortgaged under the Provisions thereof, if non-resident, to pay Ten Pounds *per Centum per Annum* of the Money originally advanced, and obliges an Incumbent paying Five Pounds *per Centum per Annum* to produce a Certificate of Residence, shall be and the same are hereby repealed as to all Mortgages to be made after the passing of this Act.

The yearly Instalments of Principal Sums secured by existing Mortgages to the Governors of Queen Anne's Bounty reduced.

III. And be it enacted, That for the future, as to every Mortgage which has been made to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy, by any Bishop, under the Powers of an Act of Parliament specially enabling him, whereby a greater yearly Instalment than One Thirtieth Part of the Principal Sum is stipulated to be paid, or by the Incumbent of a Benefice, by virtue of the Two before-mentioned Acts, the Instalment of the Principal Sum to be paid in every Year to the said Governors or their Assigns by such Bishop or by the Incumbent (whether such Incumbent shall have been resident for the Space of Twenty Weeks in the Year for which such Instalment shall be payable, or not, and without the Production of any Certificate of such Residence,) shall be One

Thirtieth Part of the Principal Sum originally advanced on such Mortgage, in lieu of the yearly Instalment thereby stipulated to be paid, until the whole of the said Principal Sum shall be fully discharged and paid, such substituted yearly Instalment to commence and be paid in each Case on the Day when the next yearly Instalment by virtue of the said Mortgage shall become due; and the Mortgages made to the said Governors of the Estates of any Bishoprick, or of the Glebe, Tithes, Rents, and other Profits and Emoluments of any Benefice, shall in every Case be and remain in force as a Security for the yearly Instalments of the Principal by the said Mortgages agreed to be paid, as well as for the Payment of the Interest arising on such Mortgages, and with all the Powers and Remedies for enforcing the same given by the said respective Acts, until the Money borrowed, and all Interest for the same, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, shall be fully paid and discharged, in like Manner as if such substituted yearly Instalments had been expressly mentioned in and secured by the said Mortgages, the Expiration of the Term of Years granted by the said Mortgages, or any other Cause or Matter whatsoever, notwithstanding.

IV. And be it further enacted, That it shall be lawful for the said Governors to advance and lend any Sum or Sums of Money not exceeding the Sum of One hundred Pounds in respect of each Benefice, out of the Money which has arisen or shall from Time to Time arise from the said Bounty for promoting and assisting the several Purposes of the said Acts and of this Act, with respect to any such Benefices as shall not exceed the clear annual improved Value of Fifty Pounds, and such Mortgage and Security shall be made for the Repayment of the Principal Sums so to be advanced as are herein-before mentioned, but no Interest shall be paid for the same; and in Cases where the annual Value of such Benefice shall exceed the Sum of Fifty Pounds, that it shall and may be lawful for the said Governors to advance and lend for the same Purposes any Sum or Sums of Money to the Extent authorized by this Act to be borrowed, upon such Mortgage and Security as aforesaid, and subject to the several Regulations of this Act, and to receive Interest for the same not exceeding Four Pounds for One hundred Pounds by the Year.

V. And be it enacted, That it shall be lawful for any College or Hall within the Universities of *Oxford* or *Cambridge*, or for any other Corporate Bodies possessed of the Patronage of Ecclesiastical Benefices, to advance and lend any Sum or Sums of Money of which they have the Power of disposing in order to aid and assist the several Purposes of this Act, for the building, rebuilding, repairing, or purchasing of any Houses or Buildings for the Habitation or Convenience of the Clergy, or Sites for such Houses and Buildings, upon Benefices in the Patronage of such Colleges or Halls respectively, upon the Mortgage and Security directed by this Act for the Repayment of the Principal, without taking any Interest for the same.

VI. And be it enacted, That when it shall happen that any existing House and Offices belonging to any Benefice shall be unfit for the Residence of the Incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his Residence;

Governors of Queen Anne's Bounty may advance 100*l.* for Benefices not exceeding 50*l.* a Year without Interest.

Colleges, &c. may advance Money, Interest free, to Benefices in their Patronage for Houses.

Old Benefice Houses in certain Cases may be converted into Farming

Buildings for
the Tenants of
the Glebe.

sidence; and it shall be so certified to the Bishop of the Diocese wherein such Benefice shall be situate by some competent Surveyor or Architect, and that it will be advantageous to the Benefice that such House and Offices should be suffered to remain, it shall be lawful for such Incumbent, with the Consent in Writing of such Bishop (such Consent to be registered in the Registry of such Bishop), to allow such House and Offices to remain standing as a Dwelling House and Offices, or to convert the same into Farming Buildings for the Use and Occupation of the Occupier or Occupiers of the Glebe Lands belonging to such Benefice; and from and after the complete Erection or the Purchase of a new House and Offices to the Satisfaction of the Bishop of the Diocese such old House and Offices shall from thenceforth be used for and converted to the Purposes aforesaid; and the House and Offices to be so erected or purchased shall from thenceforth to all Intents and Purposes be deemed and taken to be the Residence House of and for such Benefice, without the Necessity of obtaining any Licence or Faculty for that Purpose.

Power to Incumbent (with Consent of Patron and Ordinary and Archbishop) to sell House of Residence if inconveniently situated, or under special Circumstances.

VII. And be it enacted, That where the Residence House, Gardens, Orchard, and Appurtenances belonging to any Benefice shall be inconveniently situate, or for other good and sufficient Reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the Incumbent of such Benefice, and he is hereby authorized and empowered, with the Consent and Approbation of the Ordinary and Patron thereof, and of the Archbishop of the Province, to be signified by their executing the Deed of Conveyance hereby authorized to be made, absolutely to sell and dispose of such House, Gardens, Orchard, and Appurtenances, any or either of them, with any Land contiguous thereto not exceeding

Acres, to any Person or Persons whomsoever, either altogether or in Parcels, and for such Sum or Sums of Money as to such Ordinary and Patron and Archbishop shall appear fair and reasonable, and upon Payment of the Purchase Money for the same as herein-after mentioned by Deed indented to convey and assure such House, Gardens, Orchard, Land, and Appurtenances unto and to the Use of the Purchaser or Purchasers thereof, his or their Heirs or Assigns, or as he or they shall direct or appoint.

Purchase Monies to be paid to the Governors of Queen Anne's Bounty;

VIII. And be it enacted, That the Monies to arise from such Sale or Sales as aforesaid shall be paid to the said Governors of the Bounty of Queen Anne; and that the Receipt or Receipts of the Treasurer for the Time being of the said Governors shall be and be deemed and taken to be an effectual Discharge to the Person or Persons paying such Monies, or for so much thereof as in such Receipt or Receipts shall be expressed; and after obtaining such Receipt or Receipts such Purchaser or Purchasers shall be absolutely discharged from the Money for which such Receipt or Receipts shall be given, and shall not be answerable or accountable for the Loss, Misapplication, or Nonapplication of such Monies or any Part thereof.

to be applied to buy or build a House for Incumbent's Residence.

IX. And be it enacted, That the Monies to arise from such Sale or Sales as aforesaid shall, after Payment of all Costs, Charges, and Expences of such Sale or Sales, be applied and disposed of by the said Governors in or towards the Erection or Purchase of some other House and Offices, or the Purchase of an Orchard, Garden,
and

and Appurtenances, or Land for the Site of a House, any or either of them, together with Land contiguous thereto, and not exceeding Twelve Acres, suitable for the Residence and Occupation of the Incumbent of such Benefice, and approved of by the said Ordinary and Patron, such Approval to be signified under the respective Hands of such Ordinary and Patron, and to be deposited in the Registry of such Ordinary; and such House shall from thenceforth be deemed and taken to be the House of Residence of such Benefice for all Purposes whatsoever.

X. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patronage of such Benefice shall be in the Crown, the Consent of the Crown to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the Queen's Books, the Instrument by which the Power shall be exercised shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the Queen's Books, such Instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the Time being; and if such Benefice shall be within the Patronage of the Crown in Right of the Duchy of *Lancaster*, such Instrument shall be executed by the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by the Patron of the Benefice.

How Consent of Patron to be testified when Patronage in the Crown.

XI. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by the said Acts or by this Act, and the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent of the Patron of such Benefice to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) the Instrument by which the Power shall be exercised shall be executed by the Duke of *Cornwall* for the Time being, if of full Age; but if such Benefice shall be within the Patronage of the Crown in Right of the Duchy of *Cornwall*, such Instrument shall be executed by the same Person or Persons who is or are by the said Acts authorized to testify the Consent of the Crown to the Exercise of any Power given thereby in respect of any Benefice in the Patronage of the Crown; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of the said Acts and of this Act, to be an Execution by the Patron of the Benefice.

How Consent to be given when Patronage is attached to the Duchy of Cornwall.

XII. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian or Guardians, Committee or Committees, or Husband of such Patron (but in case of a Feme Covert with her Consent in Writing) to execute the Instrument by which such Power shall be exercised in testimony of the Consent of such Patron; and such

How Consent to be given where Patron is an incapacitated Person.

Execution shall for the Purposes of this Act be deemed and taken to be an Execution by the Patron of the Benefice.

Remaining Powers of recited Acts extended to this Act.

XIII. And be it enacted, That all Powers, Authorities, Provisions, Forms, and Matters in the said Acts contained shall, except as is herein otherwise directed, extend and be applicable, *mutatis mutandis*, to all Mortgages and other Instruments made, as well under and for the Purposes of this Act as of the before-mentioned Acts, and as if the same had been respectively repeated and set forth herein.

In case of a Purchase the Powers of Act 7 G. 3. c. 66. to apply.

XIV. And be it enacted, That in the Case of a Purchase as aforesaid the several Powers and Provisions contained in an Act made and passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled *An Act to render more effectual the several Acts now in force to promote the Residence of the Parochial Clergy, by making Provision for purchasing Houses and other necessary Buildings for the Use of their Benefices*, shall be and the same are hereby extended to this Act for the Purposes aforesaid.

Sequestrations under Act 17 G. 3. c. 53. to have Priority.

XV. And be it enacted, That every Sequestration to be issued under the Provisions of the said Act of the Seventeenth Year of the Reign of King George the Third shall have Priority, and the Sums to be thereby recovered shall be paid and satisfied in preference to all other Sequestrations and the Sums to be thereby recovered, except such Sequestrations as shall be founded on Judgments duly signed and docketed before the passing of this Act.

Construction of "Benefice" in this Act.

XVI. And be it further enacted, That in the Construction of this Act the Word "Benefice" shall be deemed, construed, and taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries, the Incumbents of which respectively in Right thereof shall be Corporations Sole.

C A P. XXIV.

An Act to repeal Part of an Act intituled *An Act to provide for the Administration of the Government in case the Crown should descend to Her Royal Highness the Princess Alexandrina Victoria, Daughter of His late Royal Highness the Duke of Kent, being under the Age of Eighteen Years; and for the Care and Guardianship of Her Person.* [11th June 1838.]

1 W. 4. c. 2.

‘ WHEREAS by an Act of His late Majesty’s Reign, intituled
 ‘ *An Act to provide for the Administration of the Govern-*
 ‘ *ment in case the Crown should descend to Her Royal Highness*
 ‘ *the Princess Alexandrina Victoria, Daughter of His late Royal*
 ‘ *Highness the Duke of Kent, being under the Age of Eighteen*
 ‘ *Years; and for the Care and Guardianship of Her Person*, it
 ‘ was amongst other things enacted, that if at the Demise of His
 ‘ said late Majesty, leaving Her then Majesty Him surviving, there
 ‘ should not be any Child of His said late Majesty then living born
 ‘ of Her then Majesty, and Her Royal Highness the Princess
 ‘ *Alexandrina Victoria* should be then living, in every Case in
 ‘ which by Law an Oath or Declaration or Assurance of Allegiance
 ‘ to the Sovereign, or asserting the Title of the Sovereign, is
 ‘ required to be taken, made, or subscribed, there should be added
 ‘ to such Oath, Declaration, and Assurance the Words following :
 ‘ “ Saving

“Saving the Rights of any Issue of His late Majesty King *William* the Fourth which may be born of His late Majesty’s Consort,” which Addition was to be continued until Parliament should otherwise order: And whereas it is expedient to repeal so much of the said Act as is herein recited, and that the Words thereby directed to be added to every such Oath, Declaration, and Assurance be no longer used; be it therefore enacted by the Queen’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 so much of the said Act as is herein-before recited shall be and the same is hereby repealed; and that from and after the passing of this Act, in every Case in which by Law an Oath or Declaration or Assurance of Allegiance to the Sovereign, or asserting the Title of the Sovereign, is required to be taken, made, or subscribed, such Oath, Declaration, or Assurance shall be taken, made, and subscribed without the Addition of the Words, “Saving the Rights of any Issue of His late Majesty King *William* the Fourth which may be born of His late Majesty’s Consort,” directed to be added thereto by the said recited Act.

So much of recited Act as relates to Saving of Rights of Issue of His late Majesty repealed.

C A P. XXV.

An Act to explain and amend an Act of the Seventh Year of His late Majesty, for extending the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His said late Majesty for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*. [11th June 1838.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, Power is given to the Overseers or Guardians of any Parish or Union, in certain Cases, to borrow Money for the Purpose of building, altering, enlarging, purchasing, or hiring a Workhouse or Workhouses, or for purchasing or hiring Land in order to build a Workhouse or Workhouses thereon; and it is by the said Act provided, that any Sum of Money borrowed for any of such Purposes shall be repaid by annual Instalments of not less than One Tenth of the Sum borrowed, with Interest on the same, in any One Year: And whereas by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His said late Majesty, intituled *An Act to extend the Period for the Repayment of Loans under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, reciting that several Loans had been made by the Exchequer Loan Commissioners, and by private Persons, to divers Parishes and Unions, the Amount whereof or a large Part whereof was still due, it is enacted, that when any Money should have been so borrowed by any Parish or Union, under the Direction or with the Sanction of the Poor

4 & 5 W. 4. c. 76.

6 & 7 W. 4. c. 107.

‘ Law Commissioners, it should be lawful for the Exchequer Loan
 ‘ Commissioners, with the Approbation of the Commissioners of
 ‘ the Treasury of the United Kingdom of *Great Britain* and
 ‘ *Ireland*, or for any private Persons, to extend the Repayment of
 ‘ the Principal Sum borrowed or to be borrowed under the Pro-
 ‘ visions of the first herein-before recited Act to such a Period
 ‘ as, calculating from the Date of the Charge on the Poor Rates
 ‘ of such Parish or Union, would extend the Repayment thereof
 ‘ to a Period not exceeding Twenty Years, instead of Ten Years :
 ‘ And whereas divers Loans have been made by various incor-
 ‘ porated Companies to divers Parishes and Unions under the
 ‘ Provisions of the first herein-before recited Act, the Amount
 ‘ whereof or a very large Part thereof is still due, and further Loans
 ‘ may hereafter be made by such Companies : And whereas Doubts
 ‘ have been entertained whether the said Act so passed in the
 ‘ Session of Parliament holden in the Sixth and Seventh Years of
 ‘ the Reign of His said late Majesty is applicable to the Case
 ‘ of Loans so made or to be made by incorporated Companies ;
 ‘ and it is expedient that such Doubts should be removed :’ Be
 it therefore declared and enacted by the Queen’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 all the Powers,
 Authorities, and Provisions contained in the said Act of the Session
 of Parliament holden in the Sixth and Seventh Years of the Reign
 of His said late Majesty shall be deemed and taken to apply, extend,
 and relate to all Loans which have been or shall hereafter be
 effected or made by any chartered or incorporated Company or
 Corporation, in the same Manner, to all Intents and Purposes, as
 if such Loan had been made by a private Person.

Provisions of
 6 & 7 W. 4.
 c. 107. extended to
 Loans made
 by chartered or
 incorporated
 Companies.

Making Pro-
 vision for Liqui-
 dation of Loans
 for the building
 or enlarging of
 Workhouses.

II. ‘ And whereas, previous to the passing of the first herein-
 ‘ before recited Act, divers Sums of Money have been frequently
 ‘ lent to Churchwardens and Overseers of Parishes or Townships,
 ‘ or to other Persons, on behalf of Parishes or Townships, to be
 ‘ applied for the Purpose of building, altering, enlarging, pur-
 ‘ chasing, and fitting up Houses for the Reception of the Poor,
 ‘ or of purchasing or hiring Land in order to erect Buildings
 ‘ thereon, or for other Purposes permanently beneficial to such
 ‘ Parishes or Townships ; but in many Cases there exist no Funds
 ‘ out of which the Repayment of such Sums can be legally en-
 ‘ forced : And whereas it is expedient to make such Provision as
 ‘ herein-after is mentioned for the Liquidation of such Loans as
 ‘ aforesaid ;’ be it therefore enacted, That it shall be lawful for the
 Guardians of any Union, or of any Parish placed separately under
 a Board of Guardians, and for the Guardians or Trustees, Guardian
 or Trustee, of any dissolved Union, or for the Person or Persons
 who were the Guardians or Guardian, Trustees or Trustee, of any
 dissolved Union, at the Time of its Dissolution, or who had been
 the last acting Guardians thereof, or a Majority of such Guardians,
 Trustees, or Persons, with the Approbation and subject to the
 Rules, Orders, and Regulations of the Poor Law Commissioners,
 to apply the Produce arising from the Sale of any Workhouses
 or other Property belonging to any such Union, or to any Parish
 comprised in such Union, or to any Parish placed separately under
 a Board

a Board of Guardians, or belonging or which did belong to such dissolved Union, which has already been or may hereafter be sold under the Provisions of the secondly herein-before recited Act (after deducting the reasonable Expences of such Sale), in liquidation of any Debts, Liabilities, or Engagements incurred or made by or on behalf of any such Union, or of any Parish therein, or of any separate Parish or dissolved Union respectively, which the Poor Law Commissioners shall consider to constitute a fair and just Claim against any such Union or Parish, notwithstanding that the Payment of any such Debt, Liability, or Engagement may not be capable of being legally enforced: Provided always, that no such Application as herein-before is mentioned of the Produce of the Sale of the Property of any Parish shall be made except with the Consent of a Majority of the Rate-payers of such Parish, and of the Owners of Property therein entitled to vote under and by virtue of the said first-recited Act, assembled at a Meeting to be duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Meeting shall have been given in like Manner as Notices of Vestry Meetings are published and given, such Majority to be ascertained in manner provided by the said first-recited Act.

C A P. XXVI.

An Act for raising the Sum of Thirteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-eight. [11th June 1838.]

C A P. XXVII.

An Act to make more effectual Provision for the Prevention of Offences by insane Persons in *Ireland*. [11th June 1838.]

‘ WHEREAS it is expedient to make Provision for the better Prevention of Crime being committed by Persons insane in *Ireland*;’ be it therefore enacted by the Queen’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 if any Person shall be discovered and apprehended in *Ireland* under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime, for which, if committed, such Person would be liable to be indicted, it shall be lawful for any Two Justices of the Peace of the County, County of a City, County of a Town, City or Town, and Liberties, before whom such Person may be brought, to call to their Assistance any legally qualified Physician, Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or from other Proof, the said Justices shall be satisfied that such Person is a dangerous Lunatic or a dangerous Idiot, it shall be lawful for the said Justices, by Warrant under their Hands and Seals, to commit such Person to the Gaol of such County, County of a Town, City or Town, and Liberties, there to be kept in strict Custody until or unless such Person shall be discharged by the Order of Two Justices of the Peace, One whereof shall be One of the Justices who

Justices to commit dangerous Lunatics.

has signed such Warrant, or by the Assistant Barrister presiding at the County General Quarter Sessions, or by One of the Judges of Her Majesty's Superior Courts in *Dublin*, or by the Lord Chancellor or Lords Commissioners of the Great Seal, or until such Person shall be removed to the proper Lunatic Asylum by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as herein-after provided.

Lord Lieutenant may direct Persons under Sentence of Imprisonment or Transportation to be removed to a Lunatic Asylum.

II. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who may be detained in Custody in any Gaol by virtue of any such Warrant as aforesaid, or any Person who may be, under any Sentence of Imprisonment or Transportation, or under any Warrant in default of Surety to keep the Peace, in any Gaol or Place of Confinement, and in respect of whom it shall be certified by Two Physicians or Surgeons or a Surgeon and Physician that such Person is or has become insane, shall be removed to the Lunatic Asylum established either wholly or in part for the County, County of a City, or County of a Town in which such Person shall be in Custody; and every such Person so removed shall remain under Confinement in every such Asylum to which such Person may be removed until it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons or a Surgeon and Physician, that such Person has become of sound Mind; whereupon the said Lord Lieutenant or other Chief Governor or Governors is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person be remitted to the Prison or other Place of Confinement from which he or she shall have been taken, or, if the Period of Imprisonment or Custody of such Person shall have expired, or if such Person shall not be under any Sentence of Imprisonment, that such Person shall be discharged.

Lord Lieutenant may direct insane Persons committed for Trial to be removed to a Lunatic Asylum.

III. And be it enacted, That if it shall be certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons or a Physician and Surgeon, that any Person committed to Prison for Trial for any Offence is or has become insane, or is an Idiot, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they shall think fit, by Warrant under his or their Hand or Hands, to order that such Person shall be removed to the Lunatic Asylum established wholly or in part for the County, County of a City, or County of a Town in which such Person shall be in Custody, and detained in such Asylum, unless in the meantime admitted to Bail by some legal Authority, until the Assizes, Sessions, or Commission at which such Person should be brought to Trial or indicted according to the due Course of Law, and that such Person shall then be remitted to the Custody of the Keeper or Governor of the Gaol, or other Person in whose Custody such Person may have been under the Terms of the original Commitment, in order to his or her being indicted and tried for such Offence, or otherwise disposed of according to Law: Provided always,

always, that every such Person, while so detained in such Lunatic Asylum, shall have the same Liberty and Privilege of seeing his or her Friends and legal Advisers, at all reasonable Times, which he or she would have had in the Gaol or other Prison from which he or she may have been removed.

IV. And be it enacted, That this Act shall not extend to *England* or *Scotland*; and that it may be altered or amended by any Act to be passed in the present Session of Parliament.

Act not to extend to *England* or *Scotland*.

C A P. XXVIII.

An Act to repeal the several Acts now in force relating to Bread to be sold in *Ireland*, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, in that Part of the United Kingdom called *Ireland*. [4th July 1838.]

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of London and the Liberties thereof, and beyond the Weekly Bills of Mortality, and Ten Miles of the Royal Exchange; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread beyond the Limits aforesaid*, certain Regulations and Provisions were made relative to the making and selling of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the aforesaid Limits, which have been found beneficial to the Public as well as to the Bakers of *Great Britain*: And whereas it is deemed expedient that the several Acts now in force relating to the making and selling of Bread, or to the Assize and Price thereof, or to the Adulteration of Meal, Flour, or Bread in that Part of the United Kingdom called *Ireland*, should be altogether repealed and that in lieu thereof the Regulations, Provisions, and Penalties herein-after contained, and which are similar to these contained in the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, should be substituted; but inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; be it therefore enacted by the Queen'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 passing of this Act all and every Acts or Act now in force relating to the making and selling of Bread, or the Assize and Price thereof, or to the Punishment of Persons who shall adulterate Meal, Flour, or Bread, or who shall sell Bread deficient in its due Weight, in *Ireland*, be and the same are hereby repealed, and there shall be no longer any Assize of Bread in *Ireland*, or any Regulation respecting the Price thereof.

6 & 7 W. 4. c. 37.

All former Acts relating to the Sale of Bread in *Ireland* repealed.

II. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread in *Ireland* to make and sell or offer for Sale in his, her, or their Shop, or to deliver to his, her,

Bread made of the Articles herein mentioned may be sold.

or

or their Customer or Customers, Bread made of the Flour or Meal of Wheat, Barley, Rye, Oats, Buck Wheat, Indian Corn, Peas, Beans, Rice, or other Grain, or of Potatoes, or any of them, such Ingredients being mixed with any common Salt, pure Water, Eggs, Milk, Barm, Leaven, Potato or other Yeast, Butter, Seeds, or Sugar, in such Proportions as they shall think fit, and with no other Ingredient or Matter whatsoever, subject to the Regulations herein-after contained.

Bakers to make Bread of any Weight or Size.

III. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread in *Ireland* to make and sell or offer for Sale in his, her, or their Shop, or to deliver to his, her, or their Customer or Customers, Bread made of such Weight or Size as such Bakers or Sellers of Bread shall think fit, any Law or Usage to the contrary notwithstanding.

Bread to be sold by Weight, and in no other Manner.

IV. And be it enacted, That from and after the Commencement of this Act all Bread sold in *Ireland* shall be sold by the several Bakers or Sellers of Bread respectively by Weight only, and not by Measure; and in case any Baker or Seller of Bread in *Ireland* shall sell or cause to be sold Bread in any other Manner than by Weight, then and in such Case every such Baker or Seller of Bread shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, which the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such Baker or Seller of Bread from selling Bread usually sold under the Denomination of French or Fancy Bread or Rolls without previously weighing the same.

Penalty.

Bakers to use Avoirdupois Weight.

V. And be it enacted, That the several Bakers or Sellers of Bread respectively in *Ireland* in the Sale of Bread shall use Avoirdupois Weight of Sixteen Ounces to the Pound, according to the Standard in the Exchequer, and the several Gradations of the same for any less Quantity than a Pound; and in case any such Baker or Seller of Bread shall at any Time use any other than the Avoirdupois, and the several Gradations of the same, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings, as the Magistrate or Magistrates, Justice or Justices before whom such Conviction shall take place shall from Time to Time order and adjudge.

Penalty for using any other.

Bakers to provide in their Shops Beams, Scales, and Weights, and to weigh the Bread, if required.

VI. And be it enacted, That every Baker or Seller of Bread in *Ireland* shall cause to be fixed in some conspicuous Part of his, her, or their Shop, on or near the Counter, a Beam and Scales, with proper Weights, or other sufficient Balance, in order that every Person who may purchase any such Bread may, if he or she shall think proper, require the same to be weighed in his or her Presence; and in case any such Baker or Seller of Bread shall neglect to fix such Beam and Scales or other sufficient Balance in manner aforesaid, or to provide and keep for Use proper Beam and Scales, and proper Weights or Balance, or shall have or use any incorrect or false Beam or Scales or Balance, or any false Weight not being of the Weight it purports to be, according to the Standard in the Exchequer, or shall, when thereunto required by any Person who may purchase any such Bread,

Penalty.

Bread, refuse to weigh the same in the Presence of such Person in such Scales or Balance, and with such Weights as aforesaid, then and in every such Case he, she, or they shall for every Offence forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall order and adjudge.

VII. And be it enacted, That no Baker or other Person who shall make Bread for Sale in *Ireland*, nor any Journeyman or other Servant of any such Baker or other Person, shall, at any Time or Times, in the making of Bread for Sale in *Ireland*, use any Mixture or Ingredient whatever in the making of such Bread, other than and except as herein-before mentioned, on any Account or under any Colour or Pretence whatsoever in the making of such Bread, upon pain that every such Person, whether Master or Journeyman, Servant or other Person, who shall offend in the Premises, and shall be convicted of any such Offence by the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, or by his, her, or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Fifty Shillings, or in default thereof shall, by Warrant under the Hands and Seals of the Magistrate or Magistrates, Justice or Justices before whom such Offender shall be convicted, be apprehended and committed to the House of Correction, or some Prison of the City, County, Borough, or Place where the Offence shall have been committed, or the Offender or Offenders apprehended, there to remain for any Time not exceeding Three Calendar Months, with or without hard Labour, from the Time of such Commitment, unless the Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit to order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices before whom any such Offender or Offenders shall be convicted to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper or Newspapers which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed; and the Proprietor and Proprietors, Printer and Printers, and every other Person or Persons concerned therein, are hereby authorized to print and publish the same when he, she, or they is or are required so to do by or by the Order of such Magistrate or Magistrates, Justice or Justices; and he, she, or they is and are hereby indemnified from any Prosecution or Prosecutions for printing and publishing the same or causing the same to be printed and published in such Newspaper or Newspapers, by or from any Person or Persons whomsoever, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding; and the Costs and Charges of such printing and publishing shall be paid out of such last-mentioned Penalty or Forfeiture, in case any shall be so forfeited, paid, or recovered.

VIII. And be it enacted, That if any Person in *Ireland* shall put into any Corn, Meal, or Flour which shall be ground, dressed, bolted, or manufactured in *Ireland*, either at the Time of grinding, dressing, bolting, or manufacturing the same, or any other Time, any Ingredient or Mixture whatsoever, not being the real and genuine

To prevent adulterating of Bread.

Penalty.

Names and Places of Abode of Offenders to be published.

Adulterating Corn, Meal, Flour, &c.

Selling Flour of one Sort as Flour of another Sort, or not equal to Sample.

genuine Produce of the Corn or Grain which shall be so ground; or if any Person in *Ireland* shall knowingly sell, or offer or expose for Sale, either separately or mixed, any Corn, Meal, or Flour which shall not be equal or superior in Quality or Goodness to the Sample purporting to be a Sample of such Corn, Meal, or Flour, and produced by the Owner or Owners thereof, or other Person or Persons selling or exposing or offering the same respectively for Sale, to the View of the Buyer or Buyers or Purchasers thereof respectively, or of the Person or Persons to whom the same respectively shall have been so exposed or offered for Sale, or shall use or practise any Fraud, Covin, or Deceit by which such Corn, Meal, or Flour shall be made or rendered of greater Weight than the same respectively would have been in case such Mixture, Fraud, Covin, or Deceit had not been used or practised, then and in every such Case every such Person so offending shall, for every such Offence, upon Conviction before One or more Magistrate or Magistrates, Justice or Justices of the City, County, Borough, or Place where such Offence shall have been committed, on the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, or by his, her, or their own Confession, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings, and shall also forfeit all such Corn, Meal, or Flour so sold or exposed or offered for Sale; and one Moiety of such Penalty and one Moiety of such Corn, Meal, or Flour so forfeited shall go to the Use of the Poor of the Parish where such Offence or Offences shall have been committed, and the other Moiety of such Penalty and Forfeiture shall go to the Informer.

Penalty.

Bread made of a mixed Meal or Flour to be marked with a Roman M.

IX. And be it enacted, That every Person who shall make for Sale or sell or expose for Sale in *Ireland* any Bread made wholly or partially of Peas or Beans or Potatoes, or of any Sort of Corn or Grain other than Wheat, shall cause all such Bread to be marked with a large Roman M; and if any Person shall at any Time in *Ireland* make or sell or expose for Sale any such Bread without such Mark as herein-before directed, then and in every such Case every Person so offending shall, upon Conviction in manner herein-after mentioned, forfeit and pay for every Pound Weight of such Bread, and so in proportion for any less Quantity which shall be so made for Sale or sold or exposed for Sale without being so marked as aforesaid, any Sum not exceeding Ten Shillings, as the Magistrate or Magistrates, Justice or Justices before whom such Conviction shall take place shall from Time to Time order and adjudge: Provided always, that nothing in this Act contained shall extend or be construed to extend to require any Bread made of the Meal or Flour of Wheat only, and in the making of which Potato Yeast shall be used, to be marked as herein-before is mentioned.

Penalty.

Proviso.

Magistrates or Peace Officers by their Warrant may search a Baker's Premises, and if any adulterated Flour, Meal, Bread, &c. be found there, the

X. And be it enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within their respective Jurisdictions, on the sworn Information of One or more credible Person or Persons, and also for any Peace Officer of the Parish or Parish Constables authorized by Warrant under the Hand and Seal or Hands and Seals of any such Magistrate or Magistrates, Justice or Justices (and which Warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant), at seasonable Times in the Daytime, to enter into any House,

House, Mill, Shop, Stall, Bakehouse, Bolting-house, Pastry Warehouse, Outhouse, or Ground of or belonging to any Miller, Mealman, Flour Factor, or Baker, or other Person who shall grind Grain, or dress or bolt or sell Meal or Flour, or make Bread for Reward or Sale in *Ireland*, and to search or examine whether any Mixture or Ingredient not the genuine Produce of the Grain which such Meal or Flour shall import or ought to be shall have been mixed up with or put into any Meal or Flour in the Possession of such Miller, Mealman, Flour Factor, or Baker, either in the grinding of any Grain at the Mill or in the dressing, bolting, or manufacturing thereof, whereby the Purity of any Meal or Flour is or shall be in anywise adulterated, or whether any Mixture or Ingredient other than is allowed by this Act shall have been mixed up with or put into any Flour, Dough, or Bread in the Possession of any such Baker or other Person, whereby any such Flour, Dough, or Bread is or shall be in anywise adulterated, and also to search for any Mixture or Ingredient which may be intended to be used in or for any such Adulteration or Mixture; and if on any such Search it shall appear that any such Meal, Flour, Dough, or Bread so found shall have been so adulterated by the Person in whose Possession it shall then be, or any Mixture or Ingredient shall be found which shall seem to have been deposited there in order to be used in the Adulteration of Meal, Flour, or Bread, then and in every such Case it shall be lawful for every such Magistrate or Magistrates, Justice or Justices of the Peace, or Parish Constable or Parish Constables authorized as aforesaid respectively within the Limits of their respective Jurisdictions, to seize and take away any Meal, Flour, Dough, or Bread which shall be found in any such Search and deemed to have been adulterated; and all Ingredients and Mixtures which shall be found and deemed to have been used or intended to be used in or for any such Adulteration as aforesaid, and such Part thereof as shall be seized by any Parish Constable or Parish Constables authorized as aforesaid, shall, with all convenient Speed after Seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of whose Jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices who shall make any such Seizure in pursuance of this Act, or to whom any thing so seized under the Authority of this Act shall be brought, shall adjudge that any such Meal, Flour, Dough, or Bread so seized shall have been adulterated by any Mixture or Ingredient put therein, other than is allowed by this Act, or shall adjudge that any Ingredient or Mixture so found as aforesaid shall have been deposited or kept where so found for the Purpose of adulterating Meal, Flour, Dough, or Bread, then and in any such Case every such Magistrate or Magistrates, Justice or Justices of the Peace is and are hereby required, within the Limits of their respective Jurisdictions, to dispose of the same as he or they in his or their Discretion shall from Time to Time think proper.

XI. And be it enacted, That every Miller, Mealman, Flour Factor, or Baker in *Ireland*, in whose House, Mill, Shop, Stall, Bakehouse, Bolting-house, Pastry Warehouse, Outhouse, Ground, or Possession any Ingredient or Mixture shall be found which shall,

same may be seized and disposed of as herein mentioned.

Penalty if Ingredients for Adulteration of Meal or Bread are found in any Premises.

shall, after due Examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace to have been deposited there for the Purpose of being used in adulterating Meal, Flour, Dough, or Bread, shall, upon being convicted of any such Offence, either by his, her, or their Confession, or by the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, forfeit and pay on every such Conviction any Sum not exceeding Ten Pounds nor less than Forty Shillings for the First Offence, Five Pounds for the Second Offence, and Ten Pounds for every subsequent Offence, or in default of Payment thereof shall by Warrant under the Hand and Seal or Hands and Seals of the Magistrate or Magistrates, Justice or Justices before whom such Offender shall be convicted, be apprehended and committed to the House of Correction or some Prison of the City, County, or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Three Calendar Months, with or without hard Labour, from the Time of such Commitment, (unless the Penalty be sooner paid,) as any such Magistrate or Magistrates, Justice or Justices shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices before whom any such Offender shall be convicted to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper or Newspapers which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed; and the Proprietor or Proprietors, Printer or Printers, and every other Person and Persons concerned therein, are hereby authorized to print and publish the same when he, she, or they is or are required so to do by or by the Order of such Magistrate or Magistrates, Justice or Justices; and he, she, or they is and are hereby indemnified from any Prosecution or Prosecutions for printing and publishing the same or causing the same to be printed and published in such Newspaper or Newspapers by or from any Person or Persons whomsoever, any Law, Statute, or Usage to the contrary notwithstanding; and the Costs and Charges of such printing and publishing shall be paid out of such last-mentioned Penalty or Forfeiture if any such shall be so forfeited and paid or recovered.

XII. And be it enacted, That if any Person or Persons shall wilfully obstruct or hinder any such Search as herein-before is authorized to be made, or the Seizure of any Meal, Flour, Dough, or Bread, or of any Ingredient or Mixture which shall be found in any such Search, and deemed to have been lodged with an Intent to adulterate the Purity or Wholesomeness of any Meal, Flour, Dough, or Bread, or shall wilfully oppose or resist any such Search being made, or the carrying away any such Ingredient or Mixture as aforesaid, or any Meal, Flour, Dough, or Bread which shall be seized as being adulterated or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the Cases last aforesaid shall for every such Offence, on being convicted thereof, forfeit and pay such Sum not exceeding Ten Pounds as the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall think fit and order: Provided also, that if any Person making or who shall

1st Offence.
2d Offence.
Subsequent
Offences.

Names of
Offenders to be
published.

Obstructing
Search.

Penalty.

make Bread for Sale in *Ireland* shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices of the Peace within his or their Jurisdiction, and make it appear to him or them, by the Oath, or in case of a Quaker by Affirmation, of any credible Witness, that any Offence which such Person shall have been charged with, and for which he or she shall have incurred and paid any Penalty under this Act, shall have been occasioned by or through the wilful Act, Neglect, or Default of any Journeyman or other Servant employed by or under such Persons so making Complaint; and provided also, that if any Person making or who shall make Bread for Sale in *Ireland* shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices, within his or their Jurisdiction, and make it appear to them that any Journeyman, Apprentice, or other Servant did, by his or their wilful Act, Neglect, or Default, injure, damage, destroy, or adulterate the Material or Property of his or their Employer, then and in every such Case any such Magistrate or Magistrates, Justice or Justices may and is or are hereby required to issue out his or their Warrant, under his or their Hand and Seal or respective Hands and Seals, for bringing any such Journeyman, Apprentice, or other Servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the City, County, Division, or Place where the Offender can be found; and on any such Journeyman, Apprentice, or other Servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective Jurisdictions, is and are hereby authorized and required to examine into the Matter of such Complaint; and on Proof thereof, upon Oath or Affirmation, to the Satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace who shall hear such Complaint, then any such Magistrate or Magistrates, Justice or Justices is and are hereby directed and authorized, by an Order under his or their respective Hand or Hands, to adjudge and order what reasonable Sum of Money shall be paid by any such Journeyman, Apprentice, or other Servant to his Master or Mistress as or by way of Recompence to him or her for the Money he or she shall have paid, or for the Injury they might have otherwise sustained by reason of the wilful Act, Neglect, or Default of any such Journeyman, Apprentice, or other Servant; and if any such Journeyman, Apprentice, or other Servant shall neglect or refuse, on his Conviction, to make immediate Payment of the Sum of Money which any such Magistrate or Magistrates, Justice or Justices, shall order him to pay by reason of such his said wilful Neglect or Default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective Jurisdictions, is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Journeyman, Apprentice, or other Servant to be apprehended and committed to the House of Correction or some other Prison of the City, County, Division, or Place in which such Journeyman, Apprentice, or other Servant shall be apprehended or convicted, there to be kept to hard Labour for any Time not exceeding One Calendar Month from the Time of such Commitment, as to such Magistrate or Magistrates, Justice

Proviso for Offences occasioned by wilful Default of Journeymen and Servants.

Proceedings.

If Penalty on Journeymen is not paid, Magistrate to order Imprisonment.

or Justices shall seem reasonable, unless Payment shall have been made of the Money ordered after such Commitment and before the Expiration of the said Time.

Bakers not to
bake Bread or
Rolls on the
Lord's Day, or
sell Bread or
bake Pies, &c.,
except between
certain Hours.

XIII. Provided always, and be it enacted, That no Master or Mistress, Journeyman or other Person respectively exercising the Trade or Calling of a Baker in *Ireland* shall, on the Lord's Day, or on any Part thereof, make or bake any Bread, Rolls, or Cake of any Sort or Kind, or shall on any other Part of the said Day than between the Hours of Nine of the Clock in the Forenoon and One of the Clock in the Afternoon, on any Pretence whatsoever, sell or expose for Sale, or permit or suffer to be sold, delivered, or exposed for Sale, any Bread, Rolls, or Cakes of any Sort or Kind, or bake or deliver, or permit or suffer to be baked or delivered, any Meat, Pudding, Pie, Tart, or Victuals, except as herein-after is excepted, or in any other Manner exercise the Trade or Calling of a Baker, or be engaged or employed in the Business or Occupation thereof, save and except so far as may be necessary in setting and superintending the Sponge to prepare the Bread or Dough for the following Day; and every Person offending against the last-mentioned Regulations, or any One or more of them, and being thereof convicted before any Justice of the Peace of the City, County, or Place where the Offence shall be committed within Ten Days from the Commission thereof, either upon the View of such Justice, or on Confession by the Party, or Proof by One or more credible Witness or Witnesses upon Oath or Affirmation, shall for every such Offence pay and undergo the Forfeiture, Penalty, and Punishment herein-after mentioned; (that is to say,) for the First Offence the Penalty of Ten Shillings, for the Second Offence the Penalty of Twenty Shillings, and for the Third and every subsequent Offence respectively the Penalty of Forty Shillings; and shall moreover upon every such Conviction bear and pay the Costs and Expences of the Prosecution, such Costs and Expences to be assessed, settled, and ascertained by the Justice convicting, and the Amount thereof, together with such Part of the Penalty as such Justice shall think proper to be allowed to the Prosecutor or Prosecutors for Loss of Time in instituting and following up the Prosecution at a Rate not exceeding Three Shillings *per Diem*, and to be paid to the Prosecutor or Prosecutors for his, her, or their own Use and Benefit, and the Residue of such Penalty to be paid to such Justice, and within Seven Days after his Receipt thereof to be transferred by him to the Use of the Poor of the Parish where the Offence shall be committed; and in case the whole Amount of the Penalty and of the Costs and Expences aforesaid be not forthwith paid after Conviction of the Offender or Offenders such Justice shall and may, by Warrant under his Hand and Seal, direct the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, and in default or Insufficiency of such Distress commit the Offender or Offenders to the House of Correction, with or without hard Labour, on a First Offence for the Space of Seven Days, on a Second Offence for a Space of Fourteen Days, and on a Third or any subsequent Offence for the Space of One Month, unless the whole of the Penalty, Costs, and Expences be sooner paid and discharged: Provided nevertheless,

Penalty;

1st Offence.

2d Offence.

3d and subsequent Offences.

that it shall be lawful for every Baker in *Ireland* to deliver to his or her Customer or Customers on the Lord's Day any Bakings (that is to say), baked Dishes, Meat, or Puddings (but not Bread), until Half an Hour past One of the Clock in the Afternoon of that Day, without incurring or being liable to any of the Penalties in this Act contained.

Bakings may be delivered until Half past One on Sundays.

XIV. Provided always, and be it enacted, That no Person who shall follow or be concerned in the Business of Miller, Mealman, Flour Factor, or Baker shall be capable of acting or shall be allowed to act as a Magistrate or Justice of the Peace under this Act, or in putting in execution any of the Powers in or by this Act granted; and if any Miller, Mealman, Flour Factor, or Baker shall presume so to do he or they so offending in the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall inform or sue for the same, to be recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or more than One Impar lance, shall be allowed.

Miller, Mealman, &c. not to act as a Justice of the Peace.

Penalty.

XV. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, every such Person offending therein shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the Magistrate or Magistrates, Justice or Justices of the Peace before whom he, she, or they shall be convicted of such Offence.

Opposing Execution of the Act.

Penalty.

XVI. And be it enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, the Manner of levying and recovering and applying whereof is not herein otherwise directed, shall upon Proof and Conviction of the Offences respectively before any Magistrate or Magistrates, Justice or Justices of the Peace for the City, County, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath, or in case of a Quaker by Affirmation, of any credible Witness or Witnesses, which Oath or Affirmation every such Magistrate or Justice is in every such Case hereby fully authorized to administer, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Magistrate or Justice, which Warrant such Magistrate or Justice is hereby empowered and required to grant, and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction then it shall be lawful for such Magistrate or Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Magistrate or Justice, for his or their Appearance before such Magistrate or Justice on such Day or Days as shall be appointed for the Return of such

Recovery and Application of Penalties and Forfeitures.

Distress.

Imprisonment.

Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Magistrate or Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Magistrate or Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, County, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month, with or without hard Labour, save and except as herein otherwise directed, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall from Time to Time be paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Use of the Poor of the Parish where the Offence shall have been committed.

Form of Summons.

XVII. And be it enacted, That every Summons to be served on any Offender against any of the Provisions of this Act shall be in the Form or to the Effect following :

‘ To A. B. of

‘ County of } WHEREAS Complaint and Information hath been
 ‘ to wit. } made before me, C. D., One of Her Majesty’s
 ‘ Justices of the Peace [or Magistrate] for the said County, &c.,
 ‘ by E. F. of that, &c. [here state the Nature and Cir-
 ‘ cumstances of the Case, as far as it shall be necessary to show
 ‘ the Offence, and to bring it within the Authority of the Justice
 ‘ or Magistrate, and in doing that follow the Words of the Act as
 ‘ near as may be] : These are therefore to require you personally
 ‘ to appear before me (or such Magistrate or Justice as shall be
 ‘ then and there present) at in the said County on the
 ‘ Day of next, at the Hour of in
 ‘ the noon, to answer the said Complaint and Information
 ‘ made by the said E. F., who is likewise directed to be then
 ‘ and there present, either in Person or by his Agent or At-
 ‘ torney, to make good the same. Herein fail not. Given under
 ‘ my Hand this Day of

Form of In-formation.

XVIII. And be it enacted, That every Information to be laid before any Justice or Magistrate for any Offence against this Act shall be in the Form or to the Effect following :

‘ County of } BE it remembered, That on the Day
 ‘ to wit. } of A. B. of in the said
 ‘ County informeth me, One of Her Majesty’s Justices of the
 ‘ Peace [or Magistrate, as the Case may be] for the said County
 ‘ that of in the said County
 ‘ [here describe the Offence, with the Time and Place, and follow
 ‘ the Words of the Act as near as may be], contrary to the Statute
 ‘ made in the Year of the Reign of Queen Victoria,
 ‘ intituled An Act [set forth the Title of this Act], which hath
 ‘ imposed

imposed a Forfeiture of _____ for the said Offence. Taken
 ' the Day of _____ before me, C.D.'

XIX. Provided always, and be it enacted, That all Offences committed against this Act, except where it is otherwise directed, shall be laid before the Magistrate or Magistrates, Justice or Justices usually acting in and for the District in which the Offence shall have been committed in a summary Way, upon Complaint, and the said Magistrate or Magistrates, Justice or Justices is and are hereby empowered to issue his or their Summons for the Purpose of hearing and determining the same.

Informations to be laid before acting Magistrates of the District.

XX. And be it enacted, That if it shall be made appear, by Oath or Affirmation of any credible Person or Persons, to the Satisfaction of any Magistrate or Magistrates, Justice or Justices, that any Person or Persons within the Jurisdiction of any such Magistrate or Magistrates, Justice or Justices is or are likely to give or offer material Evidence on behalf of the Prosecutor of any Offender or Offenders against the true Intent and Meaning of this Act, or on behalf of the Person or Persons accused, and will not voluntarily appear before such Magistrate or Magistrates, Justice or Justices to be examined and give his, her, or their Evidence concerning the Premises, every such Magistrate or Magistrates, Justice or Justices is and are hereby authorized and required to issue his or their Summons to convene every such Person or Persons before any such Magistrate or Magistrates Justice or Justices, at such reasonable Time as in such Summons shall be fixed; and if any Person so summoned, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, shall neglect or refuse to appear at the Time by such Summons appointed, and no just Excuse shall be offered for such Neglect or Refusal, then after Proof, upon Oath or Affirmation, of such Summons having been duly served upon the Party or Parties so summoned, every such Magistrate or Magistrates, Justice or Justices is and are hereby authorized and required to issue his or their Warrant, under his Hand and Seal or their Hands and Seals, to bring every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices; and on the Appearance of any such Person before any such Magistrate or Magistrates, Justice or Justices, every such Magistrate or Magistrates, Justice or Justices is and are hereby authorized and empowered to examine, upon Oath or Affirmation, every such Person; and if any such Person on his or her Appearance, or on being brought before any such Magistrate or Magistrates, Justice or Justices, shall refuse to be examined upon Oath or Affirmation concerning the Premises without offering any just Excuse for such Refusal, any such Magistrate or Magistrates, Justice or Justices, within the Limits of his or their Jurisdiction, may, by Warrant under his Hand and Seal or their Hands and Seals, commit any Person or Persons so refusing to be examined to the public Prison of the City, County, Division, Liberty, or Place in which the Person or Persons so refusing to be examined shall be, there to remain for any Time not exceeding Fourteen Days, with or without hard Labour, as any such Magistrate or Magistrates, Justice or Justices shall direct.

Power to summon Witnesses in prosecuting Offences.

Tender of Expences.

Examination upon Oath or Affirmation.

Committal for Contempt.

False Evidence,
Perjury.

XXI. And be it enacted, That if any Person who shall take any Oath or make any Affirmation by this Act directed to be taken or made shall wilfully forswear himself or herself, or make any false Affirmation, every such Person shall be subject and liable to be prosecuted for Perjury by Indictment or Information, according to the due Course of Law, and if convicted thereof shall be subject and liable to the Pains and Penalties which Persons convicted of wilful and corrupt Perjury are subject and liable to.

Form of Con-
viction.

XXII. And be it enacted, That the Magistrate or Magistrates, Justice or Justices before whom any Person shall be convicted in manner prescribed by this Act shall cause every such Conviction to be drawn up in the Form or to the Effect following; (that is to say,)

‘ to wit. } BE it remembered, That on this Day of
‘ of A.B. is convicted before in the Year of the Reign
‘ Justice of the Peace for the County of Her Majesty’s
‘ the Division of the said County of [or for
‘ Liberty, or Town of or for the City,
‘ for and do adjudge him or her or them
‘ [as the Case may be] to pay and forfeit for the same the Sum of
‘ . Given under the Day and Year aforesaid.’

Proceedings not
quashed through
Informality.

XXIII. And be it enacted, That no Order, Judgment, or Conviction made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or be removable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty’s Courts of Record at *Dublin*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers (*ab initio*) on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Tender of
Amends.

Appeal to
Quarter Ses-
sions.

XXIV. Provided always, and be it enacted, That if any Person or Persons convicted of any Offence punishable by this Act shall think him, her, or themselves aggrieved by the Judgment of the Magistrate or Magistrates, Justice or Justices before whom he, she, or they shall have been convicted, it shall and may be lawful for such Person or Persons from Time to Time to appeal to the Justices at the next General or General Quarter Sessions of the Peace which shall be held for the City, County, Division, Liberty, Town, or Place where such Judgment shall have been given,

given, and that the Execution of such Judgment shall in such Case be suspended, the Person or Persons so convicted entering into a Recognizance within Twenty-four Hours of the Time of such Conviction, with Two sufficient Sureties, in double the Sum which such Person or Persons shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forthcoming to abide the Judgment and Determination of the Justices at their said next General or General Quarter Sessions, which Recognizance the Magistrate or Magistrates, Justice or Justices before whom such Conviction shall be had is and are hereby empowered and required to take; and the Justices in the said General or General Quarter Sessions are hereby authorized and required to hear and finally determine the Matter of every such Appeal in a summary Way, and to make such Determination therein, and either to confirm or quash or annul the said Conviction, and to award such Costs to either of the Parties or otherwise, as they the said Justices shall adjudge proper; and all such Determinations shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever.

Recognizance.

Determination
to be final.

Costs.

XXV. And be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Notice of Action
to be given, and
Plaintiff not to
recover after
Tender of
Amends.

XXVI. And be it enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Time of the Fact having been committed; and every such Action or Suit shall be brought and tried in the City, County, or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been done, or if such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or

Limitation of
Actions.

General Issue.

shall be brought in any other City, County, or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or, upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Double Costs.

Limitation of Informations.

XXVII. Provided also, and be it enacted, That no Person shall be convicted of any Offence under this Act unless the Complaint is made within Fourteen Days after the Offence shall have been committed, or within such reasonable Time as to the Justice or Justices shall seem fit, except in Cases of Perjury or Proceedings in the Superior Courts of *Dublin*; and that no Person who shall be prosecuted to Conviction for any Offence done or committed against this Act shall be liable to be prosecuted for the same Offence under any other Law.

Application of Penalties.

XXVIII. And be it enacted, That all pecuniary Penalties and Forfeitures by this Act inflicted, and the Application of which is not herein-before directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say,) one Moiety thereof, where any Offender or Offenders shall be convicted either by his, her, or their own Confession, or by the Oath or Affirmation of One or more credible Witness or Witnesses, shall go and be paid to the Person or Persons who shall inform against and prosecute to Conviction any such Offender or Offenders; and the other Moiety thereof, and in case there be no such Person informing then the whole thereof, shall go and be paid to the Use of the Poor of the Parish where the Offence shall have been committed.

Commencement of Act.

XXIX. And be it enacted, That this Act and every Matter and Thing therein contained shall have effect and be in force from and after the Expiration of One Calendar Month next after the passing thereof, and not sooner.

Public Act.

XXX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended this Session.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXIX.

An Act to supply an Omission in an Act passed in the present Session of Parliament, intituled *An Act to amend the Law for providing fit Houses for the beneficed Clergy.*

[4th July 1838.]

1 Vict. c. 23.

‘ **W**HEREAS an Act of Parliament was passed in the present
 ‘ Session of Parliament, intituled *An Act to amend the Law*
 ‘ *for providing fit Houses for the beneficed Clergy*: And whereas
 ‘ the Seventh Section of the said Act is in the Words following;
 ‘ (that is to say,) “ And be it enacted, That where the Residence
 ‘ House,

‘ House, Gardens, Orchard, and Appurtenances belonging to
 ‘ any Benefice shall be inconveniently situate, or for other good
 ‘ and sufficient Reasons it shall be thought advisable to sell and
 ‘ dispose thereof, it shall and may be lawful for the Incumbent
 ‘ of such Benefice, and he is hereby authorized and empowered,
 ‘ with the Consent and Approbation of the Ordinary and Patron
 ‘ thereof and of the Archbishop of the Province, to be signified
 ‘ by their executing the Deed of Conveyance hereby authorized
 ‘ to be made, absolutely to sell and dispose of such House,
 ‘ Gardens, Orchard, and Appurtenances, any or either of them,
 ‘ with any Land contiguous thereto, not exceeding Acres,
 ‘ to any Person or Persons whomsoever, either altogether or in
 ‘ Parcels, and for such Sum or Sums of Money as to such
 ‘ Ordinary and Patron and Archbishop shall appear fair and
 ‘ reasonable, and upon Payment of the Purchase Money for the
 ‘ same as herein-after mentioned by Deed indented to convey and
 ‘ assure such House, Gardens, Orchard, Land, and Appurtenances
 ‘ unto and to the Use of the Purchaser or Purchasers thereof, his
 ‘ or their Heirs or Assigns, or as he or they shall direct or appoint :’
 ‘ And whereas the Space in the said recited Section of the said
 ‘ Act between the Words “ exceeding ” and “ Acres, ” which was
 ‘ intended to be supplied with the Word “ Twelve, ” was inad-
 ‘ vertently left blank :’ Be it declared and enacted by the Queen’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 herein-before recited Section of the said Act of Parli-
 ament shall be deemed, construed, and taken to have such and the
 same Effect to all Intents and Purposes whatsoever as if the said
 Word “ Twelve ” had been originally inserted therein between
 the Words “ exceeding ” and “ Acres.”

Sect. 7. in the
 recited Act to
 have the in-
 tended Effect,
 notwithstanding
 the Omission.

C A P. XXX.

An Act for continuing the Bishoprick of *Sodor and Man*.

[4th July 1838.]

‘ **W**HEREAS an Act of Parliament was passed in the Seventh
 ‘ Year of the Reign of His late Majesty King *William* the
 ‘ Fourth, intituled *An Act for carrying into effect the Reports of the*
 ‘ *Commissioners appointed to consider the State of the Established*
 ‘ *Church in England and Wales, with reference to Ecclesiastical*
 ‘ *Duties and Revenues, so far as they relate to Episcopal Dioceses,*
 ‘ *Revenues, and Patronage:* And whereas it is expedient that the
 ‘ said Act, so far as it relates to or may affect the See of *Sodor*
 ‘ and *Man*, should be repealed:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and Con-
 sent 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 passing of this Act the said recited Act shall
 be deemed and construed not to extend to the See of *Sodor* and
Man, or any Part thereof, but the said Act, so far as it may
 relate to or affect the See of *Sodor* and *Man*, shall be and the
 same is hereby repealed.

6 & 7W.4. c.77.

Recited Act
 not to extend to
 the See of *Sodor*
 and *Man*.

No other Part
of recited Act
affected.

The Bishop not
to hold any
Dignity, &c. in
Commendam.

II. Provided always, and be it further enacted, That nothing herein contained shall be construed to affect any other Part of the said Act.

III. Provided always, and be it further enacted, That no Ecclesiastical Dignity, Office, or Benefice shall be held in Commendam by any Bishop of *Sodor* and *Man*, but that every such Commendam, whether temporary or perpetual, shall be absolutely void to all Intents and Purposes.

C A P. XXXI.

An Act for facilitating the Sale of Church Patronage belonging to Municipal Corporations in certain Cases.

[4th July 1838.]

5 & 6W.4. c.76.
s. 139.

6 & 7W.4. c.77.
s. 26.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, (as the same Act is altered by another Act passed in the then next Session of Parliament, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*.) it is enacted, that in every Case in which any Municipal Body Corporate, or any particular Class, Number, or Description of Members, or the governing Body of such Body Corporate, is or are, in their corporate Capacity, and not as charitable Trustees, seised or possessed of any Manors, Lands, Tenements, or Hereditaments whereunto any Advowson or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson, and every such Right of Nomination and Presentation, shall be sold, at such Time and in such Manner as the Ecclesiastical Commissioners for *England* may direct, so that the best Price may be obtained for the same; and the Council of such Body Corporate is authorized and required, with the Consent of the said Commissioners, to convey and assure, under the Common Seal of such Body Corporate, such Advowson, or such Right of Nomination or Presentation, to the Purchaser or Purchasers thereof: And whereas in some Instances the Manors, Lands, Tenements, or Hereditaments whereof some Municipal Corporations are seised were granted to them with an Obligation to nominate, provide, and sustain in certain Churches or Chapels able and fit Priests, Curates, Preachers, or Ministers, for the Performance and Administration of Ecclesiastical Duties and Rites therein, and for the Cure of the Souls of the Parishioners and Inhabitants of the Parishes or Places thereunto belonging; and although such Corporations have from Time to Time duly nominated and provided such Priests, Curates, Preachers, or Ministers, and paid Stipends for their Sustentance, and have either provided Houses for their Residence

Residence or made Allowances in lieu thereof, yet such Stipends and Allowances have not been fixed or assured by any competent Authority; and for Want of any regular Endowment or Augmentation of such Curacies they have not become Perpetual Cures, or Benefices Presentative, and the Curates have not become Bodies Politic and Corporate, within the Meaning of an Act passed in the First Year of the Reign of His Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of poor Clergy*, and of an Act passed in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the further Support and Maintenance of Curates within the Church of England, and for making certain Regulations respecting the Appointment of such Curates, and the Admission of Persons to Cures augmented by Queen Anne's Bounty, with respect to the Avoidance of other Benefices*; by reason whereof Doubts have arisen whether the Right of nominating Ministers to such Churches and Chapels can be sold under the Provisions of the said first herein-before recited Act; and it is expedient that such Doubts should be removed: Be it therefore declared and enacted by the Queen'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 every Right of Nomination of every such Priest, Curate, Preacher, or Minister, which at the Time of the passing of the first herein-before recited Act was vested in any Municipal Corporation, or in any Member of such Corporation in virtue of his Office as such, shall and may be sold, at such Time and in such Manner as the said Commissioners may direct, and shall by such Conveyance or Assurance as is in the said first-recited Act mentioned become vested in the Purchaser thereof, his Heirs and Assigns; and that from and after such Sale and Assurance every such Curacy, Preachership, or Ministry shall become a Benefice Presentative within the Meaning of the said recited Act of the Thirty-sixth Year of the Reign of King *George* the Third; and every such Curate, Preacher, or Minister, and his Successors for ever, shall become and be a Body Politic and Corporate within the Meaning of the said recited Act of the First Year of the Reign of King *George* the First, and shall have perpetual Succession, and shall be capable of taking and holding in perpetuity all such Lands, Tithes, Tenements, Hereditaments, Monies, Goods, and Chattels as shall be granted unto or purchased for them respectively by the Governors of the Bounty of Queen *Anne*, or by other Persons contributing with the said Governors as Benefactors; and every such Purchaser, his Heirs and Assigns, may present to such Benefice, from Time to Time when and as the same shall become vacant, in the same Manner, to all Intents and Purposes, as Patrons may now present to Benefices Presentative.

1 G. 1. c. 10.

s. 54.

36 G. 3. c. 83.

s. 3.

Right of Nomination vested in Municipal Corporations may be sold.

II. And be it enacted, That notwithstanding any such Sale and Conveyance as aforesaid, every such Corporation, and the Property belonging thereto, shall continue liable to the same Obligations (if any) of providing for and maintaining or contributing

Notwithstanding any Sale, the Property to be liable to same Obligations as previousthereto.

tributing to the Maintenance of any such Priest, Curate, Preacher, or Minister, to which such Corporation and Property would have been liable if no such Sale and Conveyance had taken place; and such Liability (if any) may be enforced by the same Means, at the Instance of Her Majesty, Her Heirs or Successors, or otherwise, as if the first herein-before recited Act had not been passed, and the Right of nominating such Priest, Curate, Preacher, or Minister had remained vested in such Corporation.

Municipal Corporations may augment and endow Priestships, &c. as heretofore.

III. Provided always, and be it hereby further enacted, That nothing in this Act or in the said first-recited Act contained shall preclude any Municipal Corporation seised of any Manors, Lands, Tenements, or Hereditaments subject to an Obligation to nominate and provide any such Priest, Curate, Preacher, or Minister, from augmenting and endowing such Priestship, Curacy, Preachership, or Ministry, either by the assigning of a competent Portion of such Manors, Lands, Tenements, or Hereditaments to such Priest, Curate, Preacher, or Minister, and his Successors, or by charging thereon an annual Stipend, either in Money or in Kind, for his and their Use and Benefit, in as full and ample Manner as such Corporation might have done before the passing of the said first-recited Act: Provided always, that no such Augmentation or Endowment shall be valid without the Consent of the Lords Commissioners of Her Majesty's Treasury or any Three of them.

Application of Act.

IV. And be it enacted, That this Act shall be deemed and taken to apply as well to Sales already made, and to Sales now in progress, as also to Sales which shall hereafter be made.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXXII.

An Act to enable Her Majesty's Courts at *Westminster* to hold Sittings in Banc in Time of Vacation.

[4th July 1838.]

Courts of Queen's Bench, Common Pleas, and Exchequer may hold Sittings in Vacation.

BE it enacted by the Queen'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 passing of this Act it shall be lawful for the Courts of Queen's Bench, Common Pleas, and Exchequer, at their Discretion, to hold Sittings in Banc in Time of Vacation, at such Times as are now by Law appointed for holding Sittings at Nisi Prius in *London* and *Middlesex*, for the Purpose of disposing of Business then pending and undecided in such Courts respectively.

Such Sittings to be holden by Rule or Order of said Courts, published as herein directed.

II. And be it further enacted, That such Sittings in Vacation may be holden by virtue of a Rule or Order of the said Courts respectively to be made in or out of Term, whereof a Week's Notice shall be published in the *London Gazette*, and affixed in some conspicuous Place on the Outside of such Courts respectively making such Order, and also in the Chambers of the Judges or Barons of the same Courts respectively, and in the Office of the Masters of the same Court, in the following Form :

' Court

‘ Court of [Queen’s Bench, Court of Common Pleas, or
 ‘ Court of Exchequer (*as the Case may be*).] Form of Order.

‘ THIS Court will on the Day of hold
 ‘ Sittings, and will proceed in disposing of the Business now
 ‘ pending in the Special Paper on the Day of the
 ‘ same Month and the following Days, and on the
 ‘ Day of the same Month will proceed in disposing of
 ‘ the Business now pending in the Paper of new Trials,
 Or any other Business, as such Courts in their Discretion shall see
 fit.

III. And be it further enacted, That all Judgments to be pro- Judgments to
 nounced and all Rules and Orders to be made by virtue of this have same
 Act shall have the same Effect, to all Intents and Purposes, as Effect as if in
 if they had been pronounced or made in Term Time. Term Time.

C A P. XXXIIL

An Act for granting to Her Majesty, until the Fifth Day of
July One thousand eight hundred and thirty-nine, certain
 Duties on Sugar imported into the United Kingdom, for
 the Service of the Year One thousand eight hundred and
 thirty-eight. [4th *July* 1838.]

‘ Most Gracious Sovereign,

‘ WE, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain* and
 ‘ *Ireland* in Parliament assembled, towards raising the necessary
 ‘ Supplies to defray Your Majesty’s public Expences, have freely
 ‘ and voluntarily resolved to give and grant unto Your Majesty
 ‘ the Duties herein-after mentioned;’ and therefore do most humbly
 beseech Your Majesty that it may be enacted; and be it enacted
 by the Queen’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 Duties imposed on Sugar and Molasses by an Act
 passed in the Sixth and Seventh Years of the Reign of His late
 Majesty King *William* the Fourth, intituled *An Act for granting*
to His Majesty, until the Fifth Day of July One thousand eight
hundred and thirty-seven, certain Duties on Sugar imported into
the United Kingdom, for the Service of the Year One thousand
eight hundred and thirty-six, shall be further continued until the
 Fifth Day of *July* One thousand eight hundred and thirty-nine.

Duties imposed
 by 6 & 7 W. 4.
 c. 26. continued
 till 5th July
 1839.

II. And be it enacted, That the Duties hereby continued shall
 be collected, paid, and accounted for in such and the like Manner
 as if the said Duties had been continued to the Fifth Day of *July*
 One thousand eight hundred and thirty-nine by the said recited
 Act.

Collection of
 the Duties.

III. And be it enacted, That the Bounties payable on the Ex- Bounties on
 portation of the Descriptions of refined Sugar herein-after men- certain Descrip-
 tioned under and by virtue of an Act passed in the Third and tions of refined
 Fourth Years of the Reign of His said late Majesty, intituled *An Sugar.*
Act to grant certain Bounties and Allowances of Customs, shall,
 from and after the Tenth Day of *October* One thousand eight
 hundred and thirty-eight, cease and determine, and that the follow-
 ing

ing Bounties shall be allowed and paid in lieu thereof; (that is to say,)

For every Hundred Weight of refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of a uniform Whiteness throughout, or such Sugar pounded, crashed, or broken, and also for every Hundred Weight of Sugar Candy,—

	£	s.	d.
If exported in a <i>British</i> Ship - - -	1	10	8
If exported in a Ship not <i>British</i> - - -	1	9	2

And for every Hundred Weight of double refined Sugar, or of Sugar equal in Quality to double refined, the additional Sum of - - - - -

0 5 0

Which said Bounties shall be allowed and paid in such and the like Manner as if the same had been allowed in and by the said last-recited Act.

Her Majesty may allow the Importation of Sugar the Growth of certain British Possessions at the lower Rate of Duty.

IV. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British* Possession within the Limits of the *East India* Company's Charter is prohibited, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, or by Her Majesty's Order in Council to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British* Possession at the lower Rate of Duty in the said first-recited Act specified, in like Manner and under the same Restrictions and Conditions as Sugar the Growth of the Presidency of *Fort William* in *Bengal* may be imported subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

“ Separate Accounts to be kept in the Exchequer of the Duties arising in *Great Britain*. Duties arising in *Ireland* to be paid into the Exchequer there. § 5. The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*—§ 6. Powers of 48 *G. 3. c. 1.* extended to this Act. § 7. Exchequer Bills to bear an Interest not exceeding 4 *per Cent. per Annum.* § 8. Bank of *England* may advance Money on Credit of this Act, notwithstanding, 5 & 6 *W. & M. c. 20.*—§ 9. Bills to be delivered to the Bank of *England* as Security for Advances. § 10. Exchequer Bills to be charged on the Duties granted by this Act. § 11. Money due to be paid out of next Aids. § 12. Surplus Monies to be carried to Consolidated Fund. § 13. Treasury to allow necessary Charges of making forth new Exchequer Bills. § 14. Monies issued to be replaced out of first Supplies. § 15. Act may be altered. § 16.”

C A P. XXXIV.

An Act to continue for Five Years, and from thence until the End of the then next Session of Parliament, an Act of the Second and Third Years of the Reign of His late Majesty, to restrain for Five Years, in certain Cases, Party Processions in *Ireland*. [4th July 1838.]

C A P. XXXV.

An Act to repeal the Stamp Duty now paid on Admission to the Freedom of Corporations in *England*.

[4th July 1838.]

‘ **W**HEREAS the Right and Privilege of the Freemen of the Cities and Boroughs in *England*, who have acquired their Freedom by Birth or Servitude, to vote for Members to serve in Parliament, have been confirmed by divers Statutes; it is expedient that all Impediments to the Admission of Persons entitled to the Freedom of Corporations should be removed, and that the Stamp Duty payable on such Admission should be abolished: Be it therefore enacted by the Queen'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 after the passing of this Act no Stamp Duty shall be chargeable on the Admission of any Person entitled to take up his Freedom by Birth or Servitude in any City or Borough in *England* returning a Member or Members to serve in Parliament.

No Stamp Duty chargeable on Admission of Freemen in Cities and Boroughs.

C A P. XXXVI.

An Act to make further Provisions and to amend the Acts relating to the Harbour of *Kingstown* and the Port and Harbour of *Dublin*.

[27th July 1838.]

‘ **W**HEREAS by an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for promoting the Trade of Dublin, by rendering its Port and Harbour more commodious*, and by certain other Acts relative to the said Port and Harbour, the Corporation for preserving and improving the Port of *Dublin* are authorized to levy certain Rates and Duties upon all Ships and other Vessels coming into the said Harbour of *Dublin*, and on the Goods and Cargoes thereof: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the several Acts relating to the Harbour of Kingstown*, it was enacted, that all the Powers and Privileges, save as therein excepted, of the said Corporation, relative to the collecting any such Rates and Duties on any Ships or other Vessels resorting to *Kingstown* Harbour, or the Space of Five hundred Yards beyond the Entrance thereof, should cease, and that the like Powers and Privileges should become vested in the Commissioners of *Kingstown* Harbour, who were thereby authorized to levy certain Rates and Duties by way of Tonnage upon all Ships and other Vessels resorting to the said Harbour or Space beyond the Entrance thereof: And whereas Doubts have arisen as to the Right of the said Corporation, since the passing of the said last-mentioned Act, to levy Rates and Duties upon Ships or other Vessels proceeding from *Kingstown* Harbour to other Parts of the Port of *Dublin*, upon which their proper Rates and Duties may have been already levied by the said Commissioners of *Kingstown* Harbour, and it is expedient to remove the said Doubts, and

26 G. 3. (I.)

6 & 7 W. 4.
c. 117.

‘ to

‘ to make the Rates payable to the said Commissioners in all respects similar to those now or from Time to Time to be payable to the said Corporation;’ be it therefore enacted by the Queen’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 passing of this Act so much of the said Acts as regulate the Amount of any Rates and Duties to be levied by way of Tonnage upon any Ships, Vessels, or other Bottoms coming into the said Harbour of *Kingstown*, or within Five hundred Yards beyond the Entrance thereof, shall be repealed.

So much of said Acts as regulate the Tonnage Rates repealed;

and in lieu of such Rates and Duties the Commissioners of *Kingstown* Harbour to collect the same Rates and Duties as the Corporation for preserving and improving the Port of *Dublin*.

II. And be it enacted, That in lieu of such Rates and Duties there shall be levied and collected by the said Commissioners of *Kingstown* Harbour, or by their Officer duly authorized in that respect, upon each and every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and in respect of every Article, Matter, and Thing landed on or loaded from the Wharfs of the said Harbour of *Kingstown*, such and the like Rates and Duties, Sum and Sums of Money, Pilotage and Light Duties excepted, as the said Corporation for preserving and improving the Port of *Dublin* are or may be by any Act or Acts now in force in *Ireland* entitled to levy and collect in other Parts of the Port of *Dublin*; and upon each and every Ship, Vessel, or other Bottom of which a Part only of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and the Remainder in other Parts of the Port of *Dublin*, and upon such Articles, Matters, and Things as aforesaid, so much of the said Rates and Duties, Sum and Sums, as bear the same Proportion to the whole of the said Rates and Duties that the Part so taken in or discharged bears to the whole of the said Cargo.

In case of Part only of Cargo discharged or taken in at *Kingstown*, the said Corporation to charge only proportionably.

III. And be it enacted, That in every Case where a Part only of the Cargo of any Ship, Vessel, or other Bottoms shall be so taken in or discharged in *Kingstown* Harbour, and the Remainder in other Parts of the Port of *Dublin*, it shall (notwithstanding any Law or Custom to the contrary) be lawful for the said Corporation, or their Officer duly authorized in this respect, to levy and collect upon any such Ship, Vessel, or other Bottoms only so much of the Rates and Duties which they may be otherwise entitled to levy and collect as bears the same Proportion to the whole of the said Rates and Duties that the Part of the Cargo so taken in or discharged in other Parts of the Port of *Dublin* bears to the whole of the said Cargo, and no more.

The entire of the Rates and Duties to be paid where Vessel first begins to take in or discharge.

IV. And for the more convenient collecting of the said Rates and Duties, Sum and Sums of Money, and with a view to the Accommodation of the Trade to the Port of *Dublin* and *Kingstown* Harbour, be it enacted, That the entire of the Rates and Duties so payable to the said Commissioners and Corporation respectively shall, in all Cases when Ships, Vessels, or other Bottoms first begin to land or take in their Cargoes at *Kingstown* Harbour, and shall afterwards discharge or take in the Remainder of their Cargo at *Dublin*, be paid to the proper Officer of the Commissioners of the said Harbour; and the Proportion thereof to which the said Corporation

poration shall be entitled under the Provisions herein-before contained shall be duly accounted for and paid over by the said Commissioners to the said Corporation; and so likewise in all Cases where Ships, Vessels, or other Bottoms first commence landing or taking in their Cargo at the Wharfs or Quays of *Dublin*, and shall afterwards discharge or take in the Remainder of the Cargo at *Kingstown*, the entire of the Rates and Duties payable by or in respect of such Ship, Vessel, or other Bottom shall be paid to the proper Officer of the said Corporation; and the Proportion thereof to which the said Commissioners shall be entitled under the Provisions herein-before contained shall be duly accounted for and paid over by the said Corporation to the said Commissioners.

V. And be it enacted, That every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and on which the Rates and Duties shall have been paid, shall at the End of the same Trip or Voyage be freed and discharged from the like Rates and Duties in any other Part of the Port of *Dublin*; and every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in other Parts of the Port of *Dublin* shall in like Manner be freed and discharged at the End of the same Trip or Voyage from the like Rates and Duties in *Kingstown* Harbour.

VI. And be it enacted, That whenever it shall be necessary to lighten any Ship, Vessel, or other Bottom, in order the more easily to proceed to other Parts of the Port of *Dublin*, by discharging a Part of the Cargo into any other Ship, Vessel, or other Bottom afloat in *Kingstown* Harbour, it shall not be lawful for the said Commissioners to levy and collect the said Rates and Duties on any such Ship, Vessel, or other Bottom, unless the said Cargo or any Part thereof shall be afterwards landed at the said Harbour.

VII. Provided always, and be it enacted, That nothing in this Act contained relative to the levying of such Rates and Duties as aforesaid shall extend or be construed to extend to any Ships or Vessels belonging to Her Majesty, Her Heirs or Successors, nor to any Yacht, Light Ship, Tender, or Pilot Boat belonging to and while in the Employment of the said Corporation for preserving and improving the Port of *Dublin*.

VIII. And be it enacted, That if any Master, Commander, or other Person having Charge of any Ship or other Vessel, or any Owner or Consignee, for any other Person owning or having Charge of any Goods, Wares, Merchandize imported into or exported or intended to be exported from the said *Kingstown* Harbour, shall by short Entries or by any other Means whatsoever at any Time or Times evade or attempt to evade the Payment, either in the Whole or in any Part, of any of the Rates or Duties made payable by this or by any former Act having relation to the said Harbour, each and every Person so evading or attempting to evade Payment thereof as aforesaid shall stand charged with and forfeit and pay a Sum equal to Treble the Amount of the Rates or Duties so evaded or attempted to be evaded; and such Sum shall be recovered from such Master, Owner, Consignee, or other Person or Persons respectively in such Manner as by the said Act passed in the Sixth and Seventh Years of the Reign of King *William*
the

Ship laden or unladen at *Kingstown* free of the Port of *Dublin*, and vice versa.

No Rates to be paid on a Vessel being lightened of Part of her Cargo.

Nothing in this Act to extend to Her Majesty's Ships.

Masters or Commanders of Vessels evading Payment of Duties to forfeit Treble the Amount.

the Fourth is directed for levying and recovering Penalties and Forfeitures.

No Vessel to sail from the Harbour without a Clearance under Penalty of 20*l.*, to be recovered as herein mentioned.

IX. And be it enacted, That no Ship or other Vessel which shall arrive in the said Harbour shall sail therefrom without first paying to the said Commissioners of the said Harbour, or to their Officer, who shall be appointed by the said Commissioners to receive the same, the full Amount of all such Tonnage Rates, Ballast Rates, Quayage Rates, and all such other Rates, Duties, Penalties, and Sums of Money as shall be payable in respect to such Ship or Vessel, or the Cargo thereof, or the Owner, Master, or Commander thereof, and without having obtained a Discharge or Clearance from the said Commissioners, or from the Persons having Authority under this Act to give the same; and if any Ship or other Vessel shall sail without having paid such Rates, Duties, Penalties, and Sums of Money as aforesaid, the Owner, Master, or Commander thereof shall forfeit to the said Commissioners the Sum of Twenty Pounds, and shall be also respectively personally subject and liable to the Payment of the full Amount of all such Rates and Duties as shall be then so due and payable; and it shall and may be lawful to and for the said Commissioners, at any Time after such Ship or other Vessel shall have so sailed, to recover the Amount of the said Rates, Duties, Penalties, and Sums of Money by an Action at Law against such Owner, Master, or Commander in any of Her Majesty's Courts of Record in this Kingdom, or by Civil Bill, at the Option of the said Commissioners, and to arrest and implead such Owner, Master, or Commander, and to hold him to Special Bail in such Action, the chief Collector of the said Harbour, or the Secretary of the said Commissioners, first ascertaining the Amount of such Rates, Duties, and Penalties, and Sums of Money, as shall be so due and payable, by Affidavit before a Judge of or any Officer or Person authorized to take Affidavits in the Court in which such Action shall be intended to be brought, or before a Magistrate or Person authorized to take Affidavits in such Behalf; and such Ship or Vessel so sailing shall be liable to and charged and chargeable as well with the said Forfeiture of Twenty Pounds as with all such Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and such reasonable Expences as shall be necessarily incurred by the said Commissioners or their Officers in consequence of such Ships so sailing; and it shall and may be lawful for the said Commissioners, by Warrants under their Hands or the Hands of any Two of them, to be directed to such Person or Persons as they shall think fit for that Purpose, at any Time after the said Ship or other Vessel shall have so sailed, to seize and distrain such Ship or other Vessel, if found within any Port, Harbour, or Creek within the United Kingdom, and all her Sails, Masts, Rigging, Tackle, and Furniture, for the Payment of the said Forfeiture, and of all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be then payable upon or in respect of such Ship or other Vessel by such Master or Commander, and whether such Ship or other Vessel shall at the Time of such Seizure belong to the same Person, or be commanded by or be in charge of the same Master or Commander who commanded or had the Charge of the same at the Time the said Ship or

Any Vessel chargeable with Penalty and Duties may be seized in any Part of the United Kingdom.

Vessel so sailed, or not; and in case the said Penalty, and all such Arrears as aforesaid of the said Rates and Duties, and also the said Expences, shall not be paid to the said Commissioners or their proper Officer within Seven Days after such Seizure, it shall and may be lawful to and for the said Commissioners, or the Person or Persons to whom such Warrant shall have been directed as aforesaid, to sell and dispose of the said Ship or other Vessel, and all her Sails, Masts, Rigging, Tackle, and Furniture, or so much thereof as shall be sufficient for Payment of the said Penalty of Twenty Pounds, and all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and the said Expences; and it shall be at the Discretion of the said Commissioners either to enforce Payment of the said Penalty of Twenty Pounds, Rates, Duties, Penalties, and Sums of Money, from such Owner, Master, or Commander aforesaid, or by seizing or distraining such Ship or other Vessel, and the Sails, Masts, Rigging, Tackle, and Furniture thereof as aforesaid.

X. And be it enacted, That it shall be lawful for the Officer or Officers to be from Time to Time for that Purpose appointed by the said Commissioners of *Kingstown* Harbour, on Payment of all Rates and Duties payable in respect of such Ship or Vessel to the said Commissioners, to grant a Certificate of such Payment, upon the Production of which the Collector or other proper Officer of Customs of the Port of *Dublin* shall be authorized to clear out or discharge any Ship or other Vessel of which a Part of the Cargo shall be discharged or taken in at *Kingstown* Harbour, and upon which the said Rates and Duties shall have been duly paid to the Person or Persons authorized by the said Commissioners to collect and receive the same; and such Clearance and Discharge shall have the same Effect in Law in all Parts of the said Port of *Dublin*, as far as relates to any Liability of the said Rates and Duties, as if the same had been granted by the said Corporation for preserving and improving the Port of *Dublin*, or by their proper Officer appointed for that Purpose.

XI. And be it enacted, That, notwithstanding any thing in the said recited Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth to the contrary, it shall and may be lawful for the said Commissioners of *Kingstown* Harbour from Time to Time to make, alter, or vary any Rules, Bye Laws, and Regulations, according as to them may seem fit and expedient, not being contrary to the Provisions of any Statute or Law in force in *Ireland* for regulating and preserving the Moorings in and belonging to the said Harbour, and for regulating the mooring and unmooring of Ships or other Vessels coming into or going out of the said Harbour, or the Space of Five hundred Yards beyond the Entrance thereof, and fixing the proper Stations therein to be occupied by the several Ships, Vessels, Lighters, Barges, Boats, or other Craft being in the same, and for regulating the licensing, in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth mentioned, of all Boats, Wherries, and other Craft plying in the said Harbour, and of all the Parties or other Persons employed in and about the said Harbour, and fixing the Limits within which Boats, Wherries, and other Craft so licensed shall ply, and for regulating the Conduct and

Officer of Commissioners to grant a Certificate on Payment of Duties, upon Production of which the Collector of Customs at *Dublin* to give a Clearance.

Commissioners may make and vary Rules and Regulations;

Direction of the Masters and Commanders, or other Person or Persons in charge of any Ship or other Vessel coming into and remaining in or going out of the said Harbour, and also for regulating the Conduct and Direction of the Owner or Proprietor or other Person or Persons in Charge or Management of any Boats, Wherries, or other Craft plying in or which shall arrive at or enter the said Harbour, and also for regulating the Conduct and Direction of all Persons who shall frequent the Piers, Wharf, and Quays of the said Harbour, with Coaches, Cars, Carriages, Carts, Drays, or other Vehicles, and ply the same for Hire, and of all Persons who shall have been or may hereafter be licensed to act as Porters or in any other like Capacity in and about the said Harbour, or the said Wharf, Piers, and Quays, and for fixing and regulating the Rates or Prices, Sum or Sums of Money, which it shall be lawful for such Owners or Proprietors or other Person in the Care and Management of such Boats, Wherries, or other Craft, or for such Porters or other Persons aforesaid licensed under the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, to demand and receive from the Person or Persons who shall employ them, according to their several and respective Occupations, and also for the regulating of any other Matter, Thing, or Purpose connected with the said Harbour, or upon the Wharfs, Quays, or Piers belonging to the same.

and affix Penalties in respect of Offences against such Rules and Regulations.

XII. And be it enacted, That it shall be lawful for the said Commissioners of *Kingstown* Harbour and they are hereby authorized to fix and specify in the said Rules and Regulations such Penalties to be inflicted on any Person or Persons offending against the same as to them shall seem expedient, and not already fixed by any of the Provisions of the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth; the same to be recovered in the like Manner as Penalties and Forfeitures generally under the said Act are directed to be recovered: Provided always, that no such Penalty or Fine, except it is otherwise specially provided by the said Act, shall exceed the Sum of Forty Shillings for each Offence.

The Provisions of 6 & 7 W. 4. may be used for the Purposes of this Act.

XIII. And be it enacted, That the Powers and Provisions contained in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, for or in respect of the Collection of the Rates and Duties thereby imposed, and for distraining and selling for the same, and the accounting for Monies by the Officers of the said Commissioners, shall be extended to and may be used for the Purposes of this Act.

Application of Monies made payable by this Act.

XIV. And be it enacted, That the Sum and Sums of Money imposed or made payable by this Act or any other Act relative to the said Harbour shall be applied by the said Commissioners to and for the Purposes directed in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth: Provided always, that nothing herein contained shall prejudice or affect the Right or Power now vested in the said Commissioners to supply Ballast to Ships and other Vessels in said Harbour under and by virtue of the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth.

XV. And

XV. 'And whereas the Duties heretofore performed by certain Commissioners appointed by the Lord Lieutenant or the Commissioners of Her Majesty's Treasury have lately been transferred from such Commissioners to the Commissioners for the Extension and Promotion of Public Works in *Ireland*, and it is expedient to provide that all such Duties relative to the said Harbour, though heretofore requiring Three or more of such Commissioners, should, when transferred to the said Commissioners for the Extension and Promotion of Public Works, be performed by any Two of the said Commissioners last mentioned; be it therefore enacted, That the Powers and Authorities in and by this Act, or by an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, relative to the said Harbour, or by the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, or any of them, given to the said Commissioners, shall and may, so far as relates to the said Harbour, be exercised and performed by any Two of them, anything in any Act now in force requiring a greater Number of Commissioners or other Persons for such Duty or Service notwithstanding.

Powers of this Act may be exercised by any Two Commissioners.

XVI. 'And whereas under several Acts the building, Repair, and Preservation of the Quay Walls of the River *Anna Liffey* was entrusted to the said Corporation for preserving and improving the Port of *Dublin*, and in consideration thereof a certain Assessment or Frontage Rate was imposed upon Grounds, Houses, and Buildings adjoining and fronting any of the Quays of the said River: And whereas the Quay Walls Westward of the Bridge called *Carlisle Bridge*, and extending to the Bridge called *Barrack Bridge*, have been built, and are now in good Order and Repair, and will not require for the maintaining or repairing of the same a Sum equal to the full Amount of the Duty or Rate heretofore leviable upon the Inhabitants of that Part of the said Quays; be it therefore enacted, That from and after the First Day of *July* One thousand eight hundred and thirty-eight the said Rate. or Duty so as aforesaid payable to or leviable by the said Corporation within the Limits aforesaid, and all Arrears thereof, shall cease and determine; and shall not be any longer leviable by the said Corporation.

Frontage Rate for Quay Walls of the River *Anna Liffey* to cease from 1st *July* 1838.

XVII. Provided always, and be it enacted, That whenever the said Corporation shall, on the First Sitting Day of any *Easter* or *Michaelmas* Term, cause to be laid before the Court of Queen's Bench, signed with the proper Names and Handwriting of any Three Members of the said Corporation, and sealed with their Corporate Seal, an Estimate of the probable Expence of executing or making any Repairs which shall at any Time or Times be wanting on or by the said Quay Walls within the Limits aforesaid, verified by the Affidavit of Two skilful Persons, or by the Affidavit of the Ballast Master for the Time being of the said Corporation, the said Court of Queen's Bench shall in each and every such Case charge the Grand Jury of the County of the City of *Dublin* and the Grand Jury of the County of *Dublin* to meet in one Room at a certain Time to be named by the said Court, and it shall then be lawful to and for the said Grand Juries, when so assembled, or any Twenty-four Members thereof, and they

Presentments for Repairs of Quay Walls, to be raised off the Inhabitants of *Dublin*, may in certain Cases be made.

are hereby required, to present the whole Amount of the Estimate so laid before them to be raised and levied by One Instalment, or by equal Half-yearly Instalments at every *Easter* and *Michaelmas* Term, on and out of all Houses and other Buildings erected or to be erected within the District of the Metropolis, and to be paid by all and every the Owners or Occupiers thereof, and for the raising of such Sum on the said Instalments, as the Case may be, to present a certain Rate of Assessment, which shall be agreed on by the said Grand Juries or any Twenty-four Members thereof, of a certain Sum in the Pound, to be levied on the Value of all such Houses or other Buildings, according to the Valuation by which they are now or hereafter may be valued or rated, for or towards the Maintenance of the Police Establishment of the said District; and it shall be lawful for the said Grand Juries, or any Twenty-four Members thereof, to make such Presentment as aforesaid, whether they shall have been previously approved of by the Presentment Sessions for such Counties respectively or not.

This Act to be deemed a Public Act.

Act may be altered.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all as such Judges, Justices, and others.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXXVII

An Act to empower the Foreman or any other Member of Grand Juries in *Ireland* to administer Oaths to Witnesses on Bills of Indictment. [27th July 1838.]

‘**W**HEREAS by an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate Proceedings of Grand Juries in Ireland upon Bills of Indictment*, reciting that a Practice had prevailed in many of the Grand Juries in *Ireland* to find Bills of Indictment without examining Witnesses for the Crown, it was enacted, that from and after the passing of that Act no Bill of Indictment should be returned a true Bill by any Grand Jury in *Ireland* unless the same had been found by the Jurors upon the Evidence of One or more Witnesses for the Crown, sworn in Court, and produced before them: And whereas the Provision for the *vidæ voce* Examination of Witnesses by the Grand Jury upon the Consideration of Bills of Indictment has been found most salutary; but the Administration of the Oath in Court has been productive of Delay and of other Inconveniences:’ For Remedy whereof be it therefore enacted by the Queen’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 in all Cases where Bills of Indictment are to be laid before Grand Juries in *Ireland* for their Consideration the Clerk of the Crown at the Assizes, and Clerk of the Peace at Quarter Sessions, or his or their Deputy, shall endorse upon the Back of each Bill of Indictment the Name or Names of the Witness or Witnesses for the Crown in support of such Bill, and shall send the same so endorsed to the

56 G. 3. c. 87.

Bills of Indictment laid before Grand Juries to be endorsed with the Names of the Witnesses; and Grand Juries to ad-

the Grand Jury; and the Foreman or other Member of the Grand Jury so impannelled, Twelve Members of the said Grand Jury (at the least) being there present at the Time, shall, and he and they are hereby authorized and required so to do, previous to the Examination of any Witness whose Name shall appear endorsed upon the Back of any Bill of Indictment, administer to such Witness the Oath or (in case of Persons by Law permitted to make a solemn Affirmation in Courts of Justice) the solemn Affirmation required to be taken by such Witnesses; and the Foreman or other Member of the Grand Jury who shall have administered such Oath or Affirmation shall upon the Back of such Bill of Indictment state the Name or Names of such Witness or Witnesses as shall have been duly sworn or shall have made such Affirmation before him, and authenticate the same by his Signature or Initials: Provided always, that the said Oath or Affirmation is not to be in addition to, but in lieu of that heretofore administered in Court under the Provisions of the said Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third; and provided also, that no Foreman of any Grand Jury, nor any other Member thereof, shall have Power to administer such Oath or Affirmation to or to examine any Witness in support of any Bill of Indictment whose Name shall not have been previously endorsed on such Bill of Indictment by the Clerk of the Crown or Clerk of the Peace respectively.

minister Oaths or Affirmations to such Witnesses.

II. And be it enacted, That if any Person who shall take any Oath or Affirmation under or in pursuance of the Provisions of this Act shall wilfully or knowingly swear or affirm or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Swearing or affirming falsely, Perjury.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended or repealed.

C A P. XXXVIII.

An Act to amend an Act for punishing idle and disorderly Persons and Rogues and Vagabonds. [27th July 1838.]

WHEREAS it is expedient to alter and amend an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds in that Part of Great Britain called England*: Be it enacted by the Queen'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 when any Person aggrieved by any Act or Determination of any Justice or Justices of the Peace out of Sessions, in or concerning the Execution of the said Act, shall have appealed against such Act or Determination according to the Provisions of the said Act, and shall thereupon have been discharged out of Custody, and such Person shall not personally appear and prosecute such Appeal at the General or Quarter Sessions according to the Recognizance

5 G. 4. c. 83.

Persons convicted, being discharged out of Custody on having appealed against Conviction, and not appearing to prosecute such Appeal, may be re-committed.

entered into on such Appeal, it shall be lawful for the Justices assembled at such General or Quarter Sessions, or for any Justice of the Peace for the County or Place in which such Person shall have been convicted, on Proof of the said Conviction, and on Proof by Certificate under the Hand of the Clerk of the Peace for the said County or Place or of the Person acting as his Deputy that the Person so convicted did not personally appear to prosecute such Appeal, to issue a Warrant for the Apprehension and Committal of such Person for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned (if any) previous to being discharged by reason of Appeal, shall complete the full Term for which such Person was adjudged to be imprisoned at the Time of his or her said Conviction.

Exposing obscene Prints, &c. in Shop Windows liable, on Conviction, to Punishment.

II. ' And whereas by the said recited Act it is enacted, that every Person wilfully exposing to view in any Street, Road, Highway, or public Place any obscene Print, Picture, or other indecent Exhibition shall, on summary Conviction thereof, be liable to Punishment as therein provided: And whereas Doubts have arisen whether the exposing to public View in the Windows of Shops in Streets, Highways, or other public Places of any obscene Print, Picture, or other indecent Exhibition, is an Offence within the Meaning of the said recited Act: Be it therefore declared and enacted, That every Person who shall wilfully expose or cause to be exposed to public View in the Window or other Part of any Shop or other Building situate in any Street, Road, Highway, or public Place any obscene Print, Picture, or other indecent Exhibition shall be deemed to have wilfully exposed such obscene Print, Picture, or other indecent Exhibition to public View within the Intent and Meaning of the said Act, and shall accordingly be liable to be proceeded against, and on Conviction to be punished under the Provisions of the said Act.

Commencement of the Act.

III. And be it enacted, That this Act shall commence and take effect from and after the First Day of *August* One thousand eight hundred and thirty-eight.

C A P. XXXIX.

An Act for carrying into effect a Convention of Accession of the *Hans Towns* to Two Conventions with the King of the *French*, for suppressing the Slave Trade.

[27th July 1838.]

Convention between Great Britain and France.

' WHEREAS a Convention was concluded between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, for rendering more effectual the Means of suppressing the Criminal Traffic called the Slave Trade, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one: And whereas by the Ninth Article of the said Convention the High Contracting Parties to the said Treaty agreed to invite the other Maritime Powers to accede to it within as short a Period as possible: And whereas a Supplementary Convention was concluded between Their said Majesties,

Supplementary Convention.

‘ for the more effectual Suppression of the Traffic in Slaves, and
 ‘ signed at *Paris* on the Twenty-second Day of *March* in the Year
 ‘ of our Lord One thousand eight hundred and thirty-three: And
 ‘ whereas an Act passed in the Third and Fourth Years of the
 ‘ Reign of His late Majesty King *William* the Fourth, intituled
 ‘ *An Act for carrying into effect Two Conventions with the King*
 ‘ *of the French for suppressing the Slave Trade*: And whereas a
 ‘ Convention was concluded between His Majesty the King of the
 ‘ *French* and the *Hans Towns*, containing the Accession of the
 ‘ *Hans Towns* to the said before Two Conventions between *Great*
 ‘ *Britain* and *France* for the more effectual Suppression of the
 ‘ *Slave Trade*, and signed at *Hamburgh* on the Ninth Day of *June*
 ‘ One thousand eight hundred and thirty-seven, containing as
 ‘ follows:

3 & 4W.4. c.72.

Convention
between France
and the Hans
Towns.

‘ Article 1.—The Senates of the Free *Hanseatic* Cities of
 ‘ *Lubeck*, *Bremen*, and *Hamburgh* accede to the Conventions
 ‘ concluded and signed on the Thirtieth of *November* One
 ‘ thousand eight hundred and thirty-one, and on the Twenty-
 ‘ second of *March* One thousand eight hundred and thirty-
 ‘ three, between His Majesty the King of the United Kingdom
 ‘ of *Great Britain* and *Ireland* and His Majesty the King of
 ‘ the *French*, relating to the Suppression of the *Slave Trade*,
 ‘ as well as to the Annex of the latter Convention containing
 ‘ Instructions to Cruizers, excepting the Reservations and
 ‘ Modifications expressed in the Second, Third, and Fourth
 ‘ Articles herein-after given, which Articles shall be con-
 ‘ sidered additional to the said Conventions and to the Annex
 ‘ above mentioned, and excepting the Differences which neces-
 ‘ sarily result from the Situation of the *Hanseatic* Cities as
 ‘ Parties acceding to the Conventions in the Question after
 ‘ their Conclusion; His Majesty the King of the United
 ‘ Kingdom of *Great Britain* and *Ireland*, and His Majesty
 ‘ the King of the *French*, having accepted the said Accession,
 ‘ all the Articles of these Two Conventions, and all the
 ‘ Conditions of the said Annex, shall in consequence be held
 ‘ to have been concluded and signed in the same Manner as
 ‘ the present Convention, directly between His Majesty the
 ‘ King of the United Kingdom of *Great Britain* and *Ireland*,
 ‘ His Majesty the King of the *French*, and the Senates of
 ‘ the Free *Hanseatic* Cities of *Lubeck*, *Bremen*, and *Ham-*
 ‘ *burgh*; Their said Majesties and the Senates of the Free
 ‘ *Hanseatic* Cities engage and promise reciprocally to fulfil
 ‘ faithfully, excepting the Reservations and Modifications
 ‘ hereby stipulated, all the Clauses, Conditions, and Obligations
 ‘ which result therefrom; and in order to prevent any
 ‘ Uncertainty, it has been agreed that the above-mentioned
 ‘ Conventions, and the Annex of the latter, containing Instruc-
 ‘ tions to Cruizers, should be inserted here Word for Word
 ‘ in the said Convention of Accession, which were accord-
 ‘ ingly inserted Word for Word therein.

‘ Article 2.—It is agreed, with reference to the Fifth
 ‘ Article of the Instructions annexed to the Supplementary
 ‘ Convention of *March* the Twenty-second One thousand
 ‘ eight hundred and thirty-three, that all Vessels bearing the

' Flag of *Lubeck*, and which appear by their Papers to belong
 ' to *Lubeck*, which may be detained, in execution of the
 ' Conventions herein above transcribed, by the Cruizers of
 ' His Majesty the King of the United Kingdom of *Great*
 ' *Britain and Ireland*, or of His Majesty the King of the
 ' *French*, employed on the Stations of *America* or *Africa*, or
 ' of *Madagascar*, shall be conducted or sent to the Port of
 ' *Travemunde*; all Vessels bearing the Flag of *Bremen*, and
 ' which appear by their Papers to belong to *Bremen*, which
 ' may in like Manner be detained, shall be conducted or sent
 ' to the Port of *Bremerhaven*; and all Vessels bearing the
 ' Flag of *Hamburgh*, and which appear by their Papers to
 ' belong to *Hamburgh*, which may in like Manner be detained,
 ' shall be conducted or sent to the Port of *Cuxhaven*; in case
 ' the Navigation of the *Baltic* should be interrupted or
 ' impracticable, the Three Senates agree to fix *Bremerhaven*
 ' and *Cuxhaven* as the Ports to which *Lubeck* Vessels detained
 ' as above mentioned may be conducted or sent.

' Article 3.—Whereas the landing, at the above-mentioned
 ' Ports, of Slaves who are found on board Vessels bearing the
 ' *Hanseatic* Flag, and which appear by their Papers to belong
 ' to the said *Hanseatic* Cities, or to any one of them, might
 ' be attended with great Inconvenience; it is agreed, That
 ' the Slaves on board of any such Vessel detained by a
 ' *British* or *French* Cruizer shall be previously landed at the
 ' Place or Port the nearest (be it *British* or *French*) to
 ' which a Slave Vessel under the Flag of one of those Two
 ' Nations, found and detained under similar Circumstances,
 ' would, according to the above-mentioned Conventions,
 ' be conducted or sent to; the *British* Ports of *Bathurst* on
 ' the *Gambia*, *Port Royal* in *Jamaica*, the *Cape of Good*
 ' *Hope*, and *Demerara*, as well as the *French* Ports of *La*
 ' *Goree*, *Martinique*, *Bourbon*, *Cayenne*, shall be considered
 ' as respectively fixed on for this Purpose for the *British* and
 ' *French* Cruizers in *Africa*, the *West Indies*, *Madagascar*,
 ' and the *Brazils*.

' Article 4.—If the Senates of the Free *Hanseatic* Cities
 ' should not deem it expedient to fit out Cruizers of their own
 ' for the Repression of the Trade, they nevertheless engage
 ' to furnish the special Authority or Warrants required by
 ' the Fifth Article of the Convention of the Thirtieth of
 ' *November* One thousand eight hundred and thirty-one, to
 ' the Commanders of *British* and *French* Cruizers, as soon
 ' as the Names and the Number thereof are notified to them.

' And whereas it is expedient that the Provisions of the said
 ' recited Act of the Third and Fourth Years of the Reign of His
 ' late Majesty King *William* the Fourth should be applied to the
 ' said Convention of Accession of the *Hans Towns*, signed at *Ham-*
 ' *burgh* on the Ninth Day of *June* One thousand eight hundred
 ' and thirty-seven, for the carrying into execution the said Con-
 ' vention and Articles for the more effectual Suppression of the Slave
 ' Trade: Be it therefore enacted by the Queen'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

and by the Authority of the same, That all Clauses, Provisions, Powers, and Authorities contained in, and all Penalties and Forfeitures imposed by, the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be applied and put in force for the Purpose of carrying into execution the said Convention, and the several Articles, Stipulations, and Regulations therein respectively contained, except so far as any of such Powers and Authorities are altered by this Act, as fully and effectually as if the same were re-enacted in this Act, as to such Convention and all Matters therein respectively contained.

II. And be it enacted, That, in pursuance of the said Second Article of the Convention of the *Hans Towns*, all Vessels bearing the Flag of *Lubeck*, and which appear by their Papers to belong to *Lubeck*, which may be detained, in execution of the said Convention of the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-three respectively, by the Cruizers of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, employed on the Stations of *America*, of *Africa*, or of *Madagascar*, shall be conducted or sent to the Port of *Travemunde*; and all Vessels bearing the Flag of *Bremen*, and which appear by their Papers to belong to *Bremen*, which may in like Manner be detained, shall be conducted or sent to the Port of *Bremerhaven*; and all Vessels bearing the Flag of *Hamburg*, and which appear by their Papers to belong to *Hamburg*, which may in like Manner be detained, shall be conducted or sent to the Port of *Cuzhaven*; and in case the Navigation of the *Baltic* should be interrupted or impracticable, to the Ports of *Bremerhaven* or *Cuzhaven*.

III. And be it enacted, That, in pursuance of the said Third Article of the Convention of the said *Hans Towns*, Slaves who are found on board Vessels bearing the *Hanseatic* Flag, and which appear by their Papers to belong to the *Hanseatic* Cities or to any one of them, detained by a *British* Cruizer, shall be previously landed at the Place or Port the nearest (be it *British*) to which a Slave Vessel under the Flag of one of those Two Nations, found and detained under similar Circumstances, would, according to the above-mentioned Conventions, be conducted or sent; *videlicet*, the *British* Ports of *Bathurst* on the *Gambia*, *Port Royal* in *Jamaica*, the *Cape of Good Hope* and *Demerara*.

C A P. XL.

An Act to carry into effect an additional Article to a Treaty with *Sweden* relative to the Slave Trade.

[27th July 1838.]

‘ WHEREAS a Treaty was made between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and the King of *Sweden* and *Norway*, for preventing Their Subjects from engaging in any Traffic in Slaves, and signed at *Stockholm* on the Sixth Day of *November* One thousand eight hundred and twenty-four: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to carry into effect the Treaty with Sweden relative to the Slave Trade*: And

Provisions of the recited Act to extend to the Convention of Accession of the *Hans Towns*.

Ports to which the captured Vessels bearing the several Flags shall be taken.

Slaves taken on board Vessels bearing the Flag of *Hanseatic* Cities to be taken to certain Ports.

Treaty between *Great Britain* and *Sweden*.

7 & 8 G. 4. c. 54.

‘ whereas

Additional
Article to
Treaty.

‘ whereas Their said Majesties have agreed to an additional Article
‘ to the said Treaty, as follows: “It is hereby agreed between
‘ the High Contracting Parties that in all Cases in which a Vessel
‘ shall, under the above-mentioned Treaty, be detained by their
‘ respective Cruizers as having been engaged in the Slave Trade,
‘ or as having been fitted out for the Purposes thereof, and shall
‘ consequently be adjudged and condemned by the Mixed Courts
‘ of Commission to be established under that Treaty, the said
‘ Vessel shall, immediately after its Condemnation, be broken up
‘ entirely, and shall be sold in separate Parts after having been so
‘ broken up:” And whereas it is expedient that the Provisions
‘ of the said recited Act should be applied to the said additional
‘ Article for the carrying the same into effect:’ Be it therefore
enacted by the Queen’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 Autho-
rity of the same, That all Clauses, Provisions, Powers, and
Authorities contained in, and all Penalties and Forfeitures imposed
by, the said recited Act of the Seventh and Eighth Years of the
Reign of His late Majesty King *George* the Fourth, shall be
applied and put in force for the Purpose of carrying into execution
the said additional Article, as fully and effectually as if the same
were re-enacted in this Act as to such before-mentioned additional
Article, and all Matters therein contained, and as if such additional
Article had formed Part of and been inserted Word for Word in
the said Treaty of One thousand eight hundred and twenty-four.

Provisions of
recited Act to
extend to the
additional
Article.

C A P. XLI.

An Act for carrying into effect an additional Article to a
Treaty with the *Netherlands* relating to the Slave Trade.

[27th July 1838.]

Treaty between
Great Britain
and the Nether-
lands.

‘ **W**HEREAS a Treaty was concluded between His Majesty
‘ the King of the United Kingdom of *Great Britain* and
‘ *Ireland* and His Majesty the King of the *Netherlands*, and signed
‘ at the *Hague* on the Fourth Day of *May* One thousand eight
‘ hundred and eighteen, for the Suppression of the Slave Trade:
‘ And whereas an Act was passed in the Fifty-ninth Year of the
‘ Reign of His late Majesty King *George* the Third, intituled *An*
‘ *Act to carry into effect the Treaty with the Netherlands relating*
‘ *to the Slave Trade*: And whereas additional and explanatory
‘ Articles were concluded between Their said Majesties on the
‘ Thirty-first Day of *December* One thousand eight hundred and
‘ twenty-two and the Twenty-fifth Day of *January* One thousand
‘ eight hundred and twenty-three respectively: And whereas by
‘ the Seventh Article of the Treaty of the said Fourth Day of
‘ *May* One thousand eight hundred and eighteen, Regulations for
‘ Mixed Courts of Justice were established: And whereas by the
‘ Sixth Article of those Regulations it was stipulated, among
‘ other things, “that in case of the Condemnation of a Vessel she
‘ shall be declared lawful Prize, as well as her Cargo, of whatever
‘ Description it may be, with the Exception of the Slaves who
‘ may be on board as Objects of Commerce, and the said Vessel,
‘ as well as her Cargo, shall be sold by public Sale for the Profit
‘ of

59 G. 3. c. 16.

Additional
Articles to the
Treaty.

‘ of the Two Governments’ : And whereas by a separate and additional Article to the said Treaty of the Fourth Day of *May* One thousand eight hundred and eighteen, signed at the *Hague* on the Seventh Day of *February* One thousand eight hundred and thirty-seven, it was agreed between Their said Majesties, that the Words in the said last-mentioned Regulation, “ And the said Vessel, as well as her Cargo, shall be sold by public Sale for the Profit of the Two Governments,” shall be annulled, and in lieu thereof the following Stipulations inserted, which shall, in consequence, make an integral Part of the said Sixth Article of the above-mentioned Regulations, and of the said Treaty of the Fourth of *May* One thousand eight hundred and eighteen, namely, “ And the said Vessel shall be entirely demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, for the Profit of the Two Governments,” and that the said additional Article of the Seventh Day of *February* One thousand eight hundred and thirty-seven shall be of the same Force and Effect as if it had been inserted Word for Word in the before-mentioned Treaty of the Fourth of *May* One thousand eight hundred and eighteen, and in the Regulation thereto annexed : And whereas it is expedient that the Provisions of the said recited Act of the Fifty-ninth Year of His late Majesty King *George* the Third should be applied to the said explanatory and additional Articles of One thousand eight hundred and twenty-two and One thousand eight hundred and twenty three, and to the said separate and additional Article signed at the *Hague* on the said Seventh Day of *February* One thousand eight hundred and thirty-seven, for the carrying the said additional Articles into execution for the more effectual Prevention of the Traffic in Slaves : Be it therefore enacted by the Queen’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 all Clauses, Provisions, Powers, and Authorities contained in and all Penalties and Forfeitures imposed by the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third shall be applied and put in force for the Purpose of carrying into execution the said before-mentioned additional Articles, except so far as any of such Powers and Authorities are altered by this Act, as fully and effectually as if the same were re-enacted in this Act as to such before mentioned additional Article, and as if the said additional Articles respectively had been inserted in and made Part of the said Treaty of One thousand eight hundred and eighteen.

Provisions of former Act to extend to the additional Articles.

C A P. XLII.

An Act to empower the Commissioners of Her Majesty’s Woods, Forests, and Land Revenues to confirm the Titles to and to grant Leases of Encroachments in the Forest of *Dean* in the County of *Gloucester*. [27th July 1838.]

‘ WHEREAS by an Act passed in the Twentieth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for the Increase and Preservation of Timber*

20 Car. 2. c. 8.

‘ within

1 & 2 W. 4. c. 12.

' *within the Forest of Dean*, it was enacted, that to the end the
 ' said Forest and Premises might be perpetually preserved and
 ' estated in the Crown for public Use, and might not be granted
 ' or disposed to any private Use or Benefit, in case any Person
 ' or Persons whatsoever should presume to take, or should obtain
 ' any Gift, Grant, Estate, or Interest of or in the Inclosures or
 ' Wastes of the said Forest, or any Wood or Trees growing thereon,
 ' or of or in any of the Mines or Quarries of or within the said
 ' Inclosures or any Part thereof, every such Gift, Grant, Estate,
 ' and Interest should *ipso facto* be null and void, and the Person
 ' or Persons so taking or obtaining the same should be and was
 ' thereby made and declared utterly disable and incapable to have,
 ' hold, or enjoy any such Gift, Grant, Estate, or Interest: And
 ' whereas, notwithstanding the Provisions in the said Act made
 ' and enacted, many Encroachments have been made and con-
 ' tinued on the Waste Lands of the said Forest: And whereas
 ' by virtue and under the Authority of an Act passed in the First
 ' and Second Years of the Reign of His late Majesty King *Wil-*
 ' *liam the Fourth*, intituled *An Act for ascertaining the Boundaries*
 ' *of the Forest of Dean, for inquiring into the Rights and Privi-*
 ' *leges claimed by the Free Miners of the Hundred of St. Briavels,*
 ' *and for other Purposes*, a Commission was issued under the Seal
 ' of Her Majesty's Court of Exchequer, bearing Date the Twenty-
 ' first Day of *January* One thousand eight hundred and thirty-two,
 ' directed to certain Commissioners therein named, with Authority
 ' to them to inquire of and ascertain and distinguish the Boundaries
 ' of the Forest of *Dean*, and of the Lands of Her Majesty's Sub-
 ' jects within the same, and to inquire of the Purprestures, En-
 ' croachments, and Trespasses on the Soil of the Crown within
 ' the Boundaries of the said Forest, and also to inquire of the
 ' Existence, Origin, and Particulars of the Rights and Privileges
 ' claimed by Persons born within the Hundred of *St. Briavels*,
 ' within the Boundary of the said Forest, calling themselves Free
 ' Miners, and the said Commissioners were by the said Commission
 ' directed to report on the aforesaid Matters to the Lord High
 ' Treasurer or Lords Commissioners of Her Majesty's Treasury,
 ' as in the said Commission is mentioned: And whereas the said
 ' Commissioners so appointed as aforesaid proceeded to make the
 ' Inquiries so as aforesaid directed to be made, and by their
 ' Second Report to the Lords Commissioners of Her Majesty's
 ' Treasury, under their Hands and Seals, dated the First Day of
 ' *May* One thousand eight hundred and thirty-four, and which
 ' Report is stated by them to relate to the Boundaries of the
 ' Forest of *Dean* and of the Lands of Her Majesty's Subjects
 ' within the same, and the Rights and Interests of Persons
 ' occupying or claiming to be interested in Lands or Tenements
 ' within the Bounds of the said Forest, the Origin or alleged Origin
 ' of such Rights and Interests, and also the Dates, Value, and
 ' other Particulars of all other Purprestures, Encroachments, and
 ' Trespasses in and upon the Soil of Her Majesty within the
 ' said Forest, after stating amongst other things, in the said
 ' Report, that the said Commissioners had confined their Atten-
 ' tion to Encroachments in the said Forest properly so called, and
 ' that they had found it necessary to have Maps prepared, in
 ' which

' which the Encroachments described as such in a certain Map
' made in the Year One thousand seven hundred and eighty-seven,
' in pursuance of the Report of certain Commissioners, should be
' laid down distinct from those of a more modern Date; and also
' stating that in the Maps so prepared under the Direction of the
' said Commissioners, whose Report is now in recital, (and which
' Maps are annexed to the said Report,) the old Encroachments
' were coloured Red, those which were taken in between the
' Years One thousand seven hundred and eighty-seven and One
' thousand eight hundred and twelve Blue, and those inclosed since
' the Year One thousand eight hundred and twelve Yellow; that
' every Facility, by repeated Notices given generally and indi-
' vidually, had been afforded to the several Parties in Possession
' of Lands coloured Blue and Yellow to appeal against the
' Colour by which their Encroachments were distinguished, and
' nearly all of them appeared before the said Commissioners in
' Person or by Proxy; that the few who did not so appear
' received further Notice of the Day appointed for final Adjudi-
' cation; that all Red Encroachments were included in One Class,
' because the said Commissioners could not presume that any
' of them were inclosed before the said Act of the Twentieth Year
' of the Reign of King *Charles* the Second; but the Crown
' having had its Attention called by the Proceedings of the Com-
' missioners appointed in One thousand seven hundred and eighty-
' seven, as in the said Report is mentioned, to the Existence of
' these Red Encroachments, and not having taken any effectual
' Steps to assert its Right, ought not to disturb the Possession;
' the said Commissioners by their said Report therefore recom-
' mended that the Lands coloured Red in the said Plans (amount-
' ing to One thousand five hundred and ten Acres Two Roods
' and Thirty-two Perches) should be declared to be Freehold
' of Inheritance, subject however to a Condition that no addi-
' tional Dwelling Houses should be erected thereon without the
' Licence of the Crown, to be registered in the Court of Attach-
' ments; and that the Lands coloured Blue in the said Plans,
' containing Five hundred and seventy-three Acres and Ten and
' a Half Perches, should be granted to their present Possessors
' for Three Lives, not renewable except at the Pleasure of the
' Crown, and that the said Possessors should respectively pay
' Rents varying from One Shilling to Two Shillings *per* Acre;
' and that the Possessors of the Lands coloured Yellow, contain-
' ing Twenty-four Acres Two Roods Nine and a Half Perches,
' should have Terms of Years varying from Fourteen to Twenty-
' one Years, as in the Appendix to the said Report is set forth,
' paying Rents varying from Four Shillings to Eight Shillings an
' Acre; and that the Condition as to building Dwelling Houses
' should apply to those Classes also; and the said Commissioners
' stated that the Extent of the Red, Blue, and Yellow Lands,
' the Name of the Person in Possession, the Terms on which the
' same were held, and the Rents severally reserved, were respec-
' tively described in the Appendix to their said Report; and
' further that the Lands given in Exchange under the Authority
' of an Act passed in the Tenth Year of the Reign of King *George*
' the Fourth, therein mentioned and partly hereafter recited, were
' coloured

' coloured Green in the Maps of the said Commissioners; and
 ' that some of those last-mentioned Lands had been granted by
 ' Deed in Fee Simple, but the Remainder having been exchanged
 ' for old Encroachments, the same should be treated in the same
 ' Manner as the Red Lands; and that the said Lands coloured
 ' Green were also described in the Appendix to the said Report,
 ' and the Admeasurement of the same was included in the Red;
 ' and that the Advantage of ascertaining the Value of the En-
 ' croachments did not appear to the said Commissioners sufficient
 ' to justify the great Expence of employing a Surveyor for that
 ' Purpose; and that as Application to Parliament was necessary
 ' to carry into effect the said Provisions, the said Commis-
 ' sioners recommended that a Clause should be introduced
 ' enacting that any new Dwelling House thereafter erected
 ' without Licence and due Registration on any of the En-
 ' croachments in which Estates should have been created in pur-
 ' suance of the Report now in recital should be deemed a Purpres-
 ' ture within the Meaning of the said Act passed in the Tenth
 ' Year of the Reign of King *George the Fourth*: And whereas the
 ' said Second Report of the said Commissioners of Inquiry was
 ' presented to the Commons House of Parliament in the Year
 ' One thousand eight hundred and thirty-five, and was soon after-
 ' wards printed by Order of the said House: And whereas it is
 ' expedient to make Provision for the carrying into effect the
 ' Recommendations contained in the said Report in manner after
 ' mentioned, subject to such Modifications or Alterations as are
 ' after contained, and also to make Provision for preventing any
 ' further Encroachments on the Wastes of the said Forest: May
 it therefore please Your Majesty that it may be enacted; and be
 it enacted by the Queen'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 within One Calendar Month from the
 passing of this Act the said Second Report of the said Commis-
 sioners of Inquiry, with the Maps and Appendixes thereunto
 annexed, or which accompanied the said Report, after the same
 shall have been authenticated by the Signature of any Two of the
 Commissioners for the Time being of Her Majesty's Woods, Fo-
 rests, Land Revenues, Works, and Buildings, shall be deposited
 in the Office of Land Revenue Records and Enrolments, there to
 remain of Record for ever; and that the Commissioners of Her
 Majesty's Woods, Forests, Land Revenues, Works, and Buildings
 shall, within Three Calendar Months from the passing of this Act,
 make or cause to be made Three Copies of the said Plans and
 the Appendixes to the said Report, (which Copies shall be authen-
 ticated by the Signature of the Keeper of the Land Revenue
 Records and Enrolments Office,) and one of which said Copies
 shall be transmitted by the last-mentioned Commissioners to the
 Clerk of the Peace for the County of *Gloucester*, and one other of
 the said Copies shall be deposited in the Office of the aforesaid
 Commissioners, and one other Copy shall be hung in the Speech
 House, or some other convenient Place within the said Forest,
 there to remain for the Perusal and Inspection at all seasonable
 Times of all Parties interested therein.

Second Report.
 &c. of Commis-
 sioners to be
 deposited in
 Land Revenue
 Record Office,
 and Copies of
 Plans, &c. with
 Clerk of the
 Peace for Glou-
 cestershire, in
 the Office of
 Woods, and
 within the
 Forest.

II. And be it enacted, That the said Copies when so deposited as aforesaid shall remain with and be kept by the said Clerk of the Peace for the said County of *Gloucester* and in the said Office of the aforesaid Commissioners; and all Persons claiming in any Manner to be interested in the Encroachments described in the said Maps or Plans shall have Liberty at all reasonable Times to inspect the said Maps or Plans and Appendixes respectively, paying for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Plans and Appendixes the Sum of Three Shillings for each Encroachment; and Copies of such Maps or Plans and the aforesaid Appendixes, or Extracts from the same respectively, certified by the said Clerk of the Peace, or any one of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Copies of Plans to be open to Inspection, and to be Evidence.

III. And be it enacted, That as regards the said several Encroachments shown by the said Plans annexed to the said Report of the said Commissioners of Inquiry, or which accompanied the same, the said recited Act made and passed in the Twentieth Year of the Reign of King *Charles* the Second shall be and is hereby repealed; and that as regards the said Encroachments set forth on the said Plans, and thereon coloured respectively Red or Green, the said Encroachments so coloured Red and Green shall go and be held in all respects as if the said Act of the Twentieth Year of the Reign of King *Charles* the Second had never been passed, and as if the said Encroachments coloured Red and Green had been made and continued without Interruption more than Sixty Years before the passing of this Act, and so as the same may be held and enjoyed freed from the Crown's Title thereto by reason of the same being Encroachments on the Wastes of the said Forest, or otherwise.

Encroachments coloured Red and Green to be held by the Possessors as if recited Act of 20 Car. 2. had never passed.

IV. And be it enacted, That as regards the said Encroachments set forth on the said Plans and thereon coloured Blue the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, shall, on the Application of the Persons respectively claiming to be entitled thereto, grant Leases of the said several Encroachments to the Persons whose Names are mentioned (in the References to the said Plans annexed to or which accompanied the said Report) as the Holders thereof, or the Persons claiming under them or otherwise; such Leases to be granted to such Persons respectively, and their respective Heirs and Assigns, for and during the Lives of such Three Persons as shall be named by the respective Possessors of such Encroachments, and during the Lives and Life of the Survivors or Survivor of such Three Persons, and at such Rents as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall think fit, not exceeding the Rate of Two Shillings *per* Acre.

Commissioners of Woods empowered to grant Leases of the Encroachments coloured Blue for Three Lives.

V. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, with the Consent and Approbation of the Lord High Treasurer or of any Three or more of the Commissioners for the Time being for executing the Office of Lord High Treasurer, either on the

The said Leases may be renewed from Time to Time.

the Expiration of any of the said Leases so to be granted as aforesaid, or on the Surrender thereof, and so on from Time to Time and for ever thereafter, to grant any renewed Lease of the said Encroachments respectively determinable on the dropping of One, Two, or Three Lives, at such Rents, and under such Covenants, Conditions, and Restrictions, as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall think fit.

Commissioners of Woods to grant Leases of the Encroachments coloured Yellow for Fourteen or Twenty-one Years.

VI. And be it enacted, That as regards the said Encroachments set forth on the said Plans, and thereon coloured Yellow, the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, shall, on the Application of the Persons respectively claiming to be entitled thereto, grant Leases of the said several Encroachments to the Persons whose Names are mentioned in the aforesaid References to the said Plans as the Holders thereof, or the Persons claiming under them respectively, or otherwise; such Leases to be granted to such Persons respectively for the Terms of Fourteen Years or Twenty-one Years, as is set forth in the said References to the said Plans, and at such Rents as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall think fit, not exceeding the Rate of Eight Shillings *per* Acre.

Leases to contain certain Covenants.

VII. And be it enacted, That every Lease to be granted in pursuance of this Act shall contain a Covenant on the Part of the Lessees to pay the Rent thereby reserved, and there shall be contained a Proviso in every such Lease for making the same void on any Default being made in the Performance of such Covenant therein contained; and all such Leases shall be made in the Form to be approved of by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and shall be registered in the Office of Land Revenue Records and Enrolments within Three Calendar Months from the granting thereof.

Possessors of Encroachments coloured Blue and Yellow may purchase the Fee Simple thereof.

VIII. And be it enacted, That as regards the said Encroachments coloured Blue or Yellow it shall be lawful for any Person to whom any Lease thereof may have been granted under this Act, or who, in the Opinion of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be entitled to have a Lease thereof granted under this Act, at any Time within Ten Years from the passing of this Act to purchase the Fee Simple of such Encroachments, at a Price not exceeding Twenty-five Years Purchase on the Amount of the Rent reserved by such Lease, where any Lease shall have been granted, or on the Rent which in the Opinion of the said Commissioners ought to be reserved in any Lease proposed to be granted, and thereupon the same Encroachments shall be conveyed by any Two of the said Commissioners to the Person entitled to the same, in such Manner and in such Form as the said Commissioners or any Two of them shall think fit; and the Monies to arise from the Sale thereof shall be applied in the same Manner as the Monies to arise from the Sale of the Land Revenues of the Crown are now applicable under or by virtue of the Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the*

the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney.

IX. And be it enacted, That all Leases and Conveyances to be made in pursuance of this Act shall be made and granted to the Parties entitled thereto freed from all Cost, and that no Stamp Duty whatsoever shall be payable thereon.

Leases and Conveyances to be granted free.

X. Provided always, and be it enacted, That as regards the said Encroachments whereof Leases are hereby directed to be granted, that if the Persons respectively entitled thereto shall not apply to the said Commissioners for a Lease thereof in pursuance of this Act, and accept such Lease, and execute a Counterpart thereof, in such Form and Manner as the said Commissioners shall direct, within Five Years from the passing of this Act, then it shall be lawful for Her Majesty, Her Heirs or Successors, to enter on every such Encroachment whereof the Persons respectively entitled thereto shall neglect or refuse to take such Leases as aforesaid, and to hold the same freed from the Claim of all Persons whomsoever; and the Person or Persons in possession of any such Encroachment may be evicted therefrom by an Order of Her Majesty's Court of Exchequer, to be obtained on a summary Application to the said Court by or on behalf of Her Majesty: Provided nevertheless, that when any Person entitled to such Lease, or to purchase as aforesaid, shall be under the Age of Twenty-one Years, or shall be under any other Disability, then any such Lease or Sale may be granted and made within Five Years from such Person attaining the Age of Twenty-one Years, or within Five Years from the Time of such Disability ceasing.

If Leases not applied for within Five Years, the Holders may be summarily evicted.

XI. And be it enacted, That if it shall be made to appear to the Satisfaction of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, that any Part of the said Plans of the said Encroachments are erroneous, either as to the Extent of the Lands shown by the said Plans, or the Colour by which the same ought to be marked, or as regards the Occupier of any actual Encroachments subsisting at the Time of making such Reports, then it shall be lawful for the said Commissioners or any Two of them to direct the said Plans to be altered or amended, and such Alterations so authorized and directed shall be made in the said Maps and Appendixes to be deposited with the Keeper of Land Revenue Records and Enrolments, and also in the said Copies thereof so respectively to be deposited as aforesaid, and all such Alterations shall be valid to all Intents and as if the same had formed Part of the original Plans and Appendixes.

Plans if erroneous may be corrected.

XII. And be it enacted, That if any Dispute shall arise between Two or more Persons as to their Right to have a Lease or Conveyance of any of the aforesaid Encroachments granted to them in pursuance of this Act, then and in case such Dispute shall be notified in Writing to the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings within Twelve Calendar Months from the passing of this Act, but not otherwise, it shall and may be lawful for the said Commissioners to refer the Matter in dispute to the Verderers of the said Forest to inquire and determine who in the Opinion of the

Disputes as to Leases to be referred to the Verderers, whose Decision shall be final.

said Verderers are best entitled to have such Lease or Conveyance granted; and the Report in Writing of the said Verderers, or any Two of them, made to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be conclusive as to the Right of the Parties entitled; and for the Purposes aforesaid the said Verderers shall have Power, by their Warrant under the Hand of any One of them, to summon any Person or Persons before them to give Evidence, and such Persons shall be duly sworn or shall make Affirmation as by Law is required, and shall give Evidence with respect to the Matters inquired of, and shall, if they shall wilfully swear or affirm falsely, be guilty of Perjury.

Blue and Yellow
Lands to be
deemed within
the Survey of
the Exchequer.

XIII. And be it enacted, That all the said Encroachments so to be leased as aforesaid, and coloured Blue and Yellow on the said Plans respectively, shall, subject to any Leases which may respectively be granted in pursuance of this Act, henceforth be taken to be within the Survey of Her Majesty's Exchequer in *England*, and under the Management of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in such and the same Manner as the other Land Revenues of the Crown are now subject.

10 G. 4. c. 50.

XIV. ' And whereas by an Act passed in the Tenth Year of the ' Reign of His late Majesty King *George the Fourth*, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer of England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that from ' and after the passing of the Act all such unlawful Inclosures, Purprestures, Encroachments, and Trespasses which shall have been ' wilfully made or caused or procured to be made by any Person ' or Persons in and upon any of the Royal Forests, or should be ' wilfully held, occupied, and made use of by any Person or Persons ' subsequently occupying or claiming the same (save and except as ' therein is excepted), should and might be inquired of by the ' Verderers of the respective Forests within which such unlawful ' Inclosures, Purprestures, Encroachments, or Trespasses should ' have been made in the Courts of Attachment of the said Forest ' respectively; and the Person or Persons guilty of making, continuing, and renewing any such unlawful Inclosure, Purpresture, ' Encroachment, or Trespass, save as therein is mentioned, should ' and might be prosecuted for the same in the said Court or Courts, ' and upon Proof being made thereof on the Oath of One credible ' Witness the Verderers of the said respective Forests, or any Two ' of them, present at the said Court or Courts, should have Power ' and they were thereby authorized to fine any Person or Persons ' so offending, for every such Offence, any Sum not exceeding ' Twenty Pounds, to be recovered and applied in manner therein- ' after provided, and to order and direct every such unlawful ' Inclosure, Purpresture, Encroachment, and Trespass, save as ' aforesaid, to be abated by the Regarders, Under Foresters, ' Under Keepers, or other Officers of the said Forest respectively, ' who were thereby authorized and empowered to abate the same ' accord-

‘ accordingly; and it was by the said Act provided nevertheless, that in case it should be insisted upon by any Person or Persons who should be proceeded against in any of the Attachment Court or Courts therein mentioned, as therein-before directed, that the Place wherein the Inclosure, Purpresture, Encroachment, or Trespass should have been or should be alleged to have been made was not within the Boundaries of any of the said Forests or within the Lands belonging to His Majesty within the same, the said Verderers should not proceed to Conviction, but should certify the Presentment of such Offence to His Majesty’s Attorney General, to the end that such Proceeding might be had therein by Information of Intrusion or otherwise as by Law might have been had before the passing of the Act now in recital: And whereas the Provisions contained in the said last-recited Act have been the Means of preventing and suppressing Encroachments on the Wastes of the said Forest: And whereas it is expedient to extend and explain the aforesaid Provisions;’ be it therefore enacted, That so much of the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Third as regards Purprestures in and upon the said Forest of *Dean* shall be and the same is hereby repealed: Provided nevertheless, that all the Provisions of the said recited Act as regards Encroachments or Trespasses made or hereafter to be made or continued in or upon the said Forest shall remain and be in full Force.

Recited Act repealed.

XV. And be it enacted, That all unlawful Inclosures, Trespasses, and Encroachments within the said Forest of *Dean*, within the Provisions of the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth or of this Act, may be inquired of by any Two Verderers of the said Forest, and either at the Court of Attachment or not; and the said Verderers before whom any Person shall be informed against or convicted for or in respect of any such unlawful Inclosure, Trespass, and Encroachment, may cause the Information (whenever an Information shall be taken in Writing or Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Purprestures may be inquired of by Verderers.

‘ to wit. } **BE** it remembered, That on the _____ Day
 ‘ of _____ *A.B.* of _____ informeth
 ‘ us, *C.D.* and *E.F.* (Two of the Verderers of Her Majesty’s
 ‘ Forest of *Dean*), that *G.H.* of [here describe
 ‘ the Offence], whereby he hath committed Trespass and Encroach-
 ‘ ment, contrary to the Provisions of an Act passed in the Tenth
 ‘ Year of the Reign of His late Majesty King *George* the Fourth,
 ‘ and of an Act passed in the First and Second Year of the Reign
 ‘ of Her Majesty Queen *Victoria*, intituled [insert the Title of this
 ‘ Act]. Taken before us, ‘ *C.D.*
 ‘ ‘ *E.F.*’

Form of Information.

‘ **BE** it remembered, That on the _____ Day of
 ‘ in the Year of our Lord _____ *G.H.* is convicted before
 ‘ us *C.D.* and *E.F.* (Two of the Verderers of Her Majesty’s
 ‘ Forest of *Dean*), of [here describe the Offence], whereby he has
 ‘ committed a Trespass and Encroachment, contrary to an Act
 ‘ passed in the Tenth Year of the Reign of His late Majesty King
 ‘ _____ *George*

Form of Conviction.

‘ *George* the Fourth, and of an Act passed in the First and Second Year of the Reign of Her Majesty Queen *Victoria*, intituled ‘ [here insert the Title of this Act], for which we do hereby fine the said *G.H.* in the Sum of

Pounds.

‘ [C.D. and E.F.]’

Application of Fines.

XVI. And be it enacted, That all such Fines so inflicted as aforesaid shall be recovered and applied in such Manner as is by the said Act of the Tenth Year of the Reign of King *George* the Fourth declared with respect to Fines for Purprestures and Encroachments to be imposed by virtue of the said Act; and all the Provisions and Declarations in the said Act contained, with regard to the Penalties or Fines to be thereby imposed, shall apply to the Penalties or Fines to be imposed by virtue hereof.

Verderers to transmit Copies of their Proceedings to Commissioners of Woods every Three Months to be enrolled.

XVII. And be it enacted, That the Verderers for the Time being of Her Majesty's said Forest of *Dean* shall at the End of Three Calendar Months from the passing of this Act, and at the End of every succeeding Three Months thereafter, transmit to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, Copies, under their Hands and Seals, of their Proceedings in the Court of Attachment of the said Forest, and of all Convictions by them in pursuance of this Act; and the said Commissioners shall cause such Proceedings to be enrolled in the Office of Land Revenue Records and Enrolments, and the said Copies so signed, or the Enrolments thereof, shall be received as Evidence in all Courts of Law or elsewhere.

The recited Act of 20 Car. 2. not repealed except as regards the Encroachments shown on the Plans.

XVIII. And be it enacted, That nothing in this Act shall be construed to repeal the herein-before recited Act passed in the Twentieth Year of His late Majesty King *Charles* the Second, except so far as regards the Encroachments shown on the aforesaid Maps or Plans; and nothing herein contained shall be taken to prejudice the Rights of Her Majesty, Her Heirs or Successors, or the Claims of the Free Miners, to the Mines and Minerals under the said Encroachments to which this Act relates.

C A P. XLIII.

An Act for regulating the opening and working of Mines and Quarries in the Forest of *Dean* and Hundred of *Saint Briavels* in the County of *Gloucester*. [27th July 1838.]

‘ WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Herself, Her Heirs and Successors, of the Soil of the Forest of *Dean* in the County of *Gloucester*, and of all Timber and other Trees standing or growing thereon, and of all Mines and Minerals within or under the said Forest, subject to certain alleged Rights of Common and other Rights claimed in or over the same or some Part thereof, and is also seised as aforesaid of divers Inclosures within and upon the said Forest, freed and discharged from all Claims and Demands whatsoever, so long as they remain so inclosed: And whereas, in addition to the said Mines and Minerals which are within or under the said Forest, Her Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of all other Mines and Minerals which are within or under any

‘ Part

' Part of the Lands of the Hundred of *Saint Briavel* in the said
 ' County, save and except where such Mines and Minerals have
 ' been granted by any of Her Majesty's Royal Progenitors to any
 ' Subject, and having been so granted have not afterwards become
 ' vested in the Crown by Purchase or otherwise: And whereas
 ' certain Privileges are claimed by certain Persons in the Hundred
 ' of *Saint Briavel* calling themselves Free Miners to open Mines
 ' and Quarries in the open Lands of the said Forest, and also to
 ' open Mines in all the Lands within the said Hundred of *Saint*
 ' *Briavel* (except in Churchyards, Gardens, and Orchards, and
 ' in such Inclosures as have been made by the Crown under the
 ' Authority of the Statutes of the Twentieth of *Charles* the Second,
 ' Chapter Three, and the Forty-eighth of *George* the Third,
 ' Chapter Seventy-two, and except in Lands within or under which
 ' the Mines and Minerals have at any Time heretofore been
 ' granted by the Crown to any Subject), and to work the said
 ' Mines and Quarries, according to certain alleged Usages and
 ' Customs: And whereas the said alleged Usages and Customs
 ' are uncertain and undefined, and are in many respects inapplicable
 ' to the present Mining Operations in the said Hundred: And
 ' whereas it is expedient that the said alleged Usages and Customs
 ' should be revised, altered, and amended, so as to be applicable
 ' to the obtaining the deep Coal and other Minerals of the said
 ' Hundred, and that the aforesaid Privileges of the said Free
 ' Miners should extend as well to the deep Coal of the said Hun-
 ' dred as to Coal capable of being drained by Levels or other
 ' Means without the Erection of Buildings and Machinery, and it
 ' is expedient that due Limits and Boundaries should be assigned
 ' to such Gales, Pits, Levels, and Works as have been or may be
 ' hereafter opened or made in the said Hundred, in order to the
 ' proper and effectual working of the same: And whereas Diffi-
 ' culties have arisen in ascertaining and collecting the Share Dues,
 ' Rents, and Royalties receivable by and payable to Her Majesty
 ' for the Privileges of opening and working the said Mines,
 ' Minerals, and Quarries, and divers Disputes and Differences have
 ' arisen between the said Free Miners and others touching the
 ' Enjoyment and working of the said Mines, Minerals, and Quarries,
 ' which it is expedient should be settled and determined as herein-
 ' after mentioned: And whereas an Act was passed in the Six-
 ' teenth Year of the Reign of His Majesty King *Charles* the First,
 ' intituled *An Act for the settling of Forests, and of the Metes,*
 ' *Meers, Limits, and Bounds of the Forests:* And whereas under
 ' and by virtue of certain Letters Patent bearing Date at *West-*
 ' *minster* the Twenty-eighth Day of *February* in the Fifty-fifth
 ' Year of the Reign of His late Majesty King *George* the Third,
 ' the Office of the Keeper of the Gawle, called the Gawle-above-
 ' the-Wood, within the said Forest of *Dean*, and also the Office of
 ' the Keeper of the Gawle-under-the-Wood, within the said Forest,
 ' with the Rights, Members, and Appurtenances, were given and
 ' granted to the Right Honourable *William Huskisson*, the then
 ' First Commissioner of Her Majesty's Woods, Forests, and Land
 ' Revenues, and to the First Commissioner of Her Majesty's
 ' Woods, Forests, and Land Revenues for the Time being,
 ' the said Offices to be executed as well by the said *William*

1 Car.1. c.16.

- ‘ *Huskisson* as the First Commissioner of Woods, Forests, and
 ‘ Land Revenues for the Time being, or his sufficient Deputy
 ‘ or Deputies: And whereas the said Office or Offices is or are
 ‘ now usually known and designated as the Office of Gaveller of
 ‘ the said Forest, and the Person or Persons holding or executing
 ‘ the same is or are usually styled Her Majesty’s Gaveller or
 ‘ Deputy Gaveller: And whereas it is expedient that the said
 ‘ Office or Offices of Gaveller of the said Forest should be vested
 ‘ in the First Commissioner for the Time being of Her Majesty’s
 ‘ Woods, Forests, Land Revenues, Works, and Buildings, without
 ‘ any special or other Appointment from Time to Time by Letters
 ‘ Patent or otherwise for that Purpose: And whereas an Act was
 59 G.S. c.86. ‘ passed in the Fifty-ninth Year of the Reign of His late Majesty
 ‘ King *George* the Third, intituled *An Act for regulating the Ex-*
 ‘ *ercise of the Right of Common of Pasture in the New Forest in*
 ‘ *the County of Southampton, for repealing certain Parts of Two*
 ‘ *Acts passed in the Thirty-ninth and Fortieth and the Fifty-*
 ‘ *second Years of His present Majesty, and for the better Collection*
 ‘ *and Recovery of the Gale Rents in the Forest of Dean in the*
 ‘ *County of Gloucester:* And whereas an Act was passed in the
 1 & 2W.4. c.12. ‘ First and Second Years of the Reign of His late Majesty King
 ‘ *William* the Fourth, intituled *An Act for ascertaining the*
 ‘ *Boundaries of the Forest of Dean, for inquiring into the Rights*
 ‘ *and Privileges claimed by the Free Miners of the Hundred of*
 ‘ *Saint Briavels, and for other Purposes;* and a certain other Act
 3 & 4W.4. c.38. ‘ was passed in the Third and Fourth Years of His said late Ma-
 ‘ jesty King *William* the Fourth, intituled *An Act to extend to the*
 ‘ *Twenty-first Day of January One thousand eight hundred and*
 ‘ *thirty-four, and to the End of the next Session of Parliament, the*
 ‘ *Time for carrying into execution an Act of the First and Second*
 ‘ *Years of His present Majesty, for ascertaining the Boundaries of*
 ‘ *the Forest of Dean, and for inquiring into the Rights and Privi-*
 ‘ *leges claimed by Free Miners in the Hundred of Saint Briavels,*
 ‘ *and for other Purposes;* and a certain other Act was passed in
 4 & 5W.4. c.59. ‘ the Fourth and Fifth Years of the Reign of His said late Ma-
 ‘ jesty, intituled *An Act to extend the Term of an Act of the First*
 ‘ *and Second Years of His present Majesty, for ascertaining the*
 ‘ *Boundaries of the Forest of Dean, and for inquiring into the*
 ‘ *Rights and Privileges claimed by Free Miners of the Hundred of*
 ‘ *Saint Briavels, to the Twenty-first Day of January One thousand*
 ‘ *eight hundred and thirty-five, and from thence to the End of*
 ‘ *the next Session of Parliament:* And whereas by virtue and
 ‘ under the Authority of the said first-recited Act, of the First
 ‘ and Second *William* the Fourth, Chapter Twenty-three, a Com-
 ‘ mission was issued under the Seal of the Court of Exchequer,
 ‘ bearing Date the Twenty-first Day of *January* One thousand
 ‘ eight hundred and thirty-two, directed to certain Commissioners
 ‘ therein named, to inquire into and report to the Lords Com-
 ‘ missioners of His said late Majesty’s Treasury upon Matters
 ‘ relating to the Forest of *Dean;* and in pursuance of such Act
 ‘ and Commission, and the herein-before recited Acts of the Third
 ‘ and Fourth of *William* the Fourth, Chapter Thirty-eight, and
 ‘ the Fourth and Fifth of *William* the Fourth, Chapter Fifty-nine,
 ‘ the Commissioners proceeded to take Evidence and to prosecute
 ‘ the

‘ the several Inquiries to them committed; and the said Commissioners have since made Five Reports to the Lords Commissioners of Her Majesty’s Treasury thereon: And whereas it is expedient that the aforesaid Purposes should be effected, and that Provisions should be made for the proper and beneficial working of the said Mines, Minerals, and Quarries, and for settling, regulating, and adjusting the Right of Enjoyment thereof respectively in the Manner herein-after provided or contained, which Purposes cannot be accomplished without the Aid and Authority of Parliament:’ Be it therefore enacted by the Queen’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 *Thomas Sopwith* of *Newcastle-upon-Tyne* in the County of *Northumberland*, Mining Engineer, *John Probyn* of *Gloucester*, Esquire, and *John Buddle* of *Wall’s End* in the said County of *Northumberland*, Mining Engineer, and their Successors, to be appointed as after mentioned, are hereby appointed Commissioners for carrying the Purposes of this Act into execution, subject to the Directions herein-after contained; and the said Commissioners and their Successors shall be styled “The *Dean* Forest Mining Commissioners.”

Commissioners appointed.

II. And be it enacted, That in case the said Commissioners or any of them, or any Person to be appointed a Commissioner by virtue of this Act, shall die, or refuse or neglect to act, or shall be removed or become incapable of acting, then the Barons of Her Majesty’s Court of Exchequer shall, from Time to Time, on summary Application made to them for that Purpose, refer it to a Master of the said Court to approve of a fit Person to be appointed a Commissioner in the Stead of such Commissioner or Commissioners so dying, or refusing or neglecting to act, being removed, or becoming incapable of acting, and on such Approval being confirmed by an Order of the said Court such Person so appointed shall be a Commissioner for the Execution of this Act; and if the said Commissioner who shall so die, refuse or neglect to act, or be removed or become incapable of acting as aforesaid, shall be the said *Thomas Sopwith*, or any Commissioner to be appointed in his Stead, then the aforesaid Application, and the Proposal of a fit Person to be so appointed, shall be made by the Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings on behalf of Her Majesty; and if the Commissioner who shall so die, refuse or neglect to act, or be removed or become incapable of acting, shall be the said *John Probyn*, or any Commissioner to be appointed in his Stead, then the said Application, and the Proposal of a fit Person to be so appointed, shall be made by any Three or more Persons, being Free Miners of the said Forest and Hundred; and on the Behalf of the Free Miners several Persons may be proposed, so as Three or more join in the Proposal; and if the said Commissioner who shall so die, refuse or neglect to act, or be removed, or become incapable of acting, shall be the said *John Buddle*, or any Commissioner to be appointed in his Stead, then the said Application, and the Proposal of a fit Person to be so appointed, shall be made by the other Two Commissioners acting

For Appointment of new Commissioners.

under this Act; and if they cannot agree on a Person to be so named, then each of the said Two Commissioners may name a fit Person for the Approbation of the said Court, who shall select and appoint a Commissioner accordingly; but nevertheless every Commissioner to be appointed in the Place of the said *John Buddle* shall be a Mining Engineer: Provided always, that all the Expences attending the making any such Application by or on behalf of the Free Miners shall be borne by the Parties making the same, and the Expences of any Application to be made by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the said Two Commissioners hereby appointed, shall be borne by the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings.

Commissioners neglecting to attend Meetings to be considered as a Refusal to act.

III. Provided always, and be it enacted, That if the said *Thomas Sopwith*, or any Commissioner to be appointed in his Stead, or if the said *John Probyn*, or any Commissioner to be appointed in his Stead, shall at any Time wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act, and such Commissioner not having been prevented by Sickness or other inevitable Cause, to be allowed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from attending or continuing at such Meetings, then such Non-attendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act; and if the said *John Buddle*, or any Commissioner to be appointed in his Stead, shall at any Time neglect or refuse to attend Three successive Meetings of the said Commissioners appointed to be holden by virtue of this Act, having been previously requested to attend such Meetings respectively by Notice in Writing under the Hands of the Two other Commissioners, served upon or left at the last known or usual Place of Abode of the said *John Buddle*, or any Commissioner to be appointed in his Stead, Seven Days at least before the Day fixed for holding such Meetings, the said *John Buddle* not having been prevented by Sickness or other inevitable Cause, to be allowed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from attending or continuing at such Meetings, then such Non-attendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act.

Commissioners may be removed by the Court of Exchequer in case of Misconduct.

IV. And be it enacted, That if the said Commissioners hereby appointed, or any or either of them, shall be guilty of corrupt or grossly negligent Conduct in the Execution of the Duties on them imposed by this Act, or shall not use due Diligence in the Execution thereof, or shall become possessed of any Right, Title, or Interest to or in the said Mines, Minerals, or Quarries, it shall be lawful for any Persons or Person, having any Right, Title, or Interest to or in the said Mines, Minerals, and Quarries, or any of them, or for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to apply to the Court of Exchequer by Petition for the Removal of such Commissioners or Commissioner, such Petition being accompanied by Two or more Affidavits verifying the material Facts therein alleged; and the said Court of Exchequer shall hear and determine the Matter of the said Petition, in such Manner, and

subject to such Rules and Orders, and upon such Evidence and Inquiry as it shall think fit; and the Costs incurred in the Prosecution of any Proceeding in the said Court of Exchequer under this Act, in respect of the Removal of any Commissioners or Commissioner, shall be paid by such Party or Parties, Person or Persons, and be taxed in such Manner as the said Court shall direct.

V. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner (save for giving Notice of the First Meeting) until he shall have made and subscribed a Declaration to the Effect following before a Justice of the Peace; which Declaration any Justice of the Peace is hereby empowered to receive; (that is to say,)

‘ I *A.B.* do solemnly declare, That I am not possessed of any Right, Title, or Interest to or in the Mines, Minerals, or Quarries within the Forest of *Dean* or the Hundred of *Saint Briavels*, and that I will honestly, according to the best of my Skill, execute the Powers vested in me as a Commissioner by an Act passed in the First and Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act [here set forth the Title of this Act]*, according to good Conscience, without Favour to any Person; and I make this solemn Declaration under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled “An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;” and to make other Provisions for the Abolition of unnecessary Oaths.*

Provided also, that no Commissioner appointed under this Act shall, during his Continuance in such Appointment, be capable of being elected or sitting as a Member of the Commons House of Parliament.

VI. And be it enacted, That the Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings are hereby authorized to appoint a Clerk to the Commissioners hereby appointed, and from Time to Time, upon the Application of the Commissioners hereby appointed, to remove such Clerk: Provided always, that the Amount of the Remuneration of such Clerk shall from Time to Time be fixed by the said Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, subject to the Approval of the Commissioners of Her Majesty’s Treasury.

VII. And whereas there may be divers poor Persons having or claiming to have a Right, Title, or Interest to or in the said Mines, Minerals, or Quarries, or any of them; be it enacted, That if any such poor Person shall desire to have his or her Claim brought forward before the Commissioners appointed under this Act, or their successors, by such Clerk as aforesaid, it shall be lawful for such poor Person to require such Clerk to act as his or her Agent and Protector; and such Clerk shall thereupon inquire into any such Facts and Matters as may be advanced before

Commissioners to make a Declaration to the Effect following.

Clerk to be appointed.

Provision for Right to be done to the Poor claiming any Interest in the Mines, &c.

before him by such poor Person, and into any other Facts and Matters which may in his Opinion be necessary to the Elucidation of any such Claim, and shall to the best of his Knowledge and Ability place the same before the said Commissioners fairly and with good Faith, so that in all Cases Right may be done to the Poor as well as unto the Rich.

Minutes of Proceedings to be kept.

VIII. And be it enacted, That such Clerk shall keep a Book or Books in which he shall make Minutes of the Proceedings of the said Commissioners hereby appointed, and shall enter the Names of the Commissioners attending as aforesaid; and the Entry of the Proceedings at each Meeting shall be signed by the Commissioners present, and such Minutes shall be admitted in Evidence in any Action, Suit, or other Proceeding.

Such Minutes may be inspected, and Copies or Extracts made.

IX. And be it enacted, That it shall be lawful for any Person interested, at all seasonable Times, to inspect the said Minutes upon Payment of a Fee of One Shilling for each such Inspection; and the Clerk of the said Commissioners hereby appointed shall furnish Copies of or Extracts from such Minutes to any Person interested, requiring the same, at and after the Rate and upon the Payment of Four-pence *per Folio* for every Seventy-two Words.

First and other Meetings, and Notices to be given of the same.

X. And be it enacted, That the First Meeting of the said Commissioners hereby appointed shall be held at *Coleford* in the County of *Gloucester* within Two Calendar Months after the passing of this Act; and that the said Commissioners shall cause Notice by Advertisement to be inserted in some Newspaper or Newspapers usually circulated in the said County of *Gloucester* of the Time and Place of their First and every future Meeting (Meetings by Adjournment alone excepted) Six Days at least before the Time appointed for such Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner so attending, and for the Clerk, in case no one of the said Commissioners shall attend, to adjourn the said Meeting to any future Day not exceeding One Calendar Month from the Day of Adjournment; and the said Commissioner or Clerk so making such Adjournment is hereby required to enter a Minute of such Adjournment, and to give timely Notice thereof to the absent Commissioners: Provided always, that all future Meetings of the said Commissioners hereby appointed, and all Adjournments of their First and every future Meeting, shall be held either at the Speech House *Coleford*, *Newnham*, or *Lidney*.

Other Notices how to be given.

XI. And be it enacted, That all other public Notices requisite to be given by the said Commissioners hereby appointed shall be given by Advertisement to be inserted in such of the public Newspapers usually circulated in the said County of *Gloucester* as they shall direct.

Two Commissioners may act.

XII. And be it enacted, That any Two of the said Commissioners hereby appointed may perform the several Acts and Matters hereby authorized to be done by the said Commissioners; but no Act or Matter shall be done by the said Commissioners at any Meeting appointed to be holden by virtue of this Act, in pursuance of this Act, except during such Time as there shall be Three Commissioners appointed and acting under this Act.

XIII. And

XIII. And be it enacted, That the Office of Keeper of the Gawle-above-the-Wood within the said Forest of *Dean*, and also the Office of Keeper of the Gawle-under-the-Wood within the said Forest, and which said Office or Offices is or are now known or designated as the Office of Gaveller, is hereby vested in the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and from the passing of this Act the said First Commissioner for the Time being shall be Her Majesty's Gaveller of and for the said Forest of *Dean*, and all the Duties of the said Office or Offices shall be performed by the said First Commissioner, or his sufficient Deputy or Deputies, and for that Purpose all the Powers, Rights, and Authorities belonging or appertaining to the said Office or Offices, and which in this Act is or are styled the Office of Gaveller, shall become and be vested in such First Commissioner; and every such First Commissioner for the Time being is hereby authorized and required, by himself or his sufficient Deputy or Deputies, to perform all such Acts, and for that Purpose to exercise all such Powers, and enforce the same by all such Ways and Proceedings, and do all such Acts as may be necessary in that Behalf: Provided nevertheless, that the Deputy or Deputies to be from Time to Time appointed by the said First Commissioner for the Time being for executing and performing the Duties of the said Office of Gaveller, by any Writing under his Hand and Seal, shall be a Person or Persons skilled in Mining.

Office of Gaveller vested in the First Commissioner of Her Majesty's Woods for the Time being.

XIV. And be it enacted, That all Male Persons born or hereafter to be born and abiding within the said Hundred of *Saint Briavels*, of the Age of Twenty-one Years and upwards, who shall have worked a Year and a Day in a Coal or Iron Mine within the said Hundred of *Saint Briavels*, shall be deemed and taken to be Free Miners for the Purposes of this Act.

Who shall be deemed Free Miners.

XV. And be it enacted, That all Male Persons born or hereafter to be born and abiding within the said Hundred, of the Age of Twenty-one Years and upwards, who shall have worked a Year and a Day in a Stone Quarry within the said Forest, shall for the Purposes of this Act, so far as relates to having Gales or Leases of Stone Quarries within the open Lands of the said Forest, but not otherwise, be taken to be Free Miners.

Quarrymen to be deemed Free Miners for certain Purposes.

XVI. And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall immediately after the passing of this Act proceed to form a Register of the Persons being Free Miners; and all Persons claiming to be Free Miners shall send their Names and Places of Residence, in Writing, to the Gaveller or Deputy Gaveller for the Time being, to be registered in a Book, which such Gaveller or his Deputy is hereby required to keep, for the Purpose of entering the same respectively therein; and a List of such Names and Places of Residence of the Free Miners (distinguishing such as have worked in Mines and such as have worked in Quarries), under the Hand of the Gaveller or Deputy Gaveller for the Time being, shall be from Time to Time, and once in every Year at the least, transmitted by him to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall thereupon cause the

Register of Free Miners to be made.

the same to be from Time to Time enrolled in the Office of Land Revenue Records and Enrolments.

Gaveller may refuse to register.

Appeal.

Commissioners may hear Evidence, and their Decision to be final.

XVII. And be it enacted, That it shall be lawful for the Gaveller or Deputy Gaveller for the Time being to refuse to register the Names of any Persons claiming to be Free Miners, without such Persons shall produce Evidence satisfactory to the said Gaveller or his Deputy of their being Free Miners; and if any Person claiming to be a Free Miner shall be dissatisfied with the Decision of the Gaveller or Deputy Gaveller, it shall be lawful for him to appeal to the said Commissioners hereby appointed.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners hereby appointed by Summons to require the Attendance of all such Persons as they may think fit to call before them upon any Matter relating to the Claim of any Person to be a Free Miner who shall so appeal, and also to make any Inquiries and require any Answers thereto, and also to administer Oaths, and examine all such Persons upon Oath; or, in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and the Decision of the said Commissioners upon the Matter of such Appeal shall be final.

After the Commissioners have ceased to act, Appeal may be made to the Sessions or the Court of Verderers.

XIX. And be it enacted, That after the Commissioners hereby appointed shall have performed the Duties prescribed by this Act, and of which Notice shall be given by them in the *London Gazette*, then such Appeal may be made to any General or Quarter Sessions of the Peace to be held in and for the said County of *Gloucester*, or to any Court of Verderers or Attachments to be held for the said Forest, which Court of Sessions and Court of Verderers or Attachments are respectively hereby empowered to hear and finally determine the Matter of the said Appeal, so as such Appeal be made within Four Calendar Months from the Decision of the said Gaveller or Deputy Gaveller, and so as Notice in Writing of such Appeal be served upon or left at the last known or usual Place of Residence of the Deputy Gaveller for the Time being at least Fourteen Days before such Appeal shall be heard; and the Costs of all Parties regarding such Appeal shall be paid as the Magistrates in General or Quarter Sessions assembled, or the Verderers, or any Three of them, assembled in the Court of Attachments for the said Forest, shall direct.

Free Miners to be registered.

XX. And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall register the Names and Places of Residence of Persons declared to be Free Miners, pursuant to any Order so to be made by the said Commissioners, or by the said Court of General or Quarter Sessions, or by the said Verderers.

No Person a Free Miner who is not registered.

XXI. And be it enacted, That no Person shall be deemed a Free Miner whose Name is not registered as such as aforesaid.

Extract from the Register to be Evidence.

XXII. And be it enacted, That an Extract, under the Hand of the Gaveller or Deputy Gaveller for the Time being, from the Registry kept by him of the Names of the Free Miners, or from the Duplicate thereof transmitted to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall, if tendered, be admitted in Evidence in any Action, Suit, or other Proceeding.

XXIII. And

XXIII. And be it enacted, That such Free Miners, duly registered as aforesaid, shall have the exclusive Right of having Gales or Works granted to them by Her Majesty's Officer herein called Gaveller, or the Deputy Gaveller, to open Mines within the said Hundred, and to have Gales or Leases of Quarries within the said Forest as herein-after mentioned; and it shall be lawful for such Free Miners to sell, transfer, assign, or dispose of such Gales and Works, and all other the Gales and Works to which they are now entitled, and all Quarries, to be defined as after mentioned, either by Deed or Will, to each other, or to any other Person or Persons whomsoever: Provided always, that no Person registered as a Free Miner by reason of his having worked a Year and a Day in a Quarry shall have a Right to have any Gale made to him of any Mine; but that nothing herein contained shall prevent such Free Miners as shall be registered by reason of having worked a Year and a Day in a Mine from having Leases of Quarries granted to them under the Authority herein-after contained.

Gales to be granted to Free Miners.

XXIV. And be it enacted, That the Commissioners hereby appointed shall, within Three Years from the passing of this Act, by their Award in Writing under their Hands, ascertain what Persons, whether as Free Miners or as claiming through or under Free Miners, or as Lessees of Free Miners, were at the passing of this Act in possession of or entitled to Gales for Coal or Iron Mines within the said Hundred or Stone Quarries within the said Forest, or of any Pits, Levels, or other Works made by virtue of Gales, for the Purpose of working the Coal and Iron Mines of the said Hundred, or of any Estate or Interest therein, and shall cause a Plan or Plans to be made, upon which the Situation of the said Gales, Pits, Levels, Works, and Quarries shall be delineated, so far as the same can be conveniently ascertained, or in such Manner as may point out the general Situation of such Gales, Pits, Levels, Works, and Quarries; and the said Commissioners shall make a Schedule or Description of the said several Gales, Pits, Levels, Works, and Quarries to accompany the said Plan or Plans, and which shall specify the Mode in which the same shall be worked, so far as the same can be ascertained, and shall ascertain and determine the Extent to which such Gales, Pits, Levels, Works, and Quarries may be continued and worked, and shall in and by their said Award set forth general Rules, Orders, and Regulations under and subject to which the said Mines, Minerals, and Quarries shall be worked and gotten, and shall in like Manner ascertain and determine who were at the passing of this Act in possession of Licences to erect Buildings and Machinery on the Soil of the said Forest for the Purpose of facilitating the working the said Coal and Iron Mines, and shall make a Schedule or Description of the same, specifying the Time when such Licences were granted, and the Term for which they were granted, and the annual Rents or other Payments thereby made payable to or for the Use of Her Majesty for or in respect of such Licences respectively.

Commissioners to make an Award.

XXV. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from Time to Time to grant Leases for Terms not exceeding Thirty-one Years to any

Commissioners of Woods may grant Leases of small Portions of Land for the Purpose of the Mining Works.

Free Miner or other Person entitled to a Gale or Mining Work of any Part of the uninclosed Waste Land of the said Forest, for the Purpose of erecting thereon any House, Building, or Machinery for the more convenient working any Mine, or for any Purpose connected with any Mine or Work, so as there shall not be included more than One and a Half Acres of Land in any such Lease; and every such Lease shall be granted upon such Conditions and subject to such Covenants or Restrictions as may appear to the said Commissioners to be fit or proper; and every such Lease shall, within Three Calendar Months from the granting thereof, be enrolled in the Office of Land Revenue Records and Enrolments, and a Minute or Docquet thereof entered in the Office of Woods, Forests, Land Revenues, Works, and Buildings.

Claims to be delivered in.

XXVI. And be it enacted, That all Persons having or claiming any Interest in any Gale, Pit, Level, Work, or Quarry shall, by themselves, or their Guardians or next Friend in case of Infants, or Committees in case of Lunatics, or their duly authorized Agents, deliver to the said Commissioners hereby appointed, at some one of such Meetings as the said Commissioners shall appoint, or within such further Time (if any) as the said Commissioners shall for some special Reason think proper to allow, an Account in Writing, signed by them or their respective Agents, of such their Claims, and shall therein describe fully the Nature of their Gales, Pits, Levels, Works, Quarries, Rights, or Claims, with the Names of the Persons then in the actual Possession or Enjoyment thereof, and under what Title, whether original or derivative, the same are held and have been transmitted, or on Non-compliance therewith any Person making default therein shall, so far as respects any Claim so neglected to be delivered, be totally barred of and from all Right to such Gale or Gales, Pits, Levels, Works, or Quarries, and from all Benefit and Interest therein; all which said Claims or Accounts, or true Copies thereof, so far as respects such Gales, Pits, Levels, Works, or Quarries, shall at all seasonable Times, until after the Execution of the Award of the said Commissioners, be open to the Inspection of all Parties claiming to be interested in such Gales, Pits, Levels, Works, or Quarries, and their respective Agents, who may take Copies thereof or Extracts therefrom; and if any Persons claiming to be interested in any Gales, Pits, Levels, Works, or Quarries shall have any Objection to offer to any Account or Claim so to be made as aforesaid, the Particular of such Objection shall be rendered in Writing, and signed by them or their Agents, and shall be delivered to the said Commissioners or their Clerk at or before some other Meeting of the said Commissioners to be by them appointed for that Purpose; and no such Objection shall be afterwards received unless for some special Cause to be allowed by the said Commissioners at their sole Discretion.

Commissioners to set out the Metes and Bounds of each Gale or Work.

XXVII. And be it enacted, That the Commissioners hereby appointed shall ascertain, by such Means as they in their Discretion shall think fit, the particular Circumstances of each Gale, and each Pit, Level, Work, or Quarry made by virtue of any Gale, or in respect of any Application for a Gale which may be sanctioned by the said Commissioners as herein-after mentioned; and the said Commissioners shall by and in their said Award allot and set out

out to each Gale, Pit, Level, Work, or Quarry definite Metes and Bounds, and shall cause the same to be delineated or described in a Plan or Plans; and such Metes or Bounds shall form the Boundary and Extent of each such Gale, Pit, Level, Work, or Quarry; and in ascertaining what shall be the proper Metes and Bounds to be affixed as aforesaid, and also in ascertaining the Extent to which or the Mode in which each such Gale, Pit, Level, or Work may be continued and worked, and previously to framing any general Rules, Orders, or Regulations under and subject to which the said Mines, Minerals, and Quarries shall be worked and gotten, the said Commissioners shall receive Evidence to be adduced by the Owners of such Gales, Pits, Levels, Works, and Quarries, and by and on behalf of the Crown, and of the Free Miners respectively, if the same shall be tendered; and further, that in making such Award of the Metes and Bounds the said Commissioners shall take into consideration, as far as the same can be ascertained, the first Cost or Purchase of each Gale, Pit, Level, Work, Quarry, or other Interest or Property connected with the working of the said Gales, Pits, Levels, Works, or Quarries respectively, or any Licence or Permission in Writing for Engines, Buildings, or Machinery on the Soil of the said Forest, and also any other Charge or Expence incident to the Possession or working of each Gale, Pit, Level, Work, or Quarry, the Depth of the Pit, the Extent of the Level or Work necessary for getting the Coal or other Mineral, the Natures of the Strata sunk or driven through, and the incidental Expences occasioned by the greater or less Quantity of Water in such Works respectively, the Number, Thickness, Quality, and Facility of working the Veins or Beds of Coal or other Mineral worked or intended to be worked by such Gale, Pit, Level, or Work, or the contingent Circumstances of each Mine, Level, Pit, or Work, as regards the flowing of Water from adjacent Works, any peculiar Facilities or Difficulties which may have been experienced in the Progress of working such Gales, Pits, Levels, or Works, the past Circumstances, Profits, and Advantages accruing from the working the said Gales, Pits, Levels, Works, or Quarries, the present Mode and Expence of working the same, the Area, Extent, Limits, Metes, or Bounds to which each Gale, Pit, Level, Work, or Quarry would be worked according to the probable Operation of the present alleged Mining Customs, and the Number, Situation, and particular Circumstances of such Gales, Pits, Levels, Works, and Quarries as are situate within the Limits to be allotted for the future working of each Gale, Pit, Level, Work, or Quarry, and any other Circumstances which may appear to the said Commissioners as fit and proper to be considered by them in order to enable them to come to a just and fair Conclusion in the Premises: Provided nevertheless, that as regards Quarries the Provisions herein-before contained shall only extend to such as in the Opinion of the said Commissioners hereby appointed have been actually and *bond fide* in work within Five Years next before the passing of this Act; and that the Persons who may be entitled to any Quarries to be defined, specified, and set out in the Award of the said Commissioners shall be entitled to hold and enjoy the said Quarries (subject to the Rules and Regulations for working the same to be contained in any Award of

of the said Commissioners) for the Term of Twenty-one Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and thirty-eight, rendering and paying to Her Majesty, Her Heirs and Successors, or to the Gaveller or Deputy Gaveller for the Time being, for and on behalf of Her Majesty, on the Twenty-ninth Day of *September* in every Year, such Kents as in any Award of the said Commissioners hereby appointed shall be specified, not exceeding the Amount of Three Shillings and Four-pence *per Annum* for each Quarry; and if the Persons who at the passing of this Act shall be entitled to any such Quarries as aforesaid shall be alive at the Expiration of the said Term of Twenty-one Years, then such Persons respectively so being alive shall thenceforth be entitled to continue to hold and enjoy such Quarries respectively at such and the same yearly Rent, and under and subject to such Rules and Regulations as aforesaid, for the Term of their respective Lives; and that after the Expiration of the said Term of Twenty-one Years, or the Death of the Parties so respectively entitled to such Quarries as aforesaid, the yearly Rent to be paid to Her Majesty, Her Heirs and Successors, for the said Quarries respectively as aforesaid, shall be ascertained and fixed by the Gaveller or Deputy Gaveller for the Time being for the Term of Twenty-one Years next ensuing the Cesser and Determination of the former yearly Rent, and so on for any succeeding Term of Twenty-one Years; but if any Persons entitled to any such Quarries as aforesaid shall not, within the Space of Three Calendar Months after the Cesser and Determination of the former yearly Rent, enter into an Agreement in Writing with the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings determining the yearly Rent to be paid and payable to Her Majesty for the further Term of Twenty-one Years, or if any Dispute shall arise between the Gaveller or Deputy Gaveller and any Person entitled to any such Quarry as aforesaid, respecting the Amount of the yearly Rent to be paid to Her Majesty in respect of any such Quarry as aforesaid, then it shall be referred to Arbitrators to ascertain and determine the yearly Rent to be paid to Her Majesty in respect of any such Quarry, in such Manner in all respects as is herein-after provided for the ascertaining and determining the Amount of Rent, Royalty, or Tonnage Duty to be paid to Her Majesty in respect of any Gale, Pit, Level, or Work, at the End of Twenty-one Years, as herein-after mentioned, so as in the ascertaining and determining such Rent the particular Circumstances attending the Quarry, and its Extent and probable Cost of working, shall be taken into consideration.

Commissioners may unite Two or more Works, and award Compensation.

XXVIII. And be it enacted, That where any Gales, Pits, Levels, or Works shall appear to the said Commissioners hereby appointed to be situated so that any of them cannot be separately wrought without great Loss to the Parties working the same, or without producing great Injury and Detriment to any adjoining or contiguous Gale, Pit, Level, or Work, or to the proper and effectual working of any of the Veins or Beds of Coal or other Minerals within the said Hundred, which require the Use of expensive Pits, Engines, or Machinery, then and in all or any of such Cases it shall be lawful for the said Commissioners hereby appointed to determine

determine which of the said Gales, Pits, Levels, or Works shall be given up by the Owner or Owners thereof, and to allot to him or them, with the Approbation of the Gaveller or his Deputy, some other Gale, which, according to the Judgment of the said Commissioners, shall be of equal Value with the Gale, Pit, Level, or Work so to be given up, and upon the granting of such new Gale allotted as aforesaid, the Right of the said Owner or Owners to the Gale, Pit, Level, or Work so to be given up shall absolutely cease and determine; or in case of the said Commissioners thinking it proper, it shall be lawful for them to unite One or more Gales, Pits, Levels, or Works with any Gale, Pit, Level, or Work which shall be deemed by the said Commissioners hereby appointed to be situated and circumstanced so as to be well adapted for the proper and effectual working of the said Veins or Beds of Coal or other Minerals, and by their said Award to ascertain and direct what Compensation shall be paid, and by whom, to any Person or Persons entitled to any Gale, Pit, Level, or Work which may be united or proposed by the said Commissioners to be united with any other Gale, Pit, Level, or Work; and upon Payment of such Compensation, all Right of the Person or Persons to whom the same shall be paid, in such Gales, Pits, Levels, Works, or Quarries, shall absolutely cease: Provided always, that if the Person or Persons by whom the Compensation shall be directed to be paid shall refuse or neglect to pay such Compensation for the Space of Twenty-one Days next after Notice from the said Commissioners hereby appointed so to do, then the said Commissioners shall by their said Award allot and set out definite Metes and Bounds for each such Gale, Pit, Level, or Work for which Compensation shall not be paid as aforesaid, and it shall be lawful for the Person or Persons entitled thereto to proceed to work the same in all respects as if the same had not been united, or had not been proposed to be united, to any other Gale, Pit, Level, or Work.

XXIX. And be it enacted, That the Commissioners hereby appointed shall in and by their said Award specify such general Rules and Regulations as to them shall seem equitable for the Mode in which all the said Gales, Pits, Levels, Works, and Quarries, as well opened or to be opened, shall be worked, and shall also specify what Buildings may remain or be erected on any of the open and uninclosed Lands of the said Hundred, for the Purposes of working such Gale, Pit, Level, or Work; and shall also, as far as the same can be ascertained, specify the Mode and Extent to which all future Gales, Pits, Levels, or Works shall be granted by the Gaveller or Deputy Gaveller for the Time being, having regard to the Quantity of Coal, Iron, or other Mineral comprised in and which may be got by means of such Gales, Pits, Levels, or Works respectively, and the Terms and Regulations under which the same shall be held and worked; and that after such Award all and every the Gales, Pits, Levels, and Works in the said Hundred, and all the Quarries in the said Forest, shall be opened and worked according to the true Intent of such Rules and Regulations; and that in case any Person or Persons entitled to or in the Possession of any Gale, Pit, Level, Work, or Quarry within the said Hundred, now granted or hereafter to be granted,

Commissioners to make general Rules, specifying the Mode in which Gales, &c. shall be worked; and, on Breach of such Rules, Gales, &c. to be forfeited, as in case of a Lease for Condition broken.

awarded, or leased, shall wilfully proceed in opening or working any such Gale, Pit, Level, Work, or Quarry, contrary to the said Rules and Regulations, and the Directions to be contained in any Award of the said Commissioners hereby appointed, after Seven Days Notice in Writing from the Gaveller or Deputy Gaveller to stop and discontinue such opening and working, left at or upon the said Gale, Pit, Level, Work, or Quarry, or at the last known or usual Place of Abode of such Person or Persons as aforesaid, then the said Gales, Pits, Levels, Works, or Quarries shall be liable to be forfeited as and for a Breach of Condition, and the same shall always after the said Award be considered as held on Condition of performing and abiding by the said Rules and Regulations in all respects; and the Person or Persons in possession of any such Gales, Pits, Levels, Works, or Quarries may be evicted therefrom by Her Majesty, Her Heirs or Successors, as might be done on the Forfeiture of a Lease for Breach of Condition; and all such Gales, Pits, Levels, Works, or Quarries so forfeited shall be subject to be again galed or leased as other the Mines, Minerals, or Quarries in the said Forest and Hundred; and, in addition to such Right or Power of Eviction, the Compliance with such Rules, Orders, and Regulations may be enforced by and on the Behalf of Her Majesty, Her Heirs or Successors, or by any other Person or Persons, by Injunction of Her Majesty's Court of Exchequer, or otherwise in such Manner as the said Court shall on Application think fit.

Claims to Timber to cease, and the Value thereof to be taken into consideration in settling the Royalty.

XXX. And be it enacted, That from and after the passing of this Act all Claim or Right of any Free Miner to Timber or Wood of the said Forest Growth shall cease: Provided always, that in fixing the Galeage Rent, Royalty, Tonnage Duty, or other Payments to be paid to Her Majesty, Her Heirs and Successors, the Commissioners hereby appointed shall take into consideration the Value of such Claim or Right hereby extinguished, having regard to the Provisions contained in all or any of the Acts of Parliament under the Authority of which Railways may have at any Time heretofore been made within the said Forest or any Part thereof.

After the Award is made the Customs to cease.

XXXI. And be it further enacted, That from and after the Execution of the Award of the said Commissioners hereby appointed, specifying such Rules and Regulations as aforesaid, all and every the Customs respecting the said Mines, Minerals, and Quarries in the said Forest of *Dean* and also in the said Hundred of *Saint Briavel's*, and the Rights and Privileges of or claimed by the said Free Miners, other than such as are or may be confirmed by this Act, or any Award specifying such Rules and Regulations as aforesaid, shall absolutely cease.

The Awards, Plans, &c. to be signed by the Commissioners in Triplicate.

XXXII. And be it enacted, That the said Plans, Descriptions, and any Award hereby directed to be made, shall be signed in Triplicate by the said Commissioners hereby appointed, and within One Calendar Month from the Date thereof one Part thereof shall be lodged in the Office of Land Revenue Records and Enrolments, another Part with the Clerk of the Peace for the County of *Gloucester*, and a Third Part with the said Gaveller or Deputy Gaveller; and that the Keeper of Land Revenue Records and Enrolments and Clerk of the Peace and Deputy Gaveller shall furnish

furnish Copies or Extracts thereof at the Rate of Sixpence *per Folio* of Seventy-two Words, and shall, for a Fee of Two Shillings and Sixpence, permit the same to be examined and compared with the Originals at all reasonable Times by any Free Miner or any other Person; and the said Clerk of the Peace, Gaveller, or Deputy Gaveller shall also at all reasonable Times permit any Person interested to inspect the said Award, when so deposited with him as aforesaid, upon Payment of a Fee of Two Shillings and Sixpence for each such Inspection.

XXXIII. And be it enacted, That it shall be lawful for the said Commissioners to make their said Award in respect of the Matters hereby directed to be done from Time to Time as to separate Parts or Branches thereof as they shall see fit, so as the same shall be done within the Period and in the Manner prescribed or authorized by this Act.

Commissioners
may make
Award in separate
Branches.

XXXIV. And be it enacted, That if within Three Calendar Months from the making and publishing any Award by the said Commissioners hereby appointed any Person shall think himself aggrieved by such Award, by reason that the same is not made in conformity with the Powers and Authorities hereby given to the said Commissioners, or that the Rights and Interests of any of the Parties in any Gale, Pit, Level, Quarry, or other Works have not been properly considered or estimated, it shall be lawful for him to prefer any Petition of Appeal to Her Majesty in Council against any such Award, or any Part thereof, or any Rule or Regulation therein contained; and it shall be lawful for Her Majesty in Council, or for any Committee of Privy Council, as Her Majesty shall direct, to hear such Appeal; and Notice thereof shall be served by the Party making such Appeal upon the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall thereupon, if they think fit, undertake the Defence of such Award; and upon hearing any such Appeal it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet: Provided always, that when the Defence of any such Award shall be undertaken by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, not any of the Parties to such Appeal shall be liable to the Payment of the Costs of the other Party or Parties thereto; and when the Defence of the said Award shall not be undertaken by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Defence thereof may thereupon be undertaken by any other Person claiming to be interested therein; and the Costs relating to any such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

Parties may appeal to Privy Council against Award.

XXV. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, if it shall seem to them fit so to do, within the Time herein-before limited, in like Manner to present a Petition of Appeal, in the Name of Her Majesty's Attorney General for the Time being, against such Award, or any Rule, Order, or Regulation therein

Commissioners of Woods, on behalf of Her Majesty, may appeal.

therein contained; and thereupon it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet; and on any such Petition of Appeal being presented as last aforesaid, Notice thereof for at least One Calendar Month before the same shall be heard shall be published in One or more of the public Journals circulated in the said County of *Gloucester*; and it shall be lawful for any Free Miner or other Person interested in the Premises to appear and defend the said Award; and if such Award shall be confirmed, then the Costs attending such Defence (to be taxed as aforesaid) shall be paid by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; if otherwise, the Party so appearing to pay his own Costs.

Court of Exchequer may order Works to be stopped until Appeal is heard.

XXXVI. Provided always, and be it enacted, That on any Appeal against such Award as aforesaid being lodged, it shall and may be lawful for the Court of Exchequer, on Application by the Commissioners for the Time being of Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, or on Application by any Party or Parties in any wise interested (if the same shall appear fit), to stop, by way of Injunction, any Proceeding under any such Award, in so far as regards the Matters appealed against, until such Appeal shall be heard and determined; or if the said Court of Exchequer shall see fit, the said Court may order or allow the Party or Parties interested to proceed in any Works, notwithstanding such Appeal, on such Conditions, and on giving such Security, and on keeping such Accounts as the said Court shall order or direct; and it shall be lawful for the said Court to make and give such Orders and Directions in the Premises as to the said Court of Exchequer shall seem fit.

The Award as altered by the Privy Council to have the same Effect as if made by the Commissioners.

XXXVII. And be it enacted, That upon the Hearing of any such Appeal the Three Parts of the said Award may be altered in such Manner as may be signified by an Order to be made by Her Majesty in Council for that Purpose; and such Award so altered shall have the same Force as if the same had been made and signed by the said Commissioners in pursuance of this Act, and had not been appealed against.

Applications for Gales not to confer a Title.

XXXVIII. And be it enacted, That no Person shall be considered as entitled to any Gale at the Time of the passing of this Act, unless such Gale shall have been duly granted by the Gaveller and entered on the Gaveller's Books on or before the Ninth Day of *April* One thousand eight hundred and thirty-two; and on Application made by any Person for a Gale, but which has not been duly granted by and entered in the Books of the Gaveller or Deputy Gaveller, (except as regards such Gales, Pits, Levels, or Works as shall be awarded and confirmed by the said Commissioners hereby appointed under the Authority in that Behalf herein-after contained,) shall not confer a Title to any Gale.

Adjustment of Gales applied for and acted on since 1832, but not granted.

XXXIX. ' And whereas since the Ninth Day of *April* One thousand eight hundred and thirty-two the granting of Gales in the said Forest and Hundred has been suspended, but since the Ninth Day of *April* One thousand eight hundred and thirty-two various Applications in Writing have been made by free
' Miners

‘ Miners of Gales at various Places in the said Forest and Hun-
‘ dred: And whereas although such Applications have not been
‘ granted, nevertheless the same have in some Instances been acted
‘ upon as if they had been granted, and Works have been erected
‘ and proceeded in under such Applications at considerable
‘ Expence;’ now therefore be it enacted, That the Commissioners
appointed under this Act shall determine by their said Award
whether any and what Gales for which such Applications have been
made subsequent to the said Ninth Day of *April* One thousand
eight hundred and thirty-two, and have been so acted upon, can
be granted without Injury or Detriment to any legally existing
Gales, Pits, Levels, or Works which have been granted previously
to the Ninth Day of *April* One thousand eight hundred and thirty-
two, and reasonably proceeded with or without Injury to the rea-
sonable Claims or present legal or customary Powers of Parties
lawfully possessed of or entitled to such Gales, Pits, Levels, or
Works contiguous to the Sites of Gales for which Applications
have been made and acted upon as aforesaid; and where it shall
appear to the said Commissioners that such last-mentioned Gales
can be so granted, the said Commissioners shall have Power and
are hereby authorized and directed in and by their said Award to
award, sanction, and confirm the same accordingly, and such
Gales so awarded, sanctioned, and confirmed by the said Com-
missioners shall be held and enjoyed by the Grantees thereof as
fully and freely as if the same had been originally regularly and
lawfully applied for and granted, and duly entered in the Books
of the Gaveler or Deputy Gaveler; but where it shall appear to
the said Commissioners that Gales in respect of which Applica-
tions have been so made and acted upon cannot be so granted,
then the said Commissioners shall have Power and they are hereby
authorized and directed in and by their said Award to determine
and declare whether such last-mentioned Gales shall be wholly
null and void, or whether the same shall be annexed to any and
what previously existing Gales, Pits, Levels, or Works, and every
Gale so declared by the said Commissioners null and void shall
be and the same is hereby made absolutely null and void;
and every Gale so ordered to be annexed by the said Commis-
sioners to some previously existing Gale, Pit, Level, or Work shall
be taken and held to be so annexed as firmly and securely as if
the same were so annexed by this Act; provided, that where the
said Commissioners shall determine that any such Gale shall be
annexed to any previously existing Gale, Pit, Level, or Work, the
said Commissioners shall ascertain by the best Means in their
Power whether any and what Compensation ought to be paid for
the same, and to whom and by whom, and shall in and by their
said Award order such Compensation as they shall think just and
reasonable to be paid for or in respect of such Gale so annexed to
some previously existing Gale, Pit, Level, or Work, and for or
in respect of any Works *bonâ fide* erected or commenced upon
the Site of such Gales, by and to such Person or Persons as
they shall in their Judgment think fit; and in case such Compens-
ation so ordered to be paid by the said Commissioners shall not
be paid according to their said Award, then the said Gale so
ordered to be annexed to some previously existing Gale, Pit, Level,

or Work shall, instead of being so annexed, remain and belong to the Person or Persons to whom such Compensation in respect thereof shall have been awarded but not paid, to hold and enjoy such Gale as if the same had been awarded, sanctioned, and confirmed and granted to him or them by the said Commissioners by the Provisions of this Act; and all Gales so awarded, sanctioned, and confirmed shall in all respects be subject to the Enactments and Provisions in this Act contained with respect to Gales legally existing previously to the said Ninth Day of *April* One thousand eight hundred and thirty-two.

Sales of Gales confirmed.

XL. And be it enacted, That all Sales, Mortgages, Leases, or other Dispositions of any Gale, Pit, Level, Quarry, or Work at any Time before the passing of this Act made or granted by any Free Miner to any other Persons whomsoever shall be confirmed so far only as relates to any Custom which may exist prohibiting such Sales, Mortgages, Leases, or other Dispositions, and subject nevertheless as herein mentioned; and no Forfeiture of any Gale, Pit, Level, Quarry, or Work so sold, mortgaged, leased, or otherwise disposed of as aforesaid shall be incurred by reason that the Vendors or the Purchasers, or the Mortgagors or Mortgagees, Lessors or Lessees, of such Gale, Pit, Level, Quarry, or Work have not heretofore worked the same according to the said alleged Customs.

Commissioners to fix Royalty payable to Her Majesty for existing Coal Works.

XLI. And be it enacted, That the said Commissioners hereby appointed shall determine by their said Award the Amount of the Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of Coal to be got by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be ascertained and set forth in their said Award, so that such Galeage Rent, Royalty, Tonnage Duty, or Payments do not in any Case exceed the Sum of Four-pence *per* Ton of Twenty Hundred Weight of One hundred and twelve Pounds: Provided always, that in fixing the Amount of such Galeage Rent, Royalty, Tonnage Duty, or other Payments, the said Commissioners shall have due Regard to the relative Value of the Coal to be gotten in each Pit or Level, and shall to the best of their Judgment fix the Amount to be paid in respect thereof in proportion to such relative Value.

Commissioners to fix Royalty for Iron, in respect of existing Works, and also for any other Mineral.

XLII. And be it enacted, That the said Commissioners hereby appointed shall determine by their Award the Amount of the Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of Iron Ore to be got and raised by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be ascertained and set forth in their said Award; so nevertheless that such Galeage Rent, Royalty, Tonnage Duty, or other Payments shall not in any Case exceed the Sum of Four-pence *per* Ton of Twenty Hundred Weight of One hundred and twelve Pounds for Iron Ore; and the said Commissioners shall determine by their said Award the Amount of Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of any other Mineral, other than Coal and Iron, to be got and raised by means of the several Gales, Pits, Levels,

or Works now existing within the said Forest and Hundred, and which shall be ascertained and set forth in their said Award; so nevertheless that such last-mentioned Galeage Rent, Royalty, Tonnage Duty, or other Payments shall not in any Case exceed One Tenth Share of the Value of such Mineral (other than Coal and Iron) when made marketable.

XLIII. Provided always, and be it enacted, That in fixing the said Galeage Rent, Royalty, or Tonnage Duty the said Commissioners shall take into their Consideration the Rent or Rents now payable to Her Majesty by the Owner or Owners of any existing Gales, Pits, Levels, or Works under Leases or Licences granted for the Erection of Steam Engines or the Formation of private Railways or Tramroads, for the more convenient working of any of the said Gales, Pits, Levels, or Works; which Rent or Rents now payable to Her Majesty under or by virtue of such Leases or Licences (being so taken into consideration by the said Commissioners) shall from and after the making of the said Award merge and be extinguished in the Galeage Rent, Royalty, or Tonnage Duty to be settled and awarded by the said Commissioners as payable to Her Majesty in respect of existing Gales, Pits, Levels, or Works as aforesaid.

XLIV. Provided always, and be it enacted, That the Galeage Rent, Royalty, Tonnage Duty, or other Payments to be ascertained and determined by the said Commissioners hereby appointed as payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid, for or in respect of Coal or Iron Ore to be got by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be set forth in their said Award, shall be deemed and taken in lieu of the Right of Her Majesty, Her Heirs and Successors, to put in a Fifth Man to work the said Gales, Pits, Levels, or Works respectively and share the Profit thereof, such Right being the Basis and Maximum of the Calculation to be made for ascertaining the said Galeage Rent, Royalty, or Tonnage Duty payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid.

XLV. And be it enacted, That the said Commissioners hereby appointed shall by their said Award lay down such Rules, Orders, and Regulations, and give such Directions as to the Mode of keeping Accounts of the Produce of the said Gales, Pits, Levels, Works, or Quarries respectively, or otherwise for the Purpose of enabling the said Gaveller or Deputy Gaveller for the Time being, or the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from Time to Time to ascertain the Amount of Rent, Royalty, Tonnage Duty, or other Payments to be paid to Her Majesty, Her Heirs and Successors, in respect thereof, as to the said Commissioners hereby appointed shall appear fit and proper.

XLVI. And be it enacted, That, as regards existing Gales, Pits, Levels, or Works, the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, shall at the End of Twenty-one Years from the making of the said Award, and so on thereafter at the End of every subsequent Twenty-one Years, cease if the Gaveller or Deputy Gaveller, or the Person or Persons entitled to such Gale, Pit, Level, or Work, shall so elect; and as

Rents payable under Licences for erecting Steam Engines, &c. to be considered in awarding future Rents.

Future Rent to be deemed in lieu of Right to put in a Fifth Man.

Commissioners to make Rules and Orders for keeping Accounts of the Produce.

The Royalty to cease at the End of every Twenty-one Years, and new Royalty to be thereupon payable to Her Majesty.

regards Gales, Pits, Levels, or Works hereafter to be granted, the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs or Successors, under or by virtue or in respect of any Gale hereafter to be granted, shall at the End of Twenty-one Years, and so on thereafter at the End of every subsequent Twenty-one Years from the granting thereof, cease if the said Gaveller or Deputy Gaveller, or the Person or Persons entitled to the said Gale, Pit, Level, or Work, shall so elect; and upon any such Cesser the Gaveller or Deputy Gaveller for the Time being shall fix the Amount of the new Galeage Rent, Royalty, or Tonnage Duty to be paid for the Twenty-one Years then next ensuing the Cesser and Determination of the former Galeage Rent, Royalty, or Tonnage Duty in lieu of the Right of Her Majesty, Her Heirs and Successors, to put in a Fifth Man to work the said Gales, Pits, Levels, or Works respectively and share the Profit thereof, (such Right being the Basis and Maximum of the Calculation to be made for the ascertaining from Time to Time the new Galeage Rent, Royalty, or Tonnage Duty payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid,) and so as in the fixing from Time to Time the said new Galeage Rent, Royalty, or Tonnage Duty, and also in fixing the Galeage Rent, Royalty, or Tonnage Duty on the First Grant of any Gale hereafter to be granted under the Provisions of this Act, the particular Circumstances attending the Gale, Pit, Level, or Work, and its Extent and probable Cost of working, and other Circumstances usual in the Estimation of Mining Rents or Royalty, shall be taken into consideration by the Gaveller or Deputy Gaveller for the Time being.

In case of Dispute the Amount of new Royalty to be referred to Arbitration.

XLVII. Provided always, and be it enacted, That if any Person or Persons entitled to any Gale, Pit, Level, or Work shall not within the Space of Three Calendar Months after the Cesser and Determination of the Galeage Rent, Royalty, or Tonnage Duty enter into an Agreement in Writing with the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, determining the new Galeage Rent, Royalty, or Tonnage Duty, or if any Dispute shall arise between the Gaveller or Deputy Gaveller for the Time being and any such Person or Persons entitled to any Gale, Pit, Level, Work, or Quarry, respecting the Amount or Nature of such new Galeage Rent, Royalty, or Tonnage Duty to be so fixed by the said Gaveller or Deputy Gaveller for the Time being as aforesaid, the Matter in dispute shall be referred to the Decision of an Arbitrator to be appointed by the Gaveller or Deputy Gaveller for the Time being and the Person or Persons so disputing as aforesaid, by some Writing under their respective Hands; and if the said Parties shall not be able to agree respecting the Appointment of such Arbitrator, then Application, after Fourteen Days Notice given to the Party disputing, shall be made on the Behalf of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to the Court of Exchequer to appoint a fit Person to assign and determine the Amount of the new Galeage Rent, Royalty, or Tonnage Duty, and thereupon it shall be referred to such Arbitrator, who shall determine the same; and the Decision of such Arbitrator, whether
named

named by the said Parties or by the said Court of Exchequer, in Writing under his Hand, shall be final and binding upon all Parties; and the Amount of new Galeage Rent, Royalty, or Tonnage Duty fixed by such Arbitrator shall be the Amount to be payable by the Owner of such Gale, Pit, Level, or Work, his Executors, Administrators, and Assigns, to Her Majesty, Her Heirs and Successors, subject to such Determination thereof by Election at the End of Twenty-one Years as aforesaid.

XLVIII. And be it enacted, That it shall be lawful for any such Arbitrator so to be appointed as aforesaid, by Summons under his Hand, to require the Attendance of all such Persons as he may think fit to call before him upon any Question or Matter connected with or relating to any Dispute or Difference which may be referred to him, and also to administer Oaths and examine all such Persons upon Oath; or, in lieu of requiring such Oath as aforesaid, the said Arbitrator may, if he thinks fit, require any such Person to take and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and the Award of such Arbitrator as aforesaid shall be enforced by an Order for that Purpose made by the Judges of Her Majesty's Court of Exchequer, and in all respects as if the same had been made a Rule of Court as by the Statute is provided, or by the Injunction of the said Court of Exchequer.

XLIX. And be it enacted, That on the Appointment of every such Arbitrator by the Court of Exchequer, the Rate and Mode of his Remuneration shall be fixed by the said Court; and such Remuneration, as also the Remuneration of any Arbitrator to be appointed by the said Gaveller or Deputy Gaveller for the Time being, and such Person or Persons so disputing as aforesaid, and also the Costs and Expences attending the Arbitration, shall be paid in equal Moieties; (that is to say,) one Moiety thereof by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of any Monies which may be at their Disposal, and the other Moiety shall be paid by the Person or Persons so referring such Question as aforesaid.

L. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Receipt of any Agreement or the Award of the Arbitrator (as the Case may be) refixing the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, shall cause such Agreement or Award to be enrolled in the Office of Land Revenue Records and Enrolments.

LI. And be it enacted, That until the said Commissioners hereby appointed shall have made an Award ascertaining and determining the Galeage Rent, Royalty, or Tonnage Duty as regards the existing Gales, Pits, Levels, Works, or Quarries, the Share, Rent, or other Payments now receivable, due, or made shall continue to be receivable by or payable and made to or to the Use of Her Majesty, Her Heirs and Successors, in all respects as if this Act had not passed.

LII. And be it enacted, That all and every the Powers of taking, suing for, or recovering of the said Share, Rents, and Payments now in force by virtue of any Statute, Custom, Grant, or otherwise shall continue to be in force; and the said Powers, so far

Arbitrator may hear Evidence, and his Decision to be final.

Payment of Arbitrator in equal Moieties by the Crown and the Party disputing.

Agreements and Awards fixing new Royalty to be enrolled.

The Royalty now payable to continue until the Commissioners make their Award.

Power for the Recovery of Royalty.

far as the same may [be applicable, shall apply to any Galeage Rent, Royalty, Tonnage Duty, or Payments hereafter to be ascertained, fixed, and determined either by the said Award as aforesaid or by any other Means howsoever: Provided always, that in case the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall at any Time after the passing of this Act think fit to agree with the Person or Persons entitled to any Gale, Pit, Level, or Work for a fixed or certain annual Rent or Rents to be paid to Her Majesty, Her Heirs and Successors, in lieu of Galeage, Royalty, or Tonnage Duty, for any Term not exceeding Twenty-one Years, then and in every such Case it shall be lawful for the said Commissioners and they are hereby authorized and empowered so to do; and in every such Case such fixed Rent or Rents shall be recoverable by the same Means as the Galeage, Royalty, Tonnage Duty, or other Payments (in lieu of which such fixed Rent or Rents shall be agreed upon) is hereby authorized to be recovered.

Gaveller and others on behalf of Her Majesty may enter and survey Works.

LIII. And be it enacted, That it shall be lawful for the said Commissioners hereby appointed, and also for the said Gaveller or Deputy Gaveller, and for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being respectively, for and on behalf of Her Majesty, Her Heirs and Successors, and their or any of their Agents, Servants, or Workmen, at all seasonable Times, to enter into and upon any Gale, Pit, Level, Work, or Quarry now existing, or which may hereafter be opened, made, or worked within the said Hundred, and to inspect the State and Workings of every Part thereof, and to make a Plan thereof; and the Owner or Occupier of every such Gale, Pit, Level, or Work shall furnish the said Commissioners hereby appointed, the Gaveller, Deputy Gaveller, or the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and his and their Agents, with all proper and requisite Facilities and Information to enable them respectively to perfect such Surveys and Plans.

Copy of General Rules to be hung up in the Speech House.

LIV. And be it enacted, That the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause a Copy of all the Rules and Regulations for the opening and working the Gales, Pits, Levels, Quarries, or Works within the said Hundred to be from Time to Time made by the said Commissioners hereby appointed to be written or printed on Vellum or Parchment, and to be hung in the Speech House or some other convenient Place within the said Forest, there to remain for the Perusal and Inspection at seasonable Times of all Parties interested therein.

Commissioners may make temporary Rules.

LV. And be it enacted, That it shall be lawful for the Commissioners hereby appointed, at any Time before they shall make their Award, to make such temporary Rules and Regulations for the Mode of working the said Mines, Minerals, and Quarries, or any of them, or any Gales, Pits, Levels, or Works respectively, or for the stopping the working of any Gale, Pit, Level, Work, or Quarry, as to them shall seem fit; and the same, when subscribed by the said Commissioners under their Hands and Seals, shall be forthwith published in the *London Gazette*, and also in some One or more Newspaper or Newspapers usually published or circulated

in the said County of *Gloucester*; and such temporary Rules and Regulations may be enforced by the Injunction of the Court of Exchequer on Petition or summary Application for that Purpose made to the said Court by or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any other Parties interested in the Premises, or in such other Manner as to the said Court may seem fit: Provided always, that all such temporary Rules and Regulations shall be made after due Investigation and in manner aforesaid.

LVI. And be it enacted, That in every Grant of a Gale made after the passing of this Act the Metes, Bounds, Limits, and Extent of such Gale, and the Galeage Rent, Royalty, or Tonnage Duty to be paid to Her Majesty, Her Heirs and Successors, for the same, shall be specified in the Grant thereof; and all Gales hereafter to be granted shall be of such Extent as the Gaveller or Deputy Gaveller for the Time being, with the previous Approbation and Allowance of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of any Two of them, to be signified in Writing under their Hands and Seals, shall think fit, having reference to the Extent of the Works necessary for obtaining Access to the Coal or Mine, and under any special Rules and Regulations for the working thereof which the said Gaveller or Deputy Gaveller, subject to such Approbation and Allowance, and signified as aforesaid, shall think necessary, so as such special Rules and Regulations are not inconsistent with the General Rules and Regulations to be made by the said Commissioners hereby appointed; and all such Gales shall, on the granting thereof, be worked and used under and by virtue of this Act, and under any such special Rules and Regulations, in all respects as if the same had been set forth in the Award of the said Commissioners: Provided nevertheless, that no Gale shall be granted by the said Gaveller or Deputy Gaveller at any Time before the said Commissioners shall have made their final Award, except with the Sanction of the said Commissioners hereby appointed, as regards the Extent thereof, and the Terms and Conditions relating to the working thereof: Provided nevertheless, that no Gale shall hereafter be granted until Fourteen Days Notice at the least of the Application for the same, specifying the Situation and Particulars thereof, shall have been published by the said Gaveller or Deputy Gaveller for the Time being in some One or more Newspaper or Newspapers published and circulated in the said County of *Gloucester*, and in which Notice the Day and Hour on which and the Place at which it is intended to grant the said Gale shall be specified: Provided always, that if any Free Miner claiming to be entitled to a Gale to be made to him after the passing of this Act shall not agree with the Gaveller or Deputy Gaveller for the Time being as to the Amount of the Galeage Rent, Royalty, or Tonnage Duty to be paid for the same, and to be specified in the Grant thereof, then it shall be referred to an Arbitrator to determine the Amount of such Galeage Rent, Royalty, or Tonnage Duty, in like Manner in all respects as is herein-before provided on the Cesser of any Galeage Rent, Royalty, or Tonnage Duty as aforesaid, who shall in manner aforesaid

Rules to be observed in granting Gales hereafter.

aforesaid determine the Galeage Rent, Royalty, or Tonnage Duty which ought to be paid.

Grants of Gales to be entered in Gaveller's Books, and enrolled in the Office of Land Revenue Records and Enrolments.

LVII. And be it enacted, That on the granting any Gale the Grant thereof, and all the Terms and Conditions thereof, and the Payments to be made in respect thereof, shall, within Fourteen Days from the granting thereof, be entered in the Books of the Gaveller or Deputy Gaveller of the said Forest, who shall thereupon grant to the Free Miner a Copy of such Entry certified under his Hand, for which a Fee of Five Shillings shall be paid; and no Grant of any Gale hereafter shall be valid and effectual unless and until the same be so entered as aforesaid; and the Gaveller or Deputy Gaveller shall every Three Months transmit a true Copy of all the Grants of Gales made during the preceding Three Months to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall cause the same to be entered in their Office, and shall thereupon transmit them to the Keeper of Land Revenue Records and Enrolments, there to remain of Record for ever.

Assignments of Gales to be entered in Gaveller's Books.

LVIII. And be it enacted, That a Minute or Docquet of all Transfers to be made after the passing of this Act of all Gales within the said Hundred, including all such as are now existing, or hereafter to be ascertained in the said Award, or hereafter to be granted, and of all Transfers of Leases of Quarries hereafter to be granted, shall be entered in the Books of the Gaveller or Deputy Gaveller for the Time being within Three Calendar Months after the making thereof respectively, who shall thereupon indorse and sign a Memorandum of such Entry, and the Date thereof, on such Transfer, or, in the Case of an Assignment of a Gale granted after the passing of this Act, on the original Certificate of the Grant thereof; and a Fee of Two Shillings and Sixpence shall be paid for every such Entry, or in default thereof such Transfers shall be void.

Commissioners of Woods may authorize *nunc pro tunc* Entries of Assignments.

LIX. Provided always, and be it enacted, That in all Cases where the Entry of any Transfer shall be omitted or delayed beyond the Period provided for the Entry thereof it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, for any reasonable Cause to them shown for the Omission or Delay, to permit the making of any such Entry *nunc pro tunc*, and the same, when made under such Authority, shall be valid as if made within the aforesaid Period limited.

Gaveller to grant Gales in order of Application.

LX. And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall grant Gales to Free Miners in the Order of their Applications in Writing to be made from and after the passing of this Act; and the Entry of such Applications in the Books of the Gaveller or Deputy Gaveller shall be Evidence of the Priority of such Applications respectively; and the said Gaveller or Deputy Gaveller is hereby directed to make Entries of all such Applications as aforesaid, and in the Order in which the same are made; and the Application for such Gales shall be made by the filling up a printed Form of Application to be provided by the said Gaveller or Deputy Gaveller; and when there shall be more than One Application on the same Day for the same Gale, then the Person who is to be entitled thereto shall be determined

mined on by Lot to be drawn by the Parties before the Gaveller or Deputy Gaveller, and as he shall direct; and for the Purposes of this Act, the Day shall be taken to begin at Ten of the Clock in the Forenoon and end at Five of the Clock in the Afternoon.

LXI. Provided always, and be it enacted, That no Free Miner, except under the Award of the said Commissioners hereby appointed, shall hereafter be entitled to have more than Three Gales granted to him at any One Time, and notwithstanding he may have applied in Writing for more than Three Gales; nor shall any Free Miner have any other Gale granted to him by the said Gaveller or Deputy Gaveller until One or more of the said Three Gales shall be exhausted, and notwithstanding the said Gale or Gales may have been disposed of to any other Person or Persons whomsoever.

No Free Miner to be entitled to have more than Three Gales granted at a Time.

LXII. And be it enacted, That the said Gaveller or Deputy Gaveller for the Time being shall not be compellable to grant any Gale which he may conceive will interfere with any existing Gale, Pit, Level, or Work, or which either from its proposed Situation or Extent shall not in the Opinion of the said Gaveller or Deputy Gaveller be considered as adapted for obtaining the Coal or other Mineral in the best and most economical Manner.

Gaveller not to grant Gales which may interfere with existing Gales.

LXIII. And be it enacted, That all Disputes which may arise between any Persons as to the Priority of the Applications of any Free Miners for the Grant of any Gale or Gales shall, until the said Commissioners hereby appointed shall have made their final Award, be referred to the said Commissioners, whose Decision in Writing shall be final.

Disputes as to Priority of Application for Gales to be referred to Commissioners.

LXIV. And be it enacted, That no Gale shall be granted to any Persons whomsoever in any Lands belonging to Her Majesty, Her Heirs and Successors, which have been or shall be inclosed for the Growth and Preservation of Timber under and by virtue of any Act or Acts of Parliament, so long as the said Lands shall continue to be so inclosed: Provided always, that this shall not extend to prevent any Person from working any Gales to which he may be entitled under such inclosed Lands, so as no Damage shall be thereby done to such inclosed Lands, or the Fences thereof, or to the Trees within such inclosed Lands.

Gales not to be granted in inclosed Lands of Her Majesty.

LXV. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, if they in their Discretion shall see fit, to grant Licences to such Person or Persons as they may think proper for sinking Air Shafts in any Inclosures belonging to Her Majesty, Her Heirs and Successors, or for the forming any Railroad or Tramroad along or across any of such Inclosures, but under such Conditions and Restrictions, and subject to such Rents or Payments, and under such Regulations, as the said Commissioners last mentioned shall think fit: Provided always, that such Grants or Licences shall be entered in the Books of the said Gaveller or Deputy Gaveller within Three Months from the Date thereof respectively, and enrolled in the Office of Land Revenue Records and Enrolments: Provided always, that the Power hereby given to grant Licences for forming any Railroad or Tramroad along or across any of the Inclosures of Her Majesty shall not extend to abridge or prejudice any Rights or Privileges

Commissioners of Woods may grant Licences for Air Shafts in Inclosures.

vileges now by Law vested in any Company or Companies heretofore established and empowered by Act of Parliament to make and maintain Railways within the said Forest.

Commissioners, until Award made, may hear and determine Disputes relating to the working of any Gales, &c.

LXVI. And be it enacted, That the said Commissioners hereby appointed shall (in the meantime, and until they shall have made their final Award) sit from Time to Time, and as often as they in their Discretion shall think fit, to hear and determine all such Complaints and Disputes as may arise or be brought before them by or between any Persons being in the Possession of or claiming any Title to or Interest in any Gale, Pit, Level, Work, or Quarry as to how far and in what Manner the same may or ought to extend or be worked by either Party, or touching any other Complaint which any such Person or Persons may prefer against any other Persons concerning or in anywise relating to the Working or Enjoyment of the said Gales, Pits, Levels, Quarries, or Works respectively, or otherwise howsoever; and the said Commissioners are hereby authorized, by Summons under their Seal, to require the Attendance of all such Persons as they may think fit to call before them upon any Question connected with or relating to such Complaint, Dispute, or Difference touching or concerning the opening or working of the said Gales, Pits, Levels, Quarries, or Works, or the Extent or Boundaries or the working thereof respectively; and also to make any Inquiries and require any Answer relative thereto; and also to administer Oaths and examine all such Persons upon Oath, or, in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Moiety of Gale Rent to be paid to Owners of inclosed Lands.

LXVII. And be it enacted, That as regards Coal, Iron, or other Mine or Minerals to be raised or gotten by means of any Gale, Pit, Level, or Work within inclosed Lands of the said Hundred not within the said Forest, the Gaveller or Deputy Gaveller for the Time being shall pay over one Moiety of the net Galeage Rent, Royalty, or Tonnage Duty, after deducting all Expences of Collection and Recovery of the said Rent or Duty, to the Owner of the inclosed Lands within and from under which the Coal or Iron Mine or other Mineral shall be found and taken; and in case such Coal or Iron Mine or other Mineral shall be found and taken from within the inclosed Lands of more than One Owner, the Gaveller or Deputy Gaveller for the Time being shall and he is hereby authorized to apportion the said Moiety of the said Galeage Rent, Royalty, or Tonnage Duty between and among the said Owners: Provided nevertheless, that if any Dispute shall arise with regard to such Payments to be made to such Owner as aforesaid, or to any Apportionment thereof, such Dispute shall be referred to an Arbitrator to be appointed by the Gaveller or Deputy Gaveller for the Time being and the Person or Persons so disputing as aforesaid; and thereupon it shall be referred to such Arbitrator, who shall determine the Matter in dispute, and whose Decision in Writing under his Hand shall be binding upon all Parties.

Miners to pay Compensation to Owners of

LXVIII. And be it enacted, That every Free Miner or other Person who is or may be entitled to any Gale, Pit, Level, or Work within

within any inclosed Lands of the said Hundred shall and he is hereby required to pay to the Owner of any such inclosed Lands a full and fair Compensation in Money for any Surface Damage which may be done or occasioned to any of such inclosed Lands by reason or means of the opening or working any Gale, Pit, Level, or Work therein or thereon, which Compensation shall be ascertained and determined by the said Commissioners hereby appointed until the making of their final Award; and after the said Commissioners shall have made their final Award such Compensation shall be ascertained and determined by the Gaveller or Deputy Gaveller for the Time being; and if such Compensation shall not be paid within Ten Days after the Time limited for that Purpose by the said Commissioners hereby appointed, or within Ten Days after the making of any such Award by the Gaveller or Deputy Gaveller, and a Copy thereof served upon or left at the last known or usual Place of Abode of the Party required to pay the same, then the Amount of such Compensation may be recovered in an Action of Debt by the Person or Persons entitled to receive the same in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs; and it shall not be lawful for any such Person who shall have so neglected or refused to pay such Compensation, or for any other Person or Persons whomsoever claiming by, from, through, or under him, to open or work or to proceed in the opening or working of any Gale, Pit, Level, or Work in respect of which Compensation shall have been so awarded for Surface Damage until the same shall have been fully paid as aforesaid: Provided nevertheless, that if the Owner or Owners of any of the inclosed Lands within the said Hundred shall at any Time within Six Calendar Months from the passing of this Act give Notice in Writing to the said Commissioners hereby appointed of his or their Desire that the Provisions of this Act should not extend to such Lands, then and thereupon this Act shall be taken not to extend to such Lands, so as the same be specified in such Notice; but all and every Rights, Customs, and Privileges existing at the passing of this Act, so far as regards such Lands, or the Mines and Minerals thereunder, and the Right to the same, shall continue in force in all respects as if this Act had not been passed; and that for the Purposes of this Act any Person beneficially entitled to an Estate for Life, or for any Term of Years determinable on the dropping of any Life, or any Husband, Trustee, or Guardian of any Infant, Feme Covert, or other incapacitated Person, for any Estate not less than an Estate for Life, or for any Term of Years determinable on the dropping of a Life, shall be taken to be the Owner for the Purpose of giving such Notice as aforesaid.

LXIX. And be it enacted, That no Steam Engine or Dwelling House (except with the previous Consent and Licence in Writing of the Owner of the Soil) shall be erected within any of the inclosed Lands of the said Hundred; and that the said Commissioners shall by their said Award specify any particular Rules and Regulations which they may think expedient to be made for the defining the Mode in which the Gales, Pits, Levels, and Works, as well opened as to be opened, within any inclosed Lands within the said Hundred shall be worked, and also as regards the Nature of the

inclosed Lands
for Surface
Damage.

No Erections on
inclosed Lands
without Con-
sent.

Commissioners
may make Rules,
&c.

the Buildings, Roads, or Works which may be erected or made upon or over such inclosed Lands as aforesaid.

Commissioners to have a Seal and to cause their Special Orders to be stamped therewith.

LXX. And be it enacted, That the said Commissioners hereby appointed shall cause to be made a Seal, and shall cause to be sealed or stamped therewith all such Special Orders as they may make upon any Complaint, Dispute, or Difference so heard by them as aforesaid; and such Special Orders, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Commissioners, shall be received as Evidence of the same, without any further or other Proof thereof.

Penalty on Persons disobeying Special Order of Commissioners.

LXXI. And be it enacted, That in case any Person shall wilfully neglect or disobey any Special Order or Summons of the said Commissioners, or be guilty of any Contempt of the said Commissioners, such Person shall, upon Conviction before any Two Justices of the Peace, forfeit and pay for the First Offence any Sum not exceeding Twenty Pounds; for the Second Offence any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds; and in the event of such Person being convicted a Third Time, such Third and every subsequent Offence shall be deemed a Misdemeanor, and such Offender shall be liable to be indicted for the same Offence, and shall on Conviction pay such Fine, not being less than One hundred Pounds, and suffer such Imprisonment, with or without hard Labour, as may be awarded against him by the Court by or before which he shall be tried and convicted, not exceeding Six Calendar Months.

Penalty upon Witnesses making Default.

LXXII. And be it enacted, That if any Person being duly summoned shall omit to appear, or appearing shall refuse to be sworn, or being a Quaker, Moravian, or Separatist, affirm, or to give Evidence before the said Commissioners or any Arbitrator acting in pursuance of this Act, every Person so offending, and having no reasonable Excuse, to be allowed of by the said Commissioners or Arbitrator, shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after mentioned.

Punishment of Persons giving false Evidence.

LXXIII. And be it enacted, That all Persons who on any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence before the said Commissioners or Arbitrator, or before any Justice of the Peace acting in execution of this Act, or shall make or subscribe any Declaration hereby authorized to be made, or subscribing knowing the same or any Part thereof to be false, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject, and if a Free Miner shall be disqualified as such.

For the Recovery of Penalties.

LXXIV. And be it enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justices are in every Case hereby fully authorized to administer,) or upon Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and

Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or on Proof of such Conviction by a Warrant under the Hand of any Two Justices acting for the said County of *Gloucester*, which Warrant such Justices are hereby required and empowered to grant; and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and in case such Fines and Penalties and Forfeitures shall not be forthwith paid on Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody or until Return can be conveniently made to such Warrant of Distress, until the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid (as the Case may be), and they are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures when so levied shall be paid over or transmitted to the Gaveller of the said Forest, to be applied in or towards defraying the Expences attending the Execution of this Act or any other Laws concerning the said Forest.

LXXV. And be it enacted, That in all Cases in which any Penalty or Forfeiture is recoverable before the Justices of the Peace under this Act it shall and may be lawful to and for any Justice to whom Complaint in Writing shall be made of any such Offence to summon the Party complained against to appear before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same.

LXXVI. And be it enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards happen in making a Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in any Action

Justices may proceed by Summons in the Recovery of Penalties.

Distress not unlawful for Want of Form.

on the Case: Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action shall have been brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgments shall be had and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Persons ag-
grieved may
appeal to
Quarter Ses-
sions.

LXXVII. Provided always, and be it enacted, That if any Person or Persons shall find himself or themselves aggrieved by any Order or Conviction of any Justice or Justices, where such Person or Persons shall be convicted in any Penalty or Penalties exceeding Ten Pounds, under the Provisions of this Act, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the said County of *Gloucester* within Four Calendar Months next after the Cause of Complaint shall have arisen, or, if such Sessions shall be held before the Expiration of One Calendar Month next after such Cause of Complaint, then such Appeal shall be made to the next following Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and the Matter or Cause thereof, to the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before such Justice of the Peace with sufficient Securities conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon Hearing, according to their Discretion, may award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be binding and conclusive on all Parties to all Intents and Purposes whatsoever.

Notice to be
given to the
Commissioners
before Action
brought.

LXXVIII. And be it enacted, That no Action or Suit shall be commenced against the said Commissioners hereby appointed for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given in Writing to the said Commissioners, nor after sufficient Satisfaction or Tender shall have been made to the Party aggrieved, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defen-

dants in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendants therein; and if a Verdict shall be found for such Defendants, or if the Plaintiffs in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given to the Defendants therein, then and in any of the Cases aforesaid such Defendants shall have Costs, Charges, and Expences as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

LXXIX. And be it enacted, That no special Order of the said Commissioners hereby appointed shall be removed or removeable by Writ of Certiorari into any Court of Record, except Her Majesty's Court of Exchequer at *Westminster*; and that every special Order which shall be removed into the said Court of Exchequer shall nevertheless, unless and until the same shall be declared illegal by that Court, continue in full force and virtue, and be obeyed, performed, and enforced in such and the same Manner and by such and the same Ways and Means as if the same had not been so removed.

LXXX. And be it enacted, That no Application shall be made for any Writ of Certiorari for the Removal of any such special Order except to the Judges when sitting in the said Court, nor unless Notice in Writing shall have been given to the said Commissioners hereby appointed at least Fourteen Days previous to such Application being made, and in which Notice shall be set forth the Name and Description of the Party by or on behalf of whom and the Day on which it is intended to make such Application, together with a Statement of the Grounds thereof, and thereupon it shall be lawful for the said Commissioners to show Cause in the first instance against such Application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the Grounds set forth in such Notice.

LXXXI. And be it enacted, That previous to any Writ of Certiorari being issued the Party or Parties applying for the same shall enter into a Recognizance, with sufficient Sureties, before One of the Barons of Her Majesty's Court of Exchequer, or before a Justice of the Peace of the County of *Gloucester*, in the Sum of One hundred Pounds, with Condition to prosecute the same at his or their Costs or Charges with Effect, without any wilful or affected Delay, and in default thereof, or in the event of such special Order being deemed legal, to pay the said Commissioners their full Costs, Charges, and Expences, to be taxed according to the Course of the said Court of Exchequer; and if the said special Order so removed by the said Writ of Certiorari into the said Court of Exchequer shall be declared legal by the said Court, the Commis-

Special Order of Commissioners not to be removeable except into the Exchequer.

Notice to be given to the Commissioners of Application for Certiorari.

Recognizances to be entered into by Parties applying for Certiorari.

sioners shall be entitled to such Costs, within Ten Days after Demand made of the Person or Persons who ought to pay the said Costs, upon Oath made of the making of such Demand, and Refusal of Payment thereof, and the said Commissioners may recover the same in the same Manner as any Penalties and Forfeitures are recoverable under this Act.

If special Order quashed, Parties indemnified for Acts done under it.

LXXXII. And be it enacted, That if upon the Hearing of the Application the Court shall order a Writ of Certiorari to issue for bringing up any special Order, and the same being brought into Court shall be quashed as illegal, no Person shall be liable to be prosecuted either by Indictment or by Civil Action for or in respect of any Act done by him under the Authority and in pursuance of such special Order, previously to the Judgment of the Court of Exchequer therein as aforesaid.

Commissioners of Woods may grant Leases of Quarries.

LXXXIII. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, may, at any Time after the passing of this Act, grant Leases of any Quarries in the said Forest for any Term not exceeding Twenty-one Years to any Person or Persons being Free Miners as aforesaid, and that after the passing of this Act no Quarry within the said Forest shall be opened by any Person or Persons whomsoever other than under or by virtue of a Lease or Leases to be granted as aforesaid, subject to such Rent and under such Conditions as they may think fit, and notwithstanding any Custom or Usage to the contrary; and that no Person shall be entitled to any Quarry within the said Forest except such as under the aforesaid Provisions shall be specified in the Award of the said Commissioners, or except the same shall be held under a Lease to be granted in pursuance of the Provisions of this Act: Provided nevertheless, that as regards any Buildings or Works which may be now erected, or which may be hereafter erected within the said Hundred, for the Purpose of the said Mines or Quarries, the same shall only be continued so long as the same shall be necessary for the Purpose of working the said Mines or Quarries; but that the Owner of such Buildings or Works shall be entitled to the Materials thereof, and the said Gaveler or Deputy Gaveler (or the Verderers, as regards any Buildings or Works within the said Forest) may order the same to be removed and taken away.

No Building to continue when unnecessary to remain.

Commissioners of Woods and Forests may grant Leases for 21 Years to get Clay or Sand.

LXXXIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to grant Leases to any Person or Persons for any Term not exceeding Twenty-one Years to dig and get Clay or Sand off and from any of the Open or Waste Lands of the said Forest, at and under such yearly Rents, or at and under such Tonnage Duty or Royalty, and subject to such Covenants, Conditions, and Restrictions as the said Commissioners in their Discretion shall deem fit, so as the Rent, Tonnage Duty, or Royalty shall by every such Lease be reserved and made payable to Her Majesty, Her Heirs and Successors, free and clear of all manner of Taxes and Assessments whatsoever; and in each such Lease there shall be contained a Proviso or Condition for Re-entry on Nonpayment of the Rent, Tonnage Duty, or Royalty thereby reserved, or on Nonobservance or Nonperformance

of the Covenants therein contained, and on the Part of the Lessee or Lessees to be observed and performed; and every such Lease shall, within Two Calendar Months from the granting thereof, be enrolled in the Office of Land Revenue Records and Enrolments, and entered in the Office of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being.

LXXXV. And whereas a Claim was made by *William Ambrose* Esquire, as Lord of the Manor of *Blakeney*, before the said Commissioners of Inquiry, to grant Gales for Quarries and exact Gale Fees and Rents within the Bailiwick of *Blakeney* in the said Forest, founded upon some Grant or alleged Grant made by Her Majesty's Royal Predecessor King *Edward* the Third, which Claim is not admitted but altogether denied on behalf of Her Majesty, and legal Proceedings have been instituted by the Attorney General on behalf of Her Majesty, and are now depending, for the Trial of such Claim; be it therefore enacted, That nothing in this Act contained shall prejudice the just and legal Rights of the said *William Ambrose*, or the just and legal Rights of Her Majesty, Her Heirs and Successors, in relation to such Claims, or any Proceedings already taken or which may be hereafter taken by or on behalf of Her Majesty, Her Heirs and Successors, or the said *William Ambrose*, his Heirs, Executors, Administrators, and Assigns, in relation to such Claim so preferred by or on his Behalf as aforesaid.

Saving the Rights of the Crown and the Claims of Mr. Ambrose to grant Gales for Quarries in the Bailiwick of Blakeney.

LXXXVI. And be it enacted, That the said Commissioners for carrying this Act into execution shall from Time to Time submit a General Report of their Proceedings to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in such Manner as such last-mentioned Commissioners shall order and direct; and such Report, together with the Amount of the Expences of the Commission hereby appointed, shall be laid before the Commons House of Parliament on or before the Twenty-fifth Day of *March* in every Year.

Commissioners to report their Proceedings to the Commissioners of Woods.

LXXXVII. And be it enacted, That the said Commissioners hereby appointed shall for the first Two Years from the passing of this Act be paid such a Sum of Money not exceeding the Sum of Five Pounds *per* Day for each Day spent in the Execution of the Powers of this Act, and after the Expiration of Two Years then the said Commissioners shall be paid such a Sum of Money not exceeding the Sum of Three Pounds *per* Day for each Day spent in the Execution of the Powers of this Act, as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of Three of the Commissioners of Her Majesty's Treasury for the Time being, shall order and direct; and that the Expences of the said Commissioners hereby appointed, and also the Expences attending the said Award and the carrying this Act into execution by the said Commissioners, shall be paid by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings out of any Monies placed at their Disposal.

Remuneration of Commissioners.

LXXXVIII. And be it enacted, That it shall and may be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the

Remuneration of Deputy Gaveler.

Approbation of the Commissioners of Her Majesty's Treasury or any Three of them, to grant a Salary to the Person who shall be appointed the Deputy Gaveller; and that all Fees to be received by the said Gaveller or Deputy Gaveller in pursuance of this Act or otherwise shall be from Time to Time paid over by the said Gaveller or Deputy Gaveller to the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to be by them carried to the Account of the annual Income of the said Forest under their Care and Management.

Two Commis-
sioners empow-
ered to act.

LXXXIX. And be it enacted, That all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purpose of carrying this Act into execution, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

Public Act.

XC. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be
altered, &c.
this Session.

XCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XLIV.

An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass.

[27th July 1838.]

‘ **W**HEREAS the Laws for collecting and securing the Duties of Excise on Glass have become numerous and complicated, and it is expedient to consolidate and amend the same;’ be it therefore enacted by the Queen'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 upon all Glass made in the United Kingdom there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties, and there shall be allowed and paid the several Drawbacks, specified and set forth in the Schedule to this Act annexed; and the said Schedule shall be taken as Part of this Act.

Duties and
Drawbacks in
Schedule to be
levied and
allowed.

Duties and
Drawbacks to
be under the
Management of
the Commission-
ers of Excise.

II. And be it enacted, That the said Duties and Drawbacks shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, collected, and applied, allowed and paid and accounted for in the same Manner as other Duties and Drawbacks under the Management of the said Commissioners, and under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

All Glassmakers
to make Entry
of their Pre-

III. And be it enacted, That every Maker of Glass shall, before beginning to make any Sort or Kind of Glass, or to mix or prepare any

any Materials for the making of Glass, make a true and particular Entry in Writing of every Workhouse, Furnace, Pot Hole, Pot Chamber, annealing Arch or Oven, Warehouse, Room, or other Place intended to be made use of by him for the making or keeping of Glass, or for the making or keeping of any Pot or Pots for the making of Glass, or for the keeping of Materials mixed or prepared for the making of Glass, by delivering such Entry to the Officer of Excise in whose Survey his Glass-house shall be situated; and in every such Entry every Workhouse, Furnace, Pot Hole, Pot Chamber, annealing Arch or Oven, Warehouse, Room, or other Place shall be distinguished by a particular Number or Letter or Number and Letter or Letters, and the Purpose for which the same is to be used shall be specified and described; and in default thereof such Maker shall for every unentered Workhouse, Furnace, Pot Hole, Pot Chamber, annealing Arch or Oven, Warehouse, Room, or Place forfeit Two hundred Pounds, together with all Glass and Materials and Goods found therein.

mises, Furnaces, and Arches for making or keeping Glass or Pots or mixed Materials.

IV. And be it enacted, That every Maker of Glass shall mark and number, and at all Times keep marked and numbered, every Workhouse, Furnace, Pot Hole, Pot Chamber, annealing Arch or Oven, Warehouse, Room, and Place by him made use of for the making or keeping of Glass or Pots, or for keeping any Materials mixed or prepared for making Glass, with distinguishing Letters or Numbers or Letters and Numbers denoting the Purpose for which each is respectively used, and corresponding to the Description thereof in the Entry; and every Workhouse, Furnace, Pot Hole, Pot Chamber, annealing Arch or Oven, Warehouse, Room, or Place made use of for the making or keeping of Glass or Pots, or of any Materials mixed or prepared for making Glass, which shall not be so marked or numbered, or which shall not correspond with the Description in the Entry, or the Use whereof shall not be specified and described in the Entry, shall be deemed and taken to be unentered.

Glassmakers to mark and number their Workhouses, Furnaces, Pot Holes, Arches, &c.

V. And be it enacted, That it shall be lawful for any Officer of Excise at all Times, by Day or by Night, upon his Request, to enter into every Workhouse, Pot Chamber, annealing Arch or Oven, Warehouse, Room, and other Place whatsoever, entered or made use of by any Maker of Glass, for the making or keeping of any Kind of Glass or Pots, or of any Materials mixed or prepared for the making of Glass, and to inspect and examine the same, and all Glass and Pots and Materials therein, and from Time to Time to examine, weigh, and take an Account of all Glass the Duty whereon is chargeable in the whole or in part by the Weight thereof, and also to examine, gauge, or otherwise take an Account of the Capacity or Content of each and every Pot for the making of all Glass the Duty whereon is chargeable wholly or in part on the Materials used in the making thereof, and to mark and number every such Pot in such Manner as he shall think fit, and to examine, gauge, and take an Account of all the Metal and Materials in every such Pot; and every Maker of Glass into whose Workhouse or Premises aforesaid any Officer of Excise shall, on his Request, be prevented or hindered from entering, or from so taking Account, shall forfeit Two hundred Pounds.

Officers of Excise empowered to enter and survey Workhouses, &c.

Pots for making Plate or Flint Glass not to be put into the annealing Arch until examined, &c.

VI. And be it enacted, That no Pot for the making of Plate or Flint Glass shall be set or put into any annealing-pot Arch for the Purpose of drying or hardening until such Pot shall have been examined and gauged, and the Dimensions thereof ascertained, and shall have been marked and numbered by the Officer of Excise, nor until the Supervisor or Surveyor of the District shall have re-examined and re-gauged and taken the Dimensions of the same, and shall have marked the Initials of his Name on the Outside thereof; and every Maker of Plate or Flint Glass who shall put or set any Pot in the annealing-pot Arch before the same shall have been so examined and gauged and re-examined and re-gauged, and the Dimensions thereof taken, or before the same shall be so marked and numbered, or who shall deface or obliterate any such Mark or Number, shall forfeit One hundred Pounds; and if any such Maker shall counterfeit or alter any Number or Mark put upon any Pot by any Officer or Supervisor of or Surveyor of Excise, he shall forfeit Two hundred Pounds: Provided always, that no Pot shall be gauged, or the Dimensions thereof taken, until the Maker of Plate or Flint Glass to whom such Pot shall belong shall signify his Desire to the Officer of Excise to have such Pot examined and gauged, by giving Two Hours Notice of the Time when such Pot will be ready for such Examination and gauging.

Pots not to be gauged until the Maker shall require it.

Supervisor as soon as he has gauged any Pot, to give a Copy of the Dimensions, &c. to the Glassmaker.

VII. And be it enacted, That when and as soon as any Pot for the making of Plate or Flint Glass shall be gauged, and the Dimensions thereof taken and ascertained by the Supervisor or Surveyor of Excise, according to the Rules and Directions to him in that Behalf given from Time to Time by the Commissioners of Excise, such Dimensions shall be calculated; and the Calculation of the Capacity and Contents of such Pot according to the Gauge in that Behalf taken shall, if demanded in Writing of the Supervisor or Surveyor, be given to the Maker to whom such Pot shall belong, and such Calculation shall express the Quantity or Weight of Metal or Materials which such Pot is capable of containing at every Inch and Half Inch of its Depth.

Circular Divisor for ascertaining the Contents.

VIII. And be it enacted, That for the Purpose of so calculating and finding the Quantity and Weight of Metal or Materials which any such Pot for the making of Plate or Flint Glass shall be capable of containing, the Circular Divisor in making such Calculation shall be for Plate Glass 14.3876, and for Flint Glass Eleven.

Makers of Plate and Flint Glass to give Two Hours Notice before beginning to heat the annealing-pot Arch.

IX. And be it enacted, That every Maker of Plate and Flint Glass shall, Two Hours before beginning to light or kindle any Fire to heat his annealing-pot Arch into which any Pot or Pots for the making of Plate or Flint Glass shall have been placed or set for drying or hardening, give to the Officer of Excise under whose Survey he shall be a Notice in Writing of his Intention so to do, specifying therein the particular Pot or Pots placed or set in such annealing Arch, with the true Numbers marked by the Officer of Excise thereon, on pain of forfeiting Fifty Pounds.

Makers of Flint Glass to give Two Hours Notice of setting their Pots in the Furnace,

X. And be it enacted, That before any Pot or Pots for the making of Flint Glass shall be set in the Furnace the Maker of Flint Glass to whom such Pot or Pots shall belong shall give Two Hours Notice thereof in Writing to the Officer of Excise under whose Survey he shall be, specifying in such Notice the Time

Time and Hour when such Pot or Pots is or are to be set in the Furnace, and the particular Pot or Pots and Marks and Numbers on the same, and the particular Hole in the Furnace in which each Pot is intended to be set; and every Maker of Flint Glass who shall set any Pot for the making of Flint Glass in the Furnace without having given such Notice as aforesaid, or who shall change or alter the Position of any Pot after the Excise Officer attending for the Purpose shall have taken an Account of and examined the same, (except in any Case of Emergency, of which Notice in Writing shall be given by such Maker within Four Hours after making the Change or Alteration, and before unstopping the Pot, if any Metal or Materials shall be therein,) or who shall set in the Furnace any other Pot in lieu or place of any Pot specified in the Notice, or shall place the Pot in any different Hole than that specified in the Notice, shall forfeit One hundred Pounds.

and not to change or alter the Position.

XI. And be it enacted, That every Maker of Plate and Flint Glass shall, Two Hours before beginning to fill or charge any Pot with Materials for the making of Plate or Flint Glass, give Notice in Writing to the Officer of Excise under whose Survey he shall be, specifying the particular Time and Hour when such filling or charging is to be begun, and the particular Pot or Pots to be filled or charged, on pain of forfeiting One hundred Pounds; and if any Maker of Plate or Flint Glass who shall have given any such Notice shall not in pursuance thereof begin to fill and charge his Pot or Pots at the Time mentioned therein, or within Three Hours afterwards, such Notice shall be void, and a fresh Notice shall be required.

Maker of Plate and Flint Glass to give Two Hours Notice before beginning to fill or charge his Pots with Materials.

XII. And be it enacted, That in order to charge the Duty on the Metal or Materials for making Plate or Flint Glass, the Quantity and Weight of such Metal or Materials at any Time contained in any Pot shall be ascertained in manner following; that is to say, such Pot having been gauged previously to being set in the Pot annealing Arch as before directed, and the Dimensions thereof taken, and the Quantity of Metal or Materials which it is capable of containing calculated, the Officer of Excise shall, for finding the Quantity and Weight of Metal or Materials therein, gauge or measure the dry Inches or unoccupied Space or Distance between the top Rim, Edge, or Lip of such Pot in the Furnace and the Surface of the fluid Metal or Materials therein, and deduct the Quantity or Weight of Metal or Materials which this Space denoted by such dry Inches, or the unfilled and unoccupied Part of such Pot, is by such original gauging and Calculation capable of containing from the Quantity or Weight of Metal or Materials which, according to such original Gauge and Calculation, the whole Pot is denoted to be capable of containing.

Directing in what Manner the Weight of the Metal in Pots for making Plate or Flint Glass is to be ascertained.

XIII. And be it enacted, That if any Metal, Materials, or Preparation for the making of Plate or Flint Glass shall be put into or added to any Pot after the Officer of Excise shall have gauged and ascertained the Quantity of Metal or Materials therein, the Maker of Plate or Flint Glass in whose Workhouse such Offence shall be committed shall forfeit One hundred Pounds.

Penalty on Materials being added to any Pot after gauging.

XIV. And be it enacted, That it shall be lawful for any Officer of Excise to take a Sample or Samples, not exceeding Four Ounces

in
Officer may take Samples out of Pots.

in the whole, out of each Pot containing Metal or Materials for the making of Plate or Flint Glass, paying for such Sample or Samples, if demanded, the Sum of One Penny for each Ounce.

Where Metal for making Plate or Flint Glass is lost by the Pot breaking, an Allowance to be made.

XV. And be it enacted, That in every Case where the Whole or any Part of the Metal or Materials in any Pot for the making of Plate or Flint Glass shall, after having been gauged by the Officer, be lost or become unfit for Use by the breaking or cracking of the Pot in the Furnace, and Notice thereof shall be given to the Officer of Excise within Four Hours after such Loss, it shall be lawful for the Supervisor or Surveyor of Excise and he is hereby authorized and required to make an Allowance to the Maker of the Whole or of such Part of the Metal or Materials as shall be proved to his Satisfaction to have been lost or become unfit for Use by such cracking or breaking of the Pot.

Allowances to be made in charging the Duty for Plate Glass.

XVI. And be it enacted, That in all fixed Pots containing Metal or Materials for the making of Plate Glass an Allowance shall be made in charging the Duty thereon of One Third Part of the Metal or Materials contained therein and Four Inches at the Bottom of every such Pot used for the making of Blown Plate Glass, and One Half of the Metal or Materials contained therein and Four Inches at the Bottom of every such Pot used for the making of Cast Plate Glass, which Allowances respectively shall and are hereby declared to be in full Compensation for all Waste, Damage, Breakage, or Loss whatsoever, except the Allowance herein-before granted on the breaking or cracking of Pots.

Where moveable Pots are used as the Founding Pots and Casting Cisterns Two Inches at the Bottom only to be allowed.

XVII. 'And whereas some Makers of Cast Plate Glass make use of moveable Pots, from which the Glass is cast without the Metal or Materials being laded out into Cisterns or other Vessels for casting, and in such Pots the Allowance of Four Inches at the Bottom is more than is required;' be it therefore enacted, That in lieu of the said Allowance of Four Inches the Officers of Excise shall allow Two Inches only at the Bottom of each such Pot as shall be used in making of Cast Plate Glass as the Founding Pot, and be brought direct from the Furnace to the Casting Table and there emptied of the Metal or Materials therein contained, without such Metal or Materials being laded or removed out into any Cistern or other Vessel, which said Allowance of Two Inches shall be as full Compensation as the said Allowance of Four Inches is declared to be for fixed Pots not moveable.

How fluxed Materials to be laded out.

XVIII. Provided always, and be it enacted, That any Maker of Plate Glass may, within Twenty Hours after filling or commencing to charge any Pot, but not afterwards, on giving Six Hours Notice in Writing to the Surveying Officer of Excise, specifying the particular Pot or Pots, lade out in the Presence of an Officer all the fluxed Metal or Materials in such Pot or Pots into Water or otherwise, so that the same cannot be used for any other Purpose than Cullet or Waste Metal to be refluxed or remelted.

Makers of Plate Glass to give a Notice specifying whether the Metal to be worked is for Blown Plate or Cast Plate Glass.

XIX. And be it enacted, That every Maker of Plate Glass shall, when and as often as he shall intend to make or manufacture any Plate Glass, express and specify in a Notice in Writing to be delivered to the Officer of Excise under whose Survey he shall be, before any Metal or Materials shall be taken or worked out of any Pot in which the same shall have been put for making Plate Glass, and before or at the Time that such Officer shall gauge

gauge and take an Account of the Metal or Materials therein, whether such Metal or Materials in such Pot are intended for Cast Plate Glass or for Blown Plate Glass; and if any such Maker shall refuse or neglect to give such Notice as aforesaid, all the Metal or Materials in any such Pot shall be deemed and taken to be for Blown Plate Glass, and the Allowance of One Third of such Metal or Materials only shall be given in the Charge of Duty; and if any such Maker, after having given such Notice in which shall be specified that the Metal or Materials in any Pot are intended for Cast Plate Glass, shall make use of such Metal or Materials, or any Part thereof, in making Blown Plate Glass, or shall, with or without such Notice, begin to remove or work any such Metal or Materials from or out of any Pot before the proper Officer of Excise shall have gauged and charged the Duty thereon, such Maker shall forfeit One hundred Pounds: Provided that nothing herein contained shall prevent any such Maker, having given a Notice of any Metal or Materials as intended for Blown Plate Glass, from using such Metal or Materials, or any Part thereof, in the Manufacture of Cast Plate Glass, but in such Case no greater Allowance than the One Third and Four Inches shall be made or given.

Proviso.

XX. And be it enacted, That it shall be lawful for any Maker of Plate Glass, in presence of the Supervisor, Surveyor, and Officer of Excise, to break to Pieces, to the Satisfaction of such Supervisor or Surveyor, so that the same may be thereby rendered wholly useless, except for being remelted, any Number of Plates of unground and unpolished Plate Glass, provided the same shall be so broken to Pieces after the same shall have come from the Kiln, and been annealed, and before being removed from the Glass-house wherein annealed into any Warehouse, and so as each and every of such Plates be respectively of good and merchantable Plate Glass Metal, and produced of the original Size in which the same were made; and such Maker shall be allowed for every One hundred Pounds of such Plates so broken to Pieces One hundred and ten Pounds Weight, and so in proportion for any less Quantity, out of the gross Weight of Metal as ascertained by Gauge (exclusive of the Quantity of Metal allowed for), contained in any Pot or Pots of Metal of a subsequent making of Plate Glass by any such Maker as aforesaid: Provided also, that such Maker shall give Six Days Notice in Writing to the Supervisor, Surveyor, or Officer of his Intention to break to Pieces such Plates of Glass, specifying in such Notice the Number of Plates and Weight of such Glass, and the Day and Hour when the same are to be so broken to Pieces, and shall, during such Six Days, lay, place, and keep all such Plates, so that the Supervisor, Surveyor, or Officer shall be able readily and correctly to take an Account of the same, and shall permit such Supervisor, Surveyor, or Officer to take any one of such Plates before being broken, or any Part of such Plates after being broken, by way of Sample, on paying for the same at the Rate of Two-pence per Pound, and shall provide and use true and correct Scales and Weights for, and with his Servants assist, such Supervisor, Surveyor, and Officer in weighing and taking Account thereof; and every such Maker who shall obstruct such Supervisor, Surveyor,

Makers of Plate Glass may break down imperfect Plates, and obtain an Allowance.

Regulations regarding such breaking down.

Penalty for Default.

veyor, or Officer therein, or who shall produce to be weighed any Plate or Plates of Glass other than as aforesaid, or on the Materials of which the Duty shall not have been charged, or which shall have been manufactured from foul, bad, or unmerchantable Metal or Materials, or who shall produce or make use of any false Scales or Weights for weighing such Glass, or practise or use, or cause or suffer to be practised or used, any Art or Device whereby the true Weight of such Glass shall not be ascertained, or whereby any such Allowance shall be wrongfully or fraudulently obtained, shall forfeit One hundred Pounds.

Makers of Flint Glass to give Two Hours Notice of unstopping Pots.

XXI. And be it enacted, That every Maker of Flint Glass shall, Two Hours before unstopping or taking down the Stopper from any Pot or Pots containing Metal or Materials for the making of Flint Glass, give Notice in Writing thereof to the Officer of Excise under whose Survey he shall be, specifying the particular Time and Hour when such Pot or Pots is or are to be unstopped, on pain of forfeiting Fifty Pounds for every Neglect or Refusal to give such Notice; and if any Pot or Pots of which such Notice shall have been given shall not be begun to be unstopped pursuant thereto, such Notice shall be null and void, and a fresh Notice shall be required: Provided always, that no Maker of Flint Glass shall incur the said Penalty of Fifty Pounds for or by reason of his unstopping or taking down any Stopper from any Pot which may happen to crack or break whilst the same is filled with Metal or Materials for the sole Purpose of preventing the Loss of such Metal or Materials, or from any other Pot or Pots, for the sole Purpose of discovering such broken Pot or Pots.

Penalty not to be incurred for unstopping Pots which may break or crack;

Nor for unstopping Pots during the Time of filling or charging.

XXII. Provided also, and be it enacted, That nothing hereinbefore contained shall subject any Maker of Flint Glass to the said Penalty of Fifty Pounds for or by reason of his unstopping or taking down the Stopper or Stoppers from any Pot or Pots, during the Time of filling or charging such Pot or Pots, within Forty-two Hours from the Time of his having begun to fill or charge such Pot or Pots, or for blowing any Proof not exceeding Four Ounces during such Time.

Officers may at any Time unstop Pots, &c.

XXIII. And be it enacted, That any Officer of Excise may at any Time unstop or take down the Stopper from any Pot containing any Metal or Materials for the making of Flint Glass for the Purpose of inspecting, examining, gauging, or taking an Account of such Metal or Materials.

All the Pots charged with Metal for making Flint Glass to be unstopped at the same Time.

XXIV. And be it enacted, That on Notice having been given for opening or taking down the Stopper from any Pot or Pots in any Flint Glass-house, all such Pots in such Glass-house as shall be charged with Metal or Materials for any particular Journey or making of Flint Glass shall at the Time specified in such Notice be opened altogether and gauged, and the Metal therein charged with Duty at one Time, upon the Attendance of the Officer or Supervisor or Surveyor of Excise for that Purpose; and if within One Hour after the Attendance of such Officer or Supervisor or Surveyor, all such Pots shall not be opened together, so as to allow of the same being gauged, and the Metal or Materials therein charged with Duty, such Notice shall be void, and a fresh and like Notice shall be given for unstopping such Pots.

XXV. And

XXV. And be it enacted, That it shall be lawful for any Maker of Flint Glass, after the Pots of any particular Journey or making of Flint Glass shall have been charged under such Notice as herein-before mentioned, and after the Time specified in such Notice, to fill or charge any fresh Pot or Pots, commonly called "Overtakers," with Materials or Preparations for the making of Flint Glass at any Time during the same Journey or making of Glass, upon giving a like Notice of his Intention so to do, all which said Pot or Pots commonly called "Overtakers" shall be unstopped under a like Notice, and together at one and the same Time, in the same Manner as the Pots of the same Journey or making are directed to be unstopped, and shall be under and subject to the same Rules, Regulations, and Directions and Penalties as any other Pot or Pots for the making of Flint Glass.

Flint Glass Makers may charge Overtakers.

XXVI. And be it enacted, That any Maker of Flint Glass may, within Twenty Hours after filling or commencing to charge any Pot, but not afterwards, on giving Six Hours Notice in Writing to the Surveying Officer of Excise, specifying the particular Pot or Pots, lade out into Water, in the Presence of an Officer, all the fluxed Metal or Materials in such Pot, and thereupon make such Alteration in such Metal or Materials as he shall think fit for improving the same or the Colour thereof, and such Pots shall be forthwith recharged with the same or similar Metal or Materials; and every Pot so recharged shall be subject to the same Rules and Regulations as are herein-before provided with respect to the unstopping of Pots and giving Notice for the same.

The Metal in any Pot, within Twenty Hours after beginning to charge, may, on Notice, be laded out into Water to improve it.

XXVII. And be it enacted, That every Maker of Flint Glass shall and he is hereby required, at or before the Hour of Six o'Clock in the Evening of *Saturday* in each and every Week, to work out or to cause to be worked out into Goods and Wares the whole of the Metal or Materials which at any Time during that Week shall have been fluxed or melted in any Pot or Pots to him belonging for the Purpose of being made into Flint Glass; or in case of such Maker not being able to work out the whole of such Metal or Materials into Goods and Wares by the Time aforesaid, he shall give Notice in Writing to the Officer of Excise Six Hours before commencing to lade out any Part of the Metal or Materials, and shall, under such Notice, lade out before the said Hour of Six o'Clock in the Evening of *Saturday*, in the Presence of the Supervisor or Surveyor or Officer who shall attend for that Purpose, the whole of such Metal or Materials as may remain in any Pot or Pots after such Maker shall have ceased to work during that Journey; and the gauged Weight of such laded Metal or Materials, as taken by the Supervisor, Surveyor, or Officer in the Pot, shall be deducted from the Weight of Glass for and in respect of which such Maker shall at that Time be chargeable with Duty upon the Gauge thereof taken in the Pot according to the Provisions of this Act; and every Maker of Flint Glass who shall neglect or refuse to work out all such Metal or Materials into Wares, or to lade out the same into Water, on such Notice as aforesaid, before the Hour of Six o'Clock on *Saturday*, or who shall lade any Metal or Materials without having given such Notice, or without the Presence of the Supervisor, Surveyor, or Officer, shall forfeit One hundred Pounds: Provided always, that no Deduction

Journey to be finished and Metal worked out into Wares by Six o'Clock on *Saturday* Night; or such as cannot be worked out to be laded out under Notice, and the Weight deducted.

duction or Allowance granted under this Act shall be made to any Maker of Flint Glass by any Officer of Excise for or in respect of any Metal or Materials laded out at any other Time than at the Conclusion of the Journey or Week's Making, except in case of Pots cracking and breaking, as herein-before provided for.

Makers of Flint Glass to make Entry of their Lears for annealing Goods.

XXVIII. And be it enacted, That every Maker of Flint Glass shall, in the Entry of his Workhouse and Premises by this Act required, in addition to all other Particulars prescribed in such Entry, specify every Lear by him intended to be made use of for the annealing of Flint Glass, on pain of forfeiting Two hundred Pounds for every Lear not so entered, together with all Goods and Wares which may at any Time be found therein.

Construction of Lears.

XXIX. And be it enacted, That every Maker of Flint Glass shall and he is hereby required to erect, make, and construct every Lear by him made use of for the annealing of Glass with the Sides and Ends thereof perpendicular and parallel to each other, and the Bottom level, with only One Mouth or Entrance into same, and only One Discharge Hole out of the same, which Discharge Hole shall open into and communicate with the Weighing Room herein-after mentioned, and with no other Room or Place whatsoever; and every such Maker shall number all such Lears progressively with a durable Mark, and shall keep and continue the same respectively numbered in manner aforesaid; and every Maker of Flint Glass who shall erect, make, or construct any Lear contrary to the Directions aforesaid, or shall neglect or refuse to number or to keep and continue the same so numbered in manner aforesaid, or shall make use of any Lear not erected, made, or constructed and numbered in manner aforesaid, shall forfeit One hundred Pounds for each Time that any Lear erected, made, or constructed contrary to the Directions aforesaid, or not kept numbered as aforesaid, shall be made use of, together with all the Goods and Wares which may be found or put therein.

Makers of Flint Glass to provide Fastenings for securing the Mouth or Entrance of every Lear, which shall be locked by the Officers.

XXX. And be it enacted, That every Maker of Flint Glass shall at his own Expencc provide and affix good, sufficient, and secure Iron Doors or Gratings to the Mouth or Entrance of every Lear intended to be made use of for the annealing of Flint Glass, and to the Furnace and Ash Holes of such Lear, and proper Locks and Keys and all other necessary Fastenings for securing the same shall be provided by the Supervisor or Surveyor of Excise at the Expencc of such Maker; and every such Lear, and the Mouth or Entrance and Iron Doors or Gratings thereof, and of the Furnace and Ash Holes, shall be locked and fastened by the Officer of Excise at all Times, except when such Maker shall be actually at work in putting, placing, or depositing in such Lear Goods and Wares for the Purpose of being annealed therein, or when such Lear shall be opened by the proper Officer of Excise, in pursuance of such previous Notice as is herein-after directed and prescribed for opening the same, for the Purpose of lighting a Fire in or heating the same for annealing Goods and Wares, or for the Purpose of necessarily repairing the same; and every Maker of Flint Glass who shall refuse or neglect to provide such Iron Doors or Gratings, or to affix the same as herein-before directed, shall forfeit One hundred Pounds, together with all Goods and Wares which

Penalty on Makers for Neglect.

which may be found or put in any such Lear during the Time the same and the Furnace and Ash Holes thereof shall remain unprovided with such Iron Doors or Gratings so affixed.

XXXI. And be it enacted, That every Maker of Flint Glass shall and he is hereby required to find and provide, or erect, build, and construct, in every Glass-house intended to be made use of by him for the making of Flint Glass, a good and secure Weighing Room and Re-weighing Room; and every such Weighing Room shall be near to and communicate with the Lear or Learns of such Glass-house, and shall be well and sufficiently lighted, and, excepting the Discharge Hole or Holes of such Lear or Learns which are herein-before required to open into such Weighing Room, shall not have more than One Entrance or Door into the same, and such One Door or Entrance shall open directly into and afford and form an immediate Communication with the Re-weighing Room; and every such Re-weighing Room shall be a well-lighted Room contiguous and next adjoining to the Weighing Room, and shall be separated or divided therefrom only by a Wall not more than Two Feet in Thickness, and the Door of Communication shall be in such Wall between the said Weighing and Re-weighing Room; and no such Re-weighing Room shall have more than Two Doors or Entrances into the same, one being the said Door of Communication with the Weighing Room, and the other opening into or communicating with any Part of the Premises appertaining to the Glass-house; and the Supervisor or Surveyor of Excise shall provide and affix, at the Expence of every such Maker, proper and secure Fastenings and Locks for locking and securing the Doors and Entrances of such Weighing Room and Re-weighing Room, and the Door or Entrance into every such Room shall be kept locked and fastened by the Officers of Excise at all Times, except when the same shall be opened by the Officer of Excise, under such Notices as are herein-after prescribed, for the Purpose of such Maker or his Servants arranging or regulating the Pans or Trays of Goods or Wares which shall have been drawn or conducted through the Lear or Learns into such Weighing Room, or for the Purpose of the Officer of Excise weighing and taking an Account of the Goods and Wares in such Weighing Room and charging the Duty thereon, or for the Purpose of needful and necessary Repairs at Times when no Goods or Wares shall be therein, or in any Lear communicating therewith; and every such Re-weighing Room, and the Doors and Entrances thereof, shall be securely locked and fastened by the Officers of Excise at all Times when any weighing of Goods and Wares and charging of Duty thereon is proceeding in the Weighing Room, and during the Time that any Glass which shall have been weighed and charged with Duty by the Officer shall be and remain in such Re-weighing Room in order to be re-weighed by the Supervisor or Surveyor; and every Maker of Flint Glass who shall refuse or neglect to find and provide, or to erect, build, or construct such Weighing and Re-weighing Rooms as aforesaid, according to the Directions aforesaid, shall forfeit One hundred Pounds; and it shall be lawful for the Commissioners of Excise to refuse to grant a Licence to any such Maker for the making of Flint Glass until such

Makers of Flint Glass to provide a Weighing Room and Re-weighing Room.

such proper secure Weighing and Re-weighing Room shall have been provided by him.

Makers of Flint Glass to provide Pans and Trays for receiving Goods in the Lear and proper Machinery for drawing such Pans and Trays through the Lear into the Weighing Room.

XXXII. And be it enacted, That every Maker of Flint Glass shall provide a sufficient Number of Iron Pans or Trays to receive and contain, during the annealing thereof in the Lear or Learns, all the Goods and Wares of Flint Glass requiring to be annealed which shall from Time to Time be made or blown in his Glass-house, and shall also find and provide and apply to such Iron Pans or Trays (except as herein-after provided) good and sufficient Chains, Rollers, Instruments, and Machinery, fit and proper for working the said Iron Pans or Trays, and conveying and conducting the same, with the Goods and Wares therein, immediately from the Mouth or Mouths of such Lear or Learns into such Lear or Learns for the Purpose of annealing such Goods and Wares therein, and shall also provide and erect in the most convenient Part of his Glass-house, or entered Premises for using the same, a fit, proper, and convenient Windlass for the Purpose of drawing, rolling, conveying, and conducting all and every such Pans and Trays, with the Goods and Wares therein, from the Mouth or Mouths of the said Learns through the said Lear or Learns, and from and out of the same when sufficiently annealed, into the Weighing Room; and every Maker of Flint Glass who shall refuse or neglect to provide a proper and sufficient Number of such Iron Pans or Trays as aforesaid, or to find and provide and apply to the same, or any of them, such good and sufficient Chains, Rollers, Instruments, Apparatus, and Machinery for the working thereof as aforesaid, or to provide and erect such proper and convenient Windlass as before prescribed for the Purposes aforesaid, shall forfeit Two hundred Pounds.

Rollers, &c. need not be applied to the Lear used for annealing Goods, &c.

XXXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to oblige any Maker of Flint Glass to provide or apply such Chains, Rollers, Machinery, and Windlass as aforesaid to the Lear in his Glass-house usually known as the Kiln, and commonly used for the Purpose of annealing Flint Glass of the Sort or Description which is made for cutting, provided that the said Lear be in other respects constructed in conformity with the Directions of this Act.

Two Hours Notice to be given for heating the Lear.

XXXIV. And be it enacted, That every Maker of Flint Glass shall, when and as often as he shall intend or be desirous to light the Fire to heat any Lear, give to the Officer of Excise under whose Survey he shall be Two Hours Notice in Writing of his Intention so to do, specifying in such Notice the particular Lear and the Time when the Fire is to be lighted, and the Officer shall attend at the Time mentioned in such Notice, and shall unlock and open such Lear, and the Mouth or Entrance and Iron Doors or Gratings thereof; and if any Maker shall neglect to light such Fire within One Hour after such Lear, and the Mouth or Entrance and Iron Doors or Gratings thereof, shall be opened, the Notice given for that Purpose shall be void, and the Officer of Excise shall immediately on the Expiration of such One Hour again lock up and fasten such Lear, and the Mouth or Entrance and Iron Doors or Gratings thereof, and of the Furnace and Ash Holes;

and the Maker of Flint Glass shall give a like fresh Notice in Writing before such Lear, or the Mouth or Entrance and Iron Doors or Gratings thereof, shall again be opened.

XXXV. And be it enacted, That no Maker of Flint Glass shall at one and the same Time put, place, have, or keep in the same Lear any Goods or Wares of different Makings, nor any Sort or Species of Glass or Glass Wares other than Flint Glass Wares, on pain of forfeiting One hundred Pounds.

XXXVI. And be it enacted, That every Maker of Flint Glass, as soon as any Article, Vessel, or Utensil of Flint Glass requiring to be annealed is made or blown, shall put, lay, and deposit the same in one of the Iron Pans or Trays herein-before required to be provided, which shall at that Time be placed within the Mouth or Entrance of the Lear for the Purpose of receiving the Goods and Wares requiring to be annealed, and shall in like Manner continue to put, lay, and deposit in the said Pan or Tray so placed as aforesaid such Articles, Vessels, and Utensils as they are made or blown, until the Bottom or Surface of such Pan or Tray shall be filled or covered; and when and as soon as the Bottom or Surface of each Pan or Tray shall be filled or covered with or by such Articles, Vessels, or Utensils as aforesaid, the same shall, by means of such Chains, Rollers, Instruments, Windlass, and Machinery before described, except where by this Act such Machinery is not required, be successively drawn, conveyed, and conducted into the Lear, for the Purpose of the Goods and Wares therein being annealed; and when sufficiently annealed, the Pan or Tray containing the same shall by the same Means, except as aforesaid, be drawn, rolled, conveyed, and conducted from and out of such Lear directly into the Weighing Room; and every such Maker as aforesaid shall keep and continue all such Pans or Trays in the said Weighing Room, without altering or disturbing the Positions of any Article, Vessel, or Utensil, or any of the Goods or Wares therein, until the proper Officer of Excise shall attend to weigh and take an Account of all such Articles, Vessels, and Utensils, Goods and Wares, and charge the Duty thereon; and every Maker of Flint Glass who shall refuse or neglect to put, lay, or deposit any Article, Vessel, or Utensil of Flint Glass requiring to be annealed, as soon as the same shall be made, in one of such Pans or Trays so placed within the Mouth or Entrance of the Lear, or to keep and continue any Article, Vessel, or Utensil in the Pan or Tray in which placed, or who shall refuse or neglect to cause every such Pan and Tray, with the Goods and Wares thereon, to be so drawn into and through the Lear into the Weighing Room, and to be there kept, without the Positions of such Goods and Wares being altered or disturbed, until such Articles, Vessels, and Utensils, Goods and Wares, shall be taken out of such Pans or Trays for the Purpose of being weighed and taken an Account of and charged with Duty, or who shall in any other respect act contrary to the Regulations aforesaid, shall forfeit Two hundred Pounds: Provided always, that the Goods and Wares placed in any Lear to which such Chains, Rollers, and Machinery are not by this Act required to be provided and applied shall be continued in such Lear until the same shall be annealed, and shall then be taken, drawn, and removed out of such Lear, with the Pans or

Glass of different Makings not to be annealed at the same Time.

All Articles requiring to be annealed as soon as made to be deposited in a Pan or Tray placed within the Mouth of the Lear, and as the Pans or Trays are filled to be drawn down into the Lear, from thence into the Weighing Room.

Trays on which the same may be placed, into the Weighing Room, there to be weighed and taken account of and charged with Duty with and in the same Manner as other Goods and Wares, Articles, Vessels, and Utensils, in the said Weighing Room.

Before locking up the Lear at the Close of the Journey a Declaration of the Number of Pans to be given.

XXXVII. And be it enacted, That every Maker of Flint Glass shall, when and as soon as any Journey or Making of Flint Glass shall be finished, and before the Mouth or Entrance or Iron Doors or Gratings of the Lear or Lears, or any of them, into which any Goods or Wares of that Journey or Making shall have been put shall be locked, fastened, and secured by the Officer of Excise, deliver to such Officer a Declaration in Writing, specifying the true Number of Pans or Trays which during that particular Journey or Making shall have been put or deposited in each such Lear, with Goods and Wares therein; and if any Frame or Stand or other Contrivance shall be placed in any Pan or Tray so as to enable the same to hold more Goods or Wares than would otherwise fill or cover the Bottom or Surface thereof, such Pan or Tray shall be described in the said Declaration as a Double Pan or Tray; and every Maker of Flint Glass who shall neglect or refuse to deliver such Declaration, or who shall deliver any false Declaration, shall forfeit One hundred Pounds: Provided always, that such Penalty shall not be incurred for delivering a false Declaration in any Case where the Number of Pans or Trays specified in any Declaration so delivered shall not differ from the Number of Pans or Trays deposited in the Lear, or found in the Weighing Room, in any greater Proportion than *Two per Cent.*

Notice for opening the Weighing Room for regulating Pans.

XXXVIII. And be it enacted, That when any Maker of Flint Glass shall be desirous of having the Door or Entrance of any Weighing Room opened for the Purpose of arranging or regulating the Positions of the Pans or Trays therein he shall give to the Officer of Excise under whose Survey he shall be One Hour's previous Notice thereof in Writing, specifying in such Notice the particular Weighing Room to be opened, and the particular Time when and the Purpose for which he is desirous to have them unlocked and opened; whereupon the Officer shall attend pursuant to such Notice, and, having previously locked the Door of the Re-weighing Room, shall unlock and open the Door or Entrance of the Weighing Room, and continue the same so unlocked and open for the Space of Half an Hour, during which Time such Maker, or his Servants, shall be at liberty to arrange or regulate the Positions of the Pans or Trays in such Weighing Room; and when such Arrangements or Regulations shall be finished, or at the End of the said Half Hour, whichever shall first happen, the Officer shall again lock, fasten, and secure the said Door or Entrance: Provided always, that no such Maker shall be at liberty to give any such Notice more than once in any Six Hours, nor shall any Officer of Excise, in pursuance or under Pretence of any such Notice, unlock or open the Door or Entrance of any Weighing Room oftener than once in any Space of Six Hours, save and except in the Case of any of the Chains or Rollers or Machinery of the Lear breaking or becoming out of order so as to prevent the working thereof, in which Case it shall be lawful for the Officer of Excise, on Notice thereof, to unlock or open the said Door or Entrance, and admit the Maker of Flint Glass, or his Workmen,

Proviso.

for

for repairing or arranging in the Presence of the Officer such Machinery.

XXXIX. And be it enacted, That when any Maker of Flint Glass shall be desirous of having any Weighing Room to him belonging unlocked and opened for the Purpose of having weighed and charged with Duty any Flint Glass therein he shall give to the Officer of Excise under whose Survey he shall be Six Hours previous Notice thereof in Writing, specifying in such Notice the particular Weighing Room and the particular Time and Hour at and the Purpose for which he is desirous to have the same unlocked and opened; and the Officer of Excise shall attend at the Time mentioned in such Notice, and shall unlock and open such Weighing Room for the Purpose aforesaid, and such Officer of Excise shall proceed to weigh and shall weigh and take an Account of the whole of the Goods and Wares in such Weighing Room, (except such as may be selected by the Maker thereof to be broken down according to the Provision herein-after made,) and shall charge such Maker with the Duty for and in respect of all such Goods and Wares according to such Weight: Provided always, that no Maker of Flint Glass shall be at liberty to give any Notice for having any Weighing Room, or the Door or Entrance thereof, opened for the Purpose aforesaid at any other Time than between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening; and any such Notice which shall specify any Time for the unlocking or opening any Weighing Room for the Purpose other than between the said Hours shall be null and void.

Notice for opening the Weighing Room to weigh and charge Goods.

XL. And be it enacted, That whenever any Officer of Excise shall attend to weigh any Flint Glass or Flint Glass Goods or Wares he shall, before opening the Door of the Weighing Room, securely lock and fasten the outer Door of the Re-weighing Room, and shall continue the same so locked and fastened during the whole Time that such Officer shall be engaged in weighing in the Weighing Room, and until all the Glass shall have been weighed and removed into the Re-weighing Room; and as soon as the Officer shall have finished weighing all the Glass and Goods and Wares weighed by him the Maker thereof shall, with a sufficient Number of his Workmen or Servants, without Delay remove and convey all such Glass and Goods and Wares, and the Glass selected as unfit to be weighed and broken down, according to the Provision herein-after made, from and out of the Weighing Room into the Re-weighing Room, and shall there place and deposit the same; and all such Flint Glass, Goods, and Wares and broken Glass shall remain in such Re-weighing Room, with the Doors or Entrances thereof securely locked and fastened by the Officer of Excise, for the Space of Four Hours, unless sooner re-weighed by the Supervisor or Surveyor or other superior Officer of Excise, who are hereby authorized to weigh and re-weigh all such Flint Glass, Goods, and Wares accordingly; and if upon the re-weighing thereof any additional Weight shall be discovered or found, such additional Weight shall be chargeable and charged with Duty; and the Supervisor or Surveyor or other superior Officer attending to re-weigh shall examine all such Glass which may have been selected and broken down, and satisfy himself that properly and sufficiently broken, so as to be incap

Manner of proceeding with respect to weighing Goods

used as Wares or Utensils, or otherwise than for Cullet or waste Glass; and as soon as such re-weighing shall be finished, or at the Expiration of the said Four Hours, if the Supervisor, Surveyor, or other superior Officer shall not have attended to re-weigh, all the Flint Glass, Goods, Wares, and broken Glass in the said Re-weighing Room shall be forthwith removed and conveyed from and out of the same, under pain of Forfeiture thereof; and every such Flint Glass Maker who shall not convey and remove all the Glass, Goods, and Wares weighed, and the broken Glass, from and out of the Weighing Room into the Re-weighing Room, and there place and deposit and continue the same, or who shall before the same are re-weighed, or the Expiration of the Four Hours, remove or convey the same out of the Re-weighing Room, shall forfeit Two hundred Pounds.

Room to be provided for the Deposit of Flint Glass not requiring to be annealed.

XLII. And be it enacted, That every Maker of Flint Glass who shall manufacture any Flint Glass which does not require to be annealed in the Lear shall find and provide or build or construct in every Glass-house in which such Flint Glass is to be made or manufactured a good, sufficient, and secure and well-lighted Room for the placing and depositing therein of all Goods and Wares which shall not require to be annealed, which Room shall be next to and communicate with such Glass-house; and no such Room shall have more than One Door or Entrance into the same, which Door or Entrance shall open directly into and afford and form an immediate Communication with the Glass-house; and the Supervisor or Surveyor of Excise shall, at the Expence of the Maker of Flint Glass, find proper and sufficient Locks and Fastenings for securing the said Room; and such Room, and the Door or Entrance thereof, shall be kept securely locked and fastened by the Officer of Excise at all Times when there shall be any Glass therein deposited, except when the same shall be opened by the Officer of Excise for the Purpose of putting or depositing Goods or Wares therein, or of weighing and taking an Account of and charging Duty on the same; and when any such Maker of Flint Glass shall be desirous of having the Door or Entrance of such Room unlocked or opened for any of the Purposes aforesaid he shall give to the Officer of Excise under whose Survey he shall be One Hour's previous Notice in Writing of his being desirous of depositing Glass in such Room, and Six Hours Notice for weighing such Glass for the Charge of Duty, specifying in such Notices respectively the Time and Hour when he is desirous to have the said Room unlocked and opened, whereupon the Officer shall attend pursuant to such Notice, and shall unlock and open the Door or Entrance of such Room, and shall continue the same so unlocked and open for so long a Time as may be necessary for the Purposes specified in such Notice, and such Officer shall afterwards again securely lock and fasten the said Door or Entrance; and every such Maker of Flint Glass who shall not find and provide or build or construct such Room as aforesaid shall forfeit Two hundred Pounds, and be further subject to the Penalty for not placing and depositing every Article, Vessel, and Utensil manufactured by him in a Pan or Tray in the Mouth or Entrance of the Lear.

XLII. And

XLII. And be it enacted, That every Maker of Flint Glass intending to manufacture Goods or Wares not requiring to be annealed in the Lear shall, One Hour before beginning to make any such Goods or Wares, give Notice in Writing to the Officer of Excise under whose Survey he shall be of his Intention so to do, specifying in such Notice the particular Kind of Goods or Wares to be made; and if any Maker of Flint Glass shall neglect or omit to give such Notice, none of the Goods or Wares made by him shall be allowed to be placed or deposited in the said Room for unannealed Goods and Wares, but if placed or deposited therein shall be forfeited; and all Goods and Wares made or manufactured without such Notice shall be placed and deposited in the Lear, and be conveyed through the same into the Weighing Room, according to the Regulations herein-before prescribed, on pain of forfeiting the Penalty imposed for any Breach of such Regulations.

Notice to be given for making Goods not requiring to be annealed.

XLIII. And be it enacted, That every Maker of Flint Glass, having provided such Room as before required for depositing therein unannealed Glass, who shall make or manufacture under such Notice as aforesaid any Goods or Wares of Flint Glass not requiring to be annealed, shall place or deposit all such Goods and Wares as the same are and as each Article thereof is made in Trays or Baskets to be by him provided, and shall immediately, as the same are respectively filled, carry and convey such Trays or Baskets, with the Goods and Wares placed and deposited therein, into the said Room provided for the Purpose, and place and deposit them therein, and shall keep and continue the same with the Goods and Wares in them in such Room until the Officer of Excise shall have finally weighed and taken an Account of such Goods and Wares, and charged the same with Duty; and every Maker of Flint Glass who shall make or manufacture any such Flint Glass, and shall not place and deposit any such Goods or Wares as soon as made in such Trays or Baskets, or shall not immediately as the same shall be filled carry and convey every such Tray or Basket, with the Goods and Wares therein, into such Room, and there deposit the same, or shall not keep and continue the same in such Room until all such Goods and Wares shall be weighed and taken an Account of by the Officer of Excise, shall forfeit Two hundred Pounds: Provided always, that any Officer of Excise shall be at liberty to weigh or take an Account of all Goods and Wares brought or deposited in such Room at such Times and in such Manner as he may think fit.

All Goods not requiring to be annealed to be placed in Baskets or Trays, and carried immediately into the Room for unannealed Goods, to remain there until weighed and charged with Duty.

XLIV. And be it enacted, That all Goods and Wares deposited in such Room for unannealed Goods shall be weighed and taken account of and charged with Duty by the Officers of Excise, either on such Notice as aforesaid being given for that Purpose, or at such Time as any Officer shall see fit; and all such Goods and Wares, after being weighed and taken an Account of and charged with Duty, shall, together with any Glass which may have been broken, under the Provisions herein-after made, remain in such Room, with the Door or Entrance thereof securely locked and fastened by the Officer of Excise, for the Space of Four Hours, unless sooner re-weighed by the Supervisor or Surveyor or other superior Officer, who are hereby authorized to weigh and re-weigh the same, and in case of any additional Weight being found

Unannealed Goods, after being weighed by the Officer, to remain in the Room Four Hours, unless sooner re-weighed by the Supervisor.

to charge the Duty thereon as herein-before provided in respect of Glass re-weighed in the Re-weighing Room; and as soon as the same shall be re-weighed by the Supervisor or Surveyor or other superior Officer, or at the End of the said Four Hours, the Door of such Room shall again be opened, and all such Goods and Wares so weighed and taken account of and charged with Duty, and all the broken Glass, shall be forthwith removed and conveyed out of such Room, under pain of Forfeiture thereof; and every Maker of Flint Glass, who shall remove any such Glass before the same has been re-weighed, or the Expiration of the said Four Hours, shall forfeit One hundred Pounds.

Penalty.

Maker may select any Flint Glass Goods or Wares, and declare them imperfect, and not to be weighed; and such Articles shall be broken to Pieces, and not charged.

XLV. Provided always, and be it enacted, That when any manufactured Flint Glass Goods or Wares shall be produced to be weighed by any Officer of Excise, either in the Weighing Room or in the Room for unannealed Goods, it shall be lawful for the Maker of such Goods or Wares to select and declare any Part thereof as imperfect or broken, or not properly manufactured, and to desire the same not to be weighed; and thereupon all such Goods and Wares which shall be so selected and declared shall be forthwith broken to Pieces in the Presence of or by the Officer of Excise who shall be in attendance, and rendered unfit for Use as manufactured Goods or Wares, or otherwise than as Cullet or waste Glass, and after being so broken and rendered unfit for Use shall be put aside, without being weighed; and such Officer shall thereupon proceed to weigh and take an Account of all the Remainder of the Goods and Wares which shall be produced to him; and if any Maker of Flint Glass shall hinder or prevent or obstruct any Officer of Excise in breaking or causing to be broken to Pieces any Glass so selected and declared to be imperfect, broken, or not properly manufactured, he shall forfeit One hundred Pounds.

Construction of annealing Arches or Ovens.

XLVI. And be it enacted, That every Maker of Spread or Broad Glass, Crown Glass, *German* Sheet Glass, and of common Glass Bottles respectively shall and he is hereby required to erect, build, make, and construct every annealing Arch or Oven to be made use of for annealing the Glass manufactured by him with the Sides and Ends thereof perpendicular and parallel to each other respectively, and the Bottom thereof level, and (except as herein-after provided) with only One Mouth or Entrance into the same, and shall number the same progressively with a durable Mark; and any such Maker as aforesaid who shall erect, build, make, or construct any annealing Arch or Oven, or make use of any annealing Arch or Oven made or constructed contrary to the Directions aforesaid, or who shall refuse or neglect to number or to keep numbered the same progressively as aforesaid, shall forfeit One hundred Pounds, together with all the Glass Goods and Wares which may be put or found therein.

Penalty.

Annealing Arch or Oven for *German* Sheet Glass may have Two Mouths or Entrances.

XLVII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Excise to permit and allow any annealing Arch or Oven intended to be used for annealing *German* Sheet Glass to be made and constructed with Two Mouths or Entrances to the same, so that such annealing Arch or Oven be built, made, and constructed in other respects in conformity with the

the Regulations herein-before prescribed, and that each such Mouth or Entrance be secured in manner herein-after required.

XLVIII. And be it enacted, That every Maker of Spread or Broad Glass, Crown Glass, *German Sheet Glass*, and common Bottles shall, at his own Expence, provide and affix a good and sufficient Iron Grating to each Mouth or Entrance of every annealing Arch or Oven made use of by him for the annealing of Spread or Broad Glass, Crown Glass, *German Glass*, Glass or common Bottles, or Utensils of common Bottle Metal respectively, such Iron Grating to extend down to the Ground, or within One Foot of the Ground; and proper Locks and Keys and all other necessary Fastenings for locking and securing every such annealing Arch and Oven, and the Mouth or Entrance and Iron Grating thereof, shall be provided by the respective Supervisors and Surveyors of Excise, at the Expence of such Makers respectively; and at the Expiration of Four Hours after any such Makers shall have delivered, or ought to have delivered to the Officer of Excise, the Declaration of the Number of Tables or Sheets of Spread or Broad Glass, Crown Glass, or *German Sheet Glass*, or of Bottles and Vessels or Utensils, put or deposited or contained in any such annealing Arch or Oven respectively as is herein-after directed and required, or sooner, if desired by such Maker, the Officer of Excise shall securely lock and fasten every such annealing Arch or Oven, and the Mouth or Entrance or Mouths and Entrances and Iron Grating thereof, and shall keep the same so locked and fastened until the Glass contained in such annealing Arch or Oven shall be taken out, in the Presence of the proper Officer of Excise, for the Purpose of being weighed and charged with Duty; and every such Maker of Glass who shall refuse or neglect, at his own Expence, to provide such Iron Grating as aforesaid, or to affix the same as herein-before directed before such annealing Arch or Oven shall be made use of, shall forfeit One hundred Pounds, together with all Glass Goods and Wares, Bottles and Utensils respectively which may be put or found in any such annealing Arch to which such Iron Grating shall not be affixed.

XLIX. And be it enacted, That every Maker of Spread or Broad Glass, Crown Glass, *German Sheet Glass*, or of common Bottles shall, Two Hours before beginning to light or kindle any Fire to heat any annealing Arch or Oven used by him for annealing Glass, give Notice in Writing of his Intention so to do to the proper Officer of Excise; and if any such Maker shall not light and kindle such Fire within One Hour after the Time specified in any Notice, such Notice shall be null and void, and a fresh one shall be required; and every such Maker respectively who shall light or kindle a Fire in any annealing Arch or Oven without having given such previous Notice shall forfeit Fifty Pounds: Provided always, that if any such Maker shall be desirous at any Time when no Glass shall be therein of making use of any such Arch or Oven for the Purpose of annealing therein any Pots or Pot Rings, such Maker shall specify in the said Notice for kindling or lighting the Fire the particular Purpose for which the said Arch or Oven is to be heated.

L. And be it enacted, That every Maker of Spread or Broad Glass, Crown Glass, and *German Sheet Glass* shall, when and so

Iron Grating and Fastenings to be provided for the annealing Arches or Ovens, and to be locked up at all Times when Goods are therein.

Makers of Spread or Crown or *German Sheet Glass*, or of common Bottles, to give Two Hours Notice before heating the annealing Arch.

All Crown Glass as soon as flashed, and soon

Spread and German Sheet Glass as soon as opened, to be placed in the annealing Arch, and no other Glass to be put therein.

soon as any Crown Glass shall be made or flashed, or any Spread or Broad Glass or *German Sheet Glass* opened out, remove all such Crown Glass as the same is made and flashed, and all such Spread or Broad Glass or *German Sheet Glass* as the same is opened, directly into the annealing Arch or Oven, and there place and deposit the same in such Manner and Form as the Officer of Excise shall approve, and so that the same may, so far as the Nature of the Case will admit, be the most easily and securely viewed, inspected, and examined, and the Number and Kinds thereof judged of in each such annealing Arch or Oven; and no such Maker shall put, place, have, or keep any other Sort or Species of Glass or Glass Wares whatsoever in any annealing Arch or Oven entered or made use of for the annealing of Spread or Broad Glass, Crown Glass, or *German Sheet Glass* than such Glass respectively; and every such Maker of Glass as aforesaid who shall neglect or refuse to remove any Crown Glass, Spread or Broad Glass, or *German Sheet Glass*, when and so soon as the same is made or flashed or opened, directly into the annealing Arch or Oven, or to place or deposit the same as aforesaid, or who shall put, place, have, or keep any other Sort or Species of Glass or Glass Wares in any annealing Arch or Oven entered or made use of for annealing Spread or Broad Glass, Crown Glass, or *German Sheet Glass* than such Glass respectively, shall forfeit One hundred Pounds.

Makers of Spread, Crown, and German Sheet Glass, before closing up the annealing Arch, to deliver a Declaration of the Number of Tables placed in it.

LI. And be it enacted, That within Half an Hour after all the Tables or Sheets of Spread or Broad Glass, Crown Glass, or *German Sheet Glass* to be annealed are deposited and placed in the annealing Arch or Oven containing the same, and before the Maker thereof shall begin to close or stop up such annealing Arch or Oven, such Maker shall deliver to the Officer of Excise under whose Survey he shall be a Declaration in Writing, specifying the true Number of Tables or Sheets of Spread or Broad Glass or Crown Glass or *German Sheet Glass* respectively put and deposited and contained in each and every such annealing Arch or Oven respectively, and also the true Number of Inches in Length occupied by such Tables or Sheets of Spread or Broad Glass or Crown or *German Sheet Glass* (as the Case may be) from the Back or Bottom of each such Arch or Oven to the first or front Table or Sheet of Glass, and the Number of Inches unoccupied between such first or front Table or Sheet of Glass and the Grating at the Mouth of the Arch or Oven; and if the Number of Tables or Sheets of Glass specified in such Declaration shall be greater or less than at and after the Rate of Five *per Centum* on the Number of Tables or Sheets of Glass put or deposited or found in any such annealing Arch, or if the Number of Inches specified in any such Declaration as occupied by the Tables or Sheets of Glass, or unoccupied in any such annealing Arch or Oven, shall be found to vary in a greater or less Proportion than Five *per Centum* from the Number of Inches ascertained on any Measurement of any such annealing Arch or Oven by any Officer of Excise, such Maker in either such Case shall forfeit Fifty Pounds; and if any such Maker shall neglect or refuse to deliver such Declaration as aforesaid, or if any such Variation in the Number of the Tables or Sheets of Glass as aforesaid, and also at

the same Time any such Variation in the Number of Inches, shall be found or discovered, such Maker shall forfeit Two hundred Pounds, with all the Glass put or deposited or contained in such annealing Arch or Oven.

LII. And be it enacted, That every Maker of common Bottles shall, when and so soon as the same shall be blown or made, remove all and singular the common Bottles and other Vessels and Utensils of common Bottle Metal by him blown or made directly into the annealing Arch or Oven, and shall there place and deposit the same in such Manner and Form as the Officer of Excise under whose Survey he shall be shall approve, so that the same may be most easily and securely viewed, inspected, and examined, and the Numbers and Kinds thereof ascertained in every such annealing Arch or Oven; and no such Maker shall at one and the same Time put, place, have, or keep in any such annealing Arch or Oven any common Bottles or other Vessels or Utensils of common Bottle Metal of different makings or fillings of the Pots, nor shall put, place, or keep any Sort or Kind of Glass or Glass Wares other than common Bottles or Vessels or Utensils made of common Bottle Metal in any annealing Arch or Oven entered or made use of for annealing common Bottles; and every such Maker who shall neglect or refuse to remove all the common Bottles or Vessels and Utensils blown or made by him into the annealing Arch or Oven directly as made, or to place or deposit the same in manner and form aforesaid, or who shall at one and the same Time put, place, have, or keep in any annealing Arch or Oven any common Bottles or other Vessels or Utensils made of common Bottle Metal of different makings or fillings of the Pots, or shall put, place, or keep any Sort or Kind of Glass or Glass Wares other than common Bottles or Vessels or Utensils made of common Bottle Metal in any annealing Arch or Oven entered or made use of for annealing common Bottles, shall forfeit One hundred Pounds.

LIII. And be it enacted, That before any Maker of common Bottles shall begin to close or stop up any annealing Arch or Oven containing common Bottles or Vessels or Utensils he shall deliver to the Officer of Excise under whose Survey he shall be a Declaration in Writing, specifying the true Number of Bottles and other Vessels or Utensils of common Bottle Metal put or deposited or contained in each and every annealing Arch respectively; and every such Maker who shall neglect or refuse to deliver such Declaration as aforesaid, or shall deliver any untrue Declaration, shall forfeit One hundred Pounds: Provided always, that such Penalty shall not be incurred for delivering an untrue Declaration in any Case where the Number of Bottles, Vessels, and Utensils specified in any Declaration so delivered shall not differ from the Number of Bottles, Vessels, and Utensils put, deposited, or found in any such annealing Arch in any greater Proportion than Five *per Centum*.

LIV. And be it enacted, That every Maker of Spread Glass, Crown Glass, *German* Sheet Glass, or of common Bottles respectively, being desirous to draw or take any such Glass or Bottles or Vessels or Utensils respectively out of any annealing Arch or Arches or Oven or Ovens, shall, Twelve Hours before beginning

All Bottles and Utensils of Bottle Metal to be placed in the annealing Arch as soon as made, and no other Goods to be put therein.

Makers of Bottles before beginning to close up the annealing Arch to deliver a Declaration of the Number of Bottles placed therein.

Regulations respecting the drawing of annealing Arches.

to draw, give Notice thereof in Writing to the Officer of Excise under whose Survey he shall be, specifying in such Notice each particular Arch or Oven intended to be drawn, and the Number thereof, and the particular Time and Hour when it is intended to begin to draw the same; and upon such Notice having been given the Officer of Excise shall attend at the Time specified therein, and shall unlock and open such annealing Arch or Arches, Oven or Ovens, and such Officer shall also attend and see the Whole and all and every Part of such Glass or Bottles or Vessels or Utensils respectively drawn and taken from and out of such annealing Arch or Arches, Oven or Ovens, and shall also weigh and take an Account of the Whole and every Part thereof, except any Bottles or Vessels or Utensils which may be broken and unfit for Use, and charge the Maker with the Duty thereon according to such Weight; and every such Maker of Glass or of Bottles as aforesaid who shall have given such Notice and begun to draw any annealing Arch or Oven, and who shall not, with a sufficient Number of Workmen and Servants, proceed and continue without any unnecessary Delay or Interruption to draw and take the Whole and all and every Part of the Spread or Broad Glass, Crown Glass, or *German* Sheet Glass, or Bottles or Vessels and Utensils, as the Case may be, from and out of such annealing Arch or Oven, and proceed and continue to bring the same as drawn or taken out to the Scale to be weighed by or in the Presence of the Officer of Excise, or who shall not finish such drawing and weighing (except in the Case of inevitable Accident) within Four Hours from the Commencement of the drawing, shall forfeit Two hundred Pounds; and if any such Maker as aforesaid shall neglect or refuse to begin to draw any annealing Arch or Oven immediately after the same, and the Mouth or Entrance and Iron Grating thereof, shall be opened by the Officer of Excise, the Notice for drawing the same shall be void, and such Officer shall immediately again securely lock and fasten each and every such annealing Arch or Oven, and the Mouth or Entrance and Iron Grating thereof, and a like fresh Notice shall be required before the same shall again be opened: Provided always, that no such Maker as aforesaid shall be at liberty to give any such Notice for drawing any annealing Arch or Oven at any other Time than between Six of the Clock in the Morning and Six of the Clock in the Evening, and every Notice given for drawing any annealing Arch or Oven at any other Time shall be null and void.

Spread, Crown, and German Sheet Glass, after being weighed by the Officer, to be deposited Three Hours separate from other Glass, unless sooner re-weighed by the Supervisor.

LV. And be it enacted, That as soon as any Spread or Broad Glass, Crown Glass, or *German* Sheet Glass shall have been weighed by the Officer of Excise the same shall be forthwith placed or deposited in a convenient Room or Place separate and apart from all other Glass or Glass Wares whatsoever, and such Spread or Broad Glass, Crown Glass, or *German* Sheet Glass shall remain in such Room or Place where so placed or deposited for the full Space of Three Hours from the Time of finishing the weighing thereof, unless the same shall have been sooner weighed or re-weighed by the Surveyor or Supervisor of Excise or other superior Officer, who is hereby empowered to weigh or re-weigh all such Glass; and if upon the re-weighing thereof any additional

tional Weight shall be discovered or found, such additional Weight shall be chargeable and charged with the respective Duties by Law payable for such Glass respectively; and every Maker of Spread or Broad Glass, Crown Glass, and *German Sheet Glass* respectively who shall refuse or neglect to place and deposit any such Glass in such convenient Room or Place as aforesaid separate and apart from all other Glass or Glass Wares, or who shall remove or convey out of such Room or Place any such Glass before the End of Three Hours after the same shall have been weighed by the Officer, unless the same shall be sooner weighed or re-weighed by the Surveyor or Supervisor or other Superior Officer of Excise, shall forfeit One hundred Pounds.

LVI. And be it enacted, That every Maker of *German Sheet Glass* making Shades which do not require to be annealed shall and is hereby required to provide in his Glass-house a good, sufficient, and well-lighted Room for the placing and depositing therein such Shades as do not require to be annealed in an annealing Arch or Oven, and shall also provide a sufficient Number of Trays and Baskets for the receiving of all such Shades, and carrying and conveying and depositing the same in such Room as soon as made; and the said Room shall be constructed in the same Manner, and shall be locked and fastened and opened, and all Shades made of *German Sheet Glass* not requiring to be annealed shall be removed to such Room, and there deposited, weighed, and charged with Duty, and kept therein under the same Rules, Regulations, Notices, Fines, Penalties, and Forfeitures as are in and by this Act prescribed and imposed in respect of the Room required to be provided by Makers of *Flint Glass* for the Deposit of *Flint Glass* Goods and Wares not requiring to be annealed, and in respect of the Removal and Deposit and weighing and re-weighing and charging and keeping of such *Flint Glass* Goods and Wares in such last-mentioned Room.

LVII. And be it enacted, That every Maker of *German Sheet Glass* shall, as soon as the Journey or Making of Glass is finished, and before the Door of such Room for unannealed Shades is locked and secured by the Officer of Excise, deliver to such Officer a Declaration in Writing of the Number of Shades made in such Journey or Making; and every Maker of *German Sheet Glass* who shall neglect or refuse to deliver such Declaration, or who shall deliver any untrue Declaration, shall forfeit One hundred Pounds.

LVIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Excise and they are hereby authorized to grant Permission to any Maker of Spread or Broad Glass, Crown Glass, or *German Sheet Glass* to anneal such Glass in a Lear to be provided for that Purpose; and in case of any such Permission, the Maker of Glass to whom the same shall be granted shall make and construct a Lear in the same Form as is prescribed in respect to Lears for annealing *Flint Glass*, with all the same Fastenings and Securities thereto, and a like Weighing Room and Re-weighing Room, and Pans and Trays and Machinery for conveying such Pans and Trays through the Lear into the Weighing Room; and all the Spread or Broad Glass, Crown or *German Sheet Glass* made by any such Maker shall, as soon as such

Makers of *German Sheet Glass* making Shades which do not require to be annealed to provide a separate Room for the Deposit of them.

Makers of *German Sheet Glass* to declare the Number of Shades made each Journey.

Commissioners of Excise may grant Permission for Spread Glass or Crown or *German Sheet Glass* to be annealed in a Lear

Crown Glass shall be made or flashed, or such Spread or Broad Glass or *German* Sheet Glass shall be opened out, be placed in the Pans or Trays within the Mouth of the Lear, and be drawn down the Lear into the Weighing Room, and shall, with the Maker thereof, become subject and liable to all the Rules, Regulations, Enactments, and Provisions herein-before contained in respect of the Lear and Weighing and Re-weighing Room, and the opening and closing the same, and the annealing and weighing and re-weighing of Flint Glass and Goods and Wares of Flint Glass (save and except as to selecting and putting aside of imperfect Glass to be broken to Pieces without weighing); and such Maker shall be subject and liable to all the Pains, Penalties, and Forfeitures imposed in respect to Flint Glass and Goods and Wares of Flint Glass, and in respect to the Regulations, Rules, Provisions, and Enactments relating to the same.

Plate Glass not to be manufactured at the same Time in the same House with Spread, Crown, or *German* Sheet Glass.

LIX. And be it enacted, That no Maker of Spread or Broad Glass, Crown Glass, or *German* Sheet Glass who shall also be a Maker of Plate Glass shall make or manufacture at the same Time, from the same Furnace, or within the same Glass-house or Building, any Spread or Broad Glass, Crown Glass, or *German* Sheet Glass and Plate Glass; but all such Plate Glass shall be made and manufactured in a separate Period when no Spread or Broad Glass, Crown Glass, or *German* Sheet Glass shall be making or manufacturing, or any fluxed Metal or Materials for making the same shall be in such Glass-house or Building; and every such Maker who shall make or manufacture at the same Time, from the same Furnace or within the same Glass-house or Building, any Plate Glass, and any Spread or Broad Glass, Crown Glass, or *German* Sheet Glass, shall forfeit One hundred Pounds, together with all the Plate Glass and Spread or Broad Glass, Crown Glass, or *German* Sheet Glass found so manufacturing or manufactured together at the same Time.

No Spread Glass, Crown or *German* Sheet Glass, to be made of greater Thickness than One Ninth of an Inch.

LX. And be it enacted, That no Spread or Broad Glass or Crown or *German* Sheet Glass shall be made of greater Thickness in the Foot superficial, exclusive of the Centre or Bullion or Selvage or Rim thereof, than One Ninth of an Inch, except the Metal or Materials shall, before the same or any Part thereof be begun to be manufactured into Wares, be declared by the Maker thereof, by Notice in Writing to be by him delivered to the Officer of Excise under whose Survey he shall be, to be made for Plate Glass, and the Duty on Plate Glass, Metal, or Materials be charged thereon under the Rules and Regulations prescribed in respect to Plate Glass; and all such Glass respectively which shall be made of any greater Thickness than One Ninth of an Inch, except as aforesaid, shall be forfeited.

Spread or Broad Glass to be cut and opened before cold, &c.

LXI. And be it enacted, That no Glass shall be deemed or allowed as Spread or Broad Glass which shall not be cut and opened whilst the same is warm, and before becoming cool after being blown, but that all such Glass which, having been blown, shall be allowed to become cold before the same is cut and opened, shall be deemed and taken to be *German* Sheet Glass, and shall be charged with Duty accordingly.

Fastenings, Locks, and Keys to be altered and

LXII. And be it enacted, That every Maker of Glass in whose Glass-house any Doors, Gratings, or Fastenings, Locks or Keys, shall

shall be provided for the securing any Lear, annealing Arch or Oven, Weighing or Re-weighing Room, or other Room or Place required to be secured under the Provisions of this Act, shall from Time to Time, and at all Times when required so to do by the Surveyor or Supervisor or any superior Officer of Excise, immediately alter, repair, and amend the same respectively; and the Surveyor or Supervisor of the District may at all Times as it may be necessary change and remove any Locks or Keys or Fastenings, and replace the same with other Locks and Keys and Fastenings; and every Maker of Glass who shall refuse or neglect to pay for any Lock or Key or Fastenings at any Time provided by the Surveyor or Supervisor of Excise for locking or securing any Door, Grating, Fastening, Room, or Place required by the Provisions of this Act to be locked, fastened, and secured, either when first supplied or on any Change of such Lock or Key or Fastening, or who shall, for the Space of Ten Days after being required so to do by any Notice in Writing from the Surveyor or Supervisor or other superior Officer of Excise, neglect or refuse to alter, amend, or repair any Door, Grating, or Fastening as aforesaid, shall forfeit One hundred Pounds.

repaired when required, at the Expence of the Makers of Glass.

LXIII. And be it enacted, That if any Maker of Glass shall, by any false or duplicate Key, or by any Means, Art, or Contrivance whatsoever, open any Lock or Fastening, or open or gain any Access to any Lear, annealing Arch or Oven, or the Mouth, Entrance, or Iron Grating thereof, or any Weighing or Re-weighing Room, or any other Room or Place, after the same shall have been locked, fastened, or secured by the Officer of Excise, before the same shall be again unlocked and opened by the Officer under such Notice and at the Times prescribed by this Act, or shall wilfully break or damage any Fastening, Lock, Key, or Seal, or any Label for securing any Lock or Fastening provided or affixed by any Supervisor or Officer of Excise, or shall provide, affix, or make use of, or procure to be provided, affixed, or made use of, any false or deceptive Fastening, or use any Art, Means, or Device whereby the Securities intended by this Act shall be in any Manner defeated, such Maker of Glass shall forfeit Five hundred Pounds.

Penalty on gaining Access to Places secured, or damaging Fastenings.

LXIV. And be it enacted, That every Maker of Glass (except Makers of Plate Glass) shall and he is hereby required to provide and keep in his Glass-house sufficient and just Scales and Weights, and every Maker of Flint Glass in his Weighing and Re-weighing Room and Room for unannealed Glass, and every Maker of Spread or Broad Glass, Crown Glass, and *German Sheet Glass*, and of Bottles, in a proper Place, to be approved of by the Supervisor or Surveyor of Excise, within View of the annealing Arches or Ovens, or as near thereto as the same can conveniently be placed, and every Maker of *German Sheet Glass* in his Room for unannealed Glass, shall respectively provide and firmly fix a fit and proper Hook or Hooks for holding and suspending the Scales; and every such Maker of Glass respectively shall permit and suffer any Officer of Excise to use the said Hook or Hooks, Scales and Weights, for the Purpose of weighing and taking an Account of all the Glass which shall be at any Time in the Possession of any such Maker respectively; and every such Maker of Glass who shall neglect

Every Maker of Glass (except Plate Glass) to provide Weights and Scales.

Penalty for
Neglect, 100*l*.

for using false
Scales or
Weights, &c.
500*l*.

Makers, with
their Servants,
to assist the
Officers in
weighing.

Turn of the
Scale to be given
in favour of the
Crown, &c.

Glass not
charged with
Duty to be kept
separate.

Officers of Ex-
cise, at the End
of every Six
Weeks, to make
a Return of the
Duty charged
on each Glass-
maker, who shall
pay the Amount
in Six Weeks
afterwards.

An Account to
be made out at
the End of each
Six Weeks of

neglect to keep such Scales and Weights, or to provide and affix in manner aforesaid such fit and proper Hooks, in the respective Rooms and Places aforesaid, or shall not permit or suffer any Officer of Excise to use the same, shall forfeit One hundred Pounds; and every such Maker of Glass who shall in the weighing of any Glass make use of or procure, or cause or suffer to be made use of, any false or unjust or insufficient Scales or Weights, or who shall make use of any Force or Violence, or practise any Art, Device, or Contrivance by which any Officer of Excise may be hindered or prevented or deceived in taking the true Account or Weight of any Glass, or charging the true Amount of Duty thereon, shall forfeit Five hundred Pounds, together with all the Glass weighed or produced to be weighed at the Time of such Offence, and all such unjust or insufficient Scales or Weights.

LXV. And be it enacted, That every Maker of Glass (except Plate Glass) shall, when and as often as he shall be thereto required by any Officer of Excise, with a sufficient Number of his Workmen or Servants, aid and assist to the utmost of his Power the Officers of Excise in weighing or re-weighing and taking an Account of all Glass in the Possession of such Maker required to be weighed or re-weighed under the Provisions of this Act, on pain of forfeiting for every such Refusal or Neglect One hundred Pounds.

LXVI. And be it enacted, That in the weighing of all Glass under the Provisions of this Act the Turn of the Scale shall be given in favour of the Crown, and in lieu thereof there shall be allowed in the Charge of Duty to the Maker One Pound Weight upon each and every One hundred Pounds of such Glass respectively weighed.

LXVII. And be it enacted, That every Maker of Glass shall at all Times keep all Glass in his Custody and Possession which shall not have been weighed by the Officer of Excise, and charged with Duty, separate and apart from all Glass, Glass Wares, Bottles, and Utensils which shall have been so weighed and charged, on pain of forfeiting One hundred Pounds.

LXVIII. And be it enacted, That every Officer of Excise under whose Survey any Maker of Glass shall be, or any other Officer who shall be appointed so to do, shall from Time to Time, at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Excise shall direct, make out and deliver to the Commissioners of Excise an Account or Return in Writing of the Quantity of Glass made by such Maker, and for which he shall have become chargeable with Duty in such preceding Six Weeks or Period, and of the Duty payable thereon, according to the Weight of such Glass, or of the Materials from which the same may have been manufactured, and shall also leave a Copy of such Account or Return with such Maker of Glass; and the Account or Return of such Officer shall be a Charge on every such Maker of Glass, who shall pay and clear off the Duty appearing by such Return to have become due within Six Weeks after such Account or Return shall have been made out, or in default thereof shall forfeit double the Amount of such Duty.

LXIX. And be it enacted, That for making out the said Account or Return in respect to Flint Glass an Account shall, at the End of every Round or Period of Six Weeks, be taken and
made

made out by the Officer of Excise of the whole Quantity of Flint Glass for or in respect of which any Maker of Flint Glass shall have been charged with Duty upon the fluxed Materials or Metal or other Preparations from which such Flint Glass as aforesaid shall have been made, after Deduction of the gauged Weight of all fluxed Materials, Metal, or other Preparations taken account of by the Officer, and laded out of the Pot, according to the Provisions of this Act, and of the whole Weight of manufactured Flint Glass and Glass Wares weighed by such Maker of Flint Glass within such Round or Period of Six Weeks as aforesaid; and if upon such Account being taken and made out as aforesaid the Weight of such manufactured Flint Glass and Glass Wares as aforesaid shall exceed the Quantity of such Flint Glass as aforesaid with which such Maker of Flint Glass shall have been so charged with Duty, after such Deduction as aforesaid, by any Quantity greater than the Quantity of Forty *per Centum* of or upon the whole Quantity of such Flint Glass as last aforesaid, such Maker of Flint Glass shall be charged with and pay the Duty of Two-pence *per* Pound upon each and every Pound Weight of such Excess over and above any Duty which such Maker of Flint Glass shall have paid or may have been charged with upon the fluxed Materials or Metal or other Preparations from which such Glass as aforesaid shall have been made.

LXX. And be it enacted, That every Maker of Glass who shall for One Quarter of an Hour after an Officer of Excise shall have commenced to gauge or take an Account of the Metal in any Pot, or to examine or take an Account of the Glass in any annealing Arch or Oven, stir or break up the Fire, or add fresh Coals or Fuel thereto, in any Furnace or annealing Arch in his Glass-house, or who shall wilfully raise Smoke or any noisome or offensive Vapour, whereby the Officer may be prevented or hindered in gauging or examining any Pot or Pots set in any Furnace or annealing Arch, or in examining the Metal or Materials in any Pot set in any Furnace, or in gauging or ascertaining the Quantity or Weight of any such Metal or Materials, or in examining or counting the Tables, Sheets, Goods, Wares, or Bottles or Utensils in any annealing Arch or Oven, shall forfeit One hundred Pounds.

LXXI. And be it enacted, That every Maker of Glass who shall hide or conceal or cause to be hidden or concealed, or shall remove or convey away or deposit, or cause to be removed, conveyed away from, or deposited in any Place, any Glass, Glass Wares or Goods, Bottles, Vessels, or Utensils whatever, or any Metal or Materials, to evade the Duties chargeable thereon, or any Part of such Duties respectively, shall, over and above every other Penalty to which he may in so doing become subject, forfeit Five hundred Pounds.

LXXII. And be it enacted, That each and every Person who shall make or manufacture any Sort or Kind of Glass or Glass Wares, (other than Chandelier or ornamental Drops, Buttons, or Beads,) or any Bottles or Utensils, by melting any Metal or Materials, Cullet, or old or broken Glass in any Pot, Crucible, or other Utensil, shall be deemed and taken to be a Maker of Glass, and shall be subject as such to all and every the Enactments,

the whole Quantity of Flint Glass charged with Duty and weighed within such Period, and Two-pence per Pound additional to be charged on all Excess above Forty per Centum.

Penalty on preventing the Officer from examining Pots, Metal, or Glass in the Furnace or annealing Arch.

Penalty on concealing Glass or Materials to evade the Duty

Who to be deemed Glass-makers.

Provisions, Regulations, Restrictions, Fines, Penalties, and Forfeitures of this Act.

Drop Pinchers to make Entry with the Excise, and produce the Invoices of their Materials.

LXXIII. Provided always, and be it enacted, That every Person who shall carry on the Trade or Business of a Drop Pincher or Maker of Beads or Buttons from Glass shall duly make Entry with the Officer of Excise of all and every Workshop, Room, and Place where he shall carry on such Trade or Business, or keep any Materials for that Purpose, and shall from Time to Time produce to the Officer of Excise inspecting his Workshop, Room, or Place all Materials by him used or employed in such Trade or Business, and shall at the same Time, if required, deliver to such Officer the Invoice or Invoices for all Lump, Paste, or Cane Glass received into his Custody or Possession; and every Person who shall use or carry on such Trade or Business aforesaid without having made Entry as aforesaid, or who shall refuse to produce any Materials to any Officer of Excise, or any such Invoice, when required so to do, shall forfeit Fifty Pounds, and all Glass Goods and Materials found in any such Workshop, Room, or Place not entered shall be forfeited.

Shades of uncoloured Flint Glass not to be opened, &c. except as hereby allowed.

LXXIV. And be it enacted, That it shall not be lawful for any Maker of Flint Glass, or any other Person, to open or flatten out any Shade or Cylinder made of White or uncoloured Flint Glass, except as herein-after provided, on pain of forfeiting all Flint Glass so opened or flattened out and One hundred Pounds: Provided always, that Makers of Flint Glass may open out and flatten Cylinders of White or uncoloured Glass into Plates, such Plates, when opened and flattened out, not being of less Thickness than Two Tenth Parts of an Inch, nor of greater Dimensions than Fourteen Inches Square.

Glass Benders to make Entry, and not to have Shades or Cylinders of uncoloured Flint Glass in their Possession.

LXXV. And for preventing Frauds by Persons other than Makers of Flint Glass opening out and flattening Shades or Cylinders of Flint Glass, be it enacted, That every Glass Bender or Stainer, not being a Maker of Glass, who shall make use of any Arch or Oven for the heating, opening, or flattening, or bending or staining of Glass, shall make Entry with the Officer of Excise of the District or Division in which his Premises shall be situate of every Arch or Oven, and of every Room and Place used by him for heating, opening, or flattening, or bending or staining Glass, or keeping Glass opened or flattened or stained, or to be opened or flattened out or stained; and it shall not be lawful for any such Bender or Stainer of Glass to receive or have in any Arch or Oven, or in any Room or Place so entered, any Shade or Cylinder made of White or uncoloured Flint Glass; and every Person who shall make use of any Arch or Oven for heating, opening, or flattening, or bending or staining Glass, without having made such Entry as aforesaid, shall forfeit Fifty Pounds, together with all the Glass found on such unentered Premises; and every Glass Bender or Stainer on whose Premises any Shade or Cylinder of White or uncoloured Flint Glass shall be found shall forfeit the same, together with Five Pounds for every such Shade or Cylinder.

Officers of Excise may inspect the Premises of Glass Benders or Stainers.

LXXVI. And be it enacted, That it shall be lawful for any Officer of Excise at all Times to enter into and inspect the Premises of every Drop Pincher, Maker of Glass Beads or Buttons,
Bender

Bender and Stainer of Glass, and to examine all Glass therein; and if any such Officer shall be obstructed, or be hindered or prevented from so entering, or from examining any Glass in any such Premises, the Drop Pincher, Maker of Glass Beads or Buttons, Bender, or Stainer, at or in whose Premises such Obstruction, Hindrance, or Prevention shall take place, shall forfeit Fifty Pounds.

LXXVII. And be it enacted, That every Person intending to export any Glass as Merchandize, and obtain the Drawback thereon, shall give Twelve Hours Notice of his Intention to pack the same for Exportation on Drawback to the Officer of Excise who shall be appointed by the Commissioners of Excise for that Purpose, specifying in such Notice the Time and Place when and where and the Person on whose Account such Glass is intended to be packed, and the Kind or Description of Glass to be packed; and such Notice having been given, an Officer of Excise shall attend at the Time and Place specified, and all the Glass intended to be exported shall be produced to him, and shall be weighed and packed in his Presence, and the Packages containing the same shall be marked with the true Weight of Glass therein in the Presence of such Officer, and shall be secured with such Fastenings and sealed with such Seals or Marks by such Officer in such Manner as the Commissioners of Excise shall direct; and every such Officer shall take an Account of the Kind and Quantities of all such Glass as shall be produced to him and be packed in his Presence, and shall make a Return thereof to the Export Officer of Excise, or Officer acting as Export Officer at the Port of Exportation; and in weighing any Glass for Exportation the same shall be weighed to the nearest Quarter of a Pound on each Draught, any Fractions above a Quarter of a Pound being disregarded: Provided always, that if the Person giving such Packing Notice shall not begin and proceed to pack up all such Glass at the Time mentioned therein such Notice shall be null and void, and a like fresh Notice shall be required before the packing up the same or any Part thereof.

LXXVIII. Provided always, and be it enacted, That no Glass whatsoever, except as herein-after provided, shall be packed for Exportation on Drawback in any Crate or other Package made or constructed with any void Space or Spaces in or between the component Parts thereof, or any of them; but all Glass shall be packed for Exportation in Casks, Boxes, or Chests only in which the Exporter shall, previous to the packing the Glass therein, have cut or sunk therein a sufficient Number of circular Cavities, each thereof not less than a Quarter of an Inch nor more than Half an Inch in Depth, and not less than One Inch nor more than an Inch and a Half in Diameter, to receive the Seal of the Officer of Excise, and to protect such Seal from being defaced, broken, or damaged; and each such Cavity shall be cut or sunk one Part thereof on the Edge of the Lid or Cover, and the other on the Side of the Cask, Box, or Chest, so that each such Seal may be conveniently placed by the Officer of Excise Part on the Wood of such Lid or Cover, and the Residue on the Wood of the Side of each such Cask, Box, or Chest; and no Drawback shall be allowed or paid for or in respect of any Glass packed otherwise than as aforesaid, save

Persons intending to export Glass on Drawback to give a Packing Notice.

No Glass, except Spread or Crown Glass in Tables and Bottles, to be packed in any Package but a Cask, Box, or Chest.

and except that nothing herein contained shall extend or be deemed to extend to prohibit the packing of Whole or Half Tables of Spread Glass or Crown Glass, or any common Bottles, in any Crate or Package whatsoever.

Penalty for placing any heavy Substance with Glass packed for Exportation, or any other Glass than that produced to the Officer, or for using any Art to deceive the Officer, 200L.

LXXIX. And be it enacted, That if any Person shall fraudulently put or place any heavy Substance or Matter other than Glass in any Cask, Box, or Chest or Package containing any Kind of Glass packing or packed for Exportation, or shall (except as herein-after provided) pack in any Cask, Box, or Chest or Package any other Glass or other Substance or Article than the Glass produced to the Officer as to be packed and exported, or shall, by any Art, Contrivance, or Device, prevent, hinder, or deceive any Officer of Excise from or in taking a true Account of the Kind and Weight of the Glass packed, such Person shall forfeit Two hundred Pounds, and every such Cask, Box, or Chest, and Package, with the Contents thereof, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any Person from packing for Exportation on Drawback any Bottles containing dry or liquid Articles, or from packing in the Presence of the Officer of Excise the Frame of any Lamp, or the Case or Stand of any Cruets or Bottles, or any similar Thing belonging to any Article of Glass, in the same Cask, Box, or Chest or Package with the Glass to which it shall belong, but in all such Cases the Officer of Excise, in weighing and taking his Account for packing, shall weigh and take an Account of such Frame, Case, or Stand, or other Thing, separate and distinct from the Glass to which the same shall belong, and shall distinguish such separate Weight in the Return to be made by him to the Export Officer of Excise as herein-before directed.

Penalty for opening Chests, &c. after being packed, or damaging Fastenings, &c.

LXXX. And be it enacted, That every Person who (not being an Officer of Excise or Customs) shall open any Cask, Box, or Chest or Package containing Glass which shall have been packed for Exportation, or shall wilfully destroy or deface any Seal of the Officer placed thereon, or damage any of the Fastenings thereof, and every Person who shall cut out, erase, obliterate, alter, or damage any Figure, Letter, or Mark, cut, written, painted, branded, or made on any Cask, Box, or Chest or Package containing Glass for Exportation, expressing or denoting the Weight of the Glass contained in such Cask, Box, Chest, or Package, or the Number thereof, shall forfeit Two hundred Pounds, and every such Cask, Box, or Chest and Package, with the Contents thereof, shall be forfeited, and may be seized by any Officer of Excise or Customs.

Any Maker of Glass for whom Glass shall have been packed for Exportation may give Notice for altering the Direction or Marks on a Change of Destination, or may have the Glass unpacked for Home Consumption.

LXXXI. Provided always, and be it enacted, That if any Maker of Glass by whom any Glass shall have been packed for Exportation shall, before giving Notice for the shipping thereof, require to change the Destination of such Glass, and in consequence to alter any Direction or any of the Marks thereof, or, not having exported such Glass, shall require to use the same for Home Consumption, it shall be lawful for such Maker to give Notice to the Officer of Excise who shall have packed such Glass, or to any other Officer authorized to pack Glass at his Premises, of such Change of Destination, or Desire to have the Cask, Box, Chest, or Package containing the Glass opened for Home Consumption; and the Officer of Excise to whom such Notice shall be given shall

attend at the Premises of the said Maker, and shall there see the Directions and Marks (except the Marks of the Weight of the Glass therein) on the Cask, Box, Chest, or Package altered as required, or, in case of taking out for Home Consumption, shall wholly remove the Seals and Fastenings from such Cask, Box, Chest, or Package, and open the same; and in every such Case such Officer shall transmit to the Export Officer of Excise of the Port a Certificate of such Alteration of Direction or Marks describing the same, or of such Cask, Box, Chest, or Package having been opened for Home Consumption.

LXXXII. And be it enacted, That every Person intending to export any Glass on Drawback shall, by himself or his Agent, give to the Export Officer of Excise, or Officer acting as such at the Port of Exportation, a Notice in Writing of his Intention to ship such Glass Six Hours at least before such Shipment shall be made, in which Notice shall be specified the Number of Packages to be shipped, with the respective Marks or Numbers thereon, and the Quantity and Kinds or Description of Glass in each Package, together with the Rate and Amount of the Duty paid, and of the Drawback claimed, and the Value for Home Consumption of the whole of the Glass to be shipped, distinguishing the Quantities and Kinds of Glass, if more than One Sort or Kind, chargeable with a different Rate of Duty, or entitled to a different Amount of Drawback, is contained in the Shipment; and such Notice shall also specify the Quay or Place where the Packages are then lying, and from which the same are to be shipped, and the Time of Shipment, with the Name of the Ship and the Master thereof, and the Place or Port to which such Glass is to be exported; and the Person so intending to export such Glass shall also, by himself or his Agent, make a Declaration before the Export Officer of Excise or Officer acting as such as aforesaid, under the Provisions of an Act passed in the Fifth and Sixth Years of His late Majesty's Reign, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths,* that such Packages, and the Glass contained therein, are and is the same described and set forth in the Account or Certificate of the Packing Officer, and that, to the best of his Knowledge and Belief, the full Duties of Excise have been charged and secured on such Glass; and shall also give Bond, with One or more sufficient Surety or Sureties, to be approved by the Officer appointed by the Commissioners of Excise, to take such Bond, in Treble the Value of the Drawback, conditioned that such Packages, with the Glass therein, shall with all convenient Speed be shipped and exported, and shall not be unpacked in any Port or Harbour of the United Kingdom, nor unloaded, unshipped, or relanded, or put on board any other Ship or Vessel in any Part of the United Kingdom (Shipwreck or other unavoidable Accident excepted); and such Notice having been given and such Declaration made as aforesaid, and such Security having been entered into, the Officer of Excise receiving the same shall write his Name upon the said Shipping

Shipping Notice
to be given.

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Notice as a Certificate of the Requisites aforesaid having been complied with, and shall forward and transmit the said Notice, with his Name thereon, to the proper Officer of Customs at the Port whose Duty it may be to attend the shipping of such Goods.

The Glass to be produced to and shipped in the Presence of an Officer of Customs.

LXXXIII. And be it enacted, That all the said Packages, with the Glass therein, shall, at the Time specified in the Notice for shipping the same, be produced to the proper Officer of Customs, who shall inspect and examine the same, and being satisfied that they are the Packages specified in the Shipping Notice shall see them shipped in his Presence, and certify such Shipment on the Shipping Notice, and return the same to the Export Officer of Excise, or Officer acting as such; and such Export Officer, having received back the said Notice with the Certificate thereon, shall deliver to the Exporter or his Agent a Debenture in such Form and with such Particulars as the Commissioners of Excise shall direct for the Payment of the Amount of Drawback at the Expiration of Six Weeks from the Time of Shipment.

Packages of Glass for which Notice for Drawback has been given may be examined by the Officers of Excise and Customs, and if found fraudulently varying from Notice to be forfeited, with Penalty.

LXXXIV. And be it enacted, That in every Case where any Notice for shipping Glass on Drawback shall be given it shall be lawful for the Officer of the Customs to whom the Packages containing such Glass shall be produced for Shipment, and for any other Officer of Customs or of Excise, to open all or any of the Packages mentioned in such Notice, and unpack and examine the Contents, and if the same are found correct shall, at his own Expence, to be allowed him by the Commissioners of Customs or Excise, as the Case may be, cause the same to be carefully repacked, and the respective Packages again secured and sealed; but if on such Examination any Package, or the Contents thereof, shall be found to vary in any Particular from the Description contained in the Shipping Notice, so that a higher or greater Sum than of right due shall have been claimed, or would in case such Discovery had not been made have on the Exportation of such Glass been deemed payable, as Drawback, or Her Majesty in any respect defrauded therein, such Packages, and the Contents thereof, shall be forfeited, and may be seized by any Officer of Excise or Customs, and the Exporter thereof shall forfeit Treble the Value of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise.

Regulations for exporting common Bottles in Bulk.

LXXXV. Provided always, and be it enacted, That it shall be lawful for any Person to ship for Exportation on Drawback common Bottles in Bulk, not being packed in any Package, and in such Case the Person intending to export the same shall not be required to give any Packing Notice to the Officers of Excise, but such Person shall, by himself or his Agent, give to the Export Officer of Excise, or Officer acting as such at the Port of Exportation, a Notice in Writing of his Intention to ship such Bottles Twelve Hours at least before such Shipment shall be made, in which Notice shall be specified the Number of Dozens of Bottles to be shipped, and the Weight *per* Dozen, with the Rate and Amount of the Duty charged and of the Drawback claimed thereon, and the Value of such Bottles for Home Consumption, and shall also specify the Time of Shipment, with the Name of the Ship and Master thereof, and the Quay or Place where such Vessel is then lying, and from whence the said Bottles are to be shipped,

and the Port or Place to which such Bottles are to be exported; and the Person intending to export such Bottles shall also, by himself or his Agent, make a Declaration, before the Export Officer of Excise or Officer acting as such, under the said Provisions of the said Act of the Fifth and Sixth Years of His late Majesty's Reign, that, to the best of his Knowledge and Belief, the full Duties of Excise have been charged and secured on the said Bottles, and shall also give Bond, with One or more sufficient Surety or Sureties to be approved of by the Officer appointed by the Commissioners of Excise, to take such Bond, in Treble the Value of the Drawback, conditioned that the said Bottles shall with all convenient Speed be shipped and exported, and shall not be unloaded, unshipped, or relanded, or put on board any other Ship or Vessel in the United Kingdom, Shipwreck or other unavoidable Accident excepted; and such Notice having been given and such Declaration made as aforesaid, and such Security having been entered into, the Officer of Excise receiving the same shall write his Name upon the said Shipping Notice as a Certificate of the Requisites aforesaid having been complied with, and shall transmit and forward the said Notice, with his Name written thereon, to the Officer of Customs; and the Person intending to export the said Bottles shall provide on board the Vessel in which the same are to be shipped sufficient Scales and Weights; and the Officer of Customs attending on such Vessel to whom the said Shipping Notice shall be transmitted shall see the said Bottles shipped, and shall with the said Scales and Weights weigh or cause to be weighed in his Presence the said Bottles, or as many Dozens thereof as he may deem necessary for ascertaining the correct Amount of the Weight of the Number thereof which may be shipped; and such Officer of Customs having seen the said Bottles, or as many of them as the Vessel may be capable of receiving, duly weighed and shipped, shall certify such Shipment, with the Number of Dozens of Bottles shipped and the Weight thereof, on the said Shipping Notice, and shall return the same to the Export Officer of Excise, or Officer acting as such; and such Export Officer, having received back the said Notice with the said Certificate thereon, shall deliver to the Exporter or his Agent a Debenture for the Payment, in Six Weeks from the Time of Shipment, of the Amount of Drawback on the Quantity and Weight of Bottles shipped according to the Certificate of the Officer of Customs: Provided always, that in case the whole Quantity of Bottles of which Notice shall have been given shall not be shipped, so that a less Amount of Drawback will be payable than stated in the Shipping Notice, the Officer of Excise who shall have received the Bond shall, in the Margin thereof or by Endorsement thereon, state the real Amount of Drawback to be payable, and in such Case Treble the Amount of such real Drawback shall be the Penalty of the Bond.

LXXXVI. And be it enacted, That no Drawback shall be allowed or payable for or in respect of any unground or unpolished Plate Glass, nor for or in respect of any Plate Glass, unless the same shall be exported in rectangular Plates of the Size of Six Inches in Length by Four Inches in Breadth at the least, and of not less Thickness than One Eighth of an Inch, and unless each

No Drawback to be allowed on Plate Glass, unless exported in the Forms prescribed.

and every Plate thereof shall be perfectly ground and polished, and perfect and fit for Use as and for ground and polished Plate Glass, and shall not have been previously in use.

No Drawback to be allowed on Flint Glass unless properly manufactured;

LXXXVII. And be it enacted, That no Drawback shall be allowed or payable on Chandelier or ornamental Drops of less Weight than One Ounce each, nor on any Glass Buttons or Glass Beads, nor on any Flint Glass Goods or Wares, which shall not be good, fair, and merchantable Articles, perfectly manufactured of Metal fully and properly fluxed or fused and finished by all rough, waste, and useless Parts being removed therefrom, and of such Quality as to be worth at least Five-pence *per* Pound, exclusive of the Duty, if made for or if the same had been made into Articles for Home Consumption, and which shall not have been previously in use.

nor on Spread or Crown Glass, or German Sheet Glass.

LXXXVIII. And be it enacted, That no Drawback shall be allowed or payable on any Spread or Broad Glass, or Crown Glass or *German* Sheet Glass, unless the same shall be of good and merchantable Quality, and well and perfectly made of Metal properly fluxed or fused, and shall not have been previously in use.

Glass of a greater Specific Gravity than 2,800 not entitled to a higher Drawback than Flint Glass.

LXXXIX. And be it enacted, That no Glass exported of a greater Specific Gravity than Two thousand eight hundred shall be entitled to Drawback as Plate Glass, or Spread or Broad or Crown Glass, or *German* Sheet Glass; but all Glass produced for Exportation of a greater Specific Gravity than Two thousand eight hundred, if in other respects entitled to Drawback, and all coloured Glass other than stained Glass exported, shall be deemed and taken to be Flint Glass, and shall not be entitled to any higher Rate of Drawback than Flint Glass.

No Drawback on Bottles, unless properly manufactured.

XC. And be it enacted, That no Drawback shall be allowed or payable on any Bottles or Vessels or Utensils of common Bottle Metal unless the same shall be sound and unbroken, without any Cracks therein, and well and perfectly made of Metal properly fluxed or fused, and which shall not have been previously in use.

Penalty on fraudulently packing or shipping or concealing or depositing Glass, to obtain the Drawback.

XCI. And be it enacted, That every Person who shall produce to any Officer of Excise or Customs to be packed or shipped for Exportation on Drawback, or who shall pack or ship for Exportation on Drawback, any Glass not entitled to Drawback, or any other Glass or other Articles, Matters, or Goods other than the Glass specified and described in the Notice for packing the same, or produced to the Officer to be packed, or who shall fraudulently remove, deposit, or conceal any Glass with Intent unduly to obtain any Drawback, or any higher Amount of Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise; and all such Glass or other Articles, Matters, or Goods shall be forfeited, and may be seized by any Officer of Excise or Customs.

Treasury may dispense with or alter the Regulations for the Improvement or Preparation

XCII. 'And whereas it is necessary to obviate any Obstruction to the Improvement, Preparation, or Selection of Glass fitted for the Purposes of Optical Instruments or the Purposes of Science, which might be caused by a strict Adherence to the Regulations for securing the Duties on Glass;' be it therefore enacted, That

it

it shall be lawful for the Lords Commissioners of Her Majesty's Treasury from Time to Time to dispense with or alter the Whole or any Part of the said Regulations, or to remit the Whole or any Part of the Duty, and to prescribe such other Conditions and Securities as they may judge necessary or expedient for the Improvement or better Preparation and Selection of Glass fitted for the Purposes of Optical Instruments or for the Purposes of Science.

of Glass for
Optical Instru-
ments, &c.

XCIH. And be it enacted, That from and after the Commencement of this Act the several Acts following, so far as the same relate to Duties of Excise on Glass, or contain any Regulations for collecting, managing, or securing the Duties on Glass, but no further, shall be and the same are hereby repealed; that is to say, an Act passed in the Nineteenth Year of the Reign of His Majesty King George the Second, intituled *An Act for granting to His Majesty several Rates and Duties upon Glass and upon spirituous Liquors, and for raising a certain Sum of Money by Annuities and a Lottery, to be charged on the said Rates and Duties, and for obviating some Doubts about making out Orders at the Exchequer for the Monies advanced upon the Credit of the Salt Duties granted and continued to His Majesty by an Act of the last Session of Parliament*; an Act passed in the Seventeenth Year of the Reign of His Majesty King George the Third, intituled *An Act for granting to His Majesty a Duty upon all Servants retained or employed in the several Capacities therein mentioned, and for repealing several Rates and Duties upon Glass imposed by an Act made in the Nineteenth Year of the Reign of His late Majesty, and for granting to His Majesty other Rates and Duties upon Glass in lieu thereof, and for the better collecting the Duties upon Glass, and for repealing the several Rates and Duties charged by an Act made in the Twenty-ninth Year of the Reign of His said late Majesty upon all Persons and Bodies Politic and Corporate having certain Quantities of Silver Plate*; an Act passed in the Twenty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act to limit a Time for the Repayment of the Duties on Male Servants and Carriages by the Commissioners of Excise, and also on Horses, Waggon, Wains, and Carts by the Commissioners of Stamps; and for the Amendment of several Laws relating to the Duties under the Management of the Commissioners of Excise*; an Act passed in the Twenty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for granting to His Majesty certain Duties on Glass imported into Great Britain, and for altering the Mode of charging the Duties on Glass made in Great Britain*; an Act passed in the Twenty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for repealing the Duties of Buck or Deer Skins undressed, Buck or Deer Skins, Indian half-dressed, and Elk Skins undressed, imported, and on Hides and Skins dressed in Oil in this Kingdom, and for granting other Duties in lieu thereof; for laying a Duty on Stuff's printed, painted, stained, or dyed in Great Britain; allowing Deer and other Skins the Produce of Florida to be sold by Auction free from the Duty charged on such Sales; for amending several Laws relative to the Revenue of Excise, and to prevent the Sale of Sweets for Consumption in the Houses of Retailers thereof, who shall not*

Repeal of former Acts.

19 G.2. c.12.

17 G.3. c.39.

26 G.3. c.77.

27 G.3. c.28.

28 G.3. c.37.

- 32 G.S. c.40. *have Licences to sell Beer or Ale; an Act passed in the Thirty-second Year of the Reign of His Majesty King George the Third, intituled An Act for amending the Laws of Excise relating to the Manufactory of Flint Glass; an Act passed in the Thirty-fourth Year of the Reign of His Majesty King George the Third,*
- 34 G.S. c.27. *intituled An Act for granting to His Majesty certain additional Duties on Glass imported into or made in Great Britain; an Act passed in the Thirty-fifth Year of the Reign of His Majesty King George the Third, intituled An Act for better securing the Duties on Glass; an Act passed in the Forty-fifth Year of the Reign of His Majesty King George the Third, intituled An Act for granting to His Majesty several additional Duties of Excise in Great Britain; an Act passed in the Second Session of Parliament, in the Forty-seventh Year of the Reign of His Majesty King George the Third, intituled An Act to amend several Laws of Excise in Great Britain relating to the Duties on Salt, Soap, Paper, Coffee, Cocoa Nuts, Spirits, and Glass, and for restoring Seizures in certain Cases; an Act passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled An Act for repealing the Duties on the Materials used in making Spread Window Glass and Crown Glass, and for granting other Duties in lieu thereof, and for the better Collection of the said Duties; an Act passed in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled An Act for repealing the Duty on the Materials used in making Flint and Phial Glass, and for granting until the First Day of August One thousand eight hundred and twelve other Duties in lieu thereof, and for continuing and amending an Act passed in the Forty-ninth Year of His Majesty's Reign, intituled 'An Act for repealing the 'Duties on the Materials used in making Spread Window Glass 'and Crown Glass, and for granting other Duties in lieu thereof, 'and for the better Collection of the said Duties;' an Act passed in the Fifty-second Year of the Reign of His Majesty King George the Third, intituled An Act for granting an additional Drawback on Flint, Phial, and Crown Glass; for charging an additional countervailing Duty on Flint and Crown Glass imported from Ireland, and for the better Prevention of Frauds in the Exportation of Glass on Drawback; an Act passed in the Fifty-fourth Year of the Reign of His Majesty King George the Third, intituled An Act to continue until the First Day of August One thousand eight hundred and fifteen several Laws relating to the Duties on Glass made in Great Britain; for granting an Excise Duty on common Glass Bottles imported; and for the further Prevention of Frauds in the Exportation of Glass; an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled An Act for altering certain Drawbacks and countervailing Duties on Glass, for exempting Irish Glass Bottles from the Duty imposed by an Act of the last Session of Parliament, and for exempting the Leather and Glass of Carriages belonging to certain Persons imported from Ireland for private Use from Duty; an Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled An Act to repeal certain Drawbacks and countervailing Duties of Excise on Beer and Malt; to alter the Drawbacks on Plate Glass, and to prevent Frauds therein; an Act passed in the*
- 51 G.S. c.69. *Fifty-*
- 52 G.S. c.77.
- 54 G.S. c.97.
- 55 G.S. c.113.
- 56 G.S. c.108

- Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act to alter the Allowance for broken Plate Glass, and to exempt Manufacturers of certain Glass Wares from Penalties for not being licensed*; an Act passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled *An Act to continue until the Fifth Day of July One thousand eight hundred and twenty certain Laws of Excise with regard to Crown Glass, and Flint and Phial Glass, and to alter certain Laws with regard to Flint Glass*; another Act passed in the same Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled *An Act to repeal the Duties and Drawbacks of Excise on Plates or Sheets of Plate Glass, and to impose other Duties and allow other Drawbacks in lieu thereof*; an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal the Excise Duties and Drawbacks on Flint Glass in Great Britain, and to impose other Duties and another Drawback in lieu thereof throughout the United Kingdom, and to continue the Jurisdiction and Powers for recovering Penalties under Customs and Excise Laws in Ireland, until further Provision can be made*; an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled *An Act to continue until the Tenth Day of October One thousand eight hundred and thirty an Act relating to Duties of Excise on Crown, Flint, and Phial Glass, and to alter certain Laws of Excise relating to Flint Glass*; an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal the Excise Duties and Drawbacks on Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, payable in Great Britain and Ireland respectively, and to impose other Duties and to grant other Drawbacks in lieu thereof throughout the United Kingdom, and to make perpetual and extend to the United Kingdom several Acts relating to certain Duties on Glass*; an Act passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal the Excise Duties on Flint Glass, and to impose other Duties in lieu thereof, and to amend the Laws relating to Glass*; an Act passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to repeal the Duty and Drawback on Flint Glass, and to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on German Sheet Glass exported in Panes, and to repeal the Drawback on unground and unpolished Plate Glass, and to amend the Laws relating to the Duties on Glass*: Provided always, that all Duties charged and Arrears of Duties incurred under the said Acts, and all Penalties incurred for any Offence or Offences against the Provisions hereby repealed, or any of them, committed before the Commencement of this Act, may be sued for, levied, and recovered under the said Acts or any of them, as fully and effectually as if this Act had not been passed.
- XCIV. And be it enacted, That this Act shall commence and take effect on the First Day of August One thousand eight hundred and thirty-eight. Commencement of Act.
- XCv. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be repealed or altered.

SCHEDULE to which this Act refers.

DUTIES.		£	s.	d.
PLATE GLASS.				
For every Hundred Weight of the Materials or Metal or other Preparations whatever, by what Name soever the same may be called or known, which shall be made use of in the making of Plate Glass, and so in proportion for any greater or less Quantity		3	0	0
FLINT GLASS.				
For every Hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of the fluxed Materials or Metal or other Preparations whatever, by what Name soever the same may be called or known, which shall be made for the Purpose of making Flint Glass, the Sum of		0	6	8
SPREAD OR BROAD GLASS.				
For every Hundred Weight of Spread Window Glass, commonly called or known as Broad Glass, and so in proportion for any greater or less Quantity		1	10	0
CROWN GLASS AND GERMAN SHEET GLASS.				
For every Hundred Weight of Crown Glass and German Sheet Glass, and so in proportion for any greater or less Quantity		3	13	6
BOTTLES.				
For every Hundred Weight of common Bottles and all other Vessels and Utensils made of common Bottle Metal, and so in proportion for any greater or less Quantity		0	7	0
DRAWBACKS.				
PLATE GLASS.				
For every Square Foot, superficial Measure, of ground and polished Plate Glass made from Materials or Metal or other Preparations for or upon which the Duties payable in respect of Plate Glass shall have been charged, which shall be exported to Foreign Parts, and so in proportion for any greater or less Quantity		0	2	9
FLINT GLASS.				
For every One Hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of Flint Glass for or in respect of which, or of the Materials, Metal, or other Preparation from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported to Foreign Parts		0	18	9

BROAD GLASS NOT CUT INTO PANES.

For every Hundred Weight of Window Glass, commonly called or known by the Name of Spread or Broad Glass, for which the Duties shall have been charged, and which shall be exported in Whole Sheets or Half Sheets to Foreign Parts, or the Islands of Guernsey, Jersey, Alderney, or Sark, and so in proportion for any greater or less Quantity -	£ s. d. 1 10 0
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PANES OF SPREAD OR BROAD GLASS.

For every Hundred Weight of Spread or Broad Glass for which the Duty shall have been charged, and which shall be exported in Panes to Foreign Parts, such Panes being cut into regular Rectangular Figures of not less Dimensions than Six Inches in Length by Four Inches in Breadth, and so in proportion for any greater or less Quantity than a Hundred Weight - - - - -	1 15 0
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CROWN GLASS AND GERMAN SHEET GLASS NOT CUT INTO PANES.

For every Hundred Weight of Crown Glass and German Sheet Glass for which the Duties shall have been charged, and which shall be exported to Foreign Parts, or the Islands of Guernsey, Jersey, Alderney, or Sark, in Shades or in Whole Tables or Half Tables or Quarter Tables, and so in proportion for any greater or less Quantity than a Hundred Weight of such Shades, Tables, Half Tables, or Quarter Tables, calculating the Drawback upon the Weight of the whole Table exported, although the same may be cut into Half or Quarter Tables for Convenience of Exportation - - -	3 13 6
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PANES OF CROWN GLASS.

For every Hundred Weight of Panes of Crown Glass for which the Duties shall have been paid, and which shall be exported to Foreign Parts, such Panes being in regular Rectangular Figures of not less Dimensions than Six Inches in Length by Four Inches in Breadth, nor containing any Part of the Bullion or thick Centre of the Table from which such Panes shall have been cut, and so in proportion for any greater or less Quantity than a Hundred Weight - - - - -	4 18 0
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PANES OF GERMAN SHEET GLASS.

For every Hundred Weight of Panes of German Sheet Glass for which the Duty shall have been charged, and which shall be exported to Foreign Parts, such Panes being in regular Rectangular Figures of not less Dimensions than Six Inches in Length by Four Inches in Breadth, and in proportion for any greater or less Quantity than a Hundred Weight - - -	4 0 0
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For every Hundred Weight of common Bottles, and of all other Vessels and Utensils of common Bottle Metal, for which the Duties shall have been paid, and which shall be exported, and in proportion for any greater or less Quantity	£ s. d. 0 7 0
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C A P. XLV.

An Act to extend the Jurisdiction of the Judges of the Superior Courts of Common Law; to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign for regulating the Admission of Attornies; and to provide for the taking of Special Bail in the Absence of the Judges.

[27th July 1838.]

11G.4. & 1W.4.
c. 70. s. 4.

‘ WHEREAS by an Act passed in the First Year of the
‘ Reign of His late Majesty King *William* the Fourth,
‘ intituled *An Act for the more effectual Administration of Justice*
‘ in England and Wales, it is enacted, that every Judge of the
‘ Superior Courts of Common Law, to whatever Court he may
‘ belong, shall be authorized to transact such Business, at Cham-
‘ bers or elsewhere, depending in any of the said Courts, as
‘ relates to Matters over which the said Courts have common
‘ Jurisdiction, and as may according to the Course and Practice
‘ of the Court be transacted by a single Judge: And whereas
‘ it is expedient that the Authority of the Judges of the said
‘ Courts should be extended to any Business which may be
‘ transacted by a single Judge in any of the said Courts as herein-
‘ after mentioned:’ Be it therefore enacted by the Queen’s most
‘ Excellent Majesty, by and with the Advice and Consent of the
‘ Lords Spiritual and Temporal, and Commons, in this present Par-
‘ liament assembled, and by the Authority of the same, That every
‘ Judge of the Courts of Queen’s Bench, Common Pleas, or Ex-
‘ chequer shall have equal Jurisdiction, Power, and Authority to
‘ transact out of Court such Business as may, according to the
‘ Course and Practice of the Court, be so transacted by a single
‘ Judge, relating to any Suit or Proceeding, in either of the said
‘ Courts of Queen’s Bench or Common Pleas, or on the Common
‘ Law or Revenue Side of the said Court of Exchequer, or relating
‘ to the granting Writs of Certiorari or Habeas Corpus, or the ad-
‘ mitting Prisoners on Criminal Charges to Bail, or the issuing
‘ of Extents or other Process for the Recovery of Debts due to
‘ Her Majesty, or relating to any other Matter or Thing usually
‘ transacted out of Court, although the said Courts have no common
‘ Jurisdiction therein, in like Manner as if the Judge transacting
‘ such Business had been a Judge of the Court to which the same
‘ by Law belongs.

Every Judge of
the Courts at
Westminster
may transact
such Business
as may now be
transacted by a
single Judge,
although the
Courts have no
common Juris-
diction therein.

Any Judge may
exercise such
Powers for the
Relief of
Sheriffs, &c. as
may by virtue
of 1 & 2 W. 4.
c. 58. s. 6. be
exercised by the
several Courts.

II. ‘ And whereas by another Act passed in the Second Year
‘ of the Reign of His late Majesty King *William* the Fourth,
‘ intituled *An Act to enable the Courts of Law to give Relief against*
‘ *adverse Claims made upon Persons having no Interest in the*
‘ *Subject of such Claims*, Provision is made for the Relief of
‘ Sheriffs and other Officers concerned in the Execution of Pro-
‘ cess issued out of any of His Majesty’s Courts of Law at
‘ West-

‘ *Westminster*, or the Court of Common Pleas of the County
 ‘ Palatine of *Lancaster*, or the Court of Pleas of the County
 ‘ Palatine of *Durham*, against Goods and Chattels, by reason of
 ‘ Claims made to such Goods and Chattels, but such Relief can
 ‘ only be given by Rule of Court: And whereas it is expedient
 ‘ that a single Judge should possess the Power of giving Relief
 ‘ in that respect;’ be it further enacted, That it shall be lawful
 ‘ for any Judge of the said Courts of Queen’s Bench, Common
 ‘ Pleas, or Exchequer, with respect to any such Process issued
 ‘ out of any of those Courts, or for any Judge of the said Court
 ‘ of Common Pleas of the County Palatine of *Lancaster*, or Court
 ‘ of Pleas of the County Palatine of *Durham*, (being also a Judge
 ‘ of One of the said Three Superior Courts,) with respect to Process
 ‘ issued out of the said Courts of *Lancaster* and *Durham*
 ‘ respectively, to exercise such Powers and Authorities for the
 ‘ Relief and Protection of the Sheriff or other Officer as may by
 ‘ virtue of the said last-mentioned Act be exercised by the said
 ‘ several Courts respectively, and to make such Order therein as
 ‘ shall appear to be just; and the Costs of such Proceeding shall
 ‘ be in the Discretion of such Judge.

III. ‘ And whereas by another Act passed in the First Year
 ‘ of the Reign of Her present Majesty, intituled *An Act for*
 ‘ *amending the several Acts for the Regulation of Attornies and*
 ‘ *Solicitors*, it is enacted, that any Person who shall have been
 ‘ duly admitted an Attorney in One of Her Majesty’s Courts of
 ‘ Law at *Westminster* shall be at liberty to practise in any other
 ‘ of Her Majesty’s Courts of Law at *Westminster*, although he
 ‘ may not have been duly admitted an Attorney thereof; and that
 ‘ no Person having been duly admitted an Attorney or Solicitor in
 ‘ any of Her Majesty’s Courts of Law or Equity at *Westminster*
 ‘ shall be prevented from recovering or receiving the Amount of
 ‘ any Costs which would otherwise have been due to him by
 ‘ reason of his not being admitted an Attorney or Solicitor of the
 ‘ Court in which such Costs shall have been incurred; provided
 ‘ always, that any Attorney or Solicitor practising in any Court
 ‘ of Law or Equity shall be subject to the Jurisdiction of such
 ‘ Court as fully and completely to all Intents and Purposes what-
 ‘ ever as if he had been duly admitted an Attorney or Solicitor of
 ‘ such Court: And whereas it is expedient, in order to secure the
 ‘ Jurisdiction of the said respective Courts over the Attornies prac-
 ‘ tising therein, to have a Record in each Court of the Admis-
 ‘ sion of Attornies;’ be it further enacted, That after the First
 ‘ Day of *November* next any Person entitled to be admitted an
 ‘ Attorney of any of the said Courts at *Westminster* shall, after
 ‘ being sworn in and admitted as an Attorney of any One of the
 ‘ said Courts, be entitled to practise in any other of the said
 ‘ Courts upon signing the Roll of such Court, and not otherwise,
 ‘ in like Manner as if he had been sworn in and admitted an At-
 ‘ torney of such Court; provided that no additional Fee besides those
 ‘ payable under the said last-mentioned Act shall be demanded or
 ‘ paid, and that the Fees payable for such Admission shall be
 ‘ apportioned in such Manner as the Judges of the said Courts,
 ‘ or any Eight of them, shall, by any Rule or Order made in Term
 ‘ or Vacation, direct and appoint.

After 1st Nov.
 1838 any Person
 admitted an
 Attorney in one
 of the Courts at
 Westminster
 may practise in
 any other Court,
 upon signing
 the Roll of such
 Court.

IV. ‘ And

Judges of
Courts at West-
minster may
issue Commis-
sions for taking
Special Bail.

IV. 'And whereas Inconvenience and Delay are sometimes experienced during the Absence of the Judges from Town in Vacation, in putting in and justifying Special Bail;' be it further enacted, That the Chief Justice and other the Justices of the Court of Queen's Bench for the Time being, or any Two of them, whereof the Chief Justice for the Time being to be One, for the said Court of Queen's Bench, and the Chief Justice of the Court of Common Pleas and other the Justices there for the Time being, or any Two of them, whereof the Chief Justice of the same Court to be One, for the said Court of Common Pleas, and also the Chief Baron and Barons of the Coif of the Court of the Exchequer for the Time being, or any Two of them, whereof the Chief Baron for the Time being to be One, for the said Court of Exchequer, may, by One or more Commission or Commissions under the several Seals of the said respective Courts, from Time to Time, as Need shall require, empower such Persons not being Attornies or Solicitors, as they shall think fit and necessary, to take and receive during such Time, in Vacation only, as shall be specified in the Commission or Commissions, all and every such Recognizance or Recognizances of Bail or Bails as any Person or Persons shall be willing or desirous to acknowledge or make before any of the Persons so empowered in any Action or Suit depending or hereafter to be depending in the said respective Courts, or any of them, in such Manner and Form, and by such Recognizance or Bail Piece, as the Justices and Barons of the said respective Courts have used to take the same; which said Recognizance or Recognizances of Bail or Bail Piece so taken as aforesaid shall be afterwards filed in the proper Office or Offices where the same are now filed; which Recognizance of Bail or Bail Piece so taken and filed shall be of the like Effect as if the same were taken before any of the said Justices and Barons; and for the taking every such Recognizance or Recognizances of Bail or Bail Piece the Person or Persons so empowered shall receive only the like Fee as is now payable upon taking and filing the Recognizance or Bail Piece, and no more.

Cognisors of
Bail may justify
before such
Commissioners.

V. And be it further enacted, That the Cognisor or Cognisors of such Bail or Bails may justify him or themselves before any of the said Commissioners during such Time only, being in Vacation, as shall be specified in their respective Commissions; and the said Commissioners are hereby empowered to examine the Sureties on Oath, and allow or reject them as shall seem fit.

C A P. XLVI.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-one, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. [27th July 1838.]

10 G. 4. c. 22.

C A P. XLVII.

An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade. [27th July 1838.]

WHEREAS by additional Articles to various Treaties entered into between His late Majesty and Her present Majesty and certain Foreign Powers and States, for the Prevention of the Traffic in Slaves, it has been stipulated, that all Vessels which shall be seized and condemned, under any of the Provisions of the said Treaties or Conventions, and which under the said Treaties were directed to be sold by public Sale, shall, by virtue of such additional Articles, be entirely demolished and broken up, and the Materials thereof publicly sold in separate Parts, as well as the Cargo, for the Profit of the Governments engaged in such Treaties or Conventions: And whereas Treaties or Conventions have been entered into by His late Majesty and by Her present Majesty with various Powers and States, under the Authority of which the Ships or Vessels of the Subjects of those States, and also the Ships and Vessels of Subjects of the Crown of the United Kingdom, may be seized and condemned, when equipped in the Manner described in the said Treaties and Conventions, although they shall have no Slaves on board: And whereas by various Acts of Parliament certain Bounties are payable to the Captors of Ships having Slaves on board for every Slave captured under Treaties made with Foreign Powers authorizing such Capture: And whereas it is expedient that Her Majesty should be empowered to grant certain Bounties to the Commanders, Officers, and Crews of Her Majesty's Ships seizing such Ships or Vessels: Be it therefore enacted by the Queen'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 where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of any of the said Treaties or Conventions, shall have been or may be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure, and making the same, and shall have been or shall be afterwards condemned by any of the Commissioners appointed in virtue of the said Treaties or Conventions, there shall be paid to the Captors the Moiety to which Her Majesty is entitled of the net Proceeds of the said Ship and Cargo.

II. And be it enacted, That where any Ship or Vessel which shall have been or may be seized and condemned under the Provisions of any Treaty or Convention made or to be made with any Foreign Power, or additional Article to any such Treaty or Convention, shall have been or shall be entirely demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of the Moiety of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel

Queen's Moiety
of Proceeds to
be paid to the
Captors.

Bounty on Tonnage of Slave
Ships captured
and demolished.

Vessel at the Rate of One Pound Ten Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized an additional Bounty to be paid.

III. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been or may be seized and condemned under the Provisions of any Treaty or Convention or any additional Articles made or to be made with any Foreign Power for the Abolition of the Slave Trade, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton, and the Tonnage of all such Vessels shall be estimated or ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or, in default thereof, by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, in lieu and instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounty to be paid out of the Consolidated Fund.

IV. And be it enacted, That all such Bounties on Tonnage shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Proof of Tonnage.

V. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy duly certified of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Distribution of Bounty and Prize Money.

VI. And be it enacted, That the Bounties payable under this or any other Act of Parliament for the Seizure of Slaves and Vessels fitted out for or engaged in the Traffic of Slaves shall be paid to and distributed amongst the Commanders, Officers, and Crews of Her Majesty's Ships engaged in the Seizure thereof in such Manner and Proportion and to and amongst such Persons as by any Order in Council or Proclamation of His late Majesty King *William* the Fourth at present in force hath been, or by any Order in Council or Proclamation of Her present Majesty, Her Heirs and Successors, shall be for that Purpose ordered and directed; and that all the Provisions in regard to Prize Money, and other Money in the Nature thereof, including all Rules and Regulations relating to the Delivery by Agents of Accounts of Prize and other Money as aforesaid, and to the Examination of such Accounts, and to the Distribution of Prize or other Money, and to the accounting for and paying over the unclaimed and forfeited

forfeited Shares, and to the Per-centage payable in aid of the *Greenwich* Out-Pension Fund for the Benefit of the old and invalid Seamen who have served in the Royal Navy, which under any Act or Acts of Parliament are now in force, and all Penalties and Forfeitures to which Agents and others are made subject by any such Acts, shall be and the same are hereby extended to all Bounties and Proceeds payable and distributable under the Provisions of this Act to the Commanders, Officers, and Crews of any of Her Majesty's Ships or Vessels.

C A P. XLVIII.

An Act to amend the Laws relating to the Qualification of Members to serve in Parliament. [27th July 1838.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for securing the Freedom of Parliament by further qualifying the Members to sit in the House of Commons*: And whereas another Act was passed in the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons*: And whereas by the Act for the Union of *Great Britain* and *Ireland* it is amongst other things enacted, that the Qualification in respect of Property of the Members elected on the Part of *Ireland* to sit in the House of Commons of the United Kingdom shall be respectively the same as were at the Time of the passing of the said Act provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of *Great Britain* called *England*, unless any other Provision should thereafter be made in that respect by Act of Parliament of the United Kingdom: And whereas it is expedient to repeal the said Act passed in the Ninth Year of the Reign of Queen *Anne*, and the said Act passed in the Thirty-third Year of the Reign of King *George* the Second, and the said Enactment in the Act for the Union of *Great Britain* and *Ireland*, and to make other Provisions in lieu thereof, for the better qualifying Members to sit in the House of Commons by reason of the Possession of Property: Be it therefore enacted by the Queen'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 passed in the Ninth Year of the Reign of Queen *Anne*, and the said Act passed in the Thirty-third Year of the Reign of King *George* the Second, and the said Enactment in the Act for the Union of *Great Britain* and *Ireland*, be and the same are hereby repealed.

9 Anne, c. 5.

33 G. 2. c. 20.

Repealed Acts repealed.

II. And be it enacted, That from and after the passing of this Act no Person shall be capable of being elected a Member of the House of Commons for any County, Riding, Part, or Division of a County, within that Part of *Great Britain* called *England*, the Dominion of *Wales*, or *Ireland*, unless he shall be seised or entitled, for his own Use and Benefit, of and to an Estate, legal or equitable, in Lands, Tenements, or Hereditaments of any Tenure whatever, situate, lying, or being within the United Kingdom of

Qualification of Members,

Great Britain and Ireland, or in the Rents and Profits thereof, for his own Life, or for the Life or Lives of any other Person or Persons then living, or for a Term of Years either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, such Estate being of the clear yearly Value of not less than Six hundred Pounds over and above all Incumbrances affecting the same; or unless he shall be possessed or entitled, for his own Use and Benefit, at Law or in Equity, for his own Life or for the Life or Lives of any other Person or Persons then living, or for any Term of Years, either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, of or to Personal Estate or Effects of any Nature or Kind whatsoever within the said United Kingdom of *Great Britain and Ireland*, or the Interest, Dividends, or annual Proceeds of any such Personal Estate or Effects, such Personal Estate or Effects, Interest, Dividends, or annual Proceeds, actually producing the clear yearly Income of not less than Six hundred Pounds over and above all Incumbrances affecting the same; or unless he shall possess more than One of the several Kinds of Qualification herein-before mentioned, the several Qualifications of or to which he shall be so seised, possessed, or entitled being jointly of sufficient Value to qualify a Person as a Member to serve in Parliament for any County according to the Provisions herein contained, although each of such Qualifications may, according to the same Provisions, be separately insufficient for that Purpose; nor shall any Person be capable of being elected a Member of the House of Commons for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, or *Ireland*, unless he shall be seised or entitled, for his own Use and Benefit, of and to an Estate, legal or equitable, in Lands, Tenements, or Hereditaments, of any Tenure whatever, situate, lying, or being within the United Kingdom of *Great Britain and Ireland*, or in the Rents and Profits thereof, for his own Life or for the Life or Lives of any other Person or Persons then living, or for a Term of Years, either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, such Estate being of the clear yearly Value of not less than Three hundred Pounds over and above all Incumbrances affecting the same; or unless he shall be possessed or entitled, for his own Use and Benefit, at Law or in Equity, for his own Life or for the Life or Lives of any other Person or Persons then living, or for any Term of Years, either absolute or determinable on his own Life or for the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, of or to Personal Estate or Effects of any Nature or Kind whatsoever, situate within the said United Kingdom, or the Interest, Dividends, or annual Proceeds of any such Personal Estate or Effects, such Personal Estate or Effects, Interest,

Divi-

Dividends, or annual Proceeds, actually producing the clear yearly Income of not less than Three hundred Pounds over and above all Incumbrances affecting the same; or unless he shall possess more than One of the several Kinds of Qualification hereinbefore mentioned, the several Qualifications of or to which he shall be so seised, possessed, or entitled being jointly of sufficient Value to qualify a Person as a Member to serve in Parliament for any Borough, according to the Provisions herein contained, although each of such Qualifications may, according to the same Provisions, be separately insufficient for that Purpose; and if any Person who shall be elected or returned to serve in any Parliament for any County, Riding, Part, or Division of a County, City, Borough, or Cinque Port as aforesaid, shall not at the Time of such Election and Return be qualified in manner above mentioned, such Election and Return shall be void.

III. And be it enacted, That every Candidate at any Election of a Member or Members to serve in Parliament for any County, Riding, Part, or Division of a County, City, Borough, or Cinque Port as aforesaid, shall, upon a reasonable Request made to him at the Time of such Election, or at any Time before the Day named in the Writ of Summons for the meeting of Parliament, by or on behalf of any Candidate at such Election, or by any Two or more registered Electors having a Right to vote at such Election, make and subscribe a Declaration to the Purport or Effect following, such Request to be in Writing, and signed by the Candidate or the said Two or more Electors; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare, That I am to be
 ‘ best of my Knowledge and Belief duly qualified to be
 ‘ elected as a Member of the House of Commons, according to
 ‘ the true Intent and Meaning of the Act passed in the Second
 ‘ Year of the Reign of Queen *Victoria*, intituled *An Act to amend*
 ‘ *the Laws relating to the Qualification of Members to serve in Par-*
 ‘ *liament*, and that my Qualification to be so elected doth arise out
 ‘ of [*here let the Party state the Nature of his Qualification, as the*
 ‘ *Case may be; if the same ariseth out of Lands, Tenements, or*
 ‘ *Hereditaments, let him state the Barony or Baronies, Parish or*
 ‘ *Parishes, Township or Townships, Precinct or Precincts, and*
 ‘ *also the County or Counties, in which such Lands, Tenements, or*
 ‘ *Hereditaments are situate, and also the Estate in the said Lands,*
 ‘ *Tenements, or Hereditaments, or in the Rents or Profits thereof,*
 ‘ *of or to which he is seised or entitled; or if the same ariseth*
 ‘ *out of Personal Estate or Effects let him state of what Nature*
 ‘ *and where situate such Personal Estate or Effects are, and what*
 ‘ *Interest he hath in such Personal Estate or Effects, and upon*
 ‘ *what Securities and in whose Names the same are vested*], as
 ‘ hereunder set forth.’

And the Election and Return of any Person who, upon such Request as aforesaid, shall wilfully refuse or neglect to make and subscribe the said Declaration within Twenty-four Hours after such Request shall have been so made, shall be void.

IV. And be it enacted, That the said Declaration shall be made before the Returning Officer at any Election, or a Commissioner for that Purpose lawfully appointed, or any Justice of the Peace within the United Kingdom of *Great Britain and Ireland*; and the

Candidates at Elections to make the following Declaration, if required.

Form of Declaration.

Before whom Declaration to be made.

Declaration to be certified, under Penalty.

said Returning Officer, Commissioner, or Justice of the Peace before whom the said Declaration shall be made is hereby required to certify the making thereof, when the same shall have been made in *England* or *Wales*, unto the High Court of Chancery, or to the Court of Queen's Bench in *England*, and when the same shall have been made in *Ireland* unto the High Court of Chancery or to the Court of Queen's Bench in *Ireland*, within Three Months after the making of the same, under the Penalty of forfeiting the Sum of One hundred Pounds; to wit, one Moiety thereof to the Queen, and the other Moiety thereof to such Person or Persons as will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or Information, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* respectively.

Fees for administering and filing Declaration.

V. And be it enacted, That no Fee or Reward shall be taken for administering any such Declaration, or making, receiving, or filing the Certificate thereof, except One Shilling for administering the Declaration, and Two Shillings for making the Certificate, and Two Shillings for receiving and filing the same, to be paid by the Person or Persons requiring such Declaration to be made, under the Penalty of Twenty Pounds, to be recovered and divided as aforesaid.

Every Member to deliver in at the Table of the House a Statement of Qualification, and make the following Declaration.

VI. And be it enacted, That every Person who shall in future be elected and returned a Member of the House of Commons for any County, Riding, Part, or Division of a County, or for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, or *Ireland*, shall, before he shall sit or vote, after the Choice of a Speaker, in the House of Commons, deliver in to the Clerk of the said House, at the Table of the said House, and while the House of Commons is there sitting, with their Speaker in the Chair, a Paper signed by such Member, containing such a Statement of the Lands, Tenements, or Hereditaments, or of the Personal Estate or Effects, whereby he maketh out his Qualification, as, in pursuance of the Provisions of this Act, he might at the Time of his Election. or at such other Time as is herein-before permitted for that Purpose, at the Request of any Candidate at such Election, or of such other Parties as are herein-before permitted to make such Request, be required to make; and shall also at the same Time make and subscribe the following Declaration:

Form of Declaration.

‘ I *A. B.* do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief duly qualified to be elected a Member of the House of Commons according to the true Intent and Meaning of the Act passed in the Second Year of the Reign of Queen *Victoria*, intituled *An Act to amend the Laws relating to the Qualification of Members to serve in Parliament*, and that my Qualification to be so elected is as set forth in the Paper signed by me, and now delivered to the Clerk of the House of Commons.’

And the said House of Commons is hereby empowered and required to administer the said Declaration and Subscription, according to the Direction of this Act, as Occasion shall be, from Time to Time, to every Person duly demanding the same, immediately after such Person shall have taken the Oath of Fidelity or other

Oath or Oaths required to be taken at the Table of the said House; and the said Declaration and Subscription herein-before last directed to be made shall be entered in a Parchment Roll to be provided for that Purpose by the Clerk of the said House; and the said Paper so signed, and delivered in to the said Clerk, shall be filed, and kept by him.

VII. And be it enacted, That any Person who shall make and subscribe any such Declaration as aforesaid, or who shall sign and deliver in any such Paper as aforesaid, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

False Declaration deemed a Misdemeanor.

VIII. And be it enacted, That if any Person who shall in future be elected and returned a Member of the House of Commons for any County, Riding, Part, or Division of a County, or for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, or *Ireland*, shall sit or vote as a Member of the House of Commons before he has delivered in such Paper, and made and subscribed such Declaration as aforesaid, and shall not be qualified according to the true Intent and Meaning of this Act, his Election shall be void, and a new Writ shall be issued to elect another Member in his Room.

Election void if Member sits or votes before he has complied with the Provisions of the Act.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to either of the Universities in that Part of *Great Britain* called *England*, or to the University of *Trinity College, Dublin*, in *Ireland*, or to any Member or Members elected and returned to serve in Parliament by any of the said Universities, but that they and each of them may elect and return Members to represent them in Parliament, and that the Members so elected and returned may sit and vote in the House of Commons, notwithstanding such Members or any of them may not, at the Time of their Election and Return, or afterwards, possess any such Qualification as is herein required, or deliver in such Paper, or make or subscribe such Declaration as is herein required, any thing herein contained to the contrary notwithstanding: Provided also, that nothing in this Act contained shall extend to make the eldest Son or Heir Apparent of any Peer or Lord of Parliament, or of any Person qualified by this Act to serve as Knight of the Shire, incapable of being elected and returned, or of sitting and voting as a Member of the House of Commons in any Parliament.

Not to extend to the Members for the Universities;

nor to the eldest Sons of Peers.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended.

C A P. XLIX.

An Act to transfer the Management of certain Annuities on Lives from the Trustees of the *Waterloo* Subscription Fund to the Commissioners for the Reduction of the National Debt, and to amend several Acts for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years. [27th July 1838.]

59 G.S. c.34.

‘ WHEREAS by virtue of the Power contained in an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend and render more effectual several Acts for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities, and to empower the said Commissioners to grant Annuities for Lives or Years, for promoting the beneficial Purposes of the Fund commonly called the Waterloo Subscription*, the Trustees of the said Fund purchased from the Commissioners for the Reduction of the National Debt certain Life Annuities for the Benefit of certain Parties to whom they had granted Annuities, which Annuities have been since from Time to Time received by the said Trustees and paid over to the said Parties: And whereas the said Trustees and the Chairman and Managers of the said *Waterloo* Subscription are desirous that in future the said Annuities should be paid by the said Commissioners to the Parties entitled thereto, and that they should have no further Control over the same, but should be released and discharged from acting as such Trustees, Chairmen, and Managers: Be it therefore enacted by the Queen’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 the surviving existing Trustees of the *Waterloo* Subscription, under and subject to such Terms and Conditions as shall be approved of by the Commissioners of Her Majesty’s Treasury, or any Three or more of them, to transfer the said Annuities now standing in their Names to the Names of the said Parties who on the Day of the passing of this Act may be entitled to receive the same.

Trustees may transfer Annuities to Names of Parties entitled thereto.

Annuities to be received from Commissioners;

and be subject to same Regulations as other Life Annuities.

Times of Payment of Annuities.

II. And be it enacted, That the Parties who on the passing of this Act were entitled to the said Annuities shall thenceforward receive the same from the said Commissioners instead of from the said Trustees.

III. And be it enacted, That the Payment of the said Annuities arising from the *Waterloo* Subscription Fund, or of any Part, on the Death of the Annuitant, shall be under and subject to the same Rules and Regulations as now are or may at any Time hereafter be in force respecting Life Annuities granted by the said Commissioners.

IV. And be it enacted, That the Annuities to which any Party or Parties may be entitled from the said *Waterloo* Subscription Fund or under this Act shall be payable half-yearly, namely, the Fifth Day of *January* and the Fifth Day of *July* in each and every Year; the first Payment thereof to be made by the said

Com-

Commissioners on the Fifth Day of *January* One thousand eight hundred and thirty-nine.

V. And be it enacted, That no Annuity payable under this Act shall be assignable or transferrable by any Party entitled thereto, and in case any such Party shall assign or transfer such Annuity, the same shall cease and become forfeited.

No Annuity under this Act to be assignable.

VI. And be it enacted, That upon the Death of any Party entitled to any Annuity arising from the *Waterloo* Subscription Fund under the Authority of this Act, the Executors, Administrators, or next of Kin of such Party shall be entitled to receive the Amount of such Annuity which would have been due on the Fifth Day of *January* or Fifth Day of *July*, as the Case may be, up to the half-yearly Day of Payment next following the Day of the Decease of such Party.

In case of Death, Annuity to be payable up to next half-yearly Day of Payment.

VII. And be it enacted, That all Certificates, Powers of Attorney, and also all other Documents whatever (except Probates of Wills or Letters of Administration) which may be required by the said Commissioners to be made, given, or produced by any Party entitled to any Annuity payable under this Act shall be free and exempt from Stamp Duty.

Certificates, &c. exempt from Stamp Duty.

VIII. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, from Time to Time to appoint such Officers, Clerks, and other Persons as may be necessary for carrying this Act into execution, and as may be approved by the Commissioners of Her Majesty's Treasury.

Clerks, &c. to be appointed by Commissioners.

IX. And be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, to order and direct to be received and paid, out of the Fund upon which the Establishment of the Commissioners for the Reduction of the National Debt is chargeable, any Sum or Sums of Money for the Payment of Salaries to Officers and Clerks acting in the Execution of this Act, and for discharging such incidental Expences as shall necessarily attend the Execution thereof, in such Manner as the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, shall from Time to Time think fit and reasonable.

Lords of Treasury to pay Salary of Clerks.

X. ' And whereas it is necessary to remove Doubts which exist ' as to the Declaration of Identity, upon Production of the Certificate of the Existence or of the Death of Nominees, in the ' Case of Annuities payable under and by virtue of an Act passed ' in the Thirteenth and Fourteenth Years of the Reign of His ' late Majesty King *George* the Third, intituled *An Act for granting Annuities, in the Manner therein provided, to such Persons as shall voluntarily subscribe towards the raising a Sum not exceeding the Sum of Two hundred and sixty-five thousand Pounds*; and ' also of another Act passed in the Fifteenth and Sixteenth Years ' of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting Annuities, in the Manner therein provided, to such Persons as shall voluntarily subscribe towards the raising a Sum not exceeding the Sum of One hundred and seventy-five thousand Pounds*; and also of another Act passed in the ' Nineteenth and Twentieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting unto*

Declaration of Identity under certain Irish Acts to be in same Form, &c. as under 2 & 3 Will. 4. c. 59.

‘ His Majesty the several Duties, Rates, Impositions, and Taxes therein particularly expressed, to be applied to the Payment of the Interest of the Sums therein provided for, and towards the Discharge of the said Principal Sums, in such Manner as therein is directed, and for other Purposes as are therein mentioned;’ be it enacted, That such Declaration shall be in the same Form and subject to the same Rules and Regulations as Declarations of the same Kind required under and by virtue of an Act passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to transfer the Management of certain Annuities on Lives from the Receipt of His Majesty’s Exchequer to the Management of the Commissioners for the Reduction of the National Debt, and to amend an Act for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years*, and shall be deemed sufficient if made and signed by the Proprietors of the said Annuity, or by his, her, or their Attorney or Attornies, without being made before any Justice of the Peace or other Authority: Provided always, that in case of any fraudulent Declaration the Party making the same shall be subject and liable to the same Penalty as is imposed in or by the last-mentioned Act.

If on Death of Party the Sum does not exceed 10*l.*, the same may be paid without Production of Letters of Administration.

XI. And be it enacted, That in case of the Death of any Party or Nominee after the passing of this Act who is entitled to an Annuity payable by the said Commissioners under the Authority of this or any other Act now in force or which may hereafter be in force, if such Party shall die intestate, and Letters of Administration shall not be taken out to his or her Effects, and if the Sum claimed shall not exceed Ten Pounds, it shall be lawful for the said Commissioners to pay the same, without the Production of Letters of Administration, to any Party, being one of the next of Kin of the Deceased, upon such Party making a Declaration to that Effect, in such Form as the said Commissioners, or the Comptroller General, or Assistant Comptroller acting under the said Commissioners, shall think fit: Provided always, that in case such Declaration shall be false the Party making the same shall be subject to the like Penalty as is imposed in and by the said Act passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth.

Penalty on false Declaration.

Proceeding on Death of Party entitled to an Annuity.

XII. And be it enacted, That in case of the Death of any Party or Nominee entitled to any Annuity payable by the said Commissioners under the Authority of this or any other Act now in force or which may hereafter be in force, the Production of Probate or Letters of Administration, to an Amount exceeding the Sum claimed of the said Commissioners, granted by any Court in Great Britain or Ireland having Authority to grant the same, shall be a sufficient Authority to the said Commissioners to pay to the Party to whom such Probate or Letters of Administration may be granted any Sum which may be due on account of such Annuity.

Evidence of Existence or Death of Nominee when admissible.

XIII. And be it enacted, That whenever it shall be proved to the Satisfaction of the said Commissioners, or of the Comptroller General, or of the Assistant Comptroller acting under the said Commissioners, that the Certificate proving the Existence or Death of any Nominee, as required by the Acts under which any Life Annuity may have been or may be granted, or of any Annuity which

which may be payable by the said Commissioners, cannot be produced, it shall and may be lawful to and for the said Commissioners, or Comptroller General, or Assistant Comptroller General, to admit such other Evidence of the Existence or Death of the said Nominee as they may under the Circumstances of each particular Case deem expedient and sufficient.

XIV. And be it enacted, That the Production of the Certificate under the Hand of any Superintendent Registrar or Registrar of Births and Deaths, to be attested by Two or more credible Witnesses, certifying that such Certificate is a true Copy of the Register Book, or of the Certificate of the Registrar General under the Seal of the Register Office, shall be sufficient Evidence of the Birth, Death, or Marriage of any Nominee in each Case, any thing in the said Acts or in any other Act for enabling the said Commissioners to grant Life Annuities to the contrary thereof notwithstanding: Provided always, that every such Certificate shall be accompanied with a Declaration of the Identity of every such Nominee, to be made, taken, and declared by and before such and the like Authorities as are mentioned in any of the said Acts; and whenever any such Certificate of Birth, Death, or Marriage shall be produced of any Superintendent Registrar or Registrar of Births and Deaths (other than that of the Registrar General) a Declaration shall be annexed thereunto of the Witnesses who attested the Execution thereof, or One of them, or their, his, or her solemn Affirmation in case they or either of them shall be of the People called Quakers or Moravians or Separatists, to be made before any Justice of the Peace or Magistrate of the County, City, Riding, Town, or Place wherein the Place of the Birth, Death, or Marriage of any such Nominee shall be situate, setting forth that such Witness or Witnesses did examine and compare the said Copy of the Register of Birth, Death, or Marriage with the Register thereof, and that it is a true and literal Copy thereof, and did see such Registrar or Superintendent Registrar (as the Case may be) sign the said Certificate, and that the Names of such Witnesses are of their own proper Handwriting.

Certificate of Registrar General of Births, &c. sufficient.

C A P. L.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-nine, [and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His Majesty King *George* the Fourth, for the Administration of Justice in *New South Wales* and *Van Diemen's Land*. [27th July 1838.]

9 G. 4. c. 88.

C A P. LI.

An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of *Dublin*. [27th July 1838.]

‘ **W**HEREAS the System now used in the County of the City of *Dublin*, of apportioning the Sums to be raised by Grand Jury Presentment according to the Amount of Ministers Money

5 G. 4. c. cxviii.

1 Vict. c. 25.

Grand Jury Presentments to be applotted according to Valuation under recited Acts.

Charge and Recovery of Cess.

Treasurer of the City of Dublin to obtain a Copy of such Valuation from the Justices under recited Act, and divide and prepare it into Parochial Lists, and lay the same before the Grand Jury.

‘ Money charged upon each House therein, is partial and unequal: ‘ And whereas under an Act passed in the Fifth Year of the ‘ Reign of King *George* the Fourth, intituled *An Act to provide ‘ for valuing the Houses situate in and near the City of Dublin, ‘ and for the more equal Payment of the Local Taxes there, and ‘ under another Act passed in the First Year of the Reign of Her ‘ present Majesty, intituled An Act to make more effectual Pro- ‘ visions relating to the Police in the District of Dublin Metropolis, ‘ Provision has been made for a just and equitable Valuation of ‘ all Houses, Lands, and Tenements contained therein, and it is ‘ expedient that such Valuation, so far as it extends, should be ‘ the Basis of the Assessment and Applotment of all Sums to be ‘ raised by Grand Jury Presentment in the County of the City ‘ of Dublin:’ Be it therefore enacted by the Queen’s most Excel- ‘ lent 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 Commencement of this Act all Sums to be raised by ‘ Grand Jury Presentment in the County of the City of *Dublin* ‘ and within the Police District of *Dublin* Metropolis shall be ap- ‘ portioned and applotted upon all Lands, Houses, and Tenements ‘ therein respectively, according and in proportion to the Value of ‘ each and every such House, Land, or Tenement respectively, as ‘ contained in the Valuation or Assessment so made under the said ‘ recited Acts, so far as such Valuation or Assessment shall extend ‘ or be applicable; and that such Apportionment and Applotment ‘ shall be liable to be varied and altered from Time to Time in ‘ manner herein-after mentioned, according as such Police Valua- ‘ tion or Assessment shall be altered or varied, upon Appeal or ‘ otherwise, as in the said recited Acts is provided.*

II. And be it enacted, That such Grand Jury Cess shall be chargeable upon the like Tenements according to their Value respectively in such Police Assessment, and payable by the like Persons, and recoverable in the same Manner as the said Police Rate or Tax is chargeable, payable, and recoverable under and by virtue of the Provisions of the said recited Acts, and not otherwise.

III. And be it enacted, That the Treasurer of the County of the City of *Dublin* shall and he is hereby required, Fifteen Days at the least previous to the First Day of *Easter* Term next after the passing of this Act, to demand from the Justices appointed under the said recited Acts, passed respectively in the Sixth and Seventh Years of the Reign of His late Majesty and in the First Year of Her present Majesty, a Copy of such Valuation as afore- said, which the said Justices are hereby empowered and required to give within Seven Days after such Demand; and such Treasurer shall forthwith divide and prepare such Valuation into parochial Lists or Valuations, according to the respective Parishes or Parts thereof in which the Houses, Lands, and Tenements contained therein are situate respectively, and shall lay such Valuation so prepared and divided before the Grand Jury of the said County of the City of *Dublin* upon the First Day of Meeting of such Grand Jury after the Commencement of this Act; and the said Treasurer shall and he is hereby required thenceforward, Fifteen

Days

Days at the least before each Presenting Term, to call upon such Justices to furnish him with a Copy or Schedule of all such Alterations or Variations in the said Valuation as shall have been made under the Provisions of the said recited Acts from Time to Time, and which said Justices are hereby empowered and required in like Manner to furnish to such Treasurer, who shall amend such Valuation accordingly, and lay the same in such corrected and amended Form before such Grand Jury upon the First Day of each Presenting Term; and such Grand Jury shall thereupon assess the several Sums to be raised by Grand Jury Presentment upon the several Parishes or Portions thereof in the County of the City of *Dublin*, according and in proportion to their respective Valuation in such general Valuation or Assessment; and in the event of the said Treasurer neglecting so to demand and furnish to the Grand Jury such Copy of the said Valuation, or in the event of the said Justices refusing or neglecting to comply with such Demand, within the Period aforesaid, such Treasurer or Justices so defaulting shall for every such Default forfeit and pay a Sum of Fifty Pounds to any Person who shall sue for the same by Civil Bill.

Grand Jury to assess accordingly.

Penalty on Treasurer or Justices neglecting in the above Particulars.

IV. And be it enacted, That, together with the Warrant specifying the Amount so assessed by the said Grand Jury upon each Parish or Part of a Parish in the County of the City of *Dublin*, such Treasurer shall furnish to the Churchwardens, or other proper Person or Persons therein respectively, a correct and proper Copy of so much of the said Valuation as shall appertain thereto; and the Amount of the Assessment to be raised off such Parish or Part of a Parish shall be apportioned and apportioned in conformity with and in proportion to the Value of each and every House, Land, or Tenement contained therein respectively as the same shall be inserted in such Valuation.

Treasurer to furnish to each Parish, &c. a Copy of so much of the Valuation as appertains thereto.

V. And be it enacted, That within Ten Days after every such Applotment shall have been completed such Churchwardens or other proper Person or Persons shall, together therewith, return the said Valuation to the said Treasurer, and such Valuation shall be preserved by him amongst the County Records in his Office; and the Lord Mayor of the said City shall, at the Instance of the said Treasurer, issue his Warrants, as now by Law required, for the Collection of the Sums so applotted, and the same shall be collected and levied accordingly.

Said Copy of Valuation to be returned after Applotment made.

VI. And be it enacted, That it shall and may be lawful for the said Grand Jury of the County of the City of *Dublin* to present a reasonable Sum to be paid to the Receiver of the Police Tax or Rate in the said City under the said recited Acts as and for the Expences of preparing such Copy of the said Valuation, and the said Alterations and Corrections therein from Time to Time.

Grand Jury to present for Expences of Copy of Valuation.

VII. And be it enacted, That, for all Purposes relating to Grand Jury Presentments, the County of the City of *Dublin* shall, from and after the Commencement of this Act, be deemed to include and to extend over the County of the City of *Dublin*, and such Parts of the County of *Dublin* as lie within the *Circular Road*: Provided always, that every such Part of the County of *Dublin* as aforesaid shall, from and after the Commencement of this Act, be freed and exempted from all Grand Jury Charge or Cess in

Limits of the County of the City of *Dublin* defined.

respect of forming a Portion of the County of *Dublin*, save and except such Charges or Cesses as shall have been previously duly charged and assessed thereon by Grand Jury Presentment or otherwise, and which Charges or Cesses may be recovered by all the Ways and Means theretofore in force for that Purpose notwithstanding the passing of this Act: Provided always, that nothing herein contained shall be deemed, taken, or construed to make any College or Hospital chargeable with such Grand Jury Cess which is not now liable thereto.

Parts of County of Dublin within the Circular Road, not being Parishes, to be annexed to Parishes in the City of Dublin.

VIII. And be it enacted, That such Parts of the County of *Dublin* as are contained within the *Circular Road*, and within which there is no Parish Church, and which did not immediately before the passing of this Act belong to any Parish within the County of the City of *Dublin*, shall for all the Purposes of this Act be deemed to form a Portion of such Parish in the said County of the City of *Dublin* as the Grand Jury thereof shall present and appoint; and such Grand Jury is hereby required, at the First Presenting Term after the passing of this Act, to present the same, and give due Notice thereof to such Parishes and Parts of the County of *Dublin*, by posting Copies of such Presentment in the most public and usual Places for posting public Notices.

Presentment for Chaplains of Prisons.

IX. 'And whereas, on account of the Increase in the Number of Prisons belonging to the County of the City of *Dublin*, it is expedient to augment the Sums which the Grand Juries of the said County of the City of *Dublin* are authorized to present annually as a Recompence for the Services of the Chaplains of the several Prisons in the said City (and especially of the principal City Gaol of *Newgate*, where the Number of Prisoners annually committed is larger and the Duty more onerous than in the other Prisons), under and by virtue of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*; be it therefore enacted, That it shall and may be lawful for the Grand Jury of the County of the City of *Dublin*, at the *Easter* Presenting Term in every Year, to present a reasonable Sum, not exceeding the Sum of Fifty Pounds nor less than Forty Pounds, as a Salary or Recompence for the Services of any Clergyman of the Established Church or Priest of the Roman Catholic Church who, under the Provisions of the said recited Act, or of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for converting the Richmond General Penitentiary into one of the Prisons for the County of the City of Dublin, and to amend the Law relating to Prisons in Ireland*, has been or shall be duly appointed Chaplain of the Gaol of *Newgate*, and a Sum not exceeding Forty Pounds or less than Thirty Pounds for any such Clergyman who has been so appointed Chaplain of any of the Prisons in the County of the said City; provided it shall fully appear to the said Grand Jury and to the Court that such Chaplain has duly and regularly executed the several Duties of his Office; and provided further, that if any such Clergyman or Priest shall be appointed Chaplain of Two or more Prisons, he may receive such Salary for each of such Prisons, provided the whole of such Salaries shall not exceed

7 G. 4. c. 74.

6 & 7 W. 4. c. 51.

ceed One hundred Pounds *per Annum*; but nothing herein contained shall be construed to alter the Power of the Grand Jury of the said City to present for the Protestant Dissenting Chaplain of the Gaols of the said City any Sums which they are now authorized to present under the said first-recited Act; and provided also, that it shall not be lawful for any Grand Jury to present any Salary for any such Chaplain as aforesaid if it shall appear to them that such Chaplain is interdicted or prohibited from exercising the Functions of his Office, either by the Rules of the Church to which he belongs or by any other competent Authority.

X. And be it enacted, That this Act shall commence and take effect from and after the First Day of *April* next after the passing of this Act. Commencement of this Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be altered.

C A P. LII.

An Act to continue for Five Years, and from thence until the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of His late Majesty, for the Regulation of the Linen and Hempen Manufactures in *Ireland*. 5 & 6 W. 4. c. 27.
[27th July 1838.]

C A P. LIII.

An Act to amend an Act of the last Session of Parliament for providing more effectual Means to make Treasurers of Counties and Counties of Cities in *Ireland* account for Public Monies, and to secure the same. [27th July 1838.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*: And whereas it is expedient to amend the said Act: Be it therefore enacted by the Queen'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 every Payment to be made by any Treasurer of any County or County of a City or Town in *Ireland*, after the Commencement of this Act, shall be made by a Draft upon the Bank with which he has or shall have his public Account, pursuant to the Provisions of the said Act, whether the same shall exceed Ten Pounds or not, and that every such Draft shall be drawn and countersigned in like Manner as a Draft by such Treasurer for a Sum exceeding Ten Pounds ought now to be under Provisions of the said Act; and all Drafts to be drawn by any such Treasurer, under the Authority of the herein-before recited Act of the last Session of Parliament or of this present Act, shall be exempt from any Stamp Duty whatever. 7 W. 4. & 1 Vict. c. 54.

Payments by Treasurers of Counties to be by Draft.

II. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* in Council to alter or rescind any Rule or Regulation. Lord Lieutenant may alter or rescind Rules.

Regu-

Regulation by him made or to be made pursuant to the Provisions of the said Act or of this present Act, and from Time to Time to make any new Rule or Regulation that may be deemed necessary or expedient for any of the Purposes for which he is authorized to make Rules or Regulations by the said Act.

Powers of Lords Justices.

III. And be it enacted, That any of the Powers by the said Act or hereby given to the said Lord Lieutenant may be exercised by any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being.

Grand Jury of County of Tyrone empowered to present 4,500*l.*, to pay Money due to former Contractors. 6 & 7 W. 4. c. 116.

IV. ' And whereas the Sum of Eight thousand Pounds advanced to the Treasurer of the County of *Tyrone*, under the Act passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, has not been found sufficient to satisfy the just Demands of the Contractors on the late Treasurer thereof: And whereas the Grand Jury of the said County of *Tyrone* has not the Power to levy by Instalments the Sums still remaining due to such Contractors, and it is advisable that they should have Power to provide for the Levy thereof by Instalments with Interest thereon; be it therefore enacted, That it shall and may be lawful for the Grand Jury of the County of *Tyrone* to present such Sums as may be necessary for the Payment of such Contractors, not exceeding in the whole the Sum of Four thousand five hundred Pounds, to be levied off the said County by Twelve equal half-yearly Instalments, which Sum the said Treasurer is hereby empowered and required to advance out of the Money lodged to his Credit in the Bank selected by the said County (for which Advance the Chief Remembrancer of the Court of Exchequer in *Ireland* is hereby authorized to allow him Credit in the same Manner as for other Payments duly made by him); and it shall be lawful for the said Grand Jury and they are hereby required to present to the said Treasurer Interest on the Amount from Time to Time to him unpaid, at the Rate of Four Pounds *per Centum per Annum*, such Interest to be computed from the Time or Times when such Sums of Money shall be paid by the Treasurer of the said County until the same shall be discharged.

Act may be altered.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LIV.

An Act for making further Investments from the Money of the Suitors of the Court of Chancery and the Court of Exchequer, and for providing for the Payment into Court of Fees received by certain Officers of the Lord Chancellor. [27th July 1838.]

' **W**HEREAS by virtue of several Acts of Parliament divers Sums of Money have been taken out of the common and general Cash belonging to the Suitors of the High Court of Chancery, which lay dead and unemployed in the Bank of *England*, and have been placed out, in the Name of the Ac-

' countant General of the said Court, on Government or Parliamentary Securities; and such Government or Parliamentary Securities have been carried to an Account, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery"; and it may be expedient that further Sums be taken out of the said common and general Cash, and may be in like Manner placed out in the like Securities: Be it therefore enacted by the Queen'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 out of the said Cash belonging to the Suitors of the said Court of Chancery which may be standing to the Credit of the Accountant General of the said Court, and may be lying dead and unemployed in the Bank of *England*, any Sum or Sums of Money may, by virtue of any Order or Orders of the Lord High Chancellor to be made for that Purpose, from Time to Time be placed out, in one entire Sum or in Parcels, in the Name of the said Accountant General, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed; and such Sums shall be carried to the said Account, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

Power to invest further Part of the Monies belonging to the Suitors in Chancery.

II. And be it enacted, That the Interest and annual Produce which may arise from the Monies hereby authorized to be placed out as aforesaid, and also the Interest produced from the Securities purchased with such Interest and annual Produce, or so much thereof as shall not be otherwise applied under the Provisions of any Act or Acts of Parliament, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities, in the Name of the said Accountant General, and be placed to the Credit of the Account now standing in his Name, intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

Power to invest the Interest thereof.

III. And whereas, by virtue of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, an Accountant General has been appointed of the Court of Exchequer, with Power to do all Matters and Things relating to the delivering, securing, and investing of the Monies and Effects of the Suitors of the said Court; and, under and by virtue of the Authority for that Purpose given by the same Act, Part of the Money belonging to the Suitors of the said Court, lying dead and unemployed, has been placed out, in the Name of the said Accountant General of the Court of Exchequer, in the Purchase of Bank Annuities, and such Annuities now stand at the Bank of *England* in the Name of the said last-mentioned Accountant General to an Account, intituled "An Account of Monies placed out for the Benefit and better Security of the Suitors

Power to invest further Sums, Part of the Suitors Monies, in the Court of Exchequer.

‘ Sutors of the Court of Exchequer:’ And whereas there is
 ‘ now a large Sum of Money belonging to the said Sutors,
 ‘ over and above the Money so invested, lying dead and unem-
 ‘ ployed, and it may be convenient to make further Invest-
 ‘ ments out of the said Money from Time to Time as Circum-
 ‘ stances will permit;’ be it therefore enacted, That out of the
 Money belonging to the Sutors of the said Court of Exchequer
 which may from Time to Time be standing to the Credit of the
 Accountant General of the said Court, and may be lying dead and
 unemployed at the Bank of *England*, any Sum or Sums of Money
 may, by virtue of any Order or Orders of the Court of Exchequer,
 or of the Lord Chief Baron of the said Court, or of any Baron to
 be nominated and appointed by Her Majesty to hear and determine
 Causes depending in the said Court as a Court of Equity under
 and by virtue of the Powers in that Behalf contained in divers
 Acts of Parliament, be from Time to Time placed out, in one
 entire Sum or in Parcels, in the Name of the said last-mentioned
 Accountant General, in such Government or Parliamentary Securi-
 ties as by such Order or Orders shall be directed; and such
 Securities shall be carried to a new Account to be raised in the
 Books of the Bank of *England* in the Name of the said last-
 mentioned Accountant General, to be intituled “ The Account of
 further Money placed out for the Benefit and better Security of
 the Sutors of the Court of Exchequer.”

Power to invest
 the Interest
 thereof.

IV. And be it enacted, That the Interest and annual Produce
 which may arise from the Money hereby lastly authorized to be
 placed out as aforesaid, and also the Interest produced from
 the Securities purchased with such Interest and annual Produce,
 and all Accumulations thereof, shall, by virtue of any such Order
 or Orders as last aforesaid, from Time to Time be placed out in
 the Purchase of like Government or Parliamentary Securities, in
 the Name of the said last-mentioned Accountant General, and be
 placed to the Credit of the said last-mentioned Account.

Funds may be
 sold to meet
 Demands of
 Sutors.

V. And be it enacted, That if at any Time hereafter the
 Whole or any Part of the Monies to be placed out, in pursuance
 of the aforesaid Provisions, to either of the Accounts herein-
 before mentioned, shall be wanted to answer any of the Demands
 of the Sutors of either of the said Courts of Chancery or Exche-
 quer, then and in such Case the said Lord Chancellor, as to
 Funds in the Name of the Accountant General of the Court
 of Chancery, and the said Court of Exchequer, or the Lord Chief
 Baron, or other Baron to be nominated and appointed as afore-
 said, as to Funds in the Name of the Accountant General of
 the said Court of Exchequer, shall direct the Whole or any Part
 of the Monies to be placed out as aforesaid to be called in, and the
 Securities in which the same and the surplus Interest and Dividends
 herein-before mentioned shall be placed to be sold and disposed
 of, in order that the Sutors of the said respective Courts may
 at all Times be paid their respective Demands out of the common
 and general Cash belonging to such Sutors.

Power to change
 Securities.

VI. And be it enacted, That it shall be lawful for the Lord
 Chancellor, as to the Funds of the said Court of Chancery, and
 for the Court of Exchequer, or the Lord Chief Baron or other
 Baron to be nominated and appointed as aforesaid, as to the Funds

of the said Court of Exchequer, by any Order or Orders, to authorize the Change of the Security or Securities, or of any Part of the Securities, to be purchased pursuant to this Act.

VII. 'And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery* in England, an Account has been raised in the Books of the Bank of *England*, in the Name of the said Accountant General, intituled "The Suitors Fee Fund Account;" be it enacted, That it shall be lawful for the Lord High Chancellor, by any Order or Orders, from Time to Time to direct that any Fees or Monies arising from Fees heretofore received or which may be hereafter received by or on account of any Officer appointed or to be appointed by the Lord High Chancellor, holding his Office at the Pleasure of the said Lord High Chancellor, or during the Vacancy of any such Office, shall be paid into the Bank of *England* in the Name of the said Accountant General, to be placed to the Credit of the said Account, intituled "The Suitors Fee Fund Account," and be applied as Part of such Fund.

Fees of Officers may be paid into the Bank of England.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament,

Act may be altered this Session.

C A P. LV,

An Act to regulate and secure the Debt due by the City of *Edinburgh* to the Public; to confirm an Agreement between the said City and its Creditors; and to effect a Settlement of the Affairs of the said City and the Town of *Leith*.

[27th July 1838.]

' **W**HEREAS the Affairs of the City of *Edinburgh* have for some Years past been in a State of great Embarrassment, and various Difficulties have thence arisen in relation to a Settlement with the Creditors of the said City; to the beneficial Management of the Harbour and Docks of *Leith*, the requisite Improvement thereof, and the Regulation of the Rates and Duties leviable thereat; to the Commutation and securing to the Ministers of the City of *Edinburgh* of the Duty of a Merk *per* Ton and Pack payable to them upon Goods brought into *Leith* and *Edinburgh*; to making Provision for the Expence of the College and Schools of the said City, and to the Separation of the City of *Edinburgh* from the Town of *Leith*; and it is most desirable that a Remedy should be provided against the great Injury and Inconvenience arising from these Causes: And whereas an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable the principal Officers and Commissioners of His Majesty's Navy to acquire certain Portions of the Docks and Shore Ground at Leith for a Naval Yard, and to enable the Commissioners of the Treasury to advance a certain Sum of Money on the Security of the Docks and of the Harbour of Leith*: And whereas a Debt of Two hundred and sixty-five thousand Pounds was under the

6 G. 4. c. 108,

3 & 4 W. 4.
c. 122.

Powers of the said recited Act contracted by the said City of
Edinburgh to the Commissioners of Her Majesty's Treasury, for
 Advances made towards the Improvement of the said Harbour
 and Docks, which was, under the Provisions of an Act passed in
 the Third and Fourth Year of the Reign of His late Majesty
 King *William* the Fourth, intituled *An Act to appoint Trustees*
for the Creditors of the City of Edinburgh, as far as then due and
 owing, preferably secured to the said Commissioners of Her
 Majesty's Treasury upon the said Harbour, Docks, and other
 Property at *Leith*, and in case of the Insufficiency thereof then
 equally with the other Creditors upon all other the Estates and
 Property of the said City liable to the Diligence of Creditors;
 and a Bond for further effecting such Security was thereafter
 granted by the said Lord Provost, Magistrates, and Council of the
 said City of *Edinburgh* to the Commissioners of Her Majesty's
 Treasury; and the said Debt, after Deduction of the Payments
 which have been made to account thereof, now amounts to
 Two hundred and twenty-eight thousand three hundred and
 seventy-four Pounds Nine Shillings and Eight-pence: And
 whereas the Consideration of the State of the Harbours of *Leith*
 and *Newhaven* was referred to a Select Committee of the House
 of Commons, by whom a Report was made thereon in the Year
 One thousand eight hundred and thirty-five; and a special
 Investigation was also instituted by the Government into the
 Affairs of the City of *Edinburgh* and Port of *Leith* in the
 same Year, and the Report made under such Investigation in
 January One thousand eight hundred and thirty-six, and also
 the said Report of the Committee of the House of Commons,
 were referred to another Select Committee of the House of
 Commons, by whom a Report was made thereon in the Year One
 thousand eight hundred and thirty-six: And whereas the said
 first Committee in their Report recommend to Parliament "to
 abandon or suspend, either wholly or in part, the Debt now due
 to Government from the Corporation of *Edinburgh*, provided that
 adequate public Objects can be accomplished by this Remission;"
 and by the Report made under the Investigation by Government,
 it was suggested "that Government should reduce the Demand
 of their present Debt One Half, and postpone the Remainder,
 without Interest being allowed to accumulate thereon;" and
 the said last Select Committee reported that they were "prepared
 to acquiesce in the proposed Surrender of One Half of the public
 Debt, and in the present Postponement of Interest on the
 Remainder, in the confident Expectation of accomplishing the
 other important public Objects therein referred to;" and all
 the said Reports concur in recommending an entire Separation
 between the City of *Edinburgh* and the Town of *Leith*:
 And whereas an Agreement has been entered into between the
 City of *Edinburgh* and its Creditors and the Town of *Leith*,
 with a view to a Settlement of the various Subjects herein-before
 enumerated; and a Select Committee was upon the Fifteenth
 Day of *May* last appointed to consider the Terms of such Agree-
 ment, and the said Committee have reported as follows: "That
 it is expedient that the Terms of the Agreement on the Affairs
 of *Leith* and *Edinburgh* should be carried into effect by an Act
 of

‘ of Parliament, and that the Interest payable upon the Govern-
 ‘ ment Debt upon the *Leith* Property ought to be postponed for
 ‘ that Purpose, but that no Part of the Government Debt should
 ‘ be abandoned:”’ Be it therefore enacted by the Queen’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 preferable
 Right and Security granted to and held by the Commissioners of Her
 Majesty’s Treasury over the said Harbour and Docks of *Leith*, and
 Property therewith connected, as aforesaid, shall be and the same
 is hereby postponed, in the first place, to the annual Payments of
 Seven thousand six hundred and eighty Pounds to be made by the
 Commissioners to be nominated and elected as herein-after directed,
 in the Proportions and for the Purposes herein-after specified; and,
 in the second place, to such annual Sums as shall be approved of
 and allowed by the said Commissioners of Her Majesty’s Treasury
 as the Establishment for the said Harbour and Docks, to be as-
 certained and fixed in manner herein-after directed.

Postponement
 of the Govern-
 ment Security.

II. ‘ And whereas it may be necessary, as well for the Preserva-
 ‘ tion and Prosperity of the Trade of the said Port of *Leith* as for
 ‘ rendering and preserving the Security so granted to Government
 ‘ available and sufficient, that Improvements and Repairs should
 ‘ be effected upon the said Harbour and Docks of *Leith* and other
 ‘ Works therewith connected;’ be it enacted, That it shall be
 lawful to the Commissioners of Her Majesty’s Treasury to post-
 pone farther the Security held by them as aforesaid to any Loan
 to be effected by the said Commissioners to be appointed under
 this Act for the Execution of such Improvements of any Sum or
 Sums of Money not exceeding in all the Sum of One hundred
 and twenty-five thousand Pounds: Provided always, that no such
 Sum or Sums shall be borrowed, nor shall any Security whatever
 be granted by the said Commissioners under this Act upon the
 said Harbour and Docks and other Works and Property, unless
 and until the Plans of such intended Improvements or Repairs,
 and the whole Particulars thereof, and the Estimate or Estimates
 of the Expenditure at which the same can be contracted to be exe-
 cuted, shall have been submitted to the said Commissioners of
 Her Majesty’s Treasury, and their Approbation thereof signified
 thereto in Writing; and it shall also be lawful to the said Com-
 missioners of Her Majesty’s Treasury to forego for such Time as
 they shall think fit the Exaction in whole or in part of the Interest
 to become due upon the Amount of the Debt which shall remain
 owing, after Deduction of the Charges or Burthens hereby ren-
 dered preferable or authorized to be rendered preferable to the said
 Debts due to Her Majesty: And provided also, that the Proceed-
 ings relating to every such Loan, and the Postponement of the
 Government Security thereto, shall be laid before the House of
 Commons, if Parliament be then sitting, within Fourteen Days
 after such Transaction, and if Parliament be not sitting, within
 Fourteen Days after the Commencement of the then next Session.

Lords of the
 Treasury may
 postpone Secu-
 rity to Loans
 for Expende of
 Improvements.

III. And be it enacted, That so much of an Act passed in the
 Seventh Year of the Reign of His Majesty King *George* the
 Fourth, intituled *An Act to alter and amend several Acts made in*
the Twenty-eighth, Thirty-eighth, Thirty-ninth, Forty-fifth, Forty-
seventh

New Commis-
 sioners to be
 appointed in
 place of Com-
 missioners ap-
 pointed under
 7 G. 4. c. 105.

seventh, and Fifty-third Years of the Reign of His late Majesty, for enlarging and improving the Harbour of Leith, and to appoint Commissioners for the Superintendence and Management of the said Harbour and Docks, and for other Purposes connected therewith, as relates to the Nomination and Election of Commissioners, shall, from and immediately after the Appointment of Commissioners under this Act shall have been made in manner herein-after directed, be and the same is hereby repealed; and the Powers and Authorities of the Commissioners acting in execution of the said Act shall, after such Appointment and Election of Commissioners under this Act, cease and determine; and the Number of Commissioners for the Superintendence and Management of the said Harbour and Docks shall hereafter be Eleven, of whom Five shall be appointed by the said Commissioners of Her Majesty's Treasury, and Three shall be elected by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and Three by the Provost, Magistrates, and Council of the Town of *Leith*: Provided always, that no Person being a Councillor of the said City of *Edinburgh* or of the Town of *Leith* shall be capable of being elected a Commissioner under the Authority of this Act; and the Five Commissioners to be appointed by the said Commissioners of Her Majesty's Treasury shall continue to hold Office during the Pleasure of the said last-mentioned Commissioners.

Commissioners
how to be ap-
pointed.

IV. And be it enacted, That within One Month after the passing of this Act the Bodies hereby authorized to appoint or elect Commissioners shall respectively proceed to make such Appointment and Election; and the Commissioners to be then elected by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the said Provost, Magistrates, and Council of the Town of *Leith*, shall continue in Office until the Third *Tuesday* in the Month of *November* One thousand eight hundred and thirty-nine, when they shall, unless re-elected, go out of Office, and other Commissioners shall then be elected to supply the Place of the Commissioners going out of Office by the said Bodies hereby authorized respectively to elect Commissioners, and so on annually thereafter upon the Third *Tuesday* in the Month of *November* in each Year; and the Clerk to the said Commissioners shall annually give Notice of such Election to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and to the Provost, Magistrates, and Council of the Town of *Leith*, One Month previous to the said Third *Tuesday* in *November*; and in case there shall be any Failure or Neglect to elect Commissioners by the said City or Town, or in case any Person elected shall decline to accept, it shall be lawful for the Commissioners duly appointed and elected, at their first Monthly Meeting after the said Third *Tuesday* in *November*, to elect, by a Majority of their Number present, Commissioners to supply the Vacancies occasioned by such Non-election or Non-acceptance.

In Cases of
Death, Resig-
nation, or Dis-
qualification.

V. And be it enacted, That in case of the Death, Resignation, or Disqualification of any of the Commissioners to be so elected, it shall be lawful to the Body by whom such Commissioner occasioning a Vacancy was elected to elect another Commissioner to supply such Vacancy; and failing their so doing within One Month after such Vacancy shall have been intimated to them, which the Clerk

Clerk to the Commissioners is hereby required to do immediately upon the Occurrence thereof, it shall be lawful to the said Commissioners, at their first Meeting after the Expiration of such Month, to elect a Commissioner to supply such Vacancy; and the Commissioners duly appointed or elected shall notwithstanding such Neglect or Failure, Death, Resignation, or Disqualification, be entitled in the meantime to put this Act in execution as if the Appointment or Election and Number of Commissioners had been and was complete.

VI. And be it enacted, That the said Commissioners shall hold their First General Meeting at *Leith* upon the Second *Tuesday* after the Expiration of One Calendar Month after the passing of this Act, and shall thereafter hold a General Meeting at *Leith* Once in every Month at such Place and on such Day as the said Commissioners shall from Time to Time fix; and it shall be lawful for any Two or more of the said Commissioners to require their Clerk to call Special Meetings of the said Commissioners, to be held in *Leith* within Twenty-four Hours after printed or written Notices of such Meeting shall have been delivered to each Commissioner, or left at his usual Place of Residence or Place of Business; and such General or Special Meetings may be adjourned to any other Day or Hour that may be necessary or expedient; and at all such Meetings the Commissioners shall defray their own Expences.

Meetings of
Commissioners.

VII. And be it enacted, That the Commissioners to be so nominated and elected, and of whom Five shall be a Quorum, shall at their several Meetings, by a Majority of Voices, choose a Preses; and such Preses shall, in case of Equality, besides his deliberative Vote, have a casting Vote.

Commissioners
at Meetings to
choose a Preses.

VIII. And be it enacted, That none of the said Commissioners shall be capable of being appointed to any Office or Place of Profit under this Act, or contracting for any Work to be executed under the Authority thereof; and no Person shall be capable of being appointed or elected or of acting as a Commissioner under this Act during the Time he shall enjoy any Office or Place of Profit connected with the said Harbour or Docks or Works, or Property aforesaid, or while he has any Share or Interest in any Contract relating to the Execution of any of the said Acts or of this Act.

No Person en-
joying any Office
or Place of
Profit to act as a
Commissioner.

IX. And be it enacted, That the said Commissioners may sue or be sued for any thing done or ordered by them in virtue of the Acts herein-before mentioned, or any of them, or of this Act, in the Name of their Clerk for the Time being, and, in case it shall be necessary, to sue the said Clerk in the Name of any Two of the said Commissioners to be appointed by the said Commissioners for that Purpose; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in Name of their Clerk or of such Two Commissioners shall cease or abate by the Death or Removal of any such Clerk or of such Two Commissioners or either of them; but the Clerk to the said Commissioners for the Time being, or the remaining of such Two Commissioners, or Two other Commissioners to be appointed as aforesaid, shall be deemed to be the Pursuer or Defender, or Pursuers or Defenders, as the Case may be, in every such Action.

Commissioners
may sue and be
sued in Name
of Clerk, &c.

Property of
Harbour and
Docks and
Powers of
Management
vested in and
conferred on
Commissioners.

X. And be it enacted, That the Port or Harbour of *Leith*, as bounded and described in the Charters, Title Deeds, or Conveyances of or to the same, within the Limits between a Point at *Seafield* Toll Bar on the Eastward of *Leith* and *Wardie-brow* or *Bras* to the Westward of *Newhaven*, and comprehending therein the Port or Harbour of *Newhaven*, all as belonging to the said Lord Provost, Magistrates, and Council of *Edinburgh*, the Privileges, Port Money commonly called Haven and Shore Silver, Anchorage, Dock Silver, Golden Penny Imposts, Customs, Taxes, Exactions, Rents, Mails, Farms, Duties, and Casualties of the same, together with the Shore, Sands, and Beach belonging to the said Ports of *Leith* and *Newhaven*, including the Site of the *Dalkeith* and *Leith* Railway, so far as the same is upon any Part of the said Sands, as also a Piece of Ground, being the Western Half of the open Ground to form a Passage from *Bath Street* to the Sands of *Leith*, and all other the Pertinents, Rights, Privileges, and Profits, present, future, or contingent, in anywise pertaining or belonging to or connected with the said Ports or either of them, as granted to or acquired or held or enjoyed by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, with all Right, Title, and Interest, Claim of Right, Property, or Possession, which they or their Predecessors or Authors had, have, or could have or pretend in and to the same or any Part or Portion thereof, in any manner of way, and, without Prejudice to the foregoing Description, the said Harbour of *Leith*, Docks, and other Works, and all Quays, Houses, Lands, or other Property purchased for the Purposes of the said Harbour, Basins, Docks, and other Works, together also with the Shore Dues, and Harbour and Dock Rates and Duties, and Pontage, and all the Revenue of every Description in anywise arising from the said Harbour, Docks, and other Works, and Quays, Houses, Lands, and Property set forth in the said recited Act of the Third and Fourth Year of the Reign of His late Majesty as forming the Security thereby granted to Government, and in the Bond granted by the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* to the Commissioners of Her Majesty's Treasury in Implement of the Provisions of the said Act, shall be and the same are hereby vested in the Commissioners to be appointed and elected under this Act as Commissioners for the Purposes of the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth, and this Act; and the said Commissioners so to be appointed and elected shall (under the Limitations herein contained), in addition to the Powers hereby conferred upon them, have, possess, and enjoy all the Powers and Authorities for the Maintenance and Improvement of the said Harbour and Docks conferred by the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth upon the Commissioners appointed in virtue thereof, and also (under the like Limitations) all the Powers and Authorities which the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* formerly possessed in relation to the same, and the Appointment of Officers thereat, and the Collection and Management of the Rates, Duties, and Revenues thereof; and the said Commissioners under this Act shall be liable in and for all the just Debts, Contracts, Obligations,

gations, and Undertakings of the said Commissioners under the said Acts or any of them, and also of the said Lord Provost, Magistrates, and Council in relation to the said Harbour and other Works, and Quays, Houses, Lands, and Properties belonging to the same, excepting always the Debt due to the Government, save as modified and secured to the said Commissioners of the Treasury by this Act.

XI. And be it enacted, That all the Rates, Duties, Pontage, Fen Duties, Casualties, Interest, or other Monies to become due for, from, or in respect of the said Harbour, Docks, and other Property between the Date of the passing of this Act and the Appointment of Commissioners under the same shall be paid over and accounted for by the Receivers or Collectors thereof to the Commissioners to be appointed and elected under this Act.

Rates arising after the passing this Act to be vested in the Commissioners.

XII. And be it enacted, That it shall be lawful to the Commissioners to be hereby appointed and elected to borrow upon the Security of the said Harbour and Docks, and Revenue thereof, and Property therewith connected, (but with the Consent and Approbation always of the Commissioners of the Treasury as herein-before required,) any Sum or Sums of Money necessary to be expended, with the Approbation of the said Commissioners of the Treasury as aforesaid, on the Improvement, Alteration, or Enlargement of the said Harbour or Docks, or for the Accommodation of the Shipping resorting to the same, not exceeding in all the Sum of One hundred and twenty-five thousand Pounds, and to grant Securities therefor over the whole Rates, Duties, and Revenues of the said Harbour and Docks and other Property therewith connected, which, being sanctioned by the Commissioners of the Treasury as aforesaid, shall be preferable and have Priority over all other Debts and Securities affecting the said Harbour and Docks, Revenue and Property, excepting the said several Sums amounting to Seven thousand six hundred and eighty Pounds herein directed to be paid out of the said Rates, Duties, and Revenues for the Purposes herein mentioned, and the said annual Sums for Repairs and Expences of Management to be sanctioned and allowed by the said Commissioners of Her Majesty's Treasury in the Manner herein-after directed; and it shall be lawful also to the said Commissioners to abolish, reduce, equalize, and consolidate the Rates and Duties leviable at the said Harbour and Docks, so as to render the same more equal and just: Provided that no such Alteration of the Rates and Duties shall be made until a Notice shall have been inserted Once in the *Edinburgh Gazette*, and Three Times in each of Three Newspapers published in *Edinburgh*, for Two consecutive Weeks, announcing that an Alteration of Rates is intended to be made, and that the Particulars thereof may be seen at the Office of the Clerk of the said Commissioners, where a Table of such intended Alterations shall be exposed accordingly, open to the Inspection of all having Interest; nor until such intended Alteration shall have been submitted to the Commissioners of Her Majesty's Treasury, and their Consent thereto signified in Writing: And provided also, that no Burgesses or Guild Brethren to be hereafter admitted by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall be entitled to any Privilege or Exemption

Power to borrow.

emption in respect of Dues, Rates, and Duties at the said Harbour and Docks of *Leith*.

Establishment
of Officers, &c.
to be submitted
to Treasury.

XIII. And be it enacted, That the said Commissioners shall, within One Month after their Appointment and Election, and annually thereafter at the Term of *Whitsunday*, lay before the Commissioners of Her Majesty's Treasury a Scheme or Statement of the Establishment proposed for conducting the Affairs of the said Harbour, showing the Officers of every Description intended to be employed, and the Salaries or Remuneration to be paid to each Person employed; and such Statement shall set forth an Estimate of the Sum requisite for defraying the Expence of the Maintenance and Repairs of the said Harbour and Docks, the Expence of dredging the said Harbour, and every other Item of Expence known or which can be anticipated as in anywise necessary to be incurred or paid by the said Commissioners in relation to the said Harbour and Docks; and the Scheme of Establishment to be first submitted shall embrace the Period from the Date thereof till the Term of *Whitsunday* One thousand eight hundred and thirty-nine; and such Establishments, being considered and approved of by the said Commissioners of Her Majesty's Treasury, shall, to the Amount at which they shall fix the same, be the maximum Amount of the annual Expences of the said Harbour and Docks of every Description; and the said Harbour and Dock Commissioners shall not be authorized to incur any further or other Expence: Provided always, that in the Event of any unforeseen Damage arising to the Works of the said Harbour or Docks through Storm or Accident, it shall be lawful for the said Harbour and Dock Commissioners, having first obtained the Approbation of the said Commissioners of Her Majesty's Treasury thereto, to defray out of the Revenues of the said Harbour and Docks the Expence necessary for the Repair of such Damage; and the annual Scheme or Statement of the said Establishment, and the Particulars of any Application made to the said Commissioners of Her Majesty's Treasury in case of Damage as aforesaid, together with their Award or Determination thereon, shall be laid before the House of Commons within One Month of the Date of the Minutes settling such Scheme or allowing such Expenditure, if Parliament shall be then sitting, or if not sitting within Fourteen Days after the Commencement of the then next Session.

Appropriation
of surplus Re-
venues.

XIV. And be it enacted, That after Payment of the said Sum of Seven thousand six hundred and eighty Pounds, and the Amount of the Expences of the Establishment to be allowed by the said Commissioners of Her Majesty's Treasury as aforesaid, and the Interest of any Sum which may be borrowed with the Approbation of the said last-mentioned Commissioners as aforesaid, the whole surplus Revenue arising from the said Harbour and Docks shall annually within Twenty-one Days after the Term of *Whitsunday* in each Year be by the said Harbour and Dock Commissioners paid to the Remembrancer of Her Majesty's Court of Exchequer in *Scotland*, to be remitted to Her Majesty's Treasury; and if the Sum so remitted shall exceed in Amount the Sum necessary to pay the Interest of the said Debt due to Government, so far as not postponed, the Excess shall go and be imputed *pro tanto* in extinction of the Principal of the said Debt.

XV. And be it enacted, That the Accounts of the said Commissioners under this Act shall be annually made up at the Term of *Whitsunday*, and be submitted to Her Majesty's Remembrancer in Exchequer for the Time being, who shall examine and audit the same, and, if necessary, employ an Accountant for that Purpose, and, being satisfied of the Accuracy thereof, shall approve and docket and sign the same; and an Abstract of such Accounts shall be at the Term of *Martinmas* annually printed and distributed at the Office of the said Commissioners to all Parties interested demanding the same.

Accounts to be kept, and to be balanced annually.

XVI. And whereas it is expedient that the Duty of a Merk *per Ton* and Pack heretofore levied upon Goods brought into *Leith* and *Edinburgh*, and applied towards the Payment of the Ministers of the City of *Edinburgh*, should be abolished; be it enacted, That it shall not be lawful to levy the said Duty of a Merk *per Ton* and Pack on Goods which shall have been brought into the said Port or Harbour of *Leith*, or the City of *Edinburgh* or Liberties thereof, after the Expiration of One Calendar Month after the passing of this Act, but such Duty shall thereafter be and the same is hereby abolished.

The Duty of a Merk per Ton abolished.

XVII. And be it enacted, That the Commissioners acting under the Authority of this Act shall pay annually out of the Revenues of the said Harbour and Docks, in preference to all other Payments, the said Sum of Seven thousand six hundred and eighty Pounds into an Account to be raised with whatever Bank in *Edinburgh* shall for the Time be the Bank into which the Government Revenues or Public Monies shall be payable, in the Names of Her Majesty's Remembrancer of the Court of Exchequer in *Scotland* and Auditor of the said Court for the Time being, to be applied in manner herein-after mentioned; and such Remembrancer and Auditor shall, in the Form in which they are in use to draw the Public Monies, draw the Money so to be paid into an Account of their Names, and pay the same to the Parties entitled thereto, in the Proportions and under the Provisions of this Act, and in manner herein-after mentioned; and such Sum shall be payable into such Bank half-yearly, and the first Term's Payment shall be made at *Martinmas* in the present Year for so much of the Half Year thereof as shall be due for the Period between the passing of this Act and the said Term of *Martinmas*, and the second Term's Payment shall be made at *Whitsunday* One thousand eight hundred and thirty-nine, and so on thereafter half-yearly.

Commissioners to pay 7,680*l.* into Bank for certain Purposes.

XVIII. And be it enacted, That in lieu of the Duty of the Merk *per Ton* and Pack levied upon Goods brought into *Leith* and *Edinburgh*, and applied towards the Payment of the Ministers of the City of *Edinburgh*, the said Remembrancer and Auditor shall, out of the said Sum of Seven thousand six hundred and eighty Pounds, within Eight Days after Payment thereof shall be made to their Credit as aforesaid, pay to and for the Behoof of the said Ministers of the City of *Edinburgh*, to any Person duly authorized by them to receive the same, the Sum of Two thousand Pounds, free of all Deductions, in full of all Demands competent to the Ministers of the said City on account of the Duty of the Merk *per Ton* and Pack as aforesaid; and the said Re-

Purposes to which the 7,680*l.* are to be applied.

membrancer

membrancer and Auditor shall in like Manner pay for the Behoof of the Creditors of the said City of *Edinburgh*, to Account of the Annuities payable to them in manner herein-after mentioned, into an Account to be opened with One of the Banks in *Edinburgh* for the Purpose of paying such Annuities, the Sum of Two thousand seven hundred Pounds, and the further Sum of Four hundred and eighty Pounds, being at present a Burden affecting the said Duty of a Merk *per* Ton and Pack, making in all the Sum of Three thousand one hundred and eighty Pounds, in full of all Demands competent to the said Creditors upon the said Harbour, Docks, and other Property and Works, or the Income or Revenues thereof; and the said Remembrancer and Auditor shall in like Manner make Payment to the Lord Provost, Magistrates, and Council of the said City of *Edinburgh* of the Sum of Two thousand five hundred Pounds for the Maintenance and Support of the College and Schools of the said City, in full of all Demands competent to the said Lord Provost, Magistrates, and Council upon the said Harbour and Docks, and other Property and Works, or the Income or Revenues thereof; and in case of Failure in the regular Payment of such Sums the respective Parties to whom or for whose Behoof the same are payable shall be entitled to follow out by Action at the Instance of the Parties respectively all Measures competent by the Law of *Scotland* for enforcing Payment thereof against the said Commissioners, but as Commissioners only, and not in their private or individual Capacity.

Certain Payments constituted preferable *pari passu* Burdens.

XIX. And be it enacted, That the said Two Sums, namely, of Two thousand Pounds to be payable annually to the Ministers of the said City of *Edinburgh*, and Three thousand one hundred and eighty Pounds payable annually to the Creditors of the said City, shall be and are hereby constituted preferable Burdens to the Sum of Two thousand five hundred Pounds payable to the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* for the Support of the College and Schools of the said City; and the said Two first-mentioned Sums shall rank *pari passu* with each other.

On the Payments hereby secured to Creditors, their Claims discharged.

XX. And be it enacted, That upon the Fulfilment of the Arrangement herein before and after mentioned between the said City of *Edinburgh* and the Creditors of the said City (of which the Payment of the said Sums of Two thousand seven hundred Pounds and Four hundred and eighty Pounds, to be applied towards the Payment of its Creditors, forms a Part), all the Claims and Demands of the said Creditors upon the said City, or the Property or Revenues now belonging or which may hereafter belong to the said City, shall be and the same are hereby discharged, extinguished, and annulled.

2,500*l.* to be paid towards the College and Schools.

XXI. And be it enacted, That the said Sum of Two thousand five hundred Pounds payable to the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* shall be applied by them towards the Maintenance and Support of the College and Schools of the said City, namely, in defraying the Obligations and Payments incumbent upon them in relation to the Debts due by the said City to the said College, in paying the Salaries and House Rents due to or on account of the Professors in the

the said College, in repairing and maintaining the College Buildings, and in the other necessary Expences thereof, and the Remainder towards the Schools and Educational Purposes of the said City: Provided always, that before the Application of the said Sum of Two thousand five hundred Pounds to the College and other Purposes aforesaid a Statement of the intended Appropriation thereof shall be submitted to the Commissioners of Her Majesty's Treasury, and their Approbation thereof be signified in Writing; and the said Lord Provost, Magistrates, and Council shall annually transmit to the Commissioners of Her Majesty's Treasury an Account of the Appropriation and Expenditure of the said Sum of Two thousand five hundred Pounds.

XXII. And be it enacted, That in consideration of such last annual Payment the Sum of Thirteen thousand one hundred and nineteen Pounds known by the Name of the "College Debt" shall be and the same is hereby extinguished and discharged.

College Debt discharged.

XXIII. And be it enacted, That the Payments of the said Sums of Two thousand Pounds to the Ministers of the said City of *Edinburgh*, of Three thousand one hundred and eighty Pounds towards the Payment of the Creditors of the said City, and Two thousand five hundred Pounds for the Expences of the College and Schools hereby authorized and required to be made by the said Commissioners, amounting to said Sum of Seven thousand six hundred and eighty Pounds, shall be in full of all Claims of whatever Description competent to the said Lord Provost and Magistrates and Council for the Community of or in behalf of the said City of *Edinburgh* out of the said Harbour and Docks or Property therewith connected, or Income or Revenues thence arising; and neither the said Lord Provost, Magistrates, and Council, nor the said City, nor the Creditors of the said City, nor the Ministers of the said City, shall hereafter have any further Right, Claim, or Demand in, to, from, or upon the said Harbour and Docks of *Leith*, and Property therewith connected, or any Part thereof, as the same is vested in the Commissioners to be appointed and elected under this Act.

Claims on the Harbour and Docks, &c. discharged.

XXIV. And be it enacted, That the said Debt to Government, (excepting in so far as the same is hereby postponed or may hereafter be postponed in virtue of the Powers to that Effect herein contained, and during such Postponement,) and all the Rights, Remedies, Powers, and Provisions for securing and recovering the said Debt in anywise granted and existing, shall be and remain in full Force, Strength, and Effect against the whole Revenues of every Description in anywise arising from the said Harbour, Docks, and other Works, and Quays, Houses, Lands, and Property, as the same is hereby vested in the Commissioners to be appointed and elected under this Act; but no Claim or Demand shall hereafter be competent to the said Commissioners of Her Majesty's Treasury, for the Principal or Interest of the said Debt or any Part thereof, from or against any of the other Property or Revenues of the said City, or the Lord Provost, Magistrates, and Council thereof.

Debt and Security to remain good to Government.

XXV. Provided always, and be it enacted, That nothing herein contained shall be construed to relieve the said Commissioners to be appointed in virtue of this Act from any Obligation now incumbent upon the Commissioners of the said Harbour and Docks

Commissioners not relieved of Obligation in relation to the Streets.

of *Leith* in regard to the Streets of *Leith*, or. Maintenance or Repair thereof, which Obligation shall not be lessened or affected by this Act.

Edinburgh and
Leith separated.

XXVI. And be it enacted, That from and after the passing of this Act the said City of *Edinburgh* and the Town of *Leith* shall be and the same are hereby, in all the Civil and Municipal Relations thereof, separated and dissevered; and all Rights of Patronage and Jurisdiction, and of levying any Tax, Rate, or Assessment, Custom, Impost, or Dues of any Description whatever, heretofore belonging or competent to or claimed by the said City of *Edinburgh* in, out of, or over the Town of *Leith*, excepting the Admiralty and other Jurisdiction reserved by an Act of the Third and Fourth Year of the Reign of His late Majesty, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs*, shall be and the same are hereby abolished; and all Claims for by-gone Customs, Rates, or Duties, and Interest or Expences relating thereto, or for or in consideration thereof, at the Instance of the City of *Edinburgh* against the said Town of *Leith*, shall be and the same are hereby extinguished and annulled.

3 & 4 W. 4. c. 77.

Common Good
and Customs to
be transferred
to *Leith*.

XXVII. And be it enacted, That from and after the passing of this Act the Common Good of the said Town of *Leith*, or all the Customs, Rates, Imposts, and Market Dues, of whatever Description, heretofore leviabie by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* within the Boundaries of the said Town or from the Community thereof, as also the Gaol Buildings erected in the said Town of *Leith* by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Magistrates Pew in the *South Leith* Church, shall be and the same are hereby transferred to and vested in the said Provost and Magistrates and Council of the Town of *Leith*; which Common Good, Customs, Rates, Imposts, and Market Dues shall thereafter belong to and be exigible by the Provost, Magistrates, and Council of the said Town of *Leith* within the Limits in which the same have heretofore been exigible for and on behalf of the Community thereof, and shall be applicable and applied to the Municipal and Civil and other Purposes of the said Town, as its own proper Estate, Funds, and Effects; and the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall also, within One Year from the passing of this Act, be bound and obliged to pay, from the current Revenues of the said City of *Edinburgh*, to the Provost and Magistrates and Council of the said Town of *Leith*, the Sum of Five hundred Pounds Sterling in lieu of all Claims on account of the Common Good of the said Town heretofore drawn by the said City of *Edinburgh*; and upon the said Gaol Buildings, Common Good, Customs Rates, Imposts, and Market Dues being transferred and vested, and such Payments being made as aforesaid, all Claims and Demands at the Instance of the said Provost and Magistrates and Council of *Leith* against the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and against the said City in respect of the Expences of the Municipal Government of *Leith* or otherwise, shall cease and determine.

XXVIII. And

XXVIII. And be it enacted, That it shall not be lawful to exact in *Edinburgh* or the Liberties thereof any Market Customs, Dues, or Imposts upon any Goods, Articles, or Things passing through *Edinburgh* or the Liberties thereof for Sale or Consumption in *Leith*, or for Exportation from the Port of *Leith*, nor shall it be lawful to exact in *Leith* any Market Customs, Dues, or Imposts upon any Goods, Articles, or Things passing through *Leith* for Sale or Consumption in *Edinburgh* or the Liberties thereof; but all such Goods, Articles, or Things *bond fide* in *transitu* through the said City or Town respectively (although warehoused for a Time in the said City or Town) shall, on Production of a Certificate of the Owner, or other satisfactory Evidence of such Goods, Articles, or Things being *bond fide* in *transitu*, be allowed to pass free; without Prejudice nevertheless to the Exaction in *Edinburgh* or *Leith* respectively of the legal and accustomed Market Customs, Dues, or Imposts on Articles or Things brought into the said City or Town for Sale or Consumption therein respectively.

Market Customs not leviable on Goods in transitu.

XXIX. And whereas the Common Good of the City of *Edinburgh*, including therein the Common Good of the Town of *Leith*, is at present let under Lease by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*; be it enacted, That the said Lord Provost, Magistrates, and Council shall, at the Expiration of the Lease of such Common Good, pay to the Provost, Magistrates, and Council of *Leith* such Part of the aggregate Rent of such Common Good as shall be the Proportion thereof received on account of the Common Good of the said Town of *Leith* from and after the passing of this Act, to be ascertained, in case of Difference, by Two Arbiters to be chosen One by each of the said Parties, and in case the Arbiters shall differ, by an Overseer to be named by them.

Proportion of Rent of Common Good to be paid by *Edinburgh* to *Leith*.

XXX. Provided always, and be it enacted, That nothing herein contained shall be construed hereafter to relieve the Town of *Leith* of such Proportion of the Land Tax leviable from the City of *Edinburgh* and adjoining Districts as shall be the just Proportion thereof due by the said Town, as the same shall be ascertained by the Stent Masters to be employed to ascertain the Amount of the Land Tax to be paid by the said City of *Edinburgh* and adjoining Districts, and Town of *Leith*, to be appointed by the said Lord Provost, Magistrates, and Council of *Edinburgh*, and the Provost, Magistrates, and Town Council of *Leith* respectively.

Proportion of Land Tax to be paid by *Leith*.

XXXI. Provided also, and be it enacted, That the said Provost, Magistrates, and Council of the Town of *Leith* shall hereafter be bound to free and relieve the Trustees of the Middle District of Roads of the County of *Mid-Lothian* of all Obligations imposed upon them by an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of Edinburgh*, in relation to the upholding and maintaining certain Roads and Streets within the said Town of *Leith* under the said last-recited Act, and also of all Claim of Relief competent to the said Trustees against the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, in relation to such Obligation.

Leith to relieve *Edinburgh* of Burden of certain Roads.

5 & 6 W. 4. c. 68.

XXXII. And

Power to purchase the Superiority of Leith.

XXXII. And be it enacted, That it shall be lawful to the said Provost, Magistrates, and Council of the Town of *Leith*, at any Time within Seven Years after the passing of this Act, and they are hereby empowered, to purchase from the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and it shall be lawful to the said Lord Provost, Magistrates, and Council and they are hereby authorized and required to sell the Superiority or whole Superiorities, with the Feu Duties and Casualties thereto belonging, at present vested in or held by the said Lord Provost, Magistrates, and Council of *Edinburgh* of and in the said Town of *Leith*, at such Price as shall be fixed by Two Arbiters to be chosen, the one by the said Lord Provost, Magistrates, and Council of *Edinburgh*, with the Concurrence of the Committee of Creditors of the said City, the other by the Provost, Magistrates, and Council of *Leith*, and in case of Difference of Opinion between the Arbiters to be so chosen then by an Oversman to be chosen by such Arbiters: Provided always, that Three Months Notice in Writing shall be given by the said Provost, Magistrates, and Council of *Leith*, to the said Lord Provost, Magistrates, and Council of *Edinburgh*, of the Intention so to purchase such Superiorities.

Power to purchase Leith Links.

XXXIII. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates, and Council of *Edinburgh*, and they are hereby authorized and required, to convey and make over to the Provost, Magistrates, and Council of *Leith*, in perpetuity, for the Payment of the Sum of Twenty-five Pounds Sterling *per Annum*, the Links of the said Town of *Leith* as at present let for Twenty-five Pounds *per Annum*, for the Behoof of the Community of the said Town, with all the Parts, Pertinents, and Privileges thereof, with the Angle of Ground near the Schoolhouse as at present let for Five Shillings *per Annum*; and it shall in like Manner be lawful to the said Provost, Magistrates, and Council of *Leith*, upon Six Months Notice in Writing to the said Lord Provost, Magistrates, and Council of *Edinburgh* of their Purpose so to do, to purchase, and it shall be lawful to the said Lord Provost, Magistrates, and Council of *Edinburgh*, and they are hereby authorized and required, to sell the said Links at the Price of Twenty-five Years Purchase of such annual Payment of Twenty-five Pounds, (namely, Six hundred and twenty-five Pounds,) to be paid by the said Provost, Magistrates, and Council of *Leith* to the said Lord Provost, Magistrates, and Council of *Edinburgh* therefore, and the said Links being so purchased shall be preserved and remain as an open Area in all Time coming for the Use of the Public, as now existing and enjoyed; and it shall be competent to any Two Owners of Houses situated in *Edinburgh* or *Leith*, or either of them, to insist at Law upon the due Observance of this Provision in so far as regards the Preservation of the said Links as an open Area for the Use of the Public.

Price of Superiorities, &c. how to be applied.

XXXIV. And be it enacted, That the Prices to be received by the Sale of the Superiority and Links of *Leith* as aforesaid shall be applied by the said Lord Provost, Magistrates, and Council of *Edinburgh*, at the Sight and with the Concurrence of the Committee of the Creditors of the said City, in buying up such of the Bonds of Annuity to be granted by the said City to their Creditors in manner herein-after mentioned as may be for Sale and can

be obtained, for the Purpose of extinguishing the same, and for no other Use or Purpose whatsoever.

XXXV. And be it enacted, That the Expences attending the Purchase of the Superiority of *Leith* and of *Leith Links* shall be defrayed by the Purchasers and Sellers equally.

Expences of Purchases.

XXXVI. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and they are hereby authorized and required, when necessary, to grant and execute all Deeds and Conveyances requisite for conveying to and vesting in the Commissioners under this Act, or in the said Provost, Magistrates, and Council of the Town of *Leith*, the Property hereby intended to be vested in or authorized and directed to be conveyed to such Commissioners, or such Provost, Magistrates, and Council, with all the Clauses necessary for effectually conveying the same.

Magistrates of Edinburgh to execute all necessary Deeds.

XXXVII. And be it enacted, That nothing contained in an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good or Revenues of the Royal Burghs* in Scotland, shall be held or construed to apply to the Sales or Conveyances hereby authorized to be made.

3 G. 4. c. 91. not to apply to Conveyances under this Act.

XXXVIII. And be it enacted, That the Boundaries of the said Town of *Leith* shall be and be taken to be the Boundaries thereof as described in an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*.

Leith, how bounded.

XXXIX. And be it enacted, That the Bonds to be at any Time issued and used in effecting the Arrangement between the said City of *Edinburgh* and its Creditors, and the Transferences thereof, and the Dispositions or Conveyances of Property by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* to the Commissioners to be hereby appointed and elected, shall be free from all Stamp Duties, any thing in any Act or Acts contained to the contrary notwithstanding.

2 & 3 W. 4. c. 65.

Bonds not liable to Stamp Duty.

XL. And be it enacted, That the said recited Act of the Third and Fourth Year of the Reign of His said late Majesty, intituled *An Act to appoint Trustees for the Creditors of the City of Edinburgh*, shall be and the same is hereby repealed, and from and after the passing of this Act all the Trusts by the said last-recited Act created shall cease and determine; saving and reserving always the whole Provisions therein contained relative to the Security thereby granted to the Commissioners of Her Majesty's Treasury for the Loans made by them to the said Lord Provost, Magistrates, and Council, all of which shall remain in full Force and Effect, except as herein provided, notwithstanding the Repeal of the said last-mentioned Act.

3 & 4 W. 4. c. 122. repealed, with certain Reservations.

XLI. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates and Council, and they are hereby authorized and required, to compound for all and every Debt due and Obligation contracted by them and their Predecessors in Office prior to the First Day of *June* in the Year One thousand eight hundred and thirty-three, including the Debts then secured on the Grant of a Duty of Two Pennies *Scots* upon each Pint of Ale and Beer sold within the City of *Edinburgh* and its Liberties, with

Debts of the Community to be compounded for.

with the Exception of the Debt of Thirteen thousand one hundred and nineteen Pounds due to the College, hereby extinguished, and which Grant expired on the First Day of *July* in the Year One thousand eight hundred and thirty-seven, but exclusive of the Debts due to Life Annuitants for Annuities acquired by Purchase, which are otherwise provided for in manner after mentioned, and also exclusive of the aforesaid Debt due to the Commissioners of Her Majesty's Treasury; under which Exceptions the said Debts and Obligations shall be compounded by granting, free of all Charges and Deductions, to all and every Person, in right of such Debts, Bonds of Annuity in the Manner and Form herein-after provided, at the Rate of Three Pounds Sterling, payable half-yearly, for every Hundred Pounds Sterling of such Debts, and which Bonds of Annuity all and every Person in right of such Debts shall accept in full Payment thereof: Provided always, that it shall not be in the Power of the said Lord Provost, Magistrates, and Council to call up and redeem such Bonds by making Payment to the Persons holding the same of a less Sum than One hundred Pounds Sterling for every Three Pounds of Annuity, but that it shall be lawful to them, with the Concurrence of the Committee for the Creditors herein-after named, to pay off all Debts not exceeding in Amount the Sum of One hundred Pounds, or any fractional Parts of larger Debts, in manner after provided, in lieu of granting Annuities for the same.

Liferent Annuities payable by the City restricted.

XLII. And be it enacted, That from and after the passing of this Act the said Lord Provost, Magistrates, and Council shall pay to all and every Person holding Bonds granted by the said Lord Provost, Magistrates, and Council for Annuities acquired by Purchase during the respective Lives of such Persons, Three Fourth Parts of the Amount of all such Annuities during the respective Lives of the Holders of such Bonds, and that at the Terms stipulated by such Bonds respectively; which restricted Payment the Holders of such Bonds respectively shall accept as in full of the Annuities thereby stipulated to be paid; and such Liferent Bonds, and the Annuities thereby secured, restricted as aforesaid, shall be preferable Securities to the Bonds of perpetual Annuity authorized to be granted by this Act.

Debts already ranked to be held valid, and others how to be disposed of.

XLIII. And be it enacted, That all Debts allowed and ranked by the Trustees for the Creditors under the said last-recited Act as at the First Day of *June* One thousand eight hundred and thirty-three, as the same shall be certified by the Clerk or Accountant of the said Trustees, shall be held and considered by the Lord Provost, Magistrates, and Council of the said City as valid and unexceptionable Debts against the said City to all Intents and Purposes; and all Claims for Debts due and Obligations contracted by the said City, already made against the Trust Estate, but which have not yet been allowed or ranked, and any such Claims which may yet be made, shall from and after the passing of this Act be considered by a Committee of the Creditors of the said City nominated and appointed in manner herein-after directed, and if allowed by them, and by the Lord Provost, Magistrates, and Council, shall in like Manner be ranked as at the First Day of *June* One thousand eight hundred and thirty-three; and if disallowed, and the Claimants shall be unwilling to have the Matter adjusted by Sub-

mission

mission or judicial Reference, in the event of the said Committee, and the Lord Provost, Magistrates, and Council, deeming it fit to offer to submit and refer, which they are hereby empowered to do, then and in that Case it shall be competent to every such Claimant to bring the Matter summarily by Petition before either Division of the Court of Session: Provided that no equalizing or by-gone Dividend shall be payable on any Claim not lodged before the passing of this Act.

XLIV. And be it enacted, That the Bonds of Annuity to be granted by the said Lord Provost, Magistrates, and Council to the various Persons in right of the Debts due by the City of *Edinburgh* as at the First of *June* One thousand eight hundred and thirty-three, in manner above provided, shall be for the Sum of Three Pounds *per Centum* on the Amount of their respective Debts, either in One Bond or in such Number of Bonds as the Parties entitled to receive the same may require: Provided always, that no Bond shall be for a less Amount than Three Pounds of Annuity, unless the Debt for which such Annuity is to be granted shall be of less Amount than One hundred Pounds; and all such Bonds shall be written or printed, or partly written and partly printed, in the Words or to the Effect following:

Bonds of perpetual Annuity to be granted.

‘ BY virtue of an Act passed in the Second Year of the Reign of Her most Gracious Majesty Queen *Victoria*, intituled *An Act [here insert the Title of this Act]*, we the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, for ourselves and as representing the Community of the said City, bind and oblige ourselves and our Successors in Office, in Terms of the said recited Act, to pay to [*Name and Designation*], or the Bearer hereof, a perpetual Annuity of [*here insert the Amount*], by Moieties, on the First Day of *February* and First Day of *August* in each Year, if demanded in *Edinburgh*, and on the First Day of *March* and First Day of *September* in each Year if demanded in *London*, commencing the Payment of the First Moiety at the First Day of *February* or First Day of *March* respectively in the Year One thousand eight hundred and thirty-nine: And declaring that the said Annuity, and the Bearer of this Bond for the same, shall have the full Benefit of all the Provisions in the said Act of Parliament; and that the said Annuity shall be redeemable only on Payment at the Rate of One hundred Pounds for each Three Pounds of Annuity.

Form of Bond

‘ _____ Lord Provost.
‘ _____ Treasurer.
‘ _____ Clerk.

‘ Entered in Register of Bonds.

‘ _____ Accountant of the City of *Edinburgh*.
‘ _____ Officer of the Bank of _____

And each such Bond shall be subscribed by the Lord Provost, the Treasurer, and One of the Town Clerks of the City of *Edinburgh*, and shall have annexed to it a Series of Orders for the half-yearly Payments of the Annuity for which the same is granted, as the same shall become due.

XLV. And be it enacted, That all and every Person and Persons, or Bodies Corporate or Politic, to whom any such Bond of Annuity shall be granted, may from Time to Time transfer the

Bonds may be transferred;

same, together with the Orders annexed thereto as aforesaid, without any Intimation, by simple Delivery thereof; and such Transfer shall be effectual to all Intents and Purposes, and shall entitle the Bearer thereof to the Sums contained in the said Bonds; and such Bearers may in like Manner transfer the same, and so *toties quoties*.

to be numbered
and registered;

XLVI. And be it enacted, That all such Bonds before being delivered shall be numbered in the Order in which they are granted; and an Entry or Memorial of every such Bond shall be made in a Book to be kept under the Direction of the said Lord Provost, Magistrates, and Council for that Purpose, to be termed the "Register of Bonds;" which Entry shall embrace the Date and Number of the Bond, the Name of the Person to whom granted, and the Amount of the Annuity thereby secured; and which Entry shall be certified on each Bond by the Accountant of the City of *Edinburgh* and by an Officer of the Bank at *Edinburgh* where the Annuities shall be payable at the Time of issuing such Bonds; and each such Entry, subscribed by the Person or Persons to whom the relative Bond shall have been granted, or by the Mandatory of such Person or Persons, shall be held as Evidence of such Person or Persons having received such Bond respectively.

to be Moveable
Property.

XLVII. And be it enacted, That all such Bonds to be granted as aforesaid, and the Annuities thereby secured, shall to all Intents and Purposes be and be held to be Moveable or Personal Rights.

Committee ap-
pointed.

XLVIII. And be it enacted, That from and after the passing of this Act the Five following Creditors, *videlicet, John Learmonth, William Mac Hutcheon, William Macdonald, James Dunsmuir, and John Mac Ritchie*, shall be and they are hereby nominated a Committee of the Creditors of the said City for the Purpose of attending generally to the Interest of the said Creditors, and of doing and performing the various Matters and Things committed to them on behalf of the said Creditors by this Act, and in the event after mentioned of acting as Trustees for the Creditors in manner herein-after directed; and it shall not be competent to any Creditor or Creditors, or to any Meeting of Creditors, to do or to authorize to be done by themselves or others any Matter or Thing hereby committed to the said Committee.

Vacancies how
to be filled up.

XLIX. And be it enacted, That it shall be lawful to the said Committee, and their Successors in Office, or any of them, to resign the said Office, by giving Fourteen Days previous Notice in Writing to the Clerk of the said Committee of his or their Intention so to do; and in case of the Resignation, Death, or Disqualification or Incapacity to act of any of the said Committee, it shall and may be lawful for the said Committee, or any Three or more of them, and they are hereby required, within Three Months, but not sooner than One Month after such Notice shall have been received by the Clerk, to call a Meeting of the Creditors of the said City, who shall, out of a List of Three Names of Persons, Creditors of the said City, for each such Vacancy, to be submitted to them by such Committee, elect and appoint a fit Person to supply each Vacancy, provided that public Notice of the Time and Place of Meeting of the said Creditors for every such Election be given by Two several Advertisements in any Two Newspapers published in the City of *Edinburgh*, the first of such Advertisements

ments being not less than Fourteen Days before the Day of Meeting for such Election; and every Person who shall be elected and appointed a Member of Committee, pursuant to the Directions of this Act, shall and may act with the other Members of Committee by this Act named and appointed, in the Execution of this Act, to all Intents and Purposes as if he had been hereby named and appointed: Provided always, that until such Appointment shall be made all Acts done by the remaining Members of Committee shall be valid and effectual; and it shall not be a Disqualification to any Creditor named in this Act or subsequently elected a Member of Committee that he has afterwards ceased to be a Creditor of the said City.

L. And be it enacted, That in the event of the Resignation, Death, or Disqualification of all the Members of Committee acting for the Time, without the Appointment of Successors, or of there not being a Quorum left to act, it shall and may be lawful for the Creditors of the City for the Time to meet to elect a new Committee of their Number for the Purposes of this Act; and which Committee so to be elected shall and may act in the Execution of this Act to all Intents and Purposes as if they had been herein named and appointed: Provided always, that public Notice of the Time and Place of Meeting of the said Creditors shall be given by the Clerk to the said Committee to the Creditors by Two several Advertisements in any Two Newspapers published in the City of *Edinburgh*, the first of such Advertisements not being less than Fourteen Days before the Day of Meeting for such Election.

LI. And be it enacted, That the said Committee shall hold their First Meeting within the Council Chamber of the said City of *Edinburgh* at Noon upon the Second *Monday* after the passing of this Act, and shall thereafter hold a Meeting at such Place or Places within the City of *Edinburgh* and upon such Day or Days as the said Committee shall from Time to Time fix and determine; and the said Committee may appoint such Person as they may think fit to act as their Clerk, and to keep regular Minutes of the Proceedings of the Committee; and the said Committee shall at all such Meetings in the first place choose a Preses, who shall in all Questions coming before such Meetings have a deliberative Vote, and in Cases of Equality a casting Vote; and at all such Meetings Three shall be a Quorum, and shall be capable of acting as fully and effectually as if all the Committee were present.

LII. And be it enacted, That the Preses of the last Meeting, or any Two or more of the said Committee, may at all Times call special Meetings of the said Committee by printed or written Summonses delivered to each Member of Committee then resident in *Edinburgh*, or sent to his Address through the Post Office, in which shall be stated the Time and Place of Meeting, and the special Business for which the Meeting is called; and at all such special Meetings it shall be competent to the said Committee to consider the special Business only for which any such special Meeting shall have been called.

LIII. And be it enacted, That the said Committee, or the Majority of those present, although less than a Quorum, at any ordinary or special Meeting, may adjourn the same to any other Day, Hour, or Place as to them may seem expedient, Notice of such

Further Power
of electing
Members of
Committee.

First and subsequent
Meetings of Members
of Committee.

Preses.

Quorum.

Special Meetings may be
called.

Meetings may
be adjourned.

Adjournment being always given, in manner herein-before mentioned in regard to special Meetings, to each of the said Committee with as little Delay as conveniently may be; and at all Meetings of the said Committee those present shall defray their own Expences.

Committee to pay their own Expences.

Bonds to be produced at all Meetings, and to be sufficient Mandates.

LIV. And be it enacted, That at all General Meetings of the Creditors of the said City to be held in pursuance of this Act the Creditors attending shall produce their Bonds before being allowed to vote; and all Persons attending and producing Bonds shall be deemed and held to be Creditors; and no Mandate or Proxy shall be admitted; and at all such Meetings the Votes shall be taken by Value, and not *per capita*; and it shall be in the Power of the Creditors present to adjourn any such Meeting from Time to Time.

Accounts of the City to be open to Committee.

LV. And be it enacted, That all Books Records, Minutes, Accounts, and Papers of any Description belonging to the said City of *Edinburgh*, bearing upon the Administration of its Property and Revenues, shall at all Times be open to the Inspection and Examination of the said Committee; and upon the Requisition of any Meeting or of a Quorum of the said Committee every Officer or Person in whose Custody any such Books, Records, Minutes, Accounts, and Papers may be shall be and he is hereby required to furnish to the said Committee, at their Expence, such Copies of or Extracts from the same as they shall require.

Bonds may be renewed.

LVI. And be it enacted, That the said Lord Provost, Magistrates, and Council shall be and they are hereby authorized and required, on a Demand to that Effect being made by any Holder of a Bond, to grant a Renewal thereof, at the Expence of the Party requiring the same, and to cancel the original or other Bond, together with any unpaid Orders thereto annexed for which such renewed Bond may from Time to Time be substituted: Provided always, that every such renewed Bond shall be marked with the same Number as the Bond for which it is substituted, and be entered in the Register in the same Manner as herein-before provided in regard to the original Bonds; and no greater Sum than Five Shillings shall be demanded by or payable to the said Lord Provost, Magistrates, and Council for the Renewal of any such Bond.

Money for the half-yearly Payment of the Annuities to be lodged in Bank.

LVII. And in order to afford Facility to the Holders of the said Bonds in obtaining Payment of their Annuities, be it enacted, That the said Lord Provost, Magistrates, and Council shall and they are hereby required, on or before the Twenty-fifth Day of *January* and the Twenty-fifth Day of *July* in the Year One thousand eight hundred and thirty-nine, and on or before the Twenty-fifth Day of *January* and the Twenty-fifth Day of *July* in each Year following, or on the first lawful Day thereafter in the event of either of these Days falling upon a Holiday, to lodge in the Bank of *Scotland* such Sum as, together with the One Half of the said Sum of Three thousand one hundred and eighty Pounds to be drawn annually from the Revenues of the Harbour and Docks of *Leith* as herein-before provided, shall be sufficient to pay and discharge the whole of the half-yearly Annuities payable as on the First Day of the Month following; and the said Lord Provost, Magistrates, and Council shall, within Forty-eight Hours next and

immediately following the Twenty-fifth Day of *January* and Twenty-fifth Day of *July* in the Year One thousand eight hundred and thirty-nine, and in each Year following, cause Notice to be given to the Clerk of the said Committee for the Creditors, stating that the whole of such Monies as aforesaid has or has not been lodged; and the Treasurer or Secretary of the Bank of *Scotland* shall be bound to furnish a Certificate to the same Effect, when required so to do, by the said Clerk: Provided always, that it shall be lawful to the said Lord Provost, Magistrates, and Council to substitute any of the chartered Banks in *Edinburgh* willing to undertake the Duty of receiving and paying the Monies required for the said Annuities, and to perform the other requisite Duties, in lieu and place of the said Bank of *Scotland*.

LVIII. And be it enacted, That the said Annuities shall be payable by the Bank of *Scotland*, or other Bank to be substituted as aforesaid, at *Edinburgh* upon the First Day of *February* and First Day of *August*, or at *London* on the First Day of *March* and First Day of *September* respectively, beginning the first Payment of such Annuities upon the First Day of *February* in the Year One thousand eight hundred and thirty-nine, upon Production and Delivery of the Order annexed to each Bond, as before provided, applicable to the particular Payment then due and demanded, which Order shall form the sole Voucher of Receipt and Payment of the Annuity to which the same may apply.

Regulating
Payment of
Annuities.

LIX. And be it enacted, That the Bank shall not be required to account for Interest on the Monies in their Hands for the Period of Six Weeks after the Day on which the Amount of the half-yearly Annuities are directed to be lodged in the Bank as aforesaid, but after the Expiration of that Period the Monies remaining in their Hands shall bear the usual Interest allowed by the Bank for the Time, which Interest shall be carried periodically to an Account to be opened in the joint Names of the Lord Provost, Magistrates, and Council, and of the Committee for the Creditors, and shall be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

Interest on
Monies lodged
in Bank, how to
be accounted
for.

LX. And be it enacted, That all Annuities remaining in the Hands of the Bank unclaimed after the Lapse of Twenty Years shall belong to the said Lord Provost, Magistrates, and Council and the Committee of the Creditors jointly, and shall also be carried to the said Account to be opened in their joint Names, to be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

Unclaimed An-
nuities to belong
to the City, and
how to be ap-
plied.

LXI. And be it enacted, That the whole Property belonging to the Lord Provost, Magistrates, and Council, as representing the Community of the said City, whether Real or Personal, Heritable or Moveable, (save and except always that Portion thereof herein-after excepted,) shall be and the same is hereby made over to the Creditors of the said City in Security of the Life Annuities acquired by Purchase, and of the Annuities hereby required to be granted in manner above mentioned, and which

Property of the
City made over
in Security of
the Annuities,
and declared to
be adjudgeable
therefor.

Security shall be preferable to all other Securities and Obligations granted or to be granted by the said Lord Provost, Magistrates, and Council; and which whole Subjects, Real and Personal, Heritable and Moveable, of whatever Denomination and wheresoever situate, shall be and are hereby declared to be adjudgeable for the restricted Liferent Annuities hereby required to be paid by the said Lord Provost, Magistrates, and Council, and for the Annuities hereby authorized to be granted: And it is hereby specially provided and declared, that a Copy of this Act, recorded within Sixty Days after the passing thereof in the General Register of Sasines kept at *Edinburgh*, and in the Register of Sasines for the Burgh of *Edinburgh*, shall to all Intents and Purposes be and shall be held to be equivalent to Infestment in favour of the Creditors of the said City in all the Heritable Subjects belonging to the said Lord Provost, Magistrates, and Council hereby made over in Security to the Creditors requiring Infestment, so as to constitute a Real Burden thereon, and shall also be held equivalent to intimated Assignment of the Debts and Rights, and to actual Delivery of the Moveable Property, so as to create a Lien over the same in favour of the said Creditors at the Date of passing this Act.

Properties omitted held as included.

LXII. 'And whereas the Subjects so made over are enumerated in Schedule (A.) annexed to this Act, which Schedule it is intended shall include the whole Properties and Revenues, Heritable and Moveable, Real and Personal, belonging to the said Lord Provost, Magistrates, and Council as representing the Community of the said City, save and except always such Properties and Revenues as are included in Schedule (B.) also hereunto annexed, or are herein-after excepted; be it enacted, That if it shall happen that any Omission has occurred by not including in the said Schedule (A.) any Property now belonging to the said Lord Provost, Magistrates, and Council which is not inserted in Schedule (B.) or herein-after excepted, all such Properties so omitted shall nevertheless be held to be included in the said Schedule (A.), and to be comprehended in the Security hereby created in favour of the Creditors of the said City.

Security to comprehend the Common Good to the Extent of 1,000*l.* per Annum.

LXIII. And be it enacted, That the Security created in favour of the Creditors of the said City shall extend over the Common Good or Market Customs of the said City and Property therewith connected to the Extent of the Sum of One thousand Pounds *per Annum*, payable half-yearly; but declaring, that if the Creditors shall enter into possession of the Subjects made over in Security of the said Annuities in the event herein-after provided, it shall not be lawful to them to enter into possession of the Common Good or Market Customs of the said City or Property therewith connected, or to any Part or Portion thereof, so long as the said Lord Provost, Magistrates, and Council shall continue to pay to them the said Sum of One thousand Pounds out of the said Common Good or Market Customs and Property therewith connected, by Two equal annual Payments of Five hundred Pounds each at the Terms of *Whitsunday* or *Martinmas*, commencing at the first of these Terms after the said Creditors shall have entered into possession of the other Subjects hereby conveyed in Security:

but in the event of the said Lord Provost, Magistrates, and Council failing to make such annual Payment it shall and may be lawful to the said Creditors to enter into possession of such and so much of the said Common Good or Market Customs, or other Property therewith connected, as will be sufficient to secure the Regularity of the said annual Payment of One thousand Pounds in manner herein-before provided; and the said Conveyance in Security shall not extend nor be construed to extend so as to include any Property, Real or Personal, Heritable or Moveable, which the said Lord Provost, Magistrates, and Council may acquire in any manner of way after the passing of this Act, all such Property being specially reserved and excepted from the said Security, and declared not to be liable for any of the Debts, Contractions, or Obligations of the said City prior to the First of *June* One thousand eight hundred and thirty-three.

LXIV. And be it enacted, That if from the Nonpayment of the stipulated Annuities the Subjects hereby conveyed in Security to the Creditors of the City shall be adjudged to belong absolutely and irredeemably to the said Committee as Trustees for the Creditors, and if the said Properties and Revenues so adjudged to belong to them shall not have amounted during the Year immediately preceding that Event to Eight thousand three hundred Pounds (including the Sum of Four hundred and eighty Pounds payable from the Merk *per* Ton and Pack, but exclusive of the Sum of Two thousand seven hundred Pounds to be derived from the *Leith* Revenues as aforesaid), after Deduction of all preferable Burdens and Expences of every Kind, including all Expences for repairing and maintaining Streets which in any Question with the Trustees of the Middle District of Roads for the County of *Mid-Lothian* may be found to form a Burden on any of the Revenues or Properties of the City, such Claim for repairing and maintaining the Streets or any Part of the same which may have reduced the said free Revenues to less than Eight thousand three hundred Pounds shall in all Time coming form a Burden on the Common Good or Market Dues of the City, after Deduction of the Sum of One thousand Pounds in manner before provided.

LXV. And be it enacted, That no Part of the Subjects enumerated in Schedule (B.) to this Act annexed, and no Part of the Common Good or Market Customs or Property therewith connected, save and except always to the Extent of One thousand Pounds in manner before provided, and for any Deficiency in regard to the said Sum of Eight thousand three hundred Pounds, as also herein-before specified, and no Part of any Property to be hereafter acquired by the said Lord Provost, Magistrates, and Council shall be liable, directly or indirectly, in any manner of way or to any Extent, in Security or for the Payment of any Debts or Obligations already ranked or contracted by the said Lord Provost, Magistrates, and Council prior to the First Day of *June* One thousand eight hundred and thirty-three; nor shall the Common Good or Market Customs, or Property therewith connected, or any of the Subjects contained in Schedule (B.) to this Act annexed, be alienable by the said Lord Provost, Magistrates, and Council at any future Time, redeemably or irredeemably, by Sale or in Pledge or Security of any Debt whatsoever, but the

Claims made good by the Trustees of the Middle District in a certain Event to be a Burden on the Common Good.

Property not to be alienable or liable for Debts.

annual Revenue thereof shall always be applicable to the proper Municipal Expences of the Burgh, and to no other Purpose; declaring, that nothing herein contained shall deprive the said Lord Provost, Magistrates, and Council of any Right or Power they now have of varying, altering, or abating or of altogether abolishing such of the Market Customs or other Articles in the said Schedule (B.) contained in such Manner as may appear to them to be for the Benefit of the Inhabitants of the said City: Provided always, that such Power shall be so exercised as not to endanger the Security for the annual Payment of the One thousand Pounds in manner herein-before mentioned.

Lord Provost,
Magistrates,
and Council
may grant Feus
and Leases, &c.
under the
Provisions of
the Act
3 G. 4. c. 91

LXVI. And be it enacted, That, notwithstanding the Security hereby created in favour of the said Creditors, and so long as they shall not enter into possession, in the Event and in the Manner herein-after provided, it shall be lawful to the said Lord Provost, Magistrates, and Council to grant Feus or Leases of the whole Property over which the said Security extends, and to exercise every other Act of Ownership in regard thereto competent to Magistrates of Royal Burghs: Provided always, that such Feus, Leases, and other Acts are granted, made, and done in conformity with the Rules and Regulations established by the said Act of the Third Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for regulating the Mode of accounting for the Common Good or Revenues of the Royal Burghs of Scotland*; and provided also (and with the Exception of the Sales of Feu Duties to Vassals, which may be made in manner herein-after provided), that no Sales of any Part of the said Property shall be made without the special Advice and Concurrence of the Committee of the said Creditors; and when any such Sales shall be so made the Prices to be received for the same shall be lodged in the said Account to be opened in the joint Names of the Lord Provost, Magistrates, and Council, and of the Committee for the Creditors, and shall be applied, at the Sight of the said Committee, in providing a Fund for Payment of the Expences of this Act, and in paying off any Debts not exceeding in Amount the Sum of One hundred Pounds, or any fractional Parts of larger Debts, in lieu of granting Annuities for the same, and that in such Manner and on such Terms as may be arranged by and between the Persons in right of such Debts, and the said Lord Provost, Magistrates, and Council, at the Sight of the said Committee, and in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Uses or Purposes.

Feu Duties
may be sold
to Vassals.

LXVII. And be it enacted, That it shall and may be lawful to the said Lord Provost, Magistrates, and Council, with the special Advice and Concurrence of the Committee of the said Creditors, to sell and dispose of any Feu Duties and Casualties of Superiority to their Vassals in the Feu; and it is hereby declared, that nothing contained in the Rules and Regulations made by the said recited Act of the Third Year of the Reign of His Majesty King *George the Fourth* shall interfere with or prevent any Sale hereby authorized from being carried into effect, which Rules and Regulations, so far as concerns such Sales, are and shall be hereby suspended: Provided always, that the Prices to be received for the Subjects so
sold

sold shall be forthwith lodged by the said Lord Provost, Magistrates, and Council in the foresaid Account to be opened in the joint Names of the said Lord Provost, Magistrates, and Council and of the said Committee, and shall be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

LXVIII. And be it enacted, That notwithstanding any thing herein contained the Exercise of the Rights of Presentation of the said Lord Provost, Magistrates, and Council, of Persons to be Ministers of Churches, Professors in the University of *Edinburgh*, Masters in Schools, Bursars of Bursaries, and to the Appointment of all Offices and Situations of Trust, Profit, or Emolument, or otherwise, excepting as regards the Town and Harbour of *Leith* as aforesaid, which they now possess, either by themselves or jointly with other Persons or Bodies Politic and Corporate, shall remain in the said Lord Provost, Magistrates, and Council so long as the said Rights of Presentation shall remain vested in them.

Rights of Patronage, &c. reserved.

LXIX. And be it enacted, That nothing herein contained shall affect or be held to affect the Lands and Estate belonging to the *Trinity Hospital*, of which the Lord Provost, Magistrates, and Council are sole Governors, the *Greyfriars* Burying Ground, or Dues thereof, the College Buildings or Revenues thereof, as stated in the Accounts of the College Revenue, the Records or other Deeds or Documents belonging to the Burgh (with the Exception of the Writs and Titles of the Subjects of the said Security), *Nelson's Monument*, or any other Heritable Estate settled in or appropriated to the said Lord Provost, Magistrates, and Council for special Uses or Purposes, or any Jurisdiction, Civil or Criminal, which are at present possessed, held, exercised, and enjoyed by the said Lord Provost, Magistrates, and Council, and Persons acting under their Authority, such Rights and Jurisdictions being hereby (excepting in so far as herein otherwise provided) specially reserved entire.

Special Trusts and Jurisdictions reserved.

LXX. And be it enacted, That if the said Lord Provost, Magistrates, and Council shall at any Time fail to lodge in the Bank of *Scotland*, or such other Bank as may be substituted for the Bank of *Scotland*, on or before the Twenty-fifth Day of *January* and Twenty-fifth Day of *July* in any Year, or first lawful Day thereafter, as herein-before provided, the whole Amount of the half-yearly Annuities in Manner and to the Extent herein-before directed, of which Failure the Certificate of the Treasurer or Cashier of such Bank shall be conclusive Evidence, then and in that Case it shall be competent to and in the Power of the Committee of the said Creditors to direct Intimation to be made to the City Clerks in the Form of Notarial Instrument, that an Adjudication of the Subjects forming the Security is to be applied for at the Expiration of Three Months from the Date of such Intimation; and at the Expiration of such Three Months it shall be competent to the said Committee of Creditors to apply by summary Petition to the Court of Session in either Division thereof, or to the Lord Ordinary on the Bills in Time of Vacation, craving that the whole Estates, Heritable and Moveable, Real and Personal,

If Monies not duly paid into Bank Adjudication may be applied for.

comprehended in the Security herein-before created, shall be adjudged to belong to the Creditors of the said City, which Application the said Court is hereby authorized and required to grant, to the Effect that the said Property may be adjudged to belong absolutely and irredeemably to the said Committee as Trustees for the Creditors of the said City; and such Adjudication, being recorded within Fifteen Days of the Date thereof in the Register of Abbreviates of Adjudications in the same Manner that Abbreviates of Adjudication must be recorded, shall be held and taken to be a complete and effectual Adjudication, and shall *ipso facto* vest in the said Committee the whole Subjects, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, and which are comprehended in the Security herein-before granted, fully and effectually, without the Necessity of completing any other Title thereto whatsoever, and which Adjudication shall be held to be in full Discharge of all and every Debt and Obligation contracted by the said Lord Provost, Magistrates, and Council, and their Predecessors in Office, prior to the First Day of *July* One thousand eight hundred and thirty-three: Provided always, as it is hereby expressly provided and declared, that after the Expiration of Three free Days from the Date of such Notarial Intimation, it shall not be lawful for the said Lord Provost, Magistrates, and Council to lodge the said Money, without the Consent of the said Committee of the Creditors.

Property to be
excepted from
Adjudication.

LXXI. And be it enacted, That besides the Articles specified in Schedule (B.) annexed hereto, the Public Gaols of the said City and Liberties, and the High School belonging to the said Lord Provost, Magistrates, and Council, shall not be included in the Adjudication herein-before authorized to be applied for in the event aforesaid by the said Committee; and the *Royal Exchange Buildings*, the *Meadows*, *Bruntsfield Links*, *Calton Hill*, and *Princes Street Gardens* shall be withdrawn from such Adjudication, upon the said Lord Provost, Magistrates, and Council paying to the Committee of the Creditors of the said City the respective Values affixed to the said Properties in Schedule (A.) hereto annexed, by Three yearly equal Instalments; but failing such Payment at the Periods specified those Subjects shall permanently remain the Property of the Creditors; provided that the Subjects which are thus declared not to be included in the Adjudication, and those which may be withdrawn from it, shall (after Payment of the Value as regards the last) be held in all respects in the same Situation in regard to Liability for Debt as if they had been respectively inserted in Schedule (B.) at the passing of this Act.

Adjudication
to include
Arrears.

LXXII. And be it enacted, That in the event of the Property, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, being adjudged to belong to the said Creditors, the Adjudication shall be held to include all the Arrears then due on the Properties forming the Subject of the Security, and all the Revenues derived from the said Properties by the said Lord Provost, Magistrates, and Council since the last Payment was made of the Annuities hereby authorized to be granted, but subject always to the Deduction of all necessary
Expences

Expences for Repairs, Management, and Collection, and other preferable Burdens affecting the same.

LXXIII. And be it enacted, That when the aforesaid Property, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, shall have been vested in the Committee of the Creditors in manner herein-before mentioned, a General Meeting of the whole Creditors of the said City shall be called by the Clerk of the said Committee in the Manner herein-before directed in regard to the calling of Meetings for the filling up of Vacancies and electing Members of Committee, at which or at any subsequent Meeting it shall be lawful to the said Creditors to give such Directions to the Committee as to the future Disposal or Management of the Property, and in regard to the calling of General Meetings of Creditors, or otherwise, as shall appear to them to be best for the Interest of the Creditors, and which Property shall thenceforth be held by the said Committee as Trustees for the said Creditors, without any Control on the Part of the said Lord Provost, Magistrates, and Council, or such Committee being obliged to hold any Count and Reckoning with them in regard to the same; and in the event of a Sale of any Part of such Property a Disposition thereof, executed by Three or more Members of the said Committee, shall in all respects be sufficient.

Property adjudged to be at the Disposal of the Creditors.

LXXIV. And be it enacted, That the Dividends paid to the said Creditors of the said City, or the Dividends set apart for such of them as may not already have received the same, with the Dividend of Three Fourths *per Centum* payable to them in Terms of the Award of Sir *William Rae* Baronet, One of Her Majesty's Most Honourable Privy Council, and *Andrew Rutherford*, Her Majesty's Solicitor General for *Scotland*, of Date the Twelfth Day of *March* in the present Year, and of the Dividend of One and One Half *per Centum* payable on the First Day of *August* in the present Year, shall be held and taken to be in full of all Interest due to them on their respective Debts up to the Commencement of the Payment of the Annuities herein-before authorized to be granted: Provided always, that the Expences of the Trust created by the said recited Act of the Third and Fourth Year of the Reign of His late Majesty, hereby repealed, incurred subsequent to the Twenty-fifth Day of *November* One thousand eight hundred and thirty-seven, and the Payment of whatever Sum of Money may be necessary to equalize the Claims of the Creditors lodged but not ranked before the passing of this Act, shall be provided by the said Lord Provost, Magistrates, and Council.

Payments to Creditors previous to Issue of Bonds.

LXXV. And be it enacted, That all Dividends due to Creditors ranked or set apart for Creditors whose Claims have not been decided on, but which Dividends have not been drawn, or the Payment of which may have been suspended, shall be lodged in an Account to be opened in the Names of the said Committee with the Bank of *Scotland*, for Behoof of the Parties entitled to the same, and which Dividends shall be paid, on the Order of the Clerk to the said Committee, to the Parties so entitled to the same, with Bank Interest only.

Unclaimed Dividends, &c. on Debts already ranked to be placed in Bank.

LXXVI. And be it enacted, That all Persons who shall have at any Time acted as Trustees under the said recited Act of the Third

All Persons indemnified for Acts done

under 3 & 4
W. 4. c.122.

Third and Fourth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to appoint Trustees for the Creditors of the City of Edinburgh*, shall be and they are hereby indemnified for all Acts and Deeds done by them or by their Authority in the Execution of the said Act; and all Bodies Politic, Corporate, or Collegiate, Trustees or Guardians for Minors or fatuous Persons, and all others whatsoever, shall be indemnified for all Acts and Deeds done by them or by their Mandatories at all Meetings held in pursuance of the said last-recited Act, and it shall not be competent to challenge or to call in question the Validity of any such Acts and Deeds.

Bodies Corporate, Trustees, &c. may purchase Bonds.

LXXVII. And be it enacted, That it shall and may be lawful to all Bodies, Corporate, Politic, or Collegiate, Trustees or Guardians for Minors or fatuous Persons, to purchase and to hold the Bonds of Annuity herein-before authorized to be granted, although the Deeds of Constitution under which the said Bodies Politic, Corporate, or Collegiate, Trustees or Guardians, may act, do not contain any special Authority to enable them to vest the Funds under their Charge in the Purchase of such Bonds of Annuity.

Expences of the Committee how to be paid.

LXXVIII. And be it enacted, That so long as the Subjects comprehended in the Security herein-before provided for the Payment of the foresaid Bonds of Annuity shall not be made over to the Creditors in manner herein-before directed, the said Lord Provost, Magistrates, and Council shall be bound to defray all Expences that may be incurred by the Committee of the Creditors herein-before named in regard to the Ranking of Claims not yet allowed, and of all judicial Discussions in which the said Committee may happen to be involved, in relation to such Ranking; and shall annually pay or cause to be paid to the Clerk of the said Committee a Fee of Twenty-five Guineas, but the Payment of such annual Fee shall cease upon the Adjudication of the Property made over in Security being awarded in the Manner herein-before authorized: Provided always, that the said Lord Provost, Magistrates, and Council shall not be liable in any further Expences, save and except such Expences of Process as may at any Time be awarded against them for improper Litigation.

Petty Port Customs to be discontinued.

LXXIX. ' And whereas during the Continuance of the Grant of the Duty of Two Pennies *Scots* upon each Pint of Ale and Beer brewed, vended, tapped, or sold within the City of *Edinburgh* and its Liberties, certain Duties called the Petty Port Customs of *Edinburgh* were discontinued, and which Duties so discontinued are specified and enumerated in an Act passed in the First Year of the Reign of His Majesty King *George the Second*: And whereas the said Grant of Two Pennies *Scots* upon the Pint of Ale and Beer to the said City of *Edinburgh* expired on the First Day of *July* One thousand eight hundred and thirty-seven: And whereas Doubts have been entertained by the said Lord Provost, Magistrates, and Council how far the levying the Petty Port Customs can now be renewed, and it is their Wish that those Doubts should be removed by an Enactment relieving the Inhabitants from all Risk of being subjected in Payment of the same; be it enacted, That notwithstanding the Expiration of such Grant the whole of the Petty Port Customs enumerated

enumerated in the said Act of His Majesty King *George* the Second shall be for ever discontinued, and be no longer payable.

LXXX. And be it enacted, That nothing herein contained shall affect any Action or Suit now existing or depending in any Court relative to any Estate, Right, Property, or Effects, Heritable or Moveable, Real or Personal, mentioned in this Act or in the Schedules hereunto annexed, either belonging to or claimed by the said City of *Edinburgh*, or belonging to or claimed by any other Person or Party; but such Actions and Suits shall be and the (same are hereby fully saved and reserved to all Persons and Parties, to the Effect of establishing such Rights and Interests, as if this Act had not been passed: Provided always, that all Actions and Suits now existing or depending between the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Trustees for the Creditors of the said City, shall cease and determine from and after the passing of this Act.

Saving existing
Actions and
Rights.

LXXXI. 'And whereas the Seat Rents of the Thirteen Churches of the said City of *Edinburgh* are included in the said Schedule (A.), and certain Heritors, Inhabitants, and Elders of the Parishes of the *Tolbooth* and *Saint George's* within the said City have brought Actions of Declarator at their Instance before the Court of Session in *Scotland* against the said Lord Provost, Magistrates, and Council, and the Trustees for the Creditors of the said City, in relation thereto; it is hereby specially provided and declared, That the Rights of the said Pursuers, and of all others the Heritors, Inhabitants, and Elders of the said City of *Edinburgh*, and Sitters in the said City Churches, with reference to the said Seat Rents, shall be and the same are hereby saved and reserved entire, and shall not be limited or injured in any Manner or to any Extent whatever in consequence of the said Seat Rents being included in the said Schedule (A.), or by any thing herein contained.

Saving the
Rights of
Heritors, &c.
of *Edinburgh*
to Seat Rents of
City Churches.

LXXXII. And be it enacted, That the Expence of applying for and obtaining this Act shall be defrayed out of the first and readiest of the Monies belonging to the said City of *Edinburgh*.

Expences of
Act.

LXXXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

REVENUES and PROPERTIES conveyed in Security to the Creditors of the City of *Edinburgh*.

1. Feu Duties payable for Properties situated as follows, together with the whole Casualties and Compositions due to the Superiors:
 1. In the Ancient Royalty.
 2. In the Extended Royalty.
 3. In *Leith*, subject to a Power of Sale to the Magistrates of *Leith*.
 4. In *Canongate*.
 5. In *Portsburgh*.

6. At

6. At the Water of Leith, Bonnington, and Leith Mills.

The particular Items of these Feu Duties are detailed in the annual Accounts of the proper Revenue of the City, and they are conveyed in Security, subject always to the Feu Duties and Burdens under which they are held, and under such Burdens as are incident to the Proprietors thereof.

2. Rents and Tack Duties, unfeued Grounds, &c. &c.

1. Part of City Wall, at Top of Vennel, let to the Infant School Society, at Two Shillings and Sixpence per Annum.
2. Small Property and Area of Ground (Three Roods and Twenty-two Falls) adjoining the Calton Burying Ground. This Property is not let, but was formerly let at Ten Shillings per Annum.
3. Small House at Greenside Well, now in Ruins, let for Seven Pounds per Annum.
4. Small Garden at Bell's Mills, occupied as a Quarry by the Trustees of the Middle District of Roads.
5. The Links of Leith, to be preserved as an open Area, and kept in Pasturage for the Benefit of the Public of Edinburgh and Leith, as now existing and enjoyed, and to belong to the Town Council of Leith, subject to all existing Servitudes, and to a Right of Road and Entrance to the One thousand four hundred and eighty Feet of Feuing Ground after mentioned, such Road and Entrance to be at the West End thereof, and to be Thirty Feet in Breadth and One hundred and fifty Feet in Length, for Payment of a Rent of Twenty-five Pounds per Annum, redeemable at Twenty-five Years Purchase of the said Rent.
6. Stripe of Ground at Leith Links, let for Sixteen Pounds per Annum.
7. Six Ropewalks adjoining Leith Links, let for about Fifty Pounds per Annum.
8. Park at Leith Links, let for Twelve Pounds per Annum, containing One thousand four hundred and eighty Feet of Feuing Ground.
9. Area of Ground in the Bush at Leith, and the Buildings thereon, let for Two hundred and sixty-seven Pounds per Annum.
10. Property leading into the Sands, presently let for Five Pounds per Annum, being the Area adjoining the open Space at the Foot of Bath Street.
11. Piece of Waste Ground East of the Crystal Works at Leith, let for Five Pounds per Annum.
12. House above Citadel Port at Leith, let for Five Shillings per Annum.
13. Area of Old Glass House ditto, let for One Shilling per Annum.
14. The City's Oyster Scalps, let for Fifty-five Pounds, and for extra Quantity, Five Pounds.
15. Seats in West Church, not let.

16. Three Houses in Kerr Street, Stockbridge, let for Nineteen Pounds Five Shillings per Annum.
17. Shore Dues Office at Leith, let for Sixty Pounds per Annum.
18. Piece of Ground, Foot of Warriston Close, let for Ten Pounds per Annum.
19. Piece of Ground, Foot of Mary King's Close, let for Six Shillings and Eight-pence per Annum.
20. Piece of Ground, Foot of Lady Stair's Close, let for Eight Pounds per Annum.
21. Space under Cellars, at Old Post Office Close, let for Two Pounds per Annum.
22. Area of Ground at Cowgate Port, now feued to the Governors of Heriot's Hospital at Twenty-seven Pounds Ten Shillings per Annum.
23. Four Stables, adjoining to and under the North Bridge, let for Eighteen Pounds Ten Shillings per Annum.
24. Vaults below North Bridge.
25. Vaults below the South Arch of the North Bridge, let for Fifteen Pounds per Annum.
26. Five Shops, Foot of Fleshmarket Close, let for Twenty-seven Pounds Fourteen Shillings per Annum.
27. Wright's Shop, Foot of Fleshmarket Close, not let.
28. Small Stable at Market Street, let for Two Pounds Ten Shillings per Annum.
29. The following unfeued Areas and other Property, some of which are let for temporary Purposes, viz.

1. In Fettes Row, Royal Crescent, Foot of Duncan Street, to the North of Saint Mary's Church, and Stable Ground behind Bellevue Crescent, with Common Sewers, Cellars, Stables, &c., containing about Two thousand and eighteen lineal Feet in front.

Several of the above Rents and Properties are subject to Payment of Feu Duties and other Burdens, and are conveyed in Security, subject to these and all other Burdens.

2. Dry Mulctures, payable by Brewers, in lieu of Thirlage to the City's Mills, as settled by Decree Arbitral, dated 23d April 1711; viz.
 1. By Brewers in Edinburgh.
 2. By ditto in Easter and Wester Portsburgh.
 3. By ditto in Canongate.
 4. By ditto in Barony of Calton.
3. Canal Dues on Goods loaded or landed within One Mile of Port Hopetoun, in Terms of the Act 57 Geo. 3. c. 56.
4. Sixty Shares of the Stock of the Edinburgh and Glasgow Union Canal Company.
5. Edinburgh Friendly Insurance Stock for original Policy, No. 1,262, belonging to Misses Ramsay, and acquired by the City.
6. The free Produce of the Seat Rents of the Thirteen City Churches, and of the Cellars underneath

- neath the same, after Deduction of all preferable Burdens, and of all other Expences of the Ecclesiastical Establishments of the City.
7. The Sum of Four hundred and eighty Pounds preferably secured over the Revenues of the Harbour and Docks of Leith, being Compensation for the Interest of Twelve thousand Pounds advanced by the Corporation of Edinburgh for the Improvement of the Harbour of Leith, on account of the Ministers of Edinburgh, and for which Four hundred and eighty Pounds was preferably secured by Act 7 Geo. 4. c. 105. on the Revenue of the Merk per Ton belonging to them.
 8. The Sum of Two thousand seven hundred Pounds preferably secured over the Revenues of the Harbour and Docks of Leith, in lieu of all Claims by the Creditors of the City of Edinburgh on the Revenues of the Port and Harbour of Leith and Newhaven, and Docks and other Works, together with the Shore, Sands, and Beach belonging thereto, as described in this Act.
 9. The following Properties, which are to be redeemable by the City, according to the Provisions of the Act, at the following Prices fixed as the Value of the same by Sir William Rae and Mr. Solicitor General Rutherford; viz^t.

	£	s.	d.
1. Royal Exchange Buildings, including the public Offices, Shops, Cellars, and all the other Properties in the Royal Exchange belonging to the Lord Provost, Magistrates, and Council; fixed Value	3,800	0	0
2. The Meadows; fixed Value	7,732	3	½
3. Bruntsfield Links, small Piece of Land let to Watson's Hospital at Five Pounds per Annum, and Two Pounds Five Shillings being Rent paid annually for Privilege of Entry to Houses; fixed Value	1,896	15	0
4. Calton Hill, including unfenced Ground fit for Workshops towards Greenside, being about Eight hundred and fifty lineal Feet	717	15	9
5. Princes Street Garden, exclusive of the Right to build on the Mound according to Mr. Playfair's Plan, Western Division	1,619	8	10
6. Princes Street Garden, Eastern Division	1,066	0	0
	2,685	8	10

SCHEDULE (B.)

REVENUES and PROPERTIES to belong to the City of Edinburgh, and which are not conveyed in Security to the Creditors, in whole or in part, except to the Extent provided for in the Act; viz^t.

1. Common Good of the City and Liberties (exclusive of that of Leith, which is to belong to the Town Council of Leith for Municipal Purposes), consisting of the following Customs, &c.; viz.

1. Customs of the Land, Cloth, and Flesh Market, with the Veal Boards and Cellars in the Middle Flesh Market, all as presently let to John Boyd and Robert Latta, at the yearly Rent of One thousand two hundred Pounds Sterling.
2. The Fruit and Green Market Customs, including the old Green Market Place, to which is attached the Duty House at the End of the North Bridge, and another Duty House at the College Kirk, all as presently let to Boyd and Latta, at the yearly Rent of One thousand and ninety Pounds Sterling.
3. The Custom of the Fish Market, all as presently let to Boyd and Latta, at the yearly Rent of Three hundred and eleven Pounds Sterling.
4. The Meal and Corn Market Customs, with the Market Place and Granaries, all as presently let to Boyd and Latta, at the yearly Rent of Four hundred and fifty-six Pounds Sterling.
5. The Customs of the House of Muir and Hallow Fair, which include the Customs at the House of Muir in use to be exacted for all Horses, Nolt, Sheep, Lambs, and other Bestial, also now exacted in the Grass Market and at the Bughts at Tollcross, all as presently let to Boyd and Latta, at the yearly Rent of Four hundred and ten Pounds Sterling.
6. The Duties and Fees payable for weighing and lyage of all Sort of Merchandize, whether Foreign or Inland, weighed and received into the Weigh-house of Edinburgh, with the Weigh-house itself, Saleshop, Warehouse or Loft and Cellarage, all as presently let to John Drummond, at the yearly Rent of Two hundred and ninety-two Pounds Sterling.
7. The Poultry and Bread Market Customs, all as presently let to John Drummond, at the yearly Rent of Two hundred and seventy-five Pounds Sterling.
8. The Impost on Wines, Foreign Spirits, and Liquors brought into the City of Edinburgh and Liberties, payable by Vintners and Retailers, all as presently let to John Drummond, at the yearly Rent of One hundred Pounds Sterling.

The above Customs and Market Dues are conveyed in Security to the Creditors to the Extent of One thousand Pounds per Annum, and also to meet any Claim on account of the Streets in the event of the

free Revenues before conveyed on Security being less than Eight thousand three hundred Pounds as provided for in the Act.

The following Revenues are to belong to the City of Edinburgh, free from any Claim whatever on the Part of the Creditors; viz.—

2. The One per Cent. Impost Assessment in lieu of the Impost on Wines formerly levied on Private Families, per Act 25 Geo. 3. c. 28.
3. The Fees payable on Entry of Burgesses and Guild Brethren.

C A P. LVI.

An Act for the more effectual Relief of the destitute Poor in *Ireland*. [31st July 1838.]

Poor Law Commissioners to carry this Act into execution.

‘WHEREAS it is expedient to provide for the more effectual Relief of the destitute Poor in *Ireland*:’ Be it therefore enacted by the Queen’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 Poor Law Commissioners for the Time being shall be the Commissioners to carry this Act into execution.

Power to examine Witnesses, and to call for Papers, &c., upon Oath.

II. And be it enacted, That it shall be lawful for the said Commissioners, or any One of them, at any Time or Place, by Summons under the Seal of the Commissioners, or under the Hand and Seal of any One of them, to require the Attendance of all such Persons as they or he may think fit to call before them or any of them upon any Matter connected with the Objects or Purposes or the Execution of the Provisions of this Act, and to make Inquiries, and require Returns, and to administer Oaths, and examine all such Persons upon Oath, and to require and enforce the Production upon Oath of Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, and Writings, or Copies thereof respectively, in anywise relating to any such Matter, or, where the Commissioners or Commissioner shall think fit, in lieu of requiring such Oaths as aforesaid, to require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined: Provided always, that no Person shall be required, in obedience to any such Summons, to go more than Twenty Statute Miles from the Place of his Abode: Provided also, that nothing herein contained shall extend to authorize or empower the Commissioners to act as a Court of Record, or to require the Production of the Title or any Papers or Writings relating to the Title of any Lands, Tenements, or Hereditaments, not being Property vested in the Commissioners by virtue of this Act.

Administration of Relief to the Poor to be under Control of the Commissioners.

III. And be it enacted, That from and after the passing of this Act the Administration of Relief to the Poor throughout *Ireland* according to such Laws as shall be in force at the Time being shall be subject to the Direction and Control of the Commissioners, and for executing the Powers given to them by this Act the Commissioners are hereby authorized and required, from Time to Time as they shall see Occasion, to make and issue all such Orders for the Government of Workhouses, Houses of Industry, and Foundling

ling Hospitals, and of the Poor therein, and for the Guidance and Control, Appointment and Removal of the Officers thereof, and for the Guidance and Control, according to the Intention of this Act, of all Guardians, Wardens, and other Officers, paid or unpaid, acting in the Management or Relief of the destitute Poor, and for the keeping, examining, auditing, and allowing or disallowing of Accounts, and for the making of Contracts in all Matters relating to such Management or Relief, or to any Expenditure for the Relief of the destitute Poor, and for carrying this Act into execution in all other respects as they shall think proper; and the Commissioners may, at their Discretion, from Time to Time suspend, alter, or rescind such Orders, or any of them: Provided always, that nothing in this Act contained shall be construed as enabling the Commissioners, or any of them, to interfere in any individual Case for the Purpose of ordering Relief.

Commissioners may suspend, alter, or rescind Orders.

IV. And be it enacted, That no General Rule of the Commissioners shall operate or take effect until the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent to One of Her Majesty's Principal Secretaries of State, unless One of Her Majesty's Secretaries of State shall sooner allow the same; and if at any Time after such General Rule shall have been so sent Her Majesty, with the Advice of Her Privy Council, shall disallow the same or any Part thereof, such Disallowance shall be notified to the Commissioners by One of Her Majesty's Principal Secretaries of State; and such General Rule or the Part thereof so disallowed shall not come into operation, if such Disallowance be notified to the Commissioners at any Time during the said Period of Forty Days; but if such Disallowance be so notified at any Time after that Period, then from and after such Disallowance shall have been so notified such General Rule, so far as the same shall have been so disallowed, shall cease to operate, subject however and without Prejudice to all Acts and Transactions under or in virtue of the same previously to Notice of such Disallowance having been given by the Commissioners in manner herein-after mentioned.

General Rules to be submitted to the Secretary of State.

V. And be it enacted, That all General Rules for the Time being in force at the Commencement of every Session of Parliament, and which shall not previously have been submitted to Parliament, shall from Time to Time, within One Week after the Commencement of every such Session, be laid by One of Her Majesty's Principal Secretaries of State before both Houses of Parliament.

General Rules to be laid before Parliament.

VI. And be it enacted, That a written or printed Copy of every Order of the Commissioners shall be sent by the Commissioners, by the Post, or in such Manner as the Commissioners shall think fit, sealed or stamped with their Seal, addressed to the Guardians of the Union, or their Clerk, or the Officers acting in the Management or Relief of the destitute Poor, or other Officers required to carry such Order into effect, and to the Clerk to the Justices of the Petty Sessions held for the Division or Divisions in which such Union, or the Place where such Order is to take effect, shall be situate: Provided always, that no Failure or Neglect in sending Copies of any Order to any Clerk to the Justices as aforesaid shall in any way affect the Validity of such Order.

Orders to be sent to Guardians, &c.

Publicity to be given to Orders in manner directed by Commissioners.

VII. And be it enacted, That every Clerk of such Guardians and the Clerks to the Justices aforesaid respectively shall and they are hereby required to preserve and give Publicity to such Orders in such Manner as the Commissioners shall direct, and also to allow every Rate-payer (or his Agent authorized in Writing) in every such Union to inspect the same at all reasonable Times, free of any Charge for such Inspection, and to furnish Copies of the same, being paid for such Copies at the Rate of Three-pence for every Folio of Seventy-two Words, and to allow Copies or Extracts thereof to be taken, on being paid for so doing at the Rate of Three Halfpence for every Folio of Seventy-two Words; and in case any such Clerk to the Guardians or Clerk to the Justices to whom such Orders or Copies thereof shall be sent as aforesaid shall neglect to preserve and give Publicity to the same in the Mode prescribed or directed by the Commissioners, or shall refuse such Inspection, or to furnish or allow such Copies thereof to be taken as aforesaid, every Person so offending shall for every such Offence be subject and liable to a Penalty not exceeding the Sum of Ten Pounds nor less than Forty Shillings.

Penalty for neglecting to give Publicity, &c.

Disallowance of Rule to be notified in like Manner.

VIII. And be it enacted, That if any such General Rule shall, after the same shall have come into operation, be disallowed in manner herein-before mentioned, or any Order whatever shall be revoked by the Commissioners, then and in every such Case the Commissioners shall send by the Post, or in such Manner as they shall think fit, to every Union affected thereby, Notice of such Disallowance or Revocation, such Notice of Disallowance or Revocation to be addressed, preserved, and inspected, and Copies thereof furnished or allowed to be taken, in the same Manner and subject to the same Penalties as are herein-before mentioned respecting Orders.

Officers to execute the Act.

IX. And be it enacted, That every Assistant Commissioner, Secretary, Assistant Secretary, Clerk, and other Officer appointed by the Commissioners shall, so far as the Commissioners shall direct, be Officers for carrying this Act into execution.

Names of Commissioners, &c. to be published.

X. And be it enacted, That a Notification of the Name of every Commissioner and of every Assistant Commissioner directed to carry this Act into execution shall, before they respectively enter upon the Execution of this Act, be published in the *London Gazette* and in the *Dublin Gazette*.

Commissioners may delegate Powers, and revoke them.

XI. And be it enacted, That it shall be lawful for the Commissioners to delegate, by Writing under their Hands and Seal, to any One of the Commissioners, with the Approbation of One of Her Majesty's Principal Secretaries of State, or to any One or more of their Assistant Commissioners, provided such Assistant Commissioners shall be acting in *Ireland*, any of the Powers and Authorities hereby or by any other Act given to the Commissioners (except the Power to make General Rules), as the Commissioners shall think fit; and the Powers and Authorities, and the Delegation thereof, shall be notified in such Manner, and such Powers and Authorities shall be exercised at such Places, for such Periods, and under such Circumstances, and subject to such Regulations, as the Commissioners shall direct; and the Commissioners may at any Time revoke or vary all or any of the Powers and Authorities which shall be so delegated as aforesaid, and.

and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made.

XII. And be it enacted, That every Assistant Commissioner may and is hereby empowered to summon before him such Persons as he may think necessary for the Purpose of being examined upon Oath (which Oath such Assistant Commissioner is hereby empowered to administer) upon any Question or Matter which the Commissioners, if present, and acting in the Execution of the Powers of this Act, might entertain or inquire into: Provided nevertheless, that in lieu of requiring such Oath as aforesaid such Assistant Commissioner shall, if he shall think fit, require such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and all Summonses made by any such Assistant Commissioner, and all Orders made by him in pursuance or exercise of such delegated Powers and Authorities as aforesaid, shall be obeyed, performed, and carried into effect by all Persons as if such Summons or Order had been the Summons or Order of the Commissioners.

Assistant Commissioners may examine on Oath;

or take a Declaration.

XIII. And be it enacted, That if any Person, upon any Examination under the Authority of this Act, shall wilfully give false Evidence, or wilfully make or subscribe a false Declaration, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall refuse or wilfully neglect to attend in obedience to any Summons of the Commissioners or of any Commissioner or Assistant Commissioner, or to give Evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, or Writings, or Copies of the same, which may be required to be produced for the Purposes of this Act, to any Person authorized by this Act to require the Production thereof, every Person so offending shall be deemed guilty of a Misdemeanor.

Penalties for giving false Evidence or refusing to give Evidence.

XIV. And be it enacted, That it shall be lawful for the Commissioners, in any Case where they may see fit, to order and allow such Expences of Witnesses, and such Expences attending the Production of any Documents or Copies thereof to or before any Person authorized by this Act to require the Production thereof, as such Commissioners may deem reasonable, to be paid as follows; (that is to say,) out of the Rates of the Union which in the Opinion of the Commissioners shall be interested or concerned in such Testimony or Production respectively in all Cases in which such Witnesses shall not go more than Ten Statute Miles from their Place of Residence, and in all other Cases the Expences so ordered or allowed shall be deemed Part of the incidental Expences attending the Execution of this Act, and be paid accordingly.

Expences of Witnesses.

XV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, by Order under their Seal, to unite such and so many Townlands as they may think fit, to be a Union for the Relief of the destitute Poor, by such Name as the Commissioners shall by such Order direct.

Formation of Unions.

XVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, as they may think fit, to declare any

Dissolution or Alteration of Unions.

any such Union to be dissolved, or any Townland or Townlands to be added to or separated from any such Union; and in case of any Addition to or Separation from a Union, or of any other Alteration of the Limits thereof, to make such Orders as they may think fit for adapting the Constitution, Management, and Government of such Union to its altered State; and in case of a total or partial Dissolution of any Union, or other Alteration of the Limits thereof, to ascertain to the best of their Judgments the proportionate Value to any and every Townland affected by such Dissolution or Alteration of any Property held or taken for or relinquished by the Union in its altered State, and also the proportionate Amount chargeable on every Townland in respect of all the Liabilities of such Union existing at the Time of such Dissolution or Alteration, and the Commissioners shall thereupon fix the Amount to be received or paid, or secured to be paid, by such Union or by any Townland affected by such Alteration, as the Justice of the Case appears to them to require; and all Sums to be received, if any, by such Union or Townland, shall be paid, or secured to be paid, to such Person and in such Manner, and shall be applied for the Benefit of such Union or Townland, as the Commissioners shall direct; and all Sums to be so paid, or secured to be paid, shall be raised by special Rates on the Property liable to be rated under this Act, under the Direction of the Commissioners, or charged on the Poor Rates, or such special Rates of such Union or Townland respectively as the Commissioners may see fit: Provided always, that no such Dissolution or Alteration shall take place or be made unless a Majority of the Guardians of the Union affected by such Change shall also consent thereto in Writing; and provided also, that no such Dissolution or Alteration shall in any Manner prejudice, vary, or affect the Rights or Interests of third Persons in respect of Contracts entered into by or on behalf of such Union or Townland previous to such Dissolution or Alteration, and that a Copy of every Order by which any Union shall be declared dissolved or altered shall be transmitted to One of Her Majesty's Principal Secretaries of State, who shall forward the same, or a Duplicate thereof, to the Lords of the Treasury.

Election of
Guardians.

XVII. And be it enacted, That when any Union for the Relief of the destitute Poor shall have been declared a Board of Guardians of the Poor for such Union shall be constituted, and the Guardians shall be elected at such Time as the Commissioners by their Order declaring the Union, or by any subsequent Order, shall direct.

Commissioners
may divide
Unions into
Electoral Dis-
tricts.

XVIII. And be it enacted, That the Commissioners may divide any Union into Electoral Divisions for the Election of Guardians, and may alter any such Division from Time to Time as they may see fit, so nevertheless that in making or altering such Electoral Divisions no Townland shall be divided: Provided always, that whenever One or more Townlands lying adjacent shall be the Property of One or more Proprietors, who shall be rated instead of the Occupiers of such Property as herein-after is provided, and who shall serve Notice in Writing to that Effect upon the Commissioners, the said Commissioners shall be at liberty, if they shall

shall deem it expedient, to form such Townland or Townlands into an Electoral District.

XIX. And be it enacted, That the Commissioners shall determine, and from Time to Time may, as they may see fit, alter the Number of the Guardians to be elected in each Union, and the Number to be elected for every Electoral Division, having due Regard to the Circumstances of each such Division, (so nevertheless that every Person qualified to vote in the Union shall be entitled to vote in the Election of One Guardian at the least,) and may also fix the Value of the Qualification by which Male Persons of full Age shall be eligible as such Guardians, such Qualification to consist in being entitled to vote at Elections of Guardians in such Union, but not so as to require a Qualification exceeding the net annual Value of Thirty Pounds: Provided always, that no Person, being in Holy Orders, or being a regular Minister of any Religious Denomination, shall be eligible as a Guardian.

Number and Qualification of Guardians.

Ministers not to be Guardians.

XX. And be it enacted, That on the Twenty-fifth Day of *March* in every Year, or if that Day should fall on a *Sunday* or *Good Friday*, then on the Day next following, or within Fourteen Days next after such Twenty-fifth Day of *March*, the Guardians for the ensuing Year, to be computed from such Twenty-fifth Day of *March*, shall be chosen, and immediately upon their Election the Guardians previously elected by the Rate-payers of any Union shall go out of Office: Provided always, that the Guardians first elected by such Rate-payers shall, if the said Commissioners shall by any Order so direct, hold Office until the Twenty-fifth Day of *March* next after their Election, and thenceforth for One Year; and that in every Case the Guardians whose Term of Office shall expire on the Twenty-fifth Day of *March* in any Year shall continue to act as Guardians until others are elected or appointed in their Stead.

Election of Guardians to be annual.

XXI. And be it enacted, That any Guardian going out of Office shall be re-eligible for the ensuing or any subsequent Year, and that the same Person may be elected for more than One Electoral Division.

Guardians may be re-elected.

XXII. And be it enacted, That in case the full Number of Guardians shall not be duly elected at any Election of Guardians for the Time being, or in the event of any Vacancy occurring in such Board by the Death, Removal, or Resignation, (which the Commissioners are hereby empowered to accept,) or Refusal or Disqualification to act of any Guardian, the other or remaining Members of the said Board shall continue to act until the next Election, or until the Completion of the said Board, as if no such Vacancy had occurred, and as if the Number of such Board were complete.

In case of Vacancy, the remaining Members to act.

XXIII. And be it enacted, That every Justice of the Peace residing in any such Union, and acting for the County in which he so resides, and not being a Stipendiary Magistrate or Assistant Barrister, or a Person in Holy Orders, or a regular Minister of any Religious Denomination, shall be an *ex officio* Guardian of the Poor for such Union; and (unless the Commissioners shall by any Order postpone, for such Time as they shall see fit, the Period at which such *ex officio* Guardians shall

Ex-officio Guardians;

act as such, which Order the Commissioners are hereby empowered to make and issue,) the said *ex officio* Guardians shall, until a Board of Guardians be duly constituted, and also in case of any Irregularity or Delay in any subsequent Election of Guardians, by reason whereof there shall be no legally constituted Board of Guardians of such Union, receive and carry into effect the Orders of the Commissioners; and after such Board shall be constituted as aforesaid every such Justice shall *ex officio* act as a Member of such Board, in addition to and in like Manner as an elected Guardian.

not to exceed
One Third in
Number of
elected Guar-
dians.

XXIV. Provided always, and be it enacted, That the Number of *ex officio* Guardians of any Union shall in no Case exceed One Third of the Number of Guardians to be elected by the Rate-payers of such Union; and in every Case where the Number of Justices qualified as aforesaid shall exceed One Third of the whole Number of the Guardians to be elected by such Rate-payers the Justices so qualified shall, within Fourteen Days after the Declaration of such Union, assemble at a Meeting to be specially held for the Purpose at a Time and Place to be appointed by or under the Order of the Commissioners, of which Meeting the Justice senior by Appointment who shall be present shall be Chairman; and thereupon the said Justices shall, by a Majority of their Number present and voting, (the Chairman, in case of an Equality of Votes in favour of Two or more Persons, to have a double or casting Vote,) appoint from the Justices so qualified a Number of Persons nearest to but not exceeding One Third of the Number of the Guardians to be elected by the Rate-payers; and the Justices so appointed shall be entitled to act as *ex officio* Guardians of the Poor of the Union from the Period of the first Appointment so made until the next Twenty-ninth Day of *September*, and for One Year next ensuing, or until others shall be appointed in their Stead; and at the Expiration of One Year after the Twenty-ninth Day of *September* next following such first Appointment, and on the Twenty-ninth Day of *September* in every succeeding Year, or within Fourteen Days thereof, the *ex officio* Guardians for the Year, computed from the Twenty-ninth Day of *September*, shall in like Manner be appointed, and immediately upon their Appointment the *ex officio* Guardians last previously appointed shall go out of Office; and Lists of the Names of the Justices so appointed to serve as *ex officio* Guardians of any Union, duly certified by the Chairman of the said Meeting, shall be sent by him to the Commissioners and to the Clerk of the Peace of the County, and the Clerk of the Peace shall preserve the same in the Records of the County: Provided always, that any *ex officio* Guardian shall be re-eligible for the ensuing or any subsequent Year: Provided also, that whenever the Number of Justices qualified as aforesaid to act as *ex officio* Guardians in any Union shall, by Death, Removal, Disqualification to act, or from any other Cause, be reduced to or below One Third of the Number of the elective Guardians, then, and so long as the Number shall not exceed One Third of the Number of elective Guardians, the whole of the Justices so qualified shall be entitled to act as *ex officio* Guardians.

Appointment
to be annual.

On Non-election
of Guardians, or
Refusal to act,

XXV. And be it enacted, That in case an Election of Guardians for any Electoral Division or for any Union shall not take place in

obedience

obedience to the Orders of the Commissioners and in pursuance of this Act, or in case any Guardian duly elected shall neglect or refuse to act, the Commissioners shall order a fresh Election of Guardians for such Electoral Division, or shall declare the Place of such Guardian as aforesaid to be void, as the Case may be, and in such latter Case shall order a fresh Election of a Guardian in lieu of such Guardian as aforesaid; and if an Election of Guardians for such Electoral Division or Union shall not thereupon take place, or any Guardian who may be elected at such fresh Election shall neglect or refuse to act, then the Commissioners may appoint any Person whom they may deem fit to fill the Place of any such Guardian of whom there has been such Failure of Election, or of any Guardian who shall have neglected or refused to act, as aforesaid; and every Person so appointed shall serve and hold the Office of Guardian until an Election of Guardians shall take place under the Provisions of this Act; and every Person so appointed shall during the Period of his Service of the Office have the same Powers, and shall be subject to the same Obligations, in all respects, as Guardians elected by the Rate-payers under this Act; and every Guardian neglecting or refusing to act shall, upon the Appointment of any Person to fill his Place, cease to act, and to have any Right or Title to act, as Guardian of such Union, until again duly elected or appointed to be a Guardian.

Commissioners to order a fresh Election, and in certain Cases may appoint.

XXVI. And be it enacted, That in case regular Meetings of the Board of Guardians of any Union shall not be holden at the Times enjoined by the Orders of the Commissioners, or in case, through the Default of the Guardians, the Duties of such Board of Guardians shall not be duly and effectually discharged according to the Intention of this Act, the Commissioners shall declare such Board of Guardians to be dissolved, and shall order a fresh Election of the Guardians of such Union; and in case the Guardians elected at such fresh Election shall not hold regular Meetings at the Times enjoined by the Orders of the Commissioners, or in case, through the Default of such Guardians, the Duties of such Board of Guardians shall not be duly and effectually discharged according to the Intention of this Act, then the Commissioners may appoint such and so many paid Officers as they may think fit to carry into execution the Provisions of this Act, and from Time to Time revoke and determine such Appointments; and the Commissioners shall, from Time to Time, as they shall see fit, define and direct the Execution of the Duties of such Officers, and the Amount and Nature of the Security to be given by such of them as the Commissioners shall think ought to give Security, and regulate the Amount of Salaries payable to such Officers respectively, and the Time and Mode of Payment thereof; and such Salaries shall be chargeable on and payable out of the Rates levied for the Relief of the destitute Poor of such Union: Provided always, that unless the Commissioners shall sooner revoke or determine the Appointment of such paid Officers such paid Officers shall hold their Offices for the Term of One Year from the Date of their Appointment, and thenceforth till the Time of the next Election of Guardians for such Union, under the Provisions of this Act, and no longer.

Power to Commissioners to appoint paid Officers.

XXVII. And be it enacted, That the Board of Guardians for every Union, including all Persons herein-before empowered to act

Guardians incorporated; and Commissioners,

&c. entitled to attend their Boards.

as Guardians, while so acting, shall be and are hereby declared to be a Body Politic and Corporate, and shall be called by the Name of "The Guardians of the Poor of the Union," and are hereby authorized and enabled by that Name to sue and be sued, plead and be impleaded, in Law and in Equity, take and hold Goods and Chattels, and to enter into and execute all such Contracts connected with the Relief of the destitute Poor, and with the Purposes of this Act, as shall be enjoined or permitted by the Orders of the Commissioners; and all the Monies levied by Rates under the Provisions of this Act within each Union, and all Goods and Chattels purchased with such Monies, or otherwise taken and held for the Purposes of this Act within such Union, shall be deemed at Law to be the Property of the Board of Guardians; and such Boards of Guardians shall have Power to govern and manage the Workhouses of their respective Unions, and to direct the Officers of such Unions in the Execution of their Duties, subject to the Orders of the Commissioners; and every Commissioner and Assistant Commissioner shall be entitled to attend every Board of Guardians, and to take part in their Discussions, but not to vote at any such Board.

Meetings of Guardians.

XXVIII. And be it enacted, That the Board of Guardians in every Union shall meet at such Times as shall be enjoined by the Orders of the Commissioners, upon giving such Notice as shall be prescribed by the said Commissioners; and all lawful Acts, Contracts, and Matters done, entered into, and transacted at such Meetings by a Majority of the Guardians present and voting, and verified by the Signatures of Three of such Guardians, and countersigned by their Clerk, shall be as valid and effectual as if all the Guardians had been present and concurred; and the Signatures of Three Guardians, Members of any Board, affixed to any Resolution, Contract, or Order purporting to be entered into or made by such Board of Guardians, shall be *prima facie* Evidence that such Resolution, Contract, and Order was duly entered into or made by such Board.

No Guardian to act except as a Member of a Board.

XXIX. And be it enacted, That, except where the Consent of a Majority of Guardians is required by this Act, and except also where it may be otherwise ordered by the Commissioners, no *ex officio* or elected Guardian shall have Power to act in virtue of his Office, except as a Member, and at a Meeting of a Board of Guardians; and no Act of any such Meeting shall be valid unless Three Members shall be present and concur.

De facto Guardians.

XXX. Provided always, and be it enacted, That no Defect in the Qualification, Election, or Appointment of any Person acting as a Guardian at a Board of Guardians shall vitiate or make void any Proceedings of such Board in which he may have taken part.

Paid Officers.

XXXI. And be it enacted, That it shall be lawful for the Commissioners, as and when they shall see fit, by their Order to direct the Guardians of any Union, or of so many Unions as the Commissioners may in such Order specify and declare to be united for the Purpose of appointing and paying Officers, to appoint such paid Officers, with such Qualifications as the Commissioners shall think necessary, for superintending, acting, or assisting in the Election of Guardians, in the surveying and Valuation of Property to be

be rated, in the collecting of Rates to be made for the Purposes of this Act, in the Administration of the Relief and Management of the destitute Poor, and otherwise carrying the Provisions of this Act into execution; and the Commissioners may and they are hereby empowered to define, specify, and direct the Execution of the respective Duties of such Officers, and the Places or Limits within which the same shall be performed, and direct the Mode of the Appointment and determine the Continuance in Office or Dismissal of such Officers, and the Amount and Nature of the Security to be given by such of the said Officers as the Commissioners shall think ought to give Security, and, when the Commissioners may see Occasion, from Time to Time to regulate the Amount of Salaries or Allowances payable to such Officers respectively, and the Time and Mode of Payment thereof, and the Proportions in which such respective Unions shall contribute to such Payment.

XXXII. And be it enacted, That the Salaries of all such Officers, and the Salaries of Auditors, Returning Officers, and all paid Officers whom the Commissioners are by this Act directly empowered to appoint, and of the Chaplains of Workhouses appointed under this Act, shall be chargeable on and payable out of the Poor Rates of such Union or Unions, or of any Electoral Division comprised therein, in the Manner and Proportions fixed by the Commissioners; and the Guardians of any such Union are hereby empowered and required to raise by Rate such Sums as shall be sufficient to pay such Salaries, or its proportionate Part thereof.

Salaries charged on Rates.

XXXIII. And be it enacted, That the Commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by their Order, either upon or without any Suggestion or Complaint in that Behalf from the Guardians of any Union, to remove any paid Officer appointed under the Provisions of this Act, whom they shall deem unfit for or incompetent to discharge the Duties of any such Office, or who shall at any Time refuse or neglect to obey and carry into effect any of the Orders of the Commissioners, and to require from Time to Time the Persons competent in that Behalf to appoint a fit and proper Person in his Room; and in case of the Refusal or Neglect of the Persons competent to appoint, or in case the Officer removed shall be an Officer whom the Commissioners are by the Provisions of this Act directly empowered to appoint, the Commissioners are hereby authorized to appoint a fit and proper Person in the Room of the Person so removed; and any Person so removed shall not be competent to be appointed to or to fill any paid Office connected with the Relief or Management of the destitute Poor in any Union, except with the Consent of the Commissioners.

Removal of paid Officers.

XXXIV. And be it enacted, That when any Union shall have been declared, every House of Industry, Workhouse, and Foundling Hospital which has been either wholly or in part supported by Parliamentary Tax, Grant, Grand Jury Aid, or by any compulsory Rate or Contribution, situate within the Limits of such Union, and all Lands, Tenements, and Hereditaments, and Real Property, and Chattels Real, and the Produce of any Tax, of and belonging thereto, shall vest in the Poor Law Commissioners for the Time

Houses of Industry, &c. to vest in Commissioners.

being,

being, according to the Nature and Quality, Estate and Interest of and in the same Property and Premises respectively, and subject to the Debts, Charges, and Incumbrances affecting the same respectively, and to the Repayment of any Advances which, conformably with previous Usage, have been made for the lawful Purposes of any such House of Industry, Workhouse, or Foundling Hospital; and that upon the Death, Resignation, or Removal of the present Commissioners, or any or either of them, or of any future Commissioner or Commissioners, all such Property and Premises shall be vested in and be held by the succeeding Commissioners, jointly with the continuing Commissioner or Commissioners, if any there be, and so in perpetual Succession, in Trust for the several Purposes for which the same are respectively applicable, but subject nevertheless to the Powers and Provisions of this Act; and every such House of Industry, Workhouse, or Foundling Hospital shall, if and when the Commissioners shall so direct, be a Workhouse of the Union in which the same may be situate; but every such House of Industry, Workhouse, or Foundling Hospital shall, subject always to the Control and Orders of the Commissioners, be maintained and supported in the Manner in which the same is now by Law maintained and supported, until the Commissioners shall by Order otherwise direct: Provided always, that such Commissioners shall take Measures for the gradual Reduction of the Number of the Inmates in such Foundling Hospitals, and from Time to Time shall direct so much only of any such Tax as aforesaid to be levied for the Support of such Foundling Hospital and the Inmates therein as may appear to them to be thenceforth necessary for such Support, due Regard being had to the Welfare and Protection of the Objects of the Charity

Workhouses to
be provided.

XXXV. And be it enacted, That the Commissioners may, from Time to Time as they may see fit, build or cause to be built a Workhouse or Workhouses for any Union not having a Workhouse, or purchase or hire Land of any Tenure for the Purpose of building the same thereon, and may purchase or hire a Workhouse or Workhouses, or any Building or Buildings for the Purpose of being used as or converted into a Workhouse or Workhouses, and in the Case of any Union having a Workhouse or Workhouses, or any Buildings capable of being converted into a Workhouse or Workhouses, may enlarge or alter the same in such Manner as the Commissioners shall deem most proper for carrying the Provisions of this Act into execution, and may build, hire, or purchase any additional Workhouse or Workhouses, or any Building or Buildings for the Purpose of being used as or converted into a Workhouse or Workhouses, and may purchase or hire any Land for building such additional Workhouse or Workhouses thereon, of such Size and Description, and according to such Plan, and in such Manner as the Commissioners shall deem most proper for carrying the Provisions of this Act into execution, and may also purchase or hire any Land not exceeding Twelve Acres Imperial Measure, to be occupied with any such Workhouse, and may order and direct the Guardians of any Union to uphold and maintain any Workhouse, and to furnish and fit up any Workhouse, and to provide any Utensils, Instruments, or Machinery for setting the
Poor

Poor to work therein; and the Guardians of every Union are hereby authorized and required to assess, raise, and levy such Sum or Sums of Money, for the Purposes herein-before specified, as the Commissioners shall from Time to Time direct, as a Poor Rate, in the Manner herein-after provided, or to borrow Money for such Purposes, under the Provisions of this Act, and to charge the same, with Interest, on the future Poor Rate of such Union; and all Lands and Buildings so purchased or hired shall be conveyed or taken to the Commissioners for the Time being, and shall vest in the succeeding Commissioners in perpetual Succession, in the same Manner as herein-before provided concerning Workhouses in Unions at the Time of the Declaration thereof.

XXXVI. Provided always, and be it enacted, That after the Period at which the Commissioners shall have declared the Workhouse of the Union fit for the Reception of destitute Poor it shall not be lawful for the Commissioners to direct the Expenditure in such Union of any Sum or Sums of Money exceeding Four hundred Pounds for any of the Purposes aforesaid, without the previous Consent in Writing of a Majority of the Guardians of such Union, except for the Completion of Buildings already in part erected according to the Plan or Plans originally sanctioned by the Commissioners, and deposited with the Clerk of the Union.

Consent of
Guardians to
Expenditure of
Money.

XXXVII. And be it enacted, That it shall be lawful for all Corporations, Tenants in Tail, Tenants for Life, or for any other partial or qualified Estate or Interest, other than Lessees rendering Rent, and not holding for a Life or Lives with Covenants for perpetual Renewal, Husbands, Guardians, Trustees for the Association for the Suppression of Mendicity and for other voluntary Associations, and the Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons, if incapacitated, entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised and possessed of or interested in their own Right or entitled to Dower or other Interest in, and for all other Persons whatsoever seised or possessed of or interested in, any Lands, Tenements, or Hereditaments which may be required by the Commissioners for the Purposes of this Act, to contract for, sell, and convey the same or any Part thereof to the Commissioners; and all such Conveyances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same.

Incapacitated
Persons em-
powered to
convey.

XXXVIII. And be it enacted, That all and every of the Provisions of an Act passed in the Seventh Year of His late Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*, which affect or

Provisions of
7 G. 4. c. 74.,
affecting Pur-
chase and Valua-
tion of Sites, to
relate

extend to this Act.

relate to the Lodgment, Payment, and Application of the Purchase Money of the Lands purchased or taken under the said last-mentioned Act, or to Petitions to the High Court of Chancery in *Ireland*, and the Orders of the said Court relative thereto, or to any Payments of Purchase Money, or to any Rights and Titles of Parties interested, shall be held to apply to the Lodgment, Payment, and Application of the Purchase Money of Lands, Tenements, or Hereditaments to be purchased or taken for the Purposes of this Act, and to the Rights and Titles of Parties interested therein: Provided always, that every Act in relation to the Matters aforesaid, whereto the Concurrence or Signatures of Three of the Commissioners of Works in the said Act mentioned are required, shall and may be done by and under the Hand of any One of the Poor Law Commissioners.

Where Purchase Money is paid into the Bank the Commissioners not required to see to the Application thereof.

XXXIX. Provided always, and be it enacted, That in every Case in which the Amount of Price of any Lands, Tenements, or Hereditaments, or of any Compensation, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, in manner provided by the said Act of the Seventh Year of the Reign of King *George* the Fourth, such Payment, and every Contract and Agreement in pursuance whereof it was made, shall be good to all Intents and Purposes, and the said Commissioners shall not be bound to see to the Application thereof, nor shall such Contract or Conveyance be in anywise vitiated by reason of any Defect of Title of the Person or Corporation so contracting or conveying; and that in every Case in which Purchase Money shall be so paid into the Bank of *Ireland* the said Court of Chancery shall have the Power of ordering the Distribution thereof, or Payment of the Dividends thereof, as in the last-mentioned Act is provided for the Care of Money paid into the said Bank, in manner aforesaid, to the Credit of the Parties interested in Lands taken under the Provisions of the said Act.

Commissioners may sell Lands or Hereditaments.

XL. And be it enacted, That it shall be lawful for the Commissioners for the Time being, when they shall think fit, to sell any Lands, Tenements, or Hereditaments which may be purchased by or become vested in them by or under the Authority of this Act, and to convey the same as the Purchasers shall direct; and the Receipt of any Two of the Commissioners, or of any Person to whom the Purchase Money shall be paid by their Direction, shall be sufficient Discharge for such Purchase Money; and such Purchase Money shall be applied by the Commissioners in the Purchase of other Lands, Tenements, or Hereditaments, to be held upon the like Trusts with the Hereditaments from the Sale of which such Money shall have arisen, or in such Manner as the Commissioners shall think advisable for the Benefit of the Union or Institution for the Benefit or Purposes of which such Hereditaments shall have been holden: Provided always, that it shall not be lawful for the Commissioners to sell the Workhouse of any Union without the Consent of the Majority of the whole Number of the Guardians of such Union.

XLI. And

XLII. And be it enacted, That when the Commissioners shall have declared any Workhouse of any Union to be fit for the Reception of destitute Poor, and not before, it shall be lawful for the Guardians, at their Discretion, but subject in all Cases to the Orders of the Commissioners, to take Order for relieving and setting to work therein, in the first place, such destitute poor Persons as by reason of old Age, Infirmary, or Defect may be unable to support themselves, and destitute Children; and in the next place, such other Persons as the said Guardians shall deem to be destitute Poor, and unable to support themselves by their own Industry, or by other lawful Means: Provided always, that in any Case where there may not be sufficient Accommodation for the Relief of all the Persons applying for Relief whom the Guardians shall deem to be destitute Poor, the Guardians shall relieve such of the said Persons as may be resident in the Union before or in preference to those who may not be so resident.

Relief in Workhouses.

XLIII. And be it enacted, That the Commissioners shall cause to be printed for the Use of every Union a sufficient Number of Register Books for making Entries of the Descriptions of Persons admitted into and relieved in the Workhouse according to the Form in the First Schedule to this Act annexed, and in such Register Books shall be printed upon each Side of every Leaf the Heads of Information herein required to be registered respecting the Persons so to be admitted and relieved, together with such other Particulars as the Commissioners may prescribe; and every Page of each such Book shall be numbered progressively from the Beginning to the End, beginning with Number One; and every Place of Entry shall be also numbered progressively from the Beginning to the End of the Book, beginning with Number One; and every Entry shall be divided from the following Entry by a printed Line.

Register Books to be provided by the Commissioners.

XLIV. And be it enacted, That the Commissioners shall furnish to every Board of Guardians, for the Use of the Master or other principal resident Officer of every Workhouse, one of such Register Books at a reasonable Price, the Cost whereof shall be borne by the Union in which such Workhouse shall be situate; and every such Master or Officer shall, as soon as conveniently may be, register in the said Book the Particulars required to be registered according to the Form in the said First Schedule, touching every Person to be admitted into and relieved in such Workhouse; and such Register Book shall be produced at every Meeting of Guardians for their Examination, Approval, or Correction, and, when so approved or corrected, shall be signed by the Chairman, and countersigned by the Clerk.

Master of the Workhouse to register the Persons admitted and relieved.

XLV. And be it enacted, That the Board of Guardians of every Union shall cause Accounts to be kept of the Expence incurred in respect of the Persons relieved in any Workhouse within such Union, and such Accounts shall be made up at the End of every Six Calendar Months; and the Board of Guardians shall charge against the Electoral Division as formed by virtue of this Act, at the End of such Period, the Proportion of such Expence as shall appear to have been incurred in respect of every Person so relieved, who shall be stated in the Registry to have been resident within such Electoral Division; and the Expence incurred

Accounts to be kept of Expence incurred in respect of Persons relieved.

incurred in respect of every Person so relieved and not stated in the Registry to have been resident within some Electoral Division of the Union shall be borne by and charged against the whole Union: Provided always, that from and after the Expiration of Three Years from the Period at which the Commissioners shall have declared the Workhouse of the Union fit for the Reception of destitute Poor it shall be lawful for the Guardians elected for any Two or more Electoral Divisions within such Union, by Writing under their Hands, to agree that all Charges in respect of destitute poor Persons resident within such Electoral Divisions respectively shall thenceforth be borne in common by such Electoral Divisions; and in such Case such Agreement, having been first signed by the said Guardians, shall be signed and sealed by the Commissioners, if after due Inquiry made by them they shall approve of the same, and one Part thereof deposited with the Commissioners, and a Counterpart or Counterparts thereof, signed by the said Guardians and signed and sealed by the Commissioners, deposited with the Clerk of the Peace of the County in which the Workhouse of such Union shall be situate; and every such Clerk of the Peace shall and is hereby required, upon the Receipt of such Agreement, Part, or Counterpart, to file the same with the Records of such County, and from and after the depositing of such last-mentioned Agreement or Counterpart the same shall be binding upon such Electoral Divisions, and shall not be revoked or annulled, unless at the Desire of the Guardians elected for such Two or more Electoral Divisions, and with the Consent of the Commissioners, or unless the Commissioners shall alter any One or more of such Electoral Divisions, any thing herein-before contained to the contrary notwithstanding.

After Completion of any Workhouse the Commissioners may order the Powers of former Acts to cease.

XLV. And be it enacted, That when the Commissioners shall have declared any Workhouse of any Union to be fit for the Reception of destitute Poor, it shall be lawful for them, if they shall so think fit, to direct that so much of the Provisions of all General and Local Acts made before the passing of this Act in any way relating to the Relief of Poor in Workhouses, Houses of Industry, and Foundling Hospitals, which shall have vested in the said Commissioners under the Provisions of this Act, or to any Presentment, Tax, or Contribution in respect of such Relief, shall, as regards such Union, cease and determine.

Commissioners to report upon the State of existing Medical Charities.

XLVI. And be it enacted, That the said Commissioners shall, so soon as conveniently may be after the Formation of any Union, make or cause to be made strict Inquiry into the State of the several Fever Hospitals, Dispensaries, or Institutions for the Relief of the sick or convalescent Poor, whether as intern or extern Patients, existing within the Limits of such Union, and into the Nature and Extent of the Relief so afforded; and the Commissioners shall report thereupon to One of Her Majesty's Principal Secretaries of State, and in such Report they shall set forth the Number of Hospitals or Dispensaries which in their Opinion ought to be provided for the Relief of the sick and convalescent Poor, in addition to such Workhouse or Workhouses as aforesaid, and also an Estimate of the Sum or Sums which will be annually required for defraying the Expences of such additional Hospitals or Dispensaries.

XLVII. And

XLVII. And be it enacted, That the Commissioners shall and are hereby authorized from Time to Time to inspect and examine into the Administration of any Hospital or Infirmary supported in part by Grand Jury Presentments or Parliamentary Grants, and with the Concurrence of the Governors of such Hospital or Infirmary to give such Directions for the better and more effective Management thereof as the said Commissioners shall think fit, and to cause the same to be recorded in the Books of such Hospital or Infirmary.

Commissioners empowered to inspect certain Hospitals.

XLVIII. And be it enacted, That the Commissioners shall take Order for the due Performance of Religious Service in such Workhouses, and for appointing fit Persons to be Chaplains for that Purpose, to hold their respective Offices during the Pleasure of the Commissioners; but nothing herein contained shall authorize the Commissioners to appoint or direct the Appointment of more than One fit Person being in Holy Orders and of the Established Church, One other fit Person being a Protestant Dissenter, and One other fit Person being a Priest or Clergyman of the Roman Catholic Church, to be Chaplain or Chaplains at any One Time in any such Workhouse; and the Commissioners shall fix and from Time to Time regulate the Salary of such Chaplain or Chaplains: Provided always, that in the Appointment of such Chaplain Preference shall be given to some Clergyman of the Established Church officiating within the Parish in which such Workhouse shall be situated, if duly qualified, and in like Manner to some Dissenting Minister and some Clergyman of the Roman Catholic Religion, if duly qualified, acting as such within the said Parish.

Religious Service to be provided in Workhouses, and Chaplains to be appointed.

XLIX. And be it enacted, That no Order of the Commissioners nor any Bye Law shall oblige any Inmate of any Workhouse to attend or be present at any Religious Service which may be celebrated in a Mode contrary to the Religious Principles of such Inmate, nor shall authorize the Education of any Child in such Workhouse in any Religious Creed other than that professed by the Parents or surviving Parent of such Child, and to which such Parents or Parent shall object, or in the Case of an Orphan to which the Guardian or Guardians, Godfather or Godmother of such Orphan shall object: Provided also, that it shall be lawful for any regular Minister of the Religious Persuasion of any Inmate of such Workhouse at all Times in the Day, on the Request of such Inmate, to visit such Workhouse, for the Purpose of affording Religious Assistance to such Inmate, and also for the Purpose of instructing his Child or Children in the Principles of his Religion.

No Inmate of Workhouse obliged to attend Religious Service contrary to his Principles.

L. And be it enacted, That it shall be lawful for the Board of Guardians of every Union, within One Month after the annual Election of Guardians, to appoint a fit Person in each Parish or Townland, or any Part thereof respectively, included in such Union, to be and be styled the Warden for such Parish, Townland, or Part thereof, and such Warden shall hold his Office for One Year, and may be re-appointed thereto, and shall provide for the Conveyance to the Workhouse of any such destitute poor Persons within such Parish, Townland, or Part thereof, as the Guardians shall direct, and shall perform such other Duties in relation to the

Parish Wardens to be appointed.

Purposes of this Act as the Orders of the Commissioners shall prescribe; and shall, when required by the Guardians, attend the Meetings of their Board, and report to them from Time to Time the State of the Poor within such Parish, Townland, or Part thereof, and the Increase or Diminution of Mendicancy therein, and such other Particulars in relation to the Condition of such Parish, Townland, or Part thereof, as he may think fit, or as the Board of Guardians shall require.

Commissioners
may assist Emi-
gration.

LI. And be it enacted, That it shall be lawful for the Commissioners, when they shall think fit, upon Application from the Guardian or Guardians of any Electoral Division, to direct a Meeting of the Rate-payers of such Division to be held, after Fourteen Days previous Notice given and published in such Form and Manner as the Commissioners shall direct, at some Place within the Division to be named in such Notice, at which Meeting the Guardian of the Division, or if there be more than one, such one of the Guardians present as shall have been first named in the Return for such Electoral Division, and in the Absence of any such Guardian some Rate-payer to be elected by the Majority present at the Meeting, shall be Chairman; and if at any such Meeting the Majority in Value of the Rate-payers present shall agree to and sign an Application to the Commissioners for the raising of a Rate to assist Emigration, it shall be lawful for the Commissioners from Time to Time, by Orders under their Seal, to direct the Guardians to raise such Sums as the Commissioners shall think requisite for assisting Emigration, such Sums not to exceed in any One Year One Shilling in the Pound upon the net annual Value of the rateable Property of such Division; and the Sums in such Orders mentioned shall be raised by the Guardians by a Rate under this Act on such Division, or by a Charge on the future Rates of such Division, so that One Fifth at least of the whole Sums so to be raised under any such Order shall be paid in the first and each subsequent Year until the whole shall be discharged; and the Sums so raised shall be applied, under the Directions of the Commissioners, by the Guardians of the Union, in conducting or assisting and in defraying the Expences connected with the Emigration to *British* Colonies of poor Persons resident in such Division.

Application of
Money raised
under this Act.

LII. And be it enacted and declared, That it shall not be lawful for the Commissioners, or any Guardians or other Persons acting in the Execution of this Act, to apply, directly or indirectly, any Money raised under the Authority of this Act to the Relief of destitute Poor in any other Manner than is herein expressly mentioned, or to any Purpose not expressly provided for in this Act.

Liability of
Father and
Husband to
maintain his
own and his
Wife's Children,
&c.

LIII. And be it declared and enacted, That for the Purposes of this Act every Husband shall be liable to maintain his Wife, and every Child under the Age of Fifteen, whether legitimate or illegitimate, which she may have had at the Time of her Marriage with such Husband; and every Father shall be liable to maintain his Child, and every Widow to maintain her Child, and the Mother of every Bastard Child to maintain such Bastard Child, until every such Child respectively shall attain the Age of Fifteen Years: Provided always, and be it declared, that nothing herein contained shall be taken to remove or lessen the Obligations to which any
Husband

Husband or Parent is by Law liable in regard to the Maintenance of his Wife or Children, legitimate or illegitimate respectively, independently of this Act.

LIV. And be it enacted, That all Relief given under this Act to a Wife or Child shall be considered as given to the Person declared by this Act to be liable to maintain such Wife or Child.

As to Relief given to Wife and Children.

LV. And be it enacted, That the Cost Price of any Relief which the said Commissioners shall by any Order declare or direct to be given by way of Loan shall be and the same is hereby declared to be a Loan from the Guardians of the Union in which the same shall be given, and shall be recoverable from the Person to whom the same shall be given, or considered as given under this Act, by such and the same Actions and Proceedings as Money lent.

Relief may be declared to be a Loan.

LVI. And be it enacted, That when any Relief shall have been given to any Person entitled to or in receipt of any Pension, Superannuation, or other Allowance in respect of his Service in the Navy, Royal Marines, Army, or Ordnance, or to his Wife, or to any Child whom he may be liable to maintain, it shall be lawful for the Guardians, by Minute, stating the Particulars of the Relief so given and the Person to whom given, to require that the next Payment which shall become due of such Pension or Allowance shall be made to such Guardians; and such Guardians shall transmit a Copy of such Minute, attested by their Clerk, at least One Month before such Payment shall become due, addressed to Her Majesty's Paymaster General, provided the Pension or other Allowance shall have been granted for Service in the Navy or Marines, or to the Commissioners of *Chelsea* Hospital provided the Pension or other Allowance shall have been granted for Service in the Army or Ordnance, with the Words "*Chelsea* Pensioner," or "*Greenwich* Pensioner," (as the Case may be,) written thereon, which said Paymaster General shall thereupon, and upon sufficient Proof being given to the Satisfaction of the Paymaster General or Commissioners of *Chelsea* Hospital respectively that the Person whose Pension or other Allowance shall be so required to be paid shall be living when the same shall become payable, and would have been otherwise entitled to receive the same, cause Payment to be made to such Guardians; and the said Guardians so receiving any Pension or Allowance shall retain and apply so much thereof as will repay the Cost of Relief actually given as aforesaid for the Use and Indemnity of the Union, and shall pay the Surplus, if any, to the Pensioner or Person entitled thereto; and upon the Receipt of any such Minute as aforesaid the Payment of the Pension or other Allowance mentioned therein shall be suspended until sufficient Proof shall have been given to entitle the Guardians named in such Minute to receive the Money thereby required to be paid to them.

Pensions, &c. to be paid to Guardians in repayment of Relief.

LVII. And be it enacted, That where any poor Person shall, through old Age, Infirmary, or Defect, be unable to support himself, every Child of such poor Person shall be liable, according to his Ability, to support or contribute to support such poor Person; and in case Relief shall be given under this Act to any poor Person whose Child shall be liable to support him or contribute to his Support, it shall be lawful for any Two Justices of the Peace of the Jurisdiction within which such Child may dwell, on the

Liability of Children to maintain Parents.

the Application of the Guardians of the Union in which such Relief shall have been given, by their Order to direct what Sum, not exceeding the Cost Price of such Relief, shall be paid by such Child to such Guardians in respect of the Relief which shall have been so given, and also what weekly or other periodical Payments shall be made by such Child to such Guardians in respect of such Relief as shall subsequently be given to such poor Person; and the Sum so directed to be paid, and also such weekly or other periodical Payments, when and as they shall become due, shall be recoverable by such Guardians in the same Manner as any Penalties are recoverable under this Act.

Punishment for refusing to work, absconding from Workhouse, or disobeying the Rules of the Commissioners.

LVIII. And be it enacted, That every Person who shall refuse to be lodged and maintained in the Workhouse of any Union, or abscond out of such Workhouse while his Wife, or any Child whom he may be liable to maintain, shall be relieved therein, and every Person maintained in a Workhouse who shall refuse to be set to work, or shall be guilty of Drunkenness, Insubordination to the Officers of the Union, or Disobedience to the Rules prescribed or sanctioned by the Commissioners for the Government of such Workhouse, or of other Misbehaviour therein, and every Person who shall introduce or attempt to introduce spirituous or fermented Liquors into any Workhouse, contrary to the Orders of the Commissioners, shall, on Conviction thereof before any Justice of the Peace at Petty Sessions in open Court, either by the Confession of such Offender, or by the Evidence on Oath of One or more credible Witness or Witnesses, be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month.

Punishment for deserting Wife or Child.

LIX. And be it enacted, That if any Person shall desert and leave his Wife, or any Child whom such Person shall be liable to maintain, so that such Wife or Child shall become destitute and be relieved in the Workhouse of any Union, every such Person shall, on Conviction thereof before any Justice of the Peace at Petty Sessions in open Court, either by the Confession of the Offender, or by the Evidence of One or more credible Witness or Witnesses, be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding Three Calendar Months.

Justices may issue Warrant to apprehend Offenders.

LX. And be it enacted, That it shall be lawful for any Justice of the Peace, upon Oath being made before him that any Person hath committed any Offence as aforesaid, to issue his Warrant to apprehend and bring before him, or some other Justice or Justices of the Peace at Petty Sessions in open Court, the Person so charged, to be dealt with as is directed by this Act.

Rates to be made;

LXI. And be it enacted, That for the Purpose of defraying the Expences incurred in the Execution of this Act the Guardians of every Union, or, where a Board of Guardians shall not be acting, the Persons or Officers appointed by the Commissioners in their Behalf, shall from Time to Time make and levy such Rates as may be necessary on every Occupier of rateable Hereditaments in or arising within such Union.

having Regard to Amount chargeable on Electoral Divi-

LXII. And be it enacted, That in making every such Rate due Regard shall be had to the Amount which shall in manner aforesaid have been ascertained to be chargeable upon any Electoral Division,

Division, in respect of its Proportion of the Expences incurred in the Relief of Persons within the Workhouse of the Union, during the Period to which the last Account of such Expences shall extend.

LXIII. And be it enacted and declared, That the following Hereditaments shall be rateable Hereditaments under this Act; *viz.*, all Lands, Buildings, and opened Mines; all Commons, and Rights of Common, and all other Profits to be had, received, or taken out of any Land; all Rights of Fishery; all Canals, Navigations, and Rights of Navigation; and Rights of Way and other Rights, or Easements over Land, and the Tolls levied in respect of such Rights and Easements, and all other Tolls: Provided always, that no Turf Bog or Turf Bank used for the exclusive Purpose of cutting or saving Turf, or for taking Turf Mould therefrom for Fuel or for Manure, shall be rateable under this Act, unless a Rent or other valuable Consideration shall be payable for the same; and provided also, that no Mines which have not been opened Seven Years before the passing of this Act shall be rateable until the Term of Seven Years from the Time of the opening thereof shall have expired; and no Mines hereafter to be opened shall be rateable until Seven Years after the same shall have been opened; and Mines *bonâ fide* re-opened after the same shall have been *bonâ fide* abandoned shall be deemed an opening of Mines within the Meaning of this Act: Provided also, that no Church, Chapel, or other Building exclusively dedicated to Religious Worship or exclusively used for the Education of the Poor, nor any Burial Ground or Cemetery, nor any Infirmary, Hospital, Charity School, or other Building used exclusively for charitable Purposes, nor any Building, Land, or Hereditament dedicated to or used for Public Purposes, shall be rateable, except where any private Profit or Use shall be directly derived therefrom, in which Case the Person deriving such Profit or Use shall be liable to be rated as an Occupier according to the annual Value of such Profit or Use.

What Hereditaments are rateable.

LXIV. And be it enacted, That every such Rate shall be a Poundage Rate made upon an Estimate of the net annual Value of the several Hereditaments rated thereunto; that is to say, of the Rent at which one Year with another the same might in their actual State be reasonably expected to be let from Year to Year, the probable annual Average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain the Hereditaments in their actual State, and all Rates, Taxes, and public Charges, if any, except Tithes, being paid by the Tenant.

Rates to be made on Estimate of annual Value.

LXV. And be it enacted, That the Particulars of every such Rate shall be entered in a Book, which (in addition to any other Particular which the Commissioners may require) shall contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Second Schedule to this Act annexed, and the Guardians and other Officers whose Duty it may be to make the said Rate, or such a Number of the said Guardians or other Officers as are competent to the making and levying of the same, shall, before the same is levied, sign the Declaration at the Foot of the said Form; and the said Book shall, after the Signature of the said Declaration, be Evidence of the Truth of every Particular so contained therein.

Rates to be made in a given Form.

Existing Surveys to be used, if sufficient; if not, Guardians to cause Surveys to be made.

Premises may be examined.

Accounts to be kept of Tolls and Profits liable to be rated.

Providing for Expence of Survey and Valuation.

LXVI. And be it enacted, That all existing Surveys and Valuations shall, so far as they may in the Opinion of the Commissioners be available and sufficient for the Purpose, be made use of in estimating the net annual Value of Hereditaments liable to be rated under this Act; and where no Surveys or Valuations exist, or where existing Surveys or Valuations may not in the Opinion of the Commissioners be available or sufficient for the Purpose, the Guardians of any Union shall, when and in such Manner as the Commissioners shall from Time to Time direct, make or cause to be made a Survey and Valuation of all or any such Hereditaments in any Townland within the Union, with such separate Valuations of distinct Tenements, Parcels, or Subdivisions as the Commissioners shall think fit; and it shall be lawful for the Commissioners, where they shall see fit, either to appoint or to direct the Guardians to appoint a fit professional Person or Persons to make such Survey and Valuation, or to revise and correct any existing Survey or Valuation; and for the Purpose of making any such Survey, Valuation, or Revision the said Guardians, or the Valutors or Surveyor by them appointed, may at all reasonable Times enter every Field, Garden, or other enclosed Land, and all Buildings (not being inhabited Dwelling Houses) situate within such Union.

LXVII. And be it enacted, That every Body Corporate, and every Company of Proprietors and Joint Stock Company associated by Authority of Parliament or by Royal Charter or Letters Patent, or to whom any Privileges or Powers have been or shall be granted by Parliament or by Royal Charter or by Letters Patent, who shall be entitled to any Tolls or Profits from or on account of the Use of any Canal, Navigation, Railway, Right of Way, or other Easement, or to any other Tolls which shall be rateable under this Act, shall cause to be duly kept Accounts showing the Gross Amount of the monthly Receipts in respect of such Tolls and Profits received in every Year from and after the passing of this Act, and also the Amount of the Expenditure in every such Year on account of the Repairs, Insurance, and other Expences, the probable annual Average Cost of which under the Provision herein-before contained should be taken into account in ascertaining the net annual Value of such Canal, Navigation, Railway, Right of Way, Easement, or Tolls, and of the Rates, Taxes, and Charges thereon; and the Guardians of the Poor of the Union or several Unions within which such Canal, Navigation, Railway, Right of Way, Easement, or Tolls shall be rateable, or any Agent by such Guardians authorized under their Seal, shall have free Access to and Liberty to inspect the same during the Months of *April* and *October* in every Year.

LXVIII. And be it enacted, That it shall be lawful for the Commissioners to make Provisions for paying the Costs of every such Survey and Valuation, either by a separate Rate or by a Charge on the Poor Rates, as they may see fit; and in case of such Charge being made not less than One Fifth of the Sum charged on the Rates, and such Interest as may from Time to Time be payable in respect of such Charge or any Part thereof, shall be paid in each succeeding Year, till the whole is discharged.

LXIX. And

LXIX. And be it enacted, That before the first Rate shall be made in any Union under the Provisions of this Act, and also previously to the making of any subsequent Rate upon any new Valuation, the said Guardians shall give such Notice as the Commissioners shall direct of the Place and Period, not to be less than Twenty-one Days, at and during which the Valuation whereon it is proposed that a Rate shall be made of the rateable Property within the Union may be seen; and such Valuation shall be shown at such Place and during such Period by such Persons as the Guardians shall direct; and every Rate-payer within such Union shall be allowed at all Times, between the Hours of Ten and Four during such Period, to inspect such Valuation. Inspection of Valuation.

LXX. And be it enacted, That before any Rate shall be levied the Guardians shall, in such Form and Manner as the Commissioners shall direct, publish a Notice of the same having been made; and thenceforth it shall be lawful for any Person or Persons affected thereby, at all reasonable Times, to take Copies thereof or Extracts therefrom, without paying any thing for the same; and in case the Person or Persons having the Custody of such Rate shall refuse to permit or shall not permit such Person or Persons so affected thereby as aforesaid to take Copies thereof or Extracts therefrom, the Person or Persons so refusing or not permitting such Copy or Extract to be made shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered as Penalties and Forfeitures are recoverable under this Act. Inspection of Rates.

LXXI. And be it enacted, That every Rate made under the Authority of this Act shall be paid to the Person authorized to collect the same by the Person in the actual Occupation of the rateable Property at the Time of the Rate made, and on his Default then by the Person subsequently in the Occupation of the rateable Property from whom such Rate shall be demanded. Rates to be paid by Occupier.

LXXII. Provided always, and be it enacted, That in any Case where the net annual Value of any Property shall not amount to Five Pounds, if the Occupier and his immediate Lessor by any Writing under their Hands shall require, and if the Guardians of the Union wherein such Property is situate shall by a Minute of their Board agree thereto, such immediate Lessor shall be rated instead of such Occupier; and such Rebate from the Rate may be made, (not exceeding Ten *per Cent.*,) as the Guardians shall by such Minute allow; and such Minute, until altered as hereinafter provided, shall bind such Lessor, his Heirs and Assigns, unless the Commissioners shall at any Time disallow the same or any Part thereof, which shall thenceforth, so far as the same shall be disallowed, be of no effect; and such Minute shall in no Case be altered or rescinded by the Guardians until Twelve Months after the making or last previous Alteration thereof, nor within Six Months after the Consent of the Occupier and Lessor to be affected by the Alteration shall have been given to such Alteration: Provided nevertheless, that the Occupier of any Property the immediate Lessor of whom shall have been so charged shall be entitled to be rated, on giving to the Board of Guardians of the Union in which such Property is situate Six Months Notice Where net annual Value of Property does not amount to 5*l.* Lessee may be rated instead of Occupier.

according to the Form contained in the Third Schedule to this Act annexed.

Collectors of County Cess to collect Rates under this Act on Warrants from Guardians, and to give Security for due Collection.

LXXIII. And be it enacted, That every Rate made under the Authority of this Act on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess on any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in this Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situated; and it shall be lawful for the Guardians of any Union to issue Warrants under their Seal to each such Collector, specifying the Amount of Money to be levied for the Purposes of this Act on each Electoral Division respectively within the Collection of such Collector, and the Portion thereof to be paid by each Occupier of rateable Hereditaments or other Person liable to pay the same; and the Collector, on Receipt of such Warrant, is hereby required and authorized to levy the Money therein mentioned according thereto; and such Money shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as the Grand Jury Cess, or the Money apportioned on the several Persons liable to pay the same, may be collected and levied; but if such Collector shall not give such Security or accept such Salary or Allowance, such Rate shall and may be levied by any other Officer of the Union who shall, with the Approval of the Commissioners, be thereunto appointed and authorized by the Warrant of such Guardians; and every such Officer so appointed and authorized shall have such and the same Powers in all respects, for the Collection and Levy of the Money mentioned in the Warrant of the said Guardians, as are herein-before given to the Collector for the Time being authorized to collect County Cess.

In default thereof any other Officer of Union may be appointed to collect.

Proportion of Rate to be deducted from Rent.

LXXIV. And be it enacted, That where the Person occupying such Property shall be liable to pay a Rent in respect of the same he may deduct from such Rent for each Pound of the Rent which he shall be liable so to pay One Half of the Sum which he shall have paid as Rate in respect of each Pound of the net annual Value (whether such Rent shall be greater or less than such net annual Value), and so in proportion for any less Sum than a Pound.

Where more than One Rent is paid.

LXXV. And be it enacted, That where any Person receiving Rent in respect of any rateable Property shall also pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to the Amount of Rate deducted from the Rent received by him as the Rent paid by him bears to the Rent received by him: Provided always, that every Lessor rated as aforesaid instead of any Occupier of rateable Property shall be entitled to deduct from any Rent paid by him in respect of such Property a Sum bearing such a Proportion to One Half of the entire Rate on such Property as the Rent paid by him bears to the net annual Value of such Property.

LXXVI. Pro-

LXXVI. Provided always, and be it enacted, That every Person immediately liable to pay Tithe may deduct therefrom, for every Pound in Value of such Tithe, the entire Poundage of every Rate made under this Act upon the Hereditaments out of which such Tithe may arise.

Entire Rate to be deducted from Tithe.

LXXVII. Provided also, and be it enacted, That any Covenant or Agreement whereby any Person liable to pay Rent, and entitled under the Provisions of this Act to deduct therefrom any Rate or Portion of Rate, shall have covenanted or agreed or shall hereafter covenant or agree to forego such Deduction, shall, so far as such Rate is concerned, be of no effect.

Agreements to forego Deductions of Rate void.

LXXVIII. And be it enacted, That in case the Rate in respect of any rateable Property shall not have been fully paid within Two Calendar Months after the Rate made, it shall be lawful for the Guardians of the Union within which such rateable Property shall be situate, or any Person authorized to collect Rate therein, to levy and raise such Rate or the Part thereof remaining unpaid, together with all Costs incurred by any Neglect or Refusal to pay the same, by such Distress on the rateable Property, and such Sale and Disposition of the Distresses taken thereon, as are by Law provided for the Recovery of Rent reserved on Leases of Land for Years, or to sue for such Rate and Costs by Civil Bill in the Name of such Guardians before the Assistant Barrister having Jurisdiction to hear and determine Causes by Civil Bill in the County, Place, or District where the Person liable to pay the same resides: Provided always, that in case the Person occupying such Property, and paying such Rate and Costs, or any Part thereof, shall not be the Person primarily liable to pay the Rate, or the immediate or any superior Landlord of the Person primarily liable, it shall be lawful for him to deduct and retain the whole of the Rate and such Costs so paid by him from any Rent paid by him; and the Person from whose Rent such Rate and Costs shall be so deducted shall be entitled to make from any Rent paid by him such Deduction as he would have been entitled to make in case the Rate had been duly paid by the Person primarily liable to pay the same.

Recovery of Arrears.

LXXIX. And be it enacted, That in all Cases the Receipt for Poor Rate in respect of any Property shall be accepted by every Person entitled to receive Rent in respect of the same Property or Tithe arising therefrom in lieu of such a Sum of Money and in full Consideration of such Portion of Rent or Tithe as the Person tendering such Receipt is hereby entitled to deduct from such Rent or Tithe by reason of his Payment of the Rate for which such Receipt shall be given: Provided always, that no Deduction on account of any Payment of Rate under this Act shall be held to be a Discharge of any Portion of any Gale or quarterly or other Payment of Rent due from the Person entitled to make such Deduction, so as to prejudice the Right of any Landlord to recover the Possession of any Hereditaments by Ejectment for Nonpayment of the Rent thereof in any Case where the remaining Portion of such Gale shall be unpaid, but that it shall and may be lawful for such Landlord to proceed for the Recovery of such Hereditaments by Ejectment as effectually as if the entire Gale or quarterly or other Payment of Rent out of which such Deduction

Receipts for Rates to be taken in Payment of Rent.

tion is hereby allowed had remained wholly due and unpaid: Provided also, that no Deduction shall be made from any Rent-charge granted by way of Jointure, or any other Rent-charge or Annuity granted, limited, or devised for a Life or Lives in being only, or for Years determinable on a Life or Lives in being.

Definition of
Rate-payer.

LXXX. And be it declared and enacted, That every Occupier paying Rate, and not entitled to deduct the whole thereof from the Rent paid by him, and every Person receiving in respect of any rateable Property Rent from which any Deduction shall be made on account of Rate, in case such Rent shall exceed all Rent paid by him in respect of the same Property, and every Owner of Tithe, shall be deemed a Rate-payer for the Purposes of this Act; and every Person entitled to receive Tithes from the Persons primarily liable to pay or render the same shall exclusively be deemed a Tithe-owner for the Purposes of this Act.

Constituency
for electing
Guardians to
consist of Rate-
payers.

LXXXI. And be it enacted, That at every Election of Guardians in a Union where a Rate shall have been made under this Act every Rate-payer who under the last of such Rates shall have paid or contributed or be liable to pay or contribute Rate (whether in One or in more than One Sum or Charge) in respect of Property in such Union shall have a Vote or Votes according to the Scale herein-after mentioned; (the Number of Votes in the Case of an Occupier to be computed and allowed in respect of the net annual Value of the Property occupied by him, and in the Case of a Person receiving Rent and contributing Rate in respect thereof to be computed and allowed according to the net Amount of the Rent received by him after deducting therefrom all Rent which he may be liable to pay, and in respect of which he may be entitled to deduct from the Rate contributed, and in the Case of the Tithe-owners to be computed and allowed according to the net annual Value of his Tithe;) where such Property so occupied, or the net Amount of such Rent, or the net annual Value of such Tithe, as the Case may be,

shall not amount to 20 <i>l</i> .	-	-	-	One Vote;
shall amount to 20 <i>l</i> . and not to 50 <i>l</i> .	-	-	-	Two Votes;
to 50 <i>l</i> . and not to 100 <i>l</i> .	-	-	-	Three Votes;
to 100 <i>l</i> . and not to 150 <i>l</i> .	-	-	-	Four Votes;
to 150 <i>l</i> . and not to 200 <i>l</i> .	-	-	-	Five Votes;
to 200 <i>l</i> . and upwards	-	-	-	Six Votes:

And in every Case where the Occupier paying Rate shall not be entitled to deduct any Part thereof from any Rent paid by him, he shall have double the Number of Votes above mentioned: And where the net annual Value of the rateable Property shall exceed the Rent paid by the Occupier he shall, in addition to his Votes as Occupier, have the same Number of Votes as if such Excess of net annual Value were Rent received and retained by him without Deductions; and for the Purpose of ascertaining the Number of Votes to which a Rate-payer shall be entitled the Aggregate Amount of the Valuation under this Act for the Time being of the Property in respect of which he claims to vote shall be taken to be the annual Value.

Joint Rate-
payers how to
vote.

LXXXII. And be it enacted, That in case Two or more Rate-payers shall be jointly liable to pay or contribute to Rate, each of them shall be entitled to vote according to the Proportion and

and Amount which shall be borne by him; and where One only of the Persons jointly liable shall claim to vote, he shall be entitled to vote in respect of the whole of the Property in respect of which such Rate-payers may be jointly liable.

LXXXIII. And be it enacted, That in all Elections of Guardians the Votes shall be given or taken in Writing, and collected and returned in such Manner as the Commissioners shall direct, and the Majority of the Votes which shall be actually collected and returned in each Electoral Division shall in every such Case be binding on such Division and the Union containing the same.

At Elections of Guardians Votes to be taken in Writing.

LXXXIV. And be it enacted, That it shall be lawful for any Rate-payer from Time to Time by Writing under his Hand to appoint any Person to vote as his Proxy in respect of any Property not in the actual Occupation of such Rate-payer; and every such Appointment shall remain in force until revoked; but no Rate-payer shall be entitled to vote, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, One Week at the least previous to the Day on which he shall claim to vote, have given a Statement in Writing of his Name and Address, and the Description of the Property in respect of which he claims to vote, and of his Interest therein, and if such Proxy shall claim to vote the Original or an attested Copy of the Writing appointing such Proxy, to the Guardians, or some Person acting as the Returning Officer at such Election; and the said Guardians, or the Person acting as Returning Officer, shall enter on the Rate Books of the Union, or in some other Book to be from Time to Time provided for that Purpose, the Names and Addresses of the Rate-payers and Proxies who shall send such Statements, and the net annual Value of the Property in respect whereof they respectively claim to vote.

Votes may be given by Proxy.

LXXXV. And be it enacted, That no Occupier paying Rent to any Landlord shall be entitled to vote under the Provisions of this Act unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within the Six Calendar Months immediately preceding such voting.

No Occupier to vote unless his Rates be paid up.

LXXXVI. And be it enacted, That in Cases of Property belonging to or occupied by any Corporation Aggregate, or any Joint Stock Company, no Member of such Corporation, or Proprietor of or interested in such Joint Stock Company, shall be entitled to vote in respect thereof, but any Officer of such Corporation or Joint Stock Company whose Name shall be entered by the Direction of the governing Body of such Corporation or Company in the Books of the Union, in the Manner herein-before directed with respect to Rate-payers claiming to vote in respect of Property not in their actual Occupation, shall be entitled to vote in respect of such Property in the same Manner as if he were a Rate-payer thereof.

Corporations, &c. how to vote.

LXXXVII. And be it enacted, That at every Election of Guardians for any Union where a Rate shall not have been made under this Act every Person liable to pay the County Cess for Property

Cess-payers to form Constituency where no Rate shall have been made.

Property within such Union, and every Landlord entitled to receive Rent in respect of such Property, shall have the same Vote or Number of Votes respectively as if the same had been Property rated under the Provisions of this Act; and in such Case, for the Purpose of ascertaining the Right to a Vote or Votes at such Election, every Shilling of the County Cess levied on such Property within the Year ended the Thirty-first Day of *December* next previous to such Election shall be calculated as One Pound net annual Value.

Power to ap-
point Returning
Officer.

LXXXVIII. And be it enacted, That at any Election of Guardians under this Act the Commissioners may appoint a Returning Officer, with such Assistants as they may deem necessary, and prescribe the Duties which he shall perform in such Election; and such Returning Officer shall, according to the best of his Judgment and Ability, make a true Return in Writing to the Commissioners of the Persons who shall be elected Guardians; and every Person who shall be returned by such Officer shall be deemed to be legally elected.

Borrowing of
Exchequer Loan
Commissioners.

LXXXIX. And be it enacted, That whenever it is made lawful under the Provisions of this Act to charge or secure Money on the Rates of any Union or Electoral Division, it shall be lawful for the Guardians of such Union, with the Consent of the Commissioners, to be testified under their Seal, or for the Commissioners, when there may be no Guardians elected, or other Persons appointed or authorized to act as Guardians for such Union or Electoral Division, to borrow and obtain such Money from any Person willing to advance the same on the Security of such Rates on the Terms herein-after mentioned, or to make Application for an Advance of any Sum necessary for any such Purposes to the Commissioners appointed under an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*, and of any Act or Acts passed for amending or continuing the same, and the said Exchequer Bill Loan Commissioners are hereby empowered to make such Advances upon any such Application as aforesaid, upon the Security of the Rates for the Relief of the Poor, or special Rates under this Act, to be made in such Union or Electoral Division, and without requiring any further or other Security than a Charge on such Rates: Provided always, that no such Advance of Money shall be made by the Exchequer Bill Loan Commissioners for the Purposes of building any Workhouse unless with the Consent of the Commissioners of Her Majesty's Treasury.

57 G.3. c.34.

Money bor-
rowed to be
secured by a
Charge on Rates
authorized by
this Act.

XC. Provided always, and be it enacted, That all Money to be borrowed under the Provisions of this Act shall be secured by a Charge on the Rates hereby authorized, under the Seal of the Guardians or other Persons appointed or authorized to act as Guardians, or under the Seal of the Commissioners, as the Case shall require, and shall carry Interest after such Rate as may in such Charge be mentioned; and in the Case of Money borrowed for the Purchase of Land or any Interest therein for building or enlarging:

enlarging a Workhouse, or furnishing and fitting up the same, or providing Utensils, Instruments, or Machinery for setting the Poor to work, the Principal Money shall be repaid by annual Instalments of not less than One Twentieth of the Sum borrowed; the first of such Instalments to be paid at or before the Expiration of One Year after the Time of the Advance of such Money, if at the Time of such Advance any Workhouse in the Union shall have been declared by the Commissioners fit for the Reception of destitute Poor, and if no Workhouse in the Union shall have been so declared fit, then at or before the Expiration of One Year after the Time when some Workhouse shall have been so declared fit; and in every Case not otherwise provided for by this Act such Principal Money shall be repaid by such Instalments as in the Charges by which the same shall be secured shall, with the Consent of the Commissioners, be specified in that Behalf: Provided always, that where any Money shall be advanced by the said Exchequer Bill Loan Commissioners, upon Application as aforesaid, for the Purchase of Land or any Interest therein, or for building or enlarging a Workhouse, or for any or all of such Purposes, such Money shall not carry Interest until, according to the Terms of the Charge by which such Money shall be secured, One Half of the Money so advanced ought to have been repaid, and thenceforth so much only as shall from Time to Time remain unpaid shall carry Interest.

XCI. And be it enacted, That every Person entitled to Money secured by Charges on the Rates by this Act authorized may from Time to Time assign his Right and Interest therein to any other Person, upon giving Notice in Writing of such Assignment to the Guardians of the Union the Rates of which or of any Place or District within which may be thereby charged; and after such Assignment and Notice such Assignee, his Executors, Administrators, and Assigns, shall be entitled to the full Benefit of such Charge, and to recover and receive the Money thereby secured; and it shall not be in the Power of the Person who shall have made such Assignment to release or discharge the Charge assigned, or the Money secured thereby.

XCII. And be it enacted, That the Commissioners may direct the Boards of Guardians of so many Unions as they may think fit to join in making any Contract; and that any Contract which shall be entered into by or on behalf of any Union, for or relating to the Maintenance, clothing, lodging, Employment, or Relief of the destitute Poor, or for any other Purpose relating to or connected with the general Management of the destitute Poor, or the Execution of this Act, which shall not be made and entered into in conformity with the Orders of the Commissioners, or otherwise sanctioned by them, shall be voidable, and, if the said Commissioners shall so direct, shall be null and void; and all Payments made under or in pursuance of any Contract not made and entered into in conformity with such Orders, at any Period after the Commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the Accounts of the Guardians or other Officers by whom such Payments shall have been made; and it shall be lawful for the Commissioners to direct the Guardians of any Union to take or institute any Proceedings,

Persons entitled to Money secured on Rates may assign their Interest therein, on Notice given.

Contracts not to be valid unless conformable to the Rules of Commissioners.

Civil or Criminal, as the Commissioners may think fit, against any Contractor who shall have violated the Terms of any such Contract, or who shall have been guilty of any Fraud in relation thereto; and the Expences of such Proceedings shall be paid out of the Rates levied under the Authority of this Act in the Union or Unions interested in such Contract.

Guardians, &c.
not to be concerned in Contracts, &c. whilst in Office.

XCIII. And be it enacted, That no Guardian, paid Officer, Warden, or other Person in whose Hands the Collection of the Rates for the Relief of the destitute Poor, or the providing for, ordering, Management, Control, or Direction of the destitute Poor of any Union, shall or may be placed, shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply, for his own Profit, any Materials, Goods, or Provisions for the Use of any Workhouse in any Union for which he or they shall be appointed or act as such during the Time for which he or they shall retain such Appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any Contract relating thereto, under pain of forfeiting the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Officers to account.

XCIV. And be it enacted, That every Guardian, Treasurer, or other Person having the Collection, Receipt, or Application of any Monies assessed for the Relief of the destitute Poor in any Union, or holding or accountable for any Balance or Sum of Money, or any Books, Deeds, Papers, Goods, or Chattels relating to the Relief of the destitute Poor within any Union, or the Collection or Application of Poor Rate, or for the Funds, Property, Rents, Profits, or Income of any House of Industry, or other Institution which shall be liable to become vested in the Commissioners under this Act, shall, as often as the Orders of the Commissioners shall direct, make and render to the Auditors who may audit Accounts under the Provision herein-after contained a full and distinct Account in Writing, in such Form as the Commissioners shall direct, of all Monies, Matters, and Things committed to their Charge, or received, held, or expended by them on behalf of any such Union, House of Industry, or other Institution, and, if thereunto required by such Auditors, shall verify on Oath (which Oath every such Auditor is hereby authorized to administer) the Truth of all such Accounts and Statements from Time to Time respectively, or subscribe a Declaration to the Truth thereof, in manner and under the Penalties in this Act provided for Parties giving Evidence or refusing to give Evidence under the Provisions of this Act; and all Payments, Charges, and Allowances made by any Guardian or other Person, and charged upon the Rates for the Relief of the destitute Poor, contrary to the Provisions of this Act, or at variance with any Order of the Commissioners made under the Authority of this Act, are hereby declared to be illegal, and shall be disallowed accordingly; and all Balances found by any such Auditor to be due from any Guardian, Treasurer, or other Person having the Control of the Poor Rate, or accountable for such Balances, may be recovered in the same Manner as Penalties and Forfeitures are recoverable under this Act: Provided nevertheless, that no such Proceeding shall exonerate

Payments contrary to this Act to be disallowed.

Surety not to be discharged.

rate or discharge the Liability of the Surety of any such Treasurer, Guardian, or other Person as aforesaid: Provided also, that no Allowance or Disallowance by any Auditor shall exonerate or discharge such Guardian or other Person liable to account from any Penalty or legal Proceeding to which he may have rendered himself liable by having acted contrary to the Orders of the Commissioners or to the Provisions of this Act.

XCV. And be it enacted, That it shall be lawful for the Commissioners to appoint Auditors to audit the Accounts of all Persons liable to account under this Act, and to invest such Auditors with such of the Powers and Authorities which the Commissioners are herein-before authorized to delegate to the Assistant Commissioners as they shall think fit, and such Appointments, Powers, and Authorities respectively from Time to Time to revoke and vary; and such Auditors shall examine into the Matter of every such Account, and shall disallow and strike out of every such Account all such Charges and Payments as they shall deem to be illegal or unfounded, and shall reduce such as they shall deem to be exorbitant, and shall insert in every such Account such Charges against the Person accounting as they shall deem such Person liable to, specifying upon or at the Foot of such Account every such Charge or Payment, and its Amount, so far as they shall disallow, reduce, or insert the same, and the Cause for which the same is disallowed, reduced, or inserted.

XCVI. And be it enacted, That no Advertisement inserted by or under the Direction of the Commissioners in the *London* or *Dublin Gazette*, or any Newspaper, for the Purpose of carrying into effect any Provisions of this Act, nor any Charge, Mortgage, Bond, or Instrument given by way of Security in pursuance of the Orders of the Commissioners, and conformable thereto, nor any Transfer thereof, nor any Contract or Agreement made or entered into in pursuance of such Orders, and conformable thereto, nor any Conveyance, Demise, or Assignment respectively, to or by the Commissioners, nor any Receipt for Rate, nor any other Instrument made in pursuance of this Act, nor the Appointment of any paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or in the Management or Collection of the Poor Rate, shall be charged or chargeable with any Stamp Duty whatever.

XCVII. And be it enacted, That the said Commissioners or Commissioner shall and may receive and send by the General Post, from and to Places within the United Kingdom, all Letters and Packets relating solely and exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be so sent be directed to the Poor Law Commissioners, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in Covers, with the Words "Office of Poor Law Commissioners" printed on the same, and be signed on the Outside thereof, under such Words, with the Name of any One of such Persons, not exceeding Three, as the said Commissioners, with the Consent of the Commissioners of the Treasury, or any Two or more of them, shall authorize and appoint, in his own Handwriting, such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*, and be sealed with the Seal of the said Commissioners,
and

Appointment of
Auditors, and
their Duties.

Advertisements,
&c. not liable to
Stamp Duty.

Letters to and
from Board of
Commissioners
to go free of
Postage if sent
conformably
hereto.

Letters sent under Cover, not relating solely to the Business of the Act, to be transmitted to Post Office, to be charged.

and under such other Regulations and Restrictions as the said Commissioners of the Treasury, or any Two or more of them, shall think proper and direct; and every Person so to be authorized is hereby strictly forbidden so to subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act; and if any Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure, other than what shall relate to the Execution of this Act, every Person so offending shall be dismissed from his Office, and shall forfeit and pay the Sum of One hundred Pounds, (one Moiety of the said Penalty to the Use of Her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same,) to be sued for and recovered in any of Her Majesty's Courts of Record at *Westminster* for Offences committed in *England*, and in any of Her Majesty's Courts of Record in *Dublin* for Offences committed in *Ireland*, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside or the Offence shall be committed for Offences committed in *Scotland*; and if any Letter, Paper, or Writing, or other Inclosure, shall be sent under Cover to the said Commissioners, the same not relating solely and exclusively to the Execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, with the Covers under which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

Service of Summons.

XCVIII. And be it enacted, That the Delivery of any Summons authorized to be issued by any Commissioner, Assistant Commissioner, or Justice of the Peace, under this Act, to any Party to whom such Summons shall be directed, or at his Place of Abode, to his Wife, or to any Child or Servant of such Party, being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of such Summons.

Justices may proceed by Summons for Recovery of Penalties.

XCIX. And be it enacted, That in all Cases in which any Penalty or Forfeiture is recoverable before Justices of the Peace under this Act it shall and may be lawful for any Commissioner or Assistant Commissioner, or any Justice, to whom Complaint in Writing shall be made of any such Offence, to summon the Party complained against to appear before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same.

Penalty on Officers disobeying Guardians.

C. And be it enacted, That in case any Warden, Master of a Workhouse, or other Officer of any Union shall wilfully disobey the legal and reasonable Orders of Guardians in carrying the Orders of the Commissioners or Assistant Commissioners, or the Provisions of this Act, into execution, every such Offender shall, upon Conviction before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

CI. And

CL. And be it enacted, That if any Master of a Workhouse or other paid Officer, or any other Person employed by or under the Authority of the said Guardians, shall purloin, embezzle, or wilfully waste or misapply any of the Monies, Goods, or Chattels belonging to any Union, every such Offender shall, besides and in addition to such Pains and Penalties as such Persons so offending shall independently of this Act be liable to, upon Conviction before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, and also Treble the Amount or Value of such Money, Goods, or Chattels so purloined, embezzled, wasted, or misapplied; and every Person so convicted shall be for ever thereafter incapable of serving any Office relating to the Relief of the destitute Poor.

Penalty on Officers purloining Goods, &c. 20*l*. and Treble the Value of Goods purloined.

CII. And be it enacted, That in case any Person shall wilfully neglect or disobey any of the Orders of the Commissioners or Assistant Commissioners, purporting to be sealed or stamped with their Seal of Office, such Person shall, upon Conviction before any Two Justices, forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds; and in the event of such Person being convicted a Third Time, such Third and every subsequent Offence shall be deemed a Misdemeanor, and such Offender shall be liable to be indicted for the same Offence, and shall, on Conviction, pay such Fine, not being less than Twenty Pounds, and suffer such Imprisonment, with or without hard Labour, as may be awarded against him by the Court by or before which he shall be tried and convicted.

Penalty on Persons wilfully disobeying Orders, &c.

CIII. And be it enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justices are in every Case hereby fully authorized to administer,) or upon Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or on Proof of such Conviction by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices as aforesaid for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such

Forfeitures, Costs, and Charges may be levied by Distress and Sale.

Security, and which Security the said Justices as aforesaid are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, as the Case may be, and they are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County where the Offender shall be or reside, there to remain, without Bail or Main-prize, for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid to or for the Use of the Union where such Offence shall have been committed, to be applied in aid of the Poor Rate of such Union, and if such Offence shall not be committed within any Union, shall be paid to the Treasurer of the County in which such Offence shall have been committed, in aid of the County Cess.

In what Manner to be applied.

Rate-payers, &c. may be competent Witnesses.

Satisfaction recoverable for special Damage, &c.

Plaintiff not to recover for Irregularity if Tender of Amends be made.

Appeal to the Sessions of the Peace against Rates or Order of Justices to be within Four Calendar Months after Cause of Complaint, &c.

CIV. And be it enacted, That no Rate-payer or Inhabitant of any Union, or Payer of County Cess, shall be deemed an incompetent Witness in any Proceeding for the Recovery of any Penalty or Forfeiture inflicted or imposed for any Offence against this Act, notwithstanding such Penalty or Forfeiture, when recovered, shall be applicable as aforesaid.

CV. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards happen in making the Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action shall have been brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

CVI. And be it enacted, That if any Person or Persons shall find himself or themselves aggrieved by any Order or Conviction of any Justice or Justices (except where such Justice shall be an Assistant Barrister), where such Person or Persons shall be convicted in any Penalty or Penalties exceeding Five Pounds, or by any Rate made under this Act, or shall have any material Objection to any Person or Persons being put in or left out of such Rate, or to the Sum charged on any Person therein, it shall

shall be lawful for such Person or Persons to appeal to any Sessions of the Peace to be held in the Presence of the Assistant Barrister in and for the County in which such Rate or such Order shall have been made or Conviction taken place within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month next after such Cause of Complaint, then such Appeal shall be made to the next following Sessions.

CVII. And be it enacted, That the Justices and Assistant Barrister before whom any Appeal shall be brought are hereby empowered to hear and finally determine the Matter of such Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive upon all Parties, and in case of any Appeal against any Rate as aforesaid, to order the Name of any Person interested or concerned in the Event of such Appeal, and having had Notice thereof as is herein provided, to be inserted in such Rate, and to be rated at such Sum or Sums of Money, or to order the Name of any such Person to be struck out of such Rate, or the Sum or Sums at which any such Person is rated therein to be altered, as the said Justices and Assistant Barrister shall think right, and such Justices and Assistant Barrister or some proper Officer of the Court shall forthwith add to or alter the Rate accordingly; provided always, that the Justices and Assistant Barrister to whom such Appeal shall be made shall not examine or inquire into any other Cause or Ground of Appeal than such as is stated and specified in the Notice of Appeal, nor alter any such Rate with respect to other Persons or Matter than are mentioned and specified in the Notice of Appeal; but if upon an Appeal from the whole of any Rate it shall be found necessary to quash or set aside the same, then the said Justices and Assistant Barrister shall quash the same, and shall in that Case order the Guardians to make a new Rate, and they are hereby required to make the same accordingly.

CVIII. And be it enacted, That if upon the Hearing of any Appeal from any Rate made under this Act the Justices and Assistant Barrister shall order the Name of any Person to be struck out of such Rate, or the Sum or Sums rated on any Person to be decreased or lowered, and if it shall be made appear to the Justices and Assistant Barrister that such Person hath previously to the hearing of such Appeal paid any Sum or Sums of Money in consequence of such Rate which he ought not to have been charged with, then and in every such Case the said Justices and Assistant Barrister shall order all and every such Sum and Sums of Money to be repaid by the said Guardians, together with all reasonable Costs, Charges, and Expences occasioned by such Person having been required to pay the same, to be recovered as Penalties and Forfeitures under this Act.

CIX. And be it enacted, That the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk of the Guardians or the Respondent or Respondents; and the Justices and Assistant Barrister to whom such Appeal shall be made shall not examine or inquire into any other Cause or Ground of Appeal than such

Power to determine Appeal, or amend Rate, or quash the same and order a new Rate.

If Rate decreased, Amount paid to be returned.

Fourteen Days Notice in Writing to be given of Appeal, &c.

as is stated and specified in the Notice of Appeal; and if any Person or Persons shall appeal against a Rate because any other Person is rated or omitted therein, or because any other Person is rated therein at any greater or less Sum than the net annual Value of the Hereditaments in respect of which such other Person shall be rated, or for any other Cause that shall require any Alteration to be made in such Rates with respect to any other Person, then and in every such Case the Person or Persons so appealing shall give such Notice of Appeal as aforesaid, not only to the Clerk of the Guardians of the Union wherein such Rate shall be made, but also to every other Person so interested or concerned in the Event of such Appeal, and every such other Person shall, if he so desire, be heard upon such Appeal.

Rate to be levied as if no Appeal.

CX. Provided always, and be it enacted, That notwithstanding any such Appeal or Notice thereof every Rate shall be payable and shall be levied as if no Appeal had been made, until such Rate shall be actually quashed or amended.

Recognizance to be entered into to try the Appeal.

CXI. And be it enacted, That within Five Days after Notice given of Appeal the Person or Persons appealing shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next Sessions of the Peace to be held in the Presence of the Assistant Barrister as aforesaid, and to abide the Order of and pay such Costs as shall be awarded by the Justices and Assistant Barrister at such Sessions.

Costs may be awarded.

CXII. And be it enacted, That such Justices and Assistant Barrister, upon hearing and finally determining the Matter of any Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Limitation of Actions.

CXIII. And be it enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, or any other Person, for any thing done in pursuance of or under the Authority of this Act, until Twenty-one Days Notice has been given thereof in Writing to the Party or Person against whom such Action is intended to be brought, nor after sufficient Satisfaction, or Tender thereof, shall have been made to the Party aggrieved, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if

Defendant may plead the General Issue.

the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if, upon any Demurrer in such Action, Judgment shall be given for the Defendant therein, then and in any of the Cases aforesaid such Defendant shall have Costs, Charges, and Expences, as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

Costs.

CXIV. And be it enacted, That no Order of the Commissioners or Assistant Commissioners or Guardians, or any of them, made under the Powers of this Act, or Rate made under this Act, shall be removed or removeable by Writ of Certiorari into any Court of Record, except Her Majesty's Court of Queen's Bench at *Dublin*, and that every Order or Rate which shall be removed by Writ of Certiorari into the said Court of Queen's Bench, or the Legality of which shall be called in question in any other legal Proceedings, shall nevertheless, until the same shall be declared illegal by that Court, continue in full Force and Virtue, and be obeyed, performed, and enforced in such and the same Manner, and by such and the same Ways and Means, as if the same had not been so removed, or the Legality thereof had not been called in question.

Orders, &c. to be removeable by Certiorari to Court of Queen's Bench, &c.

CXV. And be it enacted, That no Application shall be made for any Writ of Certiorari for the Removal of any such Order or Rate, except to the Judges when sitting in the said Court, nor unless Notice in Writing shall have been left at the Office of the Commissioners in *London* or *Dublin* at least Ten Days previous to such Application being made, and in which Notice shall be set forth the Name and Description of the Party by or on behalf of whom and the Day on which it is intended to make such Application, together with a Statement of the Grounds thereof; and thereupon it shall be lawful for the Commissioners to show Cause in the first instance against such Application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the Grounds set forth in such Notice.

Notice to be given to Commissioners of Application for Writ of Certiorari, &c.

Commissioners may show Cause.

CXVI. And be it enacted, That the Party or Parties applying for any Writ of Certiorari for the Removal of any such Order or Rate shall, previous to such Application being heard, enter into a Recognizance, with sufficient Sureties, before One of Her Majesty's Justices of the Court of Queen's Bench in *Dublin*, or before a Justice of the Peace of the County or Place in which such Person shall reside, in the Sum of Fifty Pounds, with Condition to prosecute the same, at his or their Costs and Charges, with Effect, without any wilful or affected Delay, and in default thereof, or in the event of such Writ being refused or of such Order being deemed legal, to pay the Commissioners their full Costs, Charges, and Expences, to be taxed according to the Course of the said Court of Queen's Bench; and in any such Case the Commissioners entitled to such Costs, within Ten Days after Demand made of the Person or Persons who ought to pay the said Costs, upon Oath made of the making such Demand, and Refusal of Payment thereof, may recover the same in the same Manner as any Penalties and Forfeitures are recoverable under this Act.

Recognizances to be entered into previous to Application for Writ.

In what Cases Commissioners to be entitled to Costs.

CXVII. And be it enacted, That if upon the Hearing of the Application the Court shall order a Writ of Certiorari to issue

Quashing Rules to be notified to Unions.

for bringing up any such Order, and the same, being brought into Court, shall be quashed as illegal, the Commissioners shall forthwith notify the Judgment of the Court to all Unions to which such Order shall have been directed, and the same shall from the Time of receiving such Notice respectively be deemed and taken to be null and void to all Intents and Purposes whatsoever: Provided always, that such Judgment shall not have the Effect of annulling any Contracts made in pursuance or upon the Authority of any such Order which at the Receipt of such Notice respectively shall have been executed by either of the contracting Parties: Provided also, that no Person shall be liable to be prosecuted, either by Indictment or by Civil Action, for or in respect of any Act done by him before the Receipt of such Notice, under the Authority and in pursuance of such Order.

Proviso for existing Contracts.

No Person answerable until Notice.

Explanation of Term "Poor Law Commissioners."

Change of Style of Commissioners.

CXVIII. And be it enacted and declared, That the Words " Poor Law Commissioners," and the Words referring to such Commissioners in this Act, shall be taken to mean the Poor Law Commissioners for *England* and *Wales* appointed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*; and that the said Commissioners for the Time being shall from and after the passing of this Act be styled "The Poor Law Commissioners," and by that Name shall have all the Powers and be subject to all the Obligations conferred or imposed on them by the said Act or by any other Acts by the Name of "The Poor Law Commissioners for *England* and *Wales*;" but all Proceedings at Law or in Equity commenced, and all Deeds or Instruments made and executed, and all Orders and Summonses made and issued, before the passing of this Act, wherein the said Commissioners shall be styled "The Poor Law Commissioners for *England* and *Wales*," shall be continued, and shall have the same Force and Effect after the passing of this Act, as if the said Commissioners were therein styled "The Poor Law Commissioners."

Power to the Queen to appoint a Fourth Commissioner.

CXIX. ' And whereas by reason of the Provisions of this Act ' the Duties of the Poor Law Commissioners may be greatly ' increased ;' be it therefore enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Royal Sign Manual, to appoint a Fourth fit Person to be a Commissioner to carry the said Act of the Fourth and Fifth Years of His late Majesty and this Act into execution, conjointly with the Three Commissioners appointed by virtue of the said Act; and all the Provisions contained in the said Act, or in any other Act, passed or to be passed, in any way affecting the said Commissioners appointed under the said Act or this Act, or any of them, shall extend to any Fourth Commissioner who may be appointed under the Provisions of this Act.

To sit either in England and Wales or Ireland as a Board.

CXX. And be it enacted, That the said Commissioners, or any Two of them, may from Time to Time, as they may deem expedient, sit in *England* and *Wales* or *Ireland* as a Board of Commissioners for carrying this Act into execution, and for exercising all or any of the Powers which may be exercised by the said Commissioners under the Authority of the said Act of the Fourth and

and Fifth Years of the Reign of His late Majesty, or any other Acts.

CXXI. And be it enacted, That the Commissioners shall cause to be made a Seal and Duplicate Seal of the said Board, and shall cause to be sealed or stamped therewith all Orders made by them in pursuance of this Act; and all such Orders or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received, without any further Proof thereof, as Evidence of such Orders, and that the same have been duly made and issued; and no such Order, or Copy thereof, shall be valid, or have any Force or Effect, unless the same shall be sealed or stamped as aforesaid.

To have a Common Seal.

Orders purporting to be sealed with such Seal to be received as Evidence.

CXXII. And be it enacted, That it shall be lawful for any One of the Commissioners, when required by One of Her Majesty's Principal Secretaries of State, or when the Board shall deem fit, to act in *Ireland* for the Purpose of carrying the Provisions of this Act into execution; and such One Commissioner shall, while acting there, have the same Power as is by this Act given to the Board of Commissioners, except the Power to make General Rules: Provided always, that the whole of the Commissioners shall assemble in *London* as often as they may deem necessary, but once at least in every Year, for the Purpose of submitting to One of Her Majesty's Principal Secretaries of State the General Report of their Proceedings.

One Commissioner to reside in Ireland for the Execution of this Act.

CXXIII. And be it enacted, That there shall be laid annually before both Houses of Parliament, on or before the First Day of *May*, a General Report of the Proceedings of the Commissioners acting in execution of this Act, together with an Account of the Expenditure upon the Relief of the Poor in each Union, and of the total Number relieved in each Union during the Year ended on the First Day of *January* preceding.

Report to be laid annually before Parliament.

CXXIV. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Use have a more confined or different Meaning, shall in the Construction of this Act, except where the Context excludes such Construction, be interpreted as follows: every Word importing the Singular Number or the Masculine Gender only shall be understood to include and shall be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively; the Word "Order" shall include General Rules; the Words "General Rule" shall be construed to mean any Order relating to the Execution of this Act which shall at the Time of issuing the same be addressed by the Commissioners to more than One Union or to more Institutions or Objects than One, when such Institutions or Objects shall not be contained in any One Union; the Word "Occupier" shall include every Person in the immediate Use or Enjoyment of any Hereditaments rateable under this Act, whether corporeal or incorporeal; the Word "Rent" shall include every Reservation or Sum or Value rendered either in Money or otherwise by any Tenant or under any Contract for or in respect of the Occupation, Use, or Enjoyment of any Hereditaments, corporeal or incorporeal, and also every Fee-farm Rent, and Rent-seck and Rent-charge; the Word "Tithe" shall include Rent or Composition in lieu of

Interpretation Clause.

Tithe, and also the Ministers Money charged under an Act made in the Parliament of *Ireland* in the Session holden in the Seventeenth and Eighteenth Year of the Reign of King *Charles* the Second, for Provision of Ministers in Cities and Corporate Towns in *Ireland*; the Words "Justice" or "Justices of the Peace" shall, when any Justice or Justices is or are empowered to do any magisterial or judicial Act, either singly or at Petty Sessions, include and extend to any Justice of the Peace, or any Magistrate of a County, County of a City, or County of a Town, or of any City or Town Corporate, or any Assistant Barrister.

Act may be amended this Session.

CXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The FIRST SCHEDULE to which this Act refers.

REGISTRY of PERSONS admitted into and discharged from the WORKHOUSE of the UNION.

No.	When admitted.	Name and Surname.	Sex.	Age.	Employment.	Married or Single.	Name of Wife or Husband.	Number of Children.	Townland in which resident.

The SECOND SCHEDULE to which this Act refers.

FORM OF RATE.

A RATE for the Relief of the Poor of the Union in the County of _____ made this _____
 Day of _____ in the Year of our Lord One thousand _____ on a Poundage of _____
 the Pound. pence in

No.	Arrears due (if any).	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Net annual Value.	Landlords Rates.	Tenants Rates.	Landlords Taxes and other public Charges.	Tenants Taxes and other public Charges.	Landlords Repairs and Insurance.	Tenants Repairs and Insurance.	Landlords other Expenses.	Tenants other Expenses.	Gross annual Value.	Rate at d. in the Pound.
1	£ s. d.	J. S.	J. G.	Land and Buildings.	Whiteacre Farm.	A. B. C.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
2	- - -	Ditto	Ditto	House and Garden.	In _____ Street.		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
3	0 0 7½	J. P.	Ditto	House -	In _____ Lane.		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
&c.	&c.	&c.	&c.	&c.	&c.												

DECLARATION OF GUARDIANS, &c.

WE do declare the several Particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.

T _____ J _____
 J _____ T _____
 &c. &c.

A.B., Clerk of the Union.

The

The THIRD SCHEDULE to which this Act refers.

‘ I *A.B.*, Occupier of [*describe the Property as nearly as possible in the Manner in which it is described in the Valuation*], in respect of which *B.C.* [*the Lessor*] is now rated, hereby require to be rated as the Occupier of the same; and I do hereby undertake to pay all Rates lawfully made in respect of such Property under the Authority of the Act passed in the Year of the Reign of Her Majesty Victoria, for the more effectual Relief of the destitute Poor in Ireland.’ *A.B.*

C A P. LVII.

An Act to appoint additional Commissioners for executing the Acts granting a Land Tax and Duties on Personal Estates, Offices, and Pensions. [31st July 1838.]

‘ **W**HEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to appoint Commissioners for carrying into execution several Acts granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, and continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in England*: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited*: And whereas another Act was passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for appointing additional Commissioners to put in execution the Acts for granting an Aid to His Majesty by a Land Tax, and continuing the Duties on Personal Estates, Offices, and Pensions*: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions*: And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in *Great Britain*, and for continuing to Her Majesty certain Duties on Personal Estates, Offices, and Pensions in *England*:’ Be it therefore enacted by the Queen’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 several and respective Persons herein-after named shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of *Great Britain* herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the

Appointment of additional Commissioners.

Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth; (that is to say,)

[*Here follow the Names of the Commissioners for England, Wales, and Scotland.*]

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, and in the said several recited Acts, and in any other Act in force, in relation to any Acts, Matters, and Things to be done by Commissioners of Land Tax, shall extend to this Act and to the Commissioners named therein, and shall be construed therewith as fully and effectually, to all Intents and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in this Act, and made Part thereof.

Powers of former Acts extended to this Act.

C A P. LVIII.

An Act to vest in the Commissioners of the Treasury the Powers heretofore exercised by Commissioners appointed for certain Purposes relating to the Redemption of the Land Tax; and to authorize the Court of Exchequer to determine Disputes as to the Division in which Lands are liable to be rated to the Land Tax. [31st July 1838.]

WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intitled *An Act to alter and amend certain of the Powers and Provisions of several Acts passed for the Redemption and Sale of the Land Tax, and for making further Provision for the Redemption thereof*, it was enacted, that it should be lawful for His said Majesty, His Heirs and Successors, from Time to Time, by Letters Patent under the Great Seal of *Great Britain*, to nominate and appoint any Person or Persons, being a Peer or Peers of the Realm, or a Member or Members of His Majesty's most Honourable Privy Council, to be a Commissioner or Commissioners for the Purposes of regulating, directing, approving, and confirming all Sales and Contracts for Sale, Enfranchisements, Mortgages, and Grants of Rent-charges which should be made by any Bodies Politic or Corporate, or Companies, or Feoffees or Trustees for charitable or other public Purposes, or out of any Manors, Messuages, Lands, Tenements, or Hereditaments belonging to such Bodies Politic or Corporate, or Companies, or Feoffees or Trustees for charitable or other public Purposes, by virtue of a certain Act of the Forty-second Year of His said Majesty, or of any subsequent Acts relating to the Redemption and Sale of the Land Tax, or of the said recited Act; and also for the Purpose of regulating, directing, approving, and confirming all Sales and Enfranchisements which by virtue of the said several Acts, or any of them, should be made of any Manors, Messuages, Lands, Tenements, or Hereditaments wherein His said Majesty, His Heirs or Successors, had or should have any Estate, Right, or Interest in Possession, Remainder, Reversion, or Expectancy by any Person or Persons holding

54 G. 3. c. 173.

under

‘ under any Grant from the Crown, or under any Act of Parlia-
 ‘ ment: And whereas His late Majesty King *William* the Fourth,
 ‘ by Letters Patent under the Great Seal of *Great Britain*,
 ‘ bearing Date the Seventeenth Day of *June*, in the First Year of
 ‘ His Reign, did nominate and appoint certain Persons therein
 ‘ named, being respectively Peers of the Realm or Members of
 ‘ His said Majesty’s most Honourable Privy Council, to be Com-
 ‘ missioners for the Purposes in the said recited Act mentioned:
 ‘ And whereas the said Letters Patent have expired by reason of
 ‘ the Demise of His said late Majesty King *William* the Fourth,
 ‘ and have not been renewed; and it is expedient that the several
 ‘ Powers and Authorities heretofore exercised by the Commis-
 ‘ sioners appointed by the said Letters Patent, pursuant to the
 ‘ said recited Act, should be vested in and exercised by the
 ‘ Commissioners of Her Majesty’s Treasury for the Time being:’
 Be it therefore enacted by the Queen’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 pass-
 ing of this Act all the several Powers and Authorities which,
 under or by virtue of any Act or Acts now in force relating to
 the Redemption and Sale of the Land Tax, were heretofore vested
 in or might have been vested in or used or exercised by any
 Person or Persons appointed or who might have been appointed a
 Commissioner or Commissioners by virtue of the Letters Patent of
 His late Majesty King *William* the Fourth, under the Great Seal,
 in pursuance of the said recited Act of the Fifty-fourth Year of
 the Reign of His said late Majesty King *George* the Third, shall
 be and the same are hereby vested in the Commissioners of Her
 Majesty’s Treasury of the United Kingdom of *Great Britain* and
Ireland for the Time being; and the said Commissioners of the
 Treasury, or any Three or more of them, shall use and exercise all
 such Powers and Authorities, and do and perform any Act, Matter,
 or Thing relating thereto, as fully and effectually to all Intents
 and Purposes as any Commissioners appointed or who might have
 been appointed as aforesaid, by virtue of Letters Patent under the
 Great Seal, could or might have used and exercised or done and
 performed the same respectively.

Powers and Au-
 thorities hereto-
 fore exercised by
 the Commission-
 ers appointed
 pursuant to the
 recited Act to be
 vested in the
 Commissioners
 of the Treasury.

Upon Applica-
 tion to the Court
 of Exchequer by
 the Owner or
 Occupier of any
 Lands assessed
 to the Land Tax
 in Two or more
 Places, by reason
 of any Doubt or
 Dispute, the
 Court may make
 Orders for the
 Relief of the
 Party and for
 determining the
 Dispute.

II. ‘ And whereas, in assessing the Land Tax in the several
 ‘ Divisions, Parishes, and Places in *Great Britain*, it sometimes
 ‘ happens that Disputes arise as to the Division, Parish, or Place
 ‘ in which or in aid of which particular Lands, Tenements, or
 ‘ Hereditaments are legally liable to be rated; and by reason thereof
 ‘ such Lands, Tenements, or Hereditaments are rated in the
 ‘ several Assessments made for Two or more of such Divisions,
 ‘ Parishes, or Places respectively; and it is expedient to provide
 ‘ a summary Remedy for the Relief of the Owners or Occupiers of
 ‘ such Lands, Tenements, or Hereditaments from such cumulative
 ‘ Charges of the Land Tax, and also to provide the Means of ascer-
 ‘ taining and determining the Division, Parish, or Place in which
 ‘ or in aid of which such Lands, Tenements, or Hereditaments are
 ‘ legally liable and ought to be rated to the Land Tax;’ be it
 therefore enacted, That from and after the passing of this Act,
 upon Application to Her Majesty’s Court of Exchequer in *Eng-
 land*

land and *Scotland* respectively, made by or on the Behalf of the Owner or Occupier of any Lands, Tenements, or Hereditaments, by Affidavit or otherwise, showing that by reason of some Doubt or Dispute as to the Division, Parish, or Place in which or in aid of which such Lands, Tenements, or Hereditaments are legally liable to be assessed to the Land Tax, the same or any Person or Persons in respect thereof have or hath been assessed, rated, or charged to the Land Tax in the several Assessments made for Two or more Divisions, Parishes, or Places, and that such Application is not made with a view to delay the Payment of the Land Tax which may be legally assessed or charged upon or in respect of such Lands, Tenements, or Hereditaments, and that the Party by whom or on whose Behalf such Application is made is ready to bring into Court or to pay or dispose of, in such Manner as the Court may order or direct, the Sum or Sums assessed or charged by the said several Assessments, or either of them, it shall be lawful for the Court to make Rules and Orders calling upon the respective Commissioners of the Land Tax acting for the several Divisions, Parishes, or Places, in or for which the said several Assessments shall have been made, to appear and maintain the said Assessments, or to relinquish the same respectively, so far as the same relate to the Lands, Tenements, or Hereditaments in question, and in the meantime to stay all Proceedings, by Distress or otherwise, against the Party assessed or charged in respect of such Lands, Tenements, or Hereditaments, for the levying or compelling Payment of the Sum or Sums so as aforesaid assessed; and it shall also be lawful for the Court, if it shall think proper, to order the Party by whom or on whose Behalf such Application shall be made to pay into Court the Sum or Sums assessed, or any Part thereof, to abide the Determination of the Dispute or to be disposed of as the Court may direct; and for determining the Question or Questions in dispute it shall be lawful for the Court to order the Trial of One or more feigned Issue or Issues upon such Point or Points as the Court shall think proper, and also to direct who shall be the Plaintiff or Plaintiffs and who shall be the Defendant or Defendants on such Trial, or otherwise to dispose of the Question or Questions in dispute and determine the same in a summary Manner, and to make such other Rules and Orders therein, as to Costs and all other Matters, as may appear to be just and reasonable.

III. And be it enacted, That it shall be lawful for the Court to order the Commissioners of the Land Tax acting for the said Divisions, Parishes, or Places respectively to pay to the Person by whom or on whose Behalf such Application as aforesaid shall be made the Costs of making the same, or incidental or relating thereto, or otherwise to order such Person to pay to the respective Commissioners the Costs of appearing and answering such Application, or to order the Commissioners acting for either of the said Divisions, Parishes, or Places to pay to the Commissioners acting for the other of such Divisions, Parishes, or Places the Costs occasioned by any such Application as aforesaid, or by any Proceedings under the Order or Direction of the Court for determining any such Doubt or Dispute as aforesaid; and all Costs, Charges, and Expences which the said Commissioners shall respectively sustain, bear,

The Court may order the Payment of Costs.

bear, pay, or be put unto by reason of any Proceeding under the Provisions of this Act, and which they shall not be reimbursed by any other Party to such Proceeding, shall be defrayed by an Assessment, which the said Commissioners are hereby respectively empowered to make on the several Lands, Tenements, and Hereditaments chargeable to the Land Tax in their respective Divisions, Parishes, or Places with reference to which such Dispute or Doubt as aforesaid shall have arisen.

Court may order the Amount paid under an Assessment made in a wrong Place to be refunded.

IV. And be it enacted, That if upon any such Application as aforesaid it shall appear, to the Satisfaction of the Court, that the Party by whom or on whose Behalf the same shall be made shall have paid the Assessment or Assessments of the Land Tax upon or in respect of any Lands, Tenements, or Hereditaments for any Division, Parish, or Place in which or in aid of which such Lands, Tenements, or Hereditaments were not legally liable to be and ought not to have been rated or assessed, it shall be lawful for the Court to order and direct the Commissioners acting for such Division, Parish, or Place, and the said Commissioners are hereby fully authorized, to raise the Amount of such Assessment or Assessments so paid by the said Party by an Assessment on the several Lands, Tenements, and Hereditaments chargeable to the Land Tax in such Division, Parish, or Place, and either to refund the said Amount to the said Party, or to pay the same to the Collector of the Division, Parish, or Place in or in aid of which such Lands, Tenements, or Hereditaments are or may be legally liable to be assessed, or otherwise to refund and pay the said Amount to the said Party and the said Collector, in such Proportions as to the Court may seem right and the Justice of the Case may require.

C A P. LIX.

An Act for securing to Authors, in certain Cases, the Benefit of International Copyright. [31st July 1838.]

‘ WHEREAS it is desirable to afford Protection within Her Majesty’s Dominions to the Authors of Books first published in Foreign Countries, and their Assigns, in Cases where Protection shall be afforded in such Foreign Countries to the Authors of Books first published in Her Majesty’s Dominions, and their Assigns;’ be it therefore enacted by the Queen’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 be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the Authors of Books which shall, after a future Time to be specified in such Order in Council, be published in any Foreign Country to be specified in such Order in Council, and their Executors, Administrators, and Assigns, shall have the sole Liberty of printing and reprinting such Books within the United Kingdom of *Great Britain and Ireland*, and every other Part of the *British* Dominions, for such Term as Her Majesty shall by such Order in Council direct, not exceeding the Term which Authors being *British* Subjects are now by Law entitled to in respect of Books first published within the United Kingdom; provided

Her Majesty may direct that Authors of Books first published in Foreign Countries, and their Assigns, shall have a Copyright in such Books.

provided that no such Author or his Assigns shall be entitled to the Benefit of this Act unless, within a Time to be in that Behalf prescribed by such Order in Council, the Title to the Copy of every such Book, and the Name and Place of Abode of the Author thereof, and the Time and Place of the first Publication thereof in such Foreign Country, shall be entered in the Register Book of the Company of Stationers in *London*; and unless, within a Time to be also prescribed by such Order in Council, One printed Copy of the whole of such Book and of every Volume thereof, upon the best Paper upon which the largest Number or Impression of such Book shall have been printed for Sale, together with all Maps and Prints relating thereto, shall be delivered to the Warehouse Keeper of the Company of Stationers at the Hall of the said Company.

Title of Book to be entered at Stationers Hall, &c.

II. Provided always, and be it enacted, That if a Book be published anonymously it shall be sufficient to insert in the Entry thereof in such Register Book the Name and Place of Abode of the first Publisher thereof, instead of the Name and Place of Abode of the Author thereof, together with a Declaration that such Entry is made either on behalf of the Author or on behalf of such first Publisher, as the Case may require.

Providing for Books published anonymously.

III. And be it enacted, That every such Entry shall be *prima facie* Proof of a rightful first Publication; but if there be a wrongful first Publication, and any Party have availed himself thereof to obtain an Entry of a spurious Work, the Author or his first Publisher may apply by Petition or on Motion to the Court of Chancery to order such Entry to be amended; but no such Order shall be made unless it be proved to the Satisfaction of the said Court, first with respect to a wrongful Publication in a Country to which the Author or first Publisher does not belong, and in regard to which there does not subsist with this Country any Treaty of International Copyright, that the Party making the Application was the Author or first Publisher, as the Case requires; second, with respect to a wrongful first Publication either in the Country where a rightful first Publication has taken place, or in regard to which there subsists with this Country a Treaty of International Copyright, that a Court of competent Jurisdiction in any such Country where such wrongful first Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or first Publisher.

Wrongful first Publication may be amended by Court of Chancery.

IV. And be it enacted, That such Register Book shall at all Times be kept at the Hall of the said Company, and for every such Entry the Sum of Two Shillings, and no more, shall be paid, and the same Register Book may at all seasonable and convenient Times be inspected by any Person on Payment of the Sum of One Shilling, and no more, to the Warehouse Keeper of the said Company of Stationers; and such Warehouse Keeper shall, when and as often as thereto required, give a Certificate under his Hand of every or any such Entry and Delivery, and of the Time of making the same respectively, and for every such Certificate the Sum of One Shilling shall be paid; and such Certificate, upon Proof of the Handwriting of the Person signing the same, and that such Person was in fact the Warehouse Keeper of the said Company, shall without further Proof be admitted in all Courts

Register Book to be kept at Stationers Hall, &c.

Certificate by Warehouse Keeper.

as Evidence of such Entry and Delivery and of the Time of making the same respectively.

Deposit of
Books in British
Museum.

V. And be it enacted, That the said Warehouse Keeper shall receive at the Hall of the said Company every Book or Volume so to be delivered as aforesaid, and within One Calendar Month after receiving such Book or Volume shall deposit the same in the Library of the *British Museum*.

Second or sub-
sequent Edi-
tions.

VI. Provided always, and be it enacted, That it shall not be requisite to deliver to the Warehouse Keeper of the said Stationers Company any printed Copy of the Second or of any subsequent Edition of any Book or Books so delivered as aforesaid, unless the same shall contain Additions or Alterations; and in case any Edition after the first of any Book so delivered as aforesaid shall contain any Addition or Alteration, it shall not be requisite to deliver any printed Copies thereof, if One printed Copy of such Additions or Alterations only, printed in an uniform Manner with the former Edition of such Book, be, within a Time in that Behalf to be prescribed by any such Order in Council as aforesaid, delivered to the Warehouse Keeper of the said Company of Stationers.

Different
Periods for dif-
ferent Foreign
Countries, &c.

VII. And be it enacted, That the respective Terms to be specified by such Orders in Council respectively for the Continuance of the Privilege to be granted to the Authors of Books to be first published in Foreign Countries, and their respective Assigns, may be different for Books first published in different Foreign Countries, and that the Times to be prescribed for the Entry of the Titles to the Copies of such Books, and the Delivery to the said Warehouse Keeper of the aforesaid Copy, may be different for different Foreign Countries and for different Classes of Books.

Booksellers, &c.
who shall print,
&c. any Book to
which Order in
Council may
extend, without
Consent of Prop-
rietor, liable to
Penalties.

VIII. And be it enacted, That if any Bookseller or Printer, or other Person whatsoever, in any Part of the United Kingdom of *Great Britain and Ireland*, or in any other Part of the *British Dominions*, shall, within the Term to be limited by any such Order in Council, print, reprint, or import for Sale, or cause to be printed, reprinted, or imported for Sale, any Book to which such Order in Council shall extend, without the Consent of the Author or other Proprietor of the Copyright of and in such Book first had and obtained in Writing, or, knowing the same to be so printed, reprinted, or imported for Sale without such Consent of such Author or other Proprietor, shall sell, publish, or expose to Sale, or cause to be sold, published, or exposed to Sale, or have in his Possession for Sale, any such Book without such Consent first had and obtained as aforesaid, then every such Offender shall be liable to a Special Action on the Case, at the Suit of the Author or other Proprietor of the Copyright of and in such Book so unlawfully printed, reprinted, imported, or published or exposed to Sale, or being in the Possession of such Offender for Sale as aforesaid, contrary to the true Intent and Meaning of this Act; and every such Author or other Proprietor shall and may, by and in such Special Action on the Case to be so brought against such Offender in any Court of Record in that Part of the said United Kingdom or of the *British Dominions* in which the Offence shall be committed, recover such Damages as the Jury on the Trial of such Action or on the Execution of a Writ of Inquiry thereon shall give

give or assess, together with Double Costs of Suit, in which Action no Privilege or Protection shall be allowed; and every such Offender shall also forfeit such Book, and every Sheet being Part of such Book, and shall upon Order of any Court of Record in which any Action at Law or Suit in Equity shall be commenced or prosecuted by such Author or other Proprietor, to be made on Motion or Petition to the said Court, deliver the same to the Author or other Proprietor of the Copyright of such Book, or to his Attorney or Agent to be thereto lawfully authorized, and he shall forthwith damask or make Waste Paper of the same; and every such Offender shall also forfeit the Sum of Three-pence for every Sheet thereof, either printed or printing, or published or exposed to Sale, contrary to the true Intent and Meaning of this Act, the one Moiety thereof to Her Majesty and the other Moiety thereof to any Person who shall sue for the same in any such Court of Record by Action of Debt, Bill, Plaint, or Information, in which no Privilege or Protection shall be allowed: Provided always, that in *Scotland* such Offender shall be liable to an Action of Damages in the Court of Session in *Scotland*, which shall and may be brought and prosecuted in the same Manner in which any other Action of Damages to the like Amount may be brought and prosecuted there, and in any such Action where Damages shall be awarded Double Costs of Suit or Expences of Process shall be allowed.

IX. Provided always, and be it enacted, That no such Order in Council shall have any Effect unless it shall be therein stated, as the Ground for issuing the same, that due Protection for the Benefit of the Authors of printed Books first published in the Dominions of Her Majesty and their Assigns has been secured by the Foreign Power in whose Dominions the Books to which such Order in Council shall relate shall be first published.

When Order in Council to have no Effect.

X. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act, but nevertheless without Prejudice to any Rights acquired previously to such Revocation or Alteration.

Orders in Council may be revoked;

XI. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*, and from the Time of such Publication shall have the same Effect as if every Part thereof were included in this Act.

to be published in London Gazette;

XII. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

and to be laid before Parliament.

XIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent the printing, Publication, or Sale of any Translation of any Book, the Author whereof and his Assigns may be entitled to the Benefit of this Act.

Translations.

XIV. And be it enacted, That the Author of any Book to be after the passing of this Act first published out of Her Majesty's Dominions, or his Assigns, shall have no Copyright therein within

Copyright of Foreign Authors.

Her Majesty's Dominions otherwise than such (if any) as he may become entitled to under this Act.

Limitation of
Actions.

XV. Provided nevertheless, and be it enacted, That all Actions, Suits, Bills, Indictments, or Informations for any Offence that shall be committed against this Act shall be brought, sued, and commenced within Twelve Months next after such Offence committed, and not afterwards.

Interpretation
Clause.

XVI. And be it enacted, That in the Construction of this Act the Word "Book" shall be construed to include "Volume," "Pamphlet," "Sheet of Letterpress," "Sheet of Music," "Map," "Chart," or "Plan;" and the Words "printing" and "reprinting" shall include Engraving and any other Method of multiplying Copies; and the Expression "Her Majesty" shall include the Heirs and Successors of Her Majesty; and the Expressions "Order of Her Majesty in Council" and "Order in Council" shall respectively mean Order of Her Majesty, acting by and with the Advice of Her Majesty's Most Honourable Privy Council; and in describing any Persons or Things any Word importing the Plural Number shall mean also One Person or Thing, and any Word importing the Singular Number shall include several Persons or Things, and any Word importing the Masculine shall include also the Feminine Gender; unless in any of such Cases there shall be something in the Subject or Context repugnant to such Construction.

Act may be
amended.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LX.

An Act to amend an Act of the Fourth and Fifth Years of His late Majesty, empowering His Majesty to erect *South Australia* into a *British Province* or Provinces.

[31st July 1838.]

4 & 5W.4. c.95.

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act to empower His Majesty to erect South Australia into a British Province or Provinces, and to provide for the Colonization and Government thereof*, His Majesty was empowered, with the Advice of His Privy Council, to erect and establish within that Part of *Australia* which lies between the Meridians of the One hundred and thirty-second and One hundred and forty-first Degrees of East Longitude, and between the Southern Ocean and the Twenty-sixth Degree of South Latitude, together with the Islands adjacent thereto, and the Bays and Gulfs thereof, One or more Provinces, and to fix the respective Boundaries of such Provinces; and by the said Act it was enacted, that it should be lawful for His Majesty, by Warrant under the Sign Manual, countersigned by His Majesty's Principal Secretary of State for the Colonies, to appoint Three or more fit Persons to be Commissioners to carry certain Parts of the said Act into execution, such Commissioners to be styled "The Colonization Commissioners for *South Australia*:" And whereas by Warrant under

the Sign Manual of His said Majesty, and countersigned by the Right Honourable *Charles Baron Glenelg*, one of His Majesty's Principal Secretaries of State having the Department of the Colonies, *Robert Torrens*, *William Alexander Mackinnon*, *William Hutt*, *John George Shaw Lefevre*, *George Palmer* the younger, *Jacob Montefiore*, *Samuel Mills*, *Edward Barnard*, *Josiah Roberts*, and *James Pennington*, Esquires, were duly appointed to be such Colonization Commissioners for *South Australia*: And whereas His said Majesty on or about the Nineteenth Day of *February* One thousand eight hundred and thirty-six, by Letters Patent under the Great Seal of *Great Britain*, with the Advice of His Privy Council, and in pursuance of the Powers in that Behalf vested in His said Majesty by the said recited Act of Parliament, did erect and establish One Province to be called "The Province of *South Australia*," and did thereby fix the Boundaries of the same Province in manner following; (that is to say,) on the North the Twenty-sixth Degree of South Latitude, on the South the Southern Ocean, on the West the One hundred and thirty-second Degree of East Longitude, and on the East the One hundred and forty-first Degree of East Longitude, including therein all and every the Bays and Gulfs thereof, together with the Island called *Kangaroo Island*, and all and every other Islands adjacent to the said last-mentioned Island, or any Part of the Main Land of the said Province; and it was thereby provided that nothing in the said Letters Patent contained should affect or be construed to affect the Rights of any aboriginal Natives of the said Province to the actual Occupation or Enjoyment in their own Persons, or in the Persons of their Descendants, of any Lands therein then actually occupied or enjoyed by such Natives: And whereas the Sum of Thirty-five thousand Pounds has been raised by the Sale of Lands in the said Province, and the Sum of Thirty-nine thousand Pounds has been raised by the Issue of *South Australia* Colonial Revenue Securities for the Purposes in the said Act mentioned; and the Sum of Twenty thousand Pounds, Part thereof, has been invested in Government Securities, in the Names of Trustees appointed by His Majesty, as a Guarantee or Security Fund, as required by the said Act: And whereas Doubts have arisen as to the Extent of the Powers vested in the said Colonization Commissioners for *South Australia* by the said Act, and it is expedient that such Powers should be more clearly defined, and that the Provisions of the said Act should be amended in manner herein-after mentioned: And whereas it is in and by the said Act provided, that it should be lawful for His Majesty, His Heirs and Successors, with the Advice of His or Their Privy Council, to authorize and empower such Persons as therein mentioned to make, ordain, and establish Laws, Institutions, and Ordinances, and to constitute Courts, and to appoint Officers, Chaplains, and Clergymen, and to levy Rates, Duties, and Taxes as therein mentioned: Be it enacted by the Queen'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 aforesaid Powers and Authorities shall be and the same are hereby

Powers under former Act repealed, and new repealed;

Powers given to
Her Majesty.

repealed; and in lieu thereof it shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Order or Orders to be by Her or Them made, with the Advice of Her or Their Privy Council, to make, ordain, and by Warrants under Her or Their Sign Manual (subject to such Conditions and Restrictions as to Her or Them shall seem meet) to authorize and empower any Three or more Persons resident and being within the said Province to make, ordain, and establish all such Laws, Institutions, or Ordinances, and to constitute such Courts, and to impose and levy such Rates, Duties, and Taxes as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others within the said Province; provided that all such Orders, and all Laws and Ordinances so to be made as aforesaid, shall be laid before the Queen in Council as soon as conveniently may be after the making and enacting thereof respectively, and that the same shall not in anywise be contrary or repugnant to any of the Provisions of the said recited Act or of this Act.

Power to raise
Money by way
of Annuities.

II. And be it enacted, That it shall and may be lawful to and for the Commissioners appointed or to be from Time to Time appointed under the said recited Act to raise all or any Part of the Sum of Fifty thousand Pounds in the said Act mentioned, and all or any Part of the Sum of One hundred and sixty-one thousand Pounds, Residue of the Sum of Two hundred thousand Pounds in the said Act mentioned, and also all other Monies which such Commissioners may from Time to Time be authorized to raise under the Powers of the said recited Act or of this Act, or any Part of the same respectively, by selling and granting perpetual Annuities or Annuities for any Life or Lives, or for any Term or Terms of Years absolute or determinable on any Life or Lives, on such Terms as to such Commissioners shall appear reasonable: and all such Annuities shall be charged and chargeable upon and payable out of such Funds respectively as the Interest of the Monies authorized to be raised by the said recited Act are by the said recited Act or this Act charged or made payable out of; and the Grants of such Annuities shall be in such Form, and such Annuities shall be payable and assignable in such Manner, as such Commissioners shall think fit: Provided always, that in every Grant of any perpetual Annuity, or of any Annuity for any Term absolute exceeding Forty Years, or for more than One Life, or for any Term determinable on the Decease of more than One Person, under the Authority of this Act, shall be inserted an Agreement or Proviso that such Annuity shall be redeemable or repurchaseable by such Commissioners; and it shall and may be lawful for such Commissioners from Time to Time to repurchase and redeem all or any of the redeemable Annuities hereby authorized to be granted, with the Monies accruing from such Funds respectively, as shall be chargeable with such Annuities respectively, or (as often as it shall appear to them that the Charge created by such Annuities can be reduced) with Money borrowed and taken up by all or any of the Means by the said recited Act or this Act authorized; which Money such Commissioners are hereby authorized to borrow and take up accordingly.

Commissioners
to apply Money
from

III. And be it enacted, That it shall be lawful for the said Commissioners, or for the Commissioners to be from Time to Time appointed

appointed under the said recited Act, to apply all or any of the Money which now is or shall from Time to Time be in the Hands of their Treasurers to the Payment of the Interest on the said *South Australia* Public Lands Securities, and on the said *South Australia* Colonial Revenue Securities respectively, and of the Annuities by this Act authorized to be granted, and to the paying or defraying any Expences incurred in carrying the said recited Act and this Act into execution, or in applying for and obtaining the said recited Act and this Act, although such Money should not form any Part of or have arisen from the Revenue or Fund charged primarily or exclusively with the Payment of the Interest or Expences to which it shall be so applied: Provided always, that in every Case in which any Money advanced out of the Monies borrowed on the said *South Australia* Colonial Revenue Securities, or derived from the Revenue of the said Province, shall be applied in aid of the Emigration Fund, the Money so advanced shall be a Debt due from the said Emigration Fund to the said Province; and in case any Part of the said Emigration Fund shall be applied in aid of the Revenues of the said Province, the Monies so advanced shall be a Colonial Debt, owing by the said Province to such Commissioners on account of the said Emigration Fund, and distinct Accounts of all such Advances shall be kept in the Books under the Direction of such Commissioners; and such Advances respectively shall be repaid or replaced as soon as conveniently may be (but without Interest thereon in the meantime), by such Commissioners, out of the Monies accruing to the Fund debited with such Advance; and when any Money advanced from either of the said Funds in aid of the other of them shall be required for the Purpose of the Fund from which the Advance shall be made, the said Commissioners shall and may borrow and take up at Interest, or raise in addition to the Monies which they are authorized to borrow by the said recited Act, Money for repaying such Advance by all or any of the Means by this Act or the said recited Act authorized; and the Securities on which such Monies shall be so raised shall bear such Names, and shall be charged upon and payable out of such Funds respectively, as the same would have been charged upon and payable out of if such Securities had been made under the Powers of the said recited Act or this Act, or for the Use of the Fund debited with the Advances so repaid: Provided always, that the Amount advanced from the said Emigration Fund in aid of the Revenues of the Colony, together with the Debt which may have been due to the said Emigration Fund at the Commencement of any Year, shall not at the Close of any such Year exceed One Third of the Amount which may have accrued to the said Emigration Fund in the course of such Year.

IV. ' And whereas Notice was published in the *London Gazette* ' in the Month of *May* One thousand eight hundred and thirty- ' five of the Appointment of Commissioners for carrying into effect ' certain Parts of the said recited Act, but such Appointment was ' not then signed by His Majesty, as required by the said Act: ' Be it enacted, That all Contracts, Obligations, Rules, Orders, and ' Regulations, Matters, and Things whatsoever entered into, executed, ' made, or done by the Commissioners so named, or any Two of ' them,

either Fund convertibly, keeping separate Accounts.

Power to raise Money on the Security of the Revenue to pay Debts incurred to either Fund.

Proviso.

Confirmation of Acts of Commissioners.

them, or other the Commissioners for the Time being, acting under the Authority or supposed Authority of the said recited Act, or in the Execution or supposed Execution of the Powers vested in them by the said Act, and not inconsistent with the Provisions of the said recited Act as explained and extended by this Act, shall have the same Force and Validity as if the Commissioners had been duly appointed before the respective Periods at which such Contracts, Obligations, Rules, Orders, and Regulations, Matters, and Things were respectively entered into, executed, made, and done.

Commissioners may apply Proceeds of Sales of Public Lands in Payment of Revenue Securities.

V. ' And whereas it is in and by the said Act provided, that in case the Commissioners should be unable to raise by the Issue of Colonial Revenue Securities the whole of the Sum of Two hundred thousand Pounds therein mentioned, or that the ordinary Revenue of the said Province should be insufficient to discharge the Obligations of all or any of the said Securities, the Public Lands of the said Province then remaining unsold, and the Monies to be obtained by the Sale thereof, should be deemed a collateral Security for Payment of the Principal and Interest of the said Colonial Debt; but no Monies obtained by the Sales of Public Lands were to be employed in defraying the Principal or Interest of the said Colonial Debt so long as any Obligation created by the Public Land Securities in the said Act mentioned should remain undischarged: And whereas the Commissioners have raised the Sum of _____ by Issue of Colonial Revenue Securities, but the said Commissioners have not issued any *South Australian* Public Land Securities: And whereas the ordinary Revenue of the said Colony hath been from the first Issue of the said Colonial Revenue Securities, and still is, insufficient to pay the Interest thereon or on any Part thereof; be it therefore enacted, That it shall and may be lawful for the said Commissioners, by any Order or Orders signed by them or any Two of them, to direct their Treasurer or Treasurers to apply so much of the Monies received or to be received as and for the Proceeds of the Sales of Public Lands in the said Province as may be necessary in Payment and Discharge of all or any Part of the Principal due and owing, and of the Interest accrued and to accrue, upon the Colonial Revenue Securities issued or to be issued by them, and so from Time to Time: Provided always, that in case the said Commissioners shall hereafter issue any of the *South Australian* Public Land Securities in the said Act mentioned, then and in such Case it shall not be lawful for the said Commissioners to issue any such Order as hereinbefore mentioned till such *South Australian* Public Land Securities have been paid off and discharged: Provided also, that the Sums so paid in pursuance of any such Order shall constitute a Colonial Debt owing by the said Province to the said Commissioners as in the said Act mentioned.

Act may be altered.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXI.

An Act to amend an Act for enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes. [31st July 1838.]

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes*, it is enacted, that it shall be lawful for any Person or Persons or for any Bodies Corporate from whom any such Security is required, and who may be desirous of adopting the Provisions of that Act in lieu of giving the same by Bond, by and with the Consent of the Commissioners of His then Majesty's Treasury, or any Three or more of them, to transfer into the Name of the Postmaster General, or of the Chief Commissioner of His said Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the Chairman for the Time being of the Commissioners of that Department of the Revenue in respect of which such Security is required, in the Books of the Governor and Company of the Bank of *England*, so much of any Public Stock standing in the said Books in the Name or Names of such Person or Persons or Bodies Corporate, or to deposit in the Bank of *England* in the Name of the said Postmaster General or Chief Commissioner, or of such Chairman, such an Amount of Exchequer Bills as shall be, in the Judgment of the said Commissioners of His said Majesty's Treasury, or any Three or more of them, a sufficient Security and Indemnification against all Contraventions of the Duty or Purpose for the due Performance of which such Security was required: And whereas it is further enacted, that when any Stock shall be transferred or any Deposit of Exchequer Bills shall be made in pursuance of that Act, the said Stock shall be transferred into, and the said Exchequer Bills shall be deposited in, the Name of His said Majesty's Postmaster General, the said Chief Commissioner, or the Chairman of the Board of Customs, Excise, or Stamps and Taxes, as the Case may be; and the Account into which such Stock shall be transferred, or in which such Deposit shall be made, shall be so headed in the Books of the Governor and Company of the Bank of *England*: And whereas it is by the said Act further enacted, that the Dividends upon all such Stock so transferred, and the Interest upon all Exchequer Bills so deposited, shall be paid to the Receivers General of the respective Revenues therein mentioned, and the Receipts of such Receivers General shall be a sufficient Discharge for the same; and the Dividends upon all Stock so transferred, and the Interest upon all such Exchequer Bills, shall be paid to the respective Parties transferring such Stock or depositing such Exchequer Bills by the respective Receivers General, upon the Production of an Order for that Purpose from the Postmaster General, or such Chief Commissioner, or the Commissioners of the respective Revenues,

Stock, &c. deposited as Security may be transferred into joint Names of the public Officer and Depositor, who may receive Dividends.

‘ Revenues, or any Two of them, with whom such Deposits have
 ‘ respectively been made : And whereas Delays and Inconveniences
 ‘ may sometimes arise to the Person or Persons or Bodies Cor-
 ‘ porate who may have made such Transfers or Deposits as afore-
 ‘ said by reason of the Absence or Illness of the said Receivers
 ‘ General :’ For Remedy whereof be it therefore enacted by the
 Queen’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 any Public Stock standing in the said Books of the
 Governor and Company of the Bank of *England* in the Name of
 the said Postmaster General, or of the said Chief Commissioner,
 or of the said Chairman for the Time being, and any Exchequer
 Bills so deposited as aforesaid, and any Stock or Exchequer Bills
 which shall at any Time hereafter be required to be transferred
 or deposited by way of Security in pursuance of the said Act or
 this Act, may be transferred in the said Books into or deposited
 in the Name of such Postmaster General, or of such Chief Com-
 missioner, or of such Chairman for the Time being, and into and
 in that of any Person or Persons or Body Corporate from whom
 such Security has been or may be required, or into the Name of
 any Person appointed by him or them ; and that the Dividends
 upon all Stock so transferred, and the Interest upon all Exchequer
 Bills so deposited, may be received by such Person or Persons
 in whose Name such Stock may be standing or in whose Name
 such Exchequer Bills may be deposited jointly as aforesaid, or by
 any other Person or Persons duly authorized by Letter of Attorney
 executed by such Person or Persons or Body Corporate ; and that
 so much of the said Act herein-before recited as enacts that
 such Dividends and Interest upon such Exchequer Bills shall be
 paid to such Receivers General shall be and the same is hereby
 repealed.

Stock, &c. may be sold on Certificate of public Officer.

II. ‘ And whereas by the said Act it is enacted, that it shall be
 ‘ lawful for the said Postmaster General, upon the Certificate of
 ‘ the Accountant General of the Post Office, and for such Chief
 ‘ Commissioner, and for such Chairman as aforesaid, upon the
 ‘ Certificate of any Two or more of the Commissioners of such
 ‘ Department of the Revenue that the Revenue has been damaged
 ‘ by any Act done or any Payment or Duty omitted in contra-
 ‘ vention of the Duty or Purpose for the due Performance of
 ‘ which such Security was required as therein-before mentioned,
 ‘ and they and each of them are thereby required to sell so
 ‘ much of such Stock or of such Exchequer Bills as shall be
 ‘ necessary to make good any Loss so occasioned, and to pay the
 ‘ Proceeds thereof to the Receiver General of that Department of
 ‘ Revenue in respect of which such Loss has been sustained ;’ be it
 enacted, That nothing herein contained shall extend to prevent or
 restrain the Sale of any Stock or Exchequer Bills so transferred
 as aforesaid upon such Certificate as is herein lastly above recited ;
 but every such Certificate shall specify the Names in which the
 Stock or Exchequer Bills intended to be sold is standing or depo-
 sited ; and upon the Production of any such Certificate the
 Governor and Company of the Bank of *England* shall permit the
 Postmaster General, such Chief Commissioner, or Chairman, as the
 Case

Case may be, to sell, assign, or transfer Stock, or shall deliver to such Postmaster General, Chief Commissioner, or Chairman, Exchequer Bills to the Amount in such Certificate specified from the Account therein mentioned, notwithstanding such Stock or such Exchequer Bills shall have stood in the said Books in the Names of such Postmaster General, Chief Commissioner, or Chairman, and some other Person or some Body Corporate jointly.

III. ' And whereas it is expedient to extend the Provision of the said Act so as to enable all Parties whatsoever who in respect of their Offices are required to give Security by Bond for the proper and faithful Discharge of the Duties of their several Offices to make Deposit of Stock or Exchequer Bills in lieu of giving such Security by Bond;' be it therefore enacted, That all or any of the Provisions of the said Act and of this Act shall be and they are hereby extended to all Persons who are or shall be required to give Bond for the proper and faithful Discharge of the Duties of any public Office under the Crown, and it shall be lawful to and for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, or any Three or more of them, by Warrant under their Hands to the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, as the Case may be, to appoint the Officer or Officers in whose Name or Names such Stock or Exchequer Bills shall be deposited, and to make such Regulations as may be necessary for extending the Provisions of the said recited Act and of this Act to such other Cases as are hereby authorized.

Provisions of recited Act and this Act to extend to Parties giving Bonds for the due Discharge of their Duties in Offices under the Crown, &c.

C A P. LXII.

An Act to enable Masters of the Court of Chancery in *Ireland*, upon Application to that Court by Petition, to execute Renewals of Leases for Lives containing Covenants for Renewal in the Names of Persons bound by such Covenants to execute the same, and being out of the Jurisdiction of the Court; and to extend such Powers to Cases of Terms for Years, whether absolutely or dependent upon Lives. [31st July 1838.]

' **W**HEREAS by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Queen *Anne*, intituled *An Act to enable Guardians and others to renew Leases for Lives*, it was amongst other things enacted, that where any Person or Persons, who by Covenant or Agreement were obliged to make Renewal of Leases for Lives of Lands, Tenements, or Hereditaments in the Kingdom of *Ireland*, were or should be disabled to renew by reason of being beyond the Seas, it should and might be lawful to and for the Lord Chancellor or Commissioner or Commissioners of the Great Seal of that Kingdom for the Time being, upon Petition or Complaint made to him or them in the High Court of Chancery, upon Payment of the Fine and such other Sum or Sums of Money as ought to be paid upon such Renewal, for the Use of the Person or Persons entitled to the same, and upon the Lessee or Lessees doing ' and

11 Ann. (1.)

‘ and performing all and every such Matters and Things as by the
 ‘ said Covenants or Agreements in the said Lease or Leases ought
 ‘ to be done or performed by him or them previous to such Renewal,
 ‘ to order or appoint such Renewal or Renewals to be made
 ‘ by One of the Masters of the said Court of Chancery, to be
 ‘ nominated and appointed by the said Lord Chancellor or Com-
 ‘ missioner or Commissioners of the Great Seal for the Time being,
 ‘ such Master so nominated and appointed to make and execute such
 ‘ Deed of Renewal in the Name of the Person who ought to have
 ‘ renewed the same; such Deed or Deeds of Renewal so made
 ‘ and executed by the said Master or Masters, Counterparts thereof
 ‘ being duly perfected by the Lessee or Lessees, for the Use and
 ‘ Benefit of the Person or Persons having the Reversion and
 ‘ Inheritance of such Lands, Tenements, or Hereditaments com-
 ‘ prised in such Deed or Deeds, to be as good and effectual in
 ‘ Law or Equity to all Intents and Purposes, as if the Person or
 ‘ Persons under such Disability had not been so disabled, and
 ‘ had executed the same: And whereas by an Act past in the
 ‘ First Year of the Reign of His late Majesty King *William* the
 ‘ Fourth, intituled *An Act for consolidating and amending the*
 ‘ *Laws relating to Property belonging to Infants, Femes Covert,*
 ‘ *Idiots, Lunatics, and Persons of unsound Mind,* after reciting
 ‘ the said last-mentioned Act, and that it was expedient that the
 ‘ Provisions thereof which had been so long in force in *Ireland*
 ‘ should remain unaltered, it was enacted that the Clauses and
 ‘ Provisions contained in the said therein-recited Act should be
 ‘ and continue in force in the same Manner, to all Intents and
 ‘ Purposes, as if the said Clauses and Provisions and every Part
 ‘ thereof had been repeated and re-enacted in the said Act; and
 ‘ that none of the other Provisions in the said Act contained for
 ‘ authorizing any Surrenders to be accepted, or any new Lease to
 ‘ be made or executed, for or on behalf of any Person who in
 ‘ pursuance of any Covenant or Agreement for Renewal in any
 ‘ Lease contained or to be contained ought to make such new Lease
 ‘ or Leases, should extend or be construed to extend to Lands in
 ‘ *Ireland*: And whereas by an Act passed in the Fifth and Sixth
 ‘ Years of His late Majesty King *William* the Fourth, intituled
 ‘ *An Act to extend to Ireland certain Provisions of an Act made*
 ‘ *and passed in the First Year of His late Majesty’s Reign, intituled*
 ‘ *“An Act for consolidating and amending the Laws relating to*
 ‘ *Property belonging to Infants, Femes Covert, Lunatics, and*
 ‘ *Persons of unsound Mind,”* the said recited Act of the Eleventh
 ‘ Year of the Reign of Queen *Anne*, and so much of the said
 ‘ Act of the First Year of the Reign of His said late Majesty as
 ‘ re-enacted the Provisions in the said last-mentioned Act contained
 ‘ were thereby repealed, and the Powers given by the same, in
 ‘ respect to Persons being beyond the Seas, were not continued
 ‘ or extended: And whereas it is expedient that the Powers given
 ‘ by the said recited Acts of the Eleventh Year of the Reign of
 ‘ Queen *Anne* and of the First Year of the Reign of King *William*
 ‘ the Fourth to the Court of Chancery in *Ireland* should be continued
 ‘ to the said Court in the Case of Persons not within its Jurisdic-
 ‘ tion, or not amenable to its Process, and should be extended to
 ‘ Renewals of Leases for Terms of Years or Years dependent upon
 ‘ Lives:’

11 G. 4. &
 1 W. 4. c. 65.

5 & 6 W. 4. c. 17.

‘Lives:’ Be it therefore enacted by the Queen’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 where any Person, who in pursuance of any Covenant or Agreement in Writing might, if within the Jurisdiction and amenable to the Process of the Court of Chancery in *Ireland*, be compelled to execute a Renewal of any Lease made or to be made, for the Life or Lives of One or more Person or Persons, or for any Term or Number of Years absolutely or determinable on the Death of One or more Person or Persons, shall not be within the Jurisdiction of or not amenable to the Process of the said Court, it shall be lawful to and for the said Court of Chancery, by an Order to be made upon the Petition of any Person or any of the Persons entitled to such Renewal (whether such Person be or be not under any Disability), upon Payment of the Fine, and such other Sum or Sums of Money as ought to be paid upon such Renewal, for the Use of the Person or Persons entitled to the same, and upon the Lessee or Lessees doing and performing all and every such Matters and Things as by the said Covenants or Agreements in the said Lease or Leases ought to be done or performed by him or them previous to such Renewal, to order or appoint such Renewal or Renewals to be made by one of the Masters of the said Court of Chancery, to be nominated by the said Court for such Purpose; and such Master so nominated shall make and execute such Deed of Renewal in the Name of the Person or Persons who ought to have renewed the same, which Deed or Deeds of Renewal so made and executed by the said Master or Masters, Counterparts thereof being duly perfected by the Lessee or Lessees, for the Use and Benefit of the Person or Persons having the Reversion and Inheritance of such Lands, Tenements, or Hereditaments comprised in such Deed or Deeds, shall be as good and effectual in Law and Equity, to all Intents and Purposes, as if the Person in whose Name the same shall be made had executed the same; but in every such Case it shall be in the Discretion of the said Court of Chancery in *Ireland*, if under the Circumstances it shall seem requisite, to direct a Bill to be filed to establish the Right of the Party seeking the Renewal, and not to make the Order for such new Lease or Renewal, unless by the Decree to be made in such Cause, or until after such Decree shall have been made.

Masters of the Court of Chancery in Ireland empowered to grant Renewals of Leases for Years or Lives.

C A P. LXIII.

An Act to amend the Acts relating to the Police of the District of the *Dublin* Metropolis. [4th August 1838.]

‘WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis*, it is among other things enacted, that the Receiver to be appointed as therein mentioned should, out of the Monies to be received by him from Time to Time, pay all Salaries and Allowances payable to the Divisional Justices and other Persons under an Act therein recited of the Forty-eighth

6 & 7 W.4. c.29.

‘ eighth Year of the Reign of His late Majesty King *George* the Third, or any Act passed for the Amendment thereof, which should not cease or determine pursuant to the Provisions or by the Operation of the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth: And whereas divers Officers and other Persons appointed under the said Act of the Forty-eighth Year of the Reign of King *George* the Third, whose Offices ceased and determined pursuant to the Provisions or by the Operation of the said Act of the Sixth and Seventh Years of the Reign of His late Majesty, would, under the Provisions of the said Act of the Forty-eighth Year of the Reign of King *George* the Third, have been entitled to apply to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for certain Superannuation Allowances, and might have received Grants thereof; but it is doubtful whether, according to the Directions of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, the Receiver appointed under that Act can pay the same out of the Monies received and receivable by him; and it is just that such Doubt should be removed:’ Be it therefore enacted by the Queen’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 the Receiver appointed under the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth from Time to Time to pay to any Person or Persons having been appointed under or concerned in the Execution of the said recited Act of the Forty-eighth Year of the Reign of King *George* the Fourth, or any Act for the Amendment of the same, any Pension or Superannuation Allowance which, under the Provisions of those Acts, or any of them, may have been or may be granted to any such Person or Persons, although the Offices of such Person or Persons may have ceased or determined pursuant to the Provisions or by the Operation of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth; such Payments to commence and be made from the Determination of such Offices, any thing in the said last-mentioned Act to the contrary notwithstanding.

Pensions or Allowances to be paid to Persons although their Offices may have determined.

For assimilating Superannuation Allowances granted to Justices, &c. of Dublin District to those under the Constabulary Acts.

II. ‘ And whereas it is desirable that the Rates of Pension or Superannuation Allowance grantable to Justices, Constables, and others acting in the District of *Dublin* Metropolis should be assimilated to the Scale of those payable to the Inspectors, Magistrates, Constables, and other Persons employed under the Acts relating to the general Constabulary Force of *Ireland*;’ be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to grant to any Divisional or other Justices, Receiver, Clerks, Constables, or other Persons appointed or to be appointed under the said Act of the Forty-eighth Year of the Reign of King *George* the Third, or any Act for the Amendment thereof, or under the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, or any Act for the Amendment thereof, upon his Retirement

ment or Superannuation from such Office, such yearly Allowance, Remuneration, Superannuation, or Gratuity, and upon such Conditions, and not exceeding such Proportions as to Age, Length of Service, and other Circumstances as are mentioned and provided for in and by another Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, in respect of the Persons appointed under that Act, the same to be payable by the said Receiver appointed under the said Act relating to the Police of the District of *Dublin* Metropolis; and provided also, that in calculating the Period for which any such Person has served, the Time he may have served under any or by virtue of any such recited Acts, or in any Office concerned in the Execution thereof, may be reckoned.

III. And be it enacted, That in all Matters relating to the Collection and levying of any Rate or Assessment made or to be made under an Act passed in the last Session of Parliament, intituled *An Act to make more effectual Provision relating to the Police in the District of Dublin Metropolis*, the Signature of One of the Justices appointed or to be appointed under the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis*, any Notice, Summons, or other Document requiring the Signature of the said Justices, shall be as valid and effectual to all Intents and Purposes as if the same were signed by both the said Justices; any thing in the said herein recited Acts, or any of them, or in any other Statute to the contrary notwithstanding.

IV. And be it further enacted, That all Penalties imposed by or recoverable under or which shall have been incurred under or by virtue of an Act passed in the Parliament of *Ireland* in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and reducing into one Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of Dublin and within Seven Miles thereof*, shall and may be proceeded for, prosecuted, enforced, and recovered by or before any of the Divisional Justices of the Police District of *Dublin* Metropolis; and every or any of such Divisional Justices shall and may, from and after the passing of this Act, have and exercise all such Rights, Powers, Privileges, Jurisdictions, and Authorities in relation to any Offence or Offences prohibited by a Penalty or Penalties imposed by or recoverable under or which shall have been incurred under or by virtue of said last-mentioned Act as are or may be had or exercised by the Divisional Justices of the Division in which the Castle of *Dublin* is or shall be situate; and every or any One or more of the Divisional Justices of the Police District of *Dublin* Metropolis shall, when thereunto required by the Justices appointed under the Provisions of said Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, attend at such Place or Places within the District of *Dublin* Metropolis and at such Time or Times as shall be specified by any Writing under the Hands of the said Justices so appointed under the Provisions of the said

6 & 7 W. 4. c. 13.

Signature of
One Justice
sufficient, &c.7 W. 4. &
1 Vict. c. 25.

6 & 7 W. 4. c. 59.

Jurisdiction
under 37 G. 3.
(1.) extended to
all Divisional
Justices who
shall attend to
hear Complaints
under that Act,
at Times and
Places to be
specified by the
Justices ap-
pointed under
6 & 7 W. 4. c. 29.

said last-mentioned Act, for the Purpose of hearing and determining Complaints in relation to any such Offences or Penalties as aforesaid.

C A P. LXIV.

An Act to facilitate the Merger of Tithes in Land.

[4th August 1838.]

‘ WHEREAS by an Act passed in a Session of Parliament of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in England and Wales*, it was (amongst other things) provided that it should be lawful for any Person seized in possession of an Estate in Fee Simple or Fee Tail of any Tithes, or Rent-charge in lieu of Tithes, by any Deed or Declaration under his Hand and Seal, to be made in such Form as the Tithe Commissioners for *England* and *Wales* should approve, and to be confirmed under their Seal, to release, assign, or otherwise dispose of the same so that the same might be absolutely merged and extinguished in the Freehold and Inheritance of the Lands on which the same should have been charged: And whereas it is expedient that the aforesaid Provision should be extended in manner herein-after mentioned:’ Be it therefore enacted by the Queen’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 passing of this Act it shall be lawful for any Person or Persons who shall, either alone or together, be seized of or have the Power of acquiring or disposing of the Fee Simple in possession of any Tithes, or Rent-charge in lieu of Tithes, by any Deed or Declaration under his or their Hand and Seal or Hands and Seals, to be made in such Form as the Tithe Commissioners for *England* and *Wales* shall approve, and to be confirmed under their Seal, to convey, appoint, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the Freehold and Inheritance of the Lands out of or on which the same shall have been issuing or charged; and every such Deed or Declaration as aforesaid shall be valid and effectual for the Purpose aforesaid, although the same may not be executed or made in the Manner or with the Formalities or Requisites which if this Act had not been passed would have been essential to the Validity of any Instrument by which such Person or Persons could have acquired or disposed of the Fee Simple in possession of such Tithes, or Rent-charge in lieu of Tithes.

II. And be it enacted, That no Deed or Declaration authorized by this Act for the merging of Tithes shall be chargeable with any Stamp Duty.

III. And be it enacted, That in all Cases where Tithes, or Rent-charge in lieu of Tithes, and the Lands out of which the same are payable, are both settled to the same Uses, it shall be lawful for any Person in possession of an Estate for Life in both such Lands and Tithes, or Rent-charge in lieu of Tithes, by any Deed or Declaration under his Hand and Seal, to be made in such Form as

the

6 & 7 W.4. c.71.
s. 71.

Persons having
the Power of
Appointment
over Tithes may
merge them in
the Land.

Deeds exempt
from Duty.

Where Tithes
and the Lands
charged there-
with are settled
to same Uses,
the Tenant for
Life may cause
them to merge
in the Land.

the said Commissioners shall approve, and to be confirmed under their Seal, to release, assign, or otherwise dispose of such Tithes or Rent-charge, so that the same may be absolutely merged and extinguished in the Freehold and Inheritance of the Lands out of which such Tithes shall have been issuing or on which such Rent-charge shall have been charged.

IV. ' And whereas Doubts have been entertained whether, according to the true Construction of the said Act, any Tithes, or Rent-charge in lieu of Tithe, can be merged in Lands of Copyhold Tenure, and it is expedient that such Doubts should be removed; be it therefore declared and enacted, That the Provisions in the said Act and this Act contained as to the Merger of any Tithe, or Rent-charge in lieu of Tithe, shall be deemed and taken to extend to all Lands, being Copyhold of Inheritance or Copyhold for Lives, or of any other Tenure whatsoever.

Tithes may be merged in Copyhold Lands.

V. And be it enacted, That in the Construction and for the Purposes of this Act the several Words " Person," " Lands," and " Tithes " shall respectively mean and include whomsoever and whatsoever the same Words would have meant and included if the Enactment herein-before made had been contained in the said recited Act instead of this Act.

Meaning of Words, &c.

VI. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Limits of Act.

VII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered.

C A P. LXV.

An Act for relieving the Commissioners and others acting in the Execution of divers Local Improvement Acts from certain Penalties and Disabilities. [4th August 1838.]

' WHEREAS under the Provisions of various Acts from Time to Time passed for paving, lighting, watching, supplying with Water, and otherwise improving the Streets, Lanes, and other public Passages and Places within divers Towns in *England*, the Commissioners appointed to carry such Acts into execution, and the Officers appointed and retained by them, are disqualified and rendered incapable of acting or of being employed, and are respectively liable to Penalties for being concerned or interested in any Contract for the Supply of Gas or Water made in pursuance of such Acts respectively, or for acting during such Disqualification, or for otherwise acting in any Matter in which they shall be personally interested: And whereas certain Persons have so acted, and have thereby rendered themselves liable to Penalties and Disabilities, and it is expedient to afford them Relief: Be it therefore enacted by the Queen'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 passing of this Act it shall be lawful for any such Commissioner or Officer as aforesaid against whom any original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the

Suits already commenced for pecuniary Penalties incurred under any Local Acts

to be discontinued on Application to the Court or to a Judge, upon Payment of Costs.

the Recovery of any such pecuniary Penalty or Penalties as aforesaid incurred under any or either of the Acts herein-before referred to, by reason of his or their being concerned in or holding or having any Share of or Interest in any Gas Light Company, to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Writ, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs, Charges, and Expences thereof incurred to the Time of such Application being made, such Costs, Charges, and Expences to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs, Charges, and Expences as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Suits commenced subsequent to passing of this Act to be discontinued without Payment of Costs.

II. Provided always, and be it enacted, That if in any Case any such Writ, Suit, Action, Bill, Plaint, or Information for the Recovery of any such pecuniary Penalty or Penalties as aforesaid incurred by reason of his having been concerned in or having had any Share of or Interest in any Gas Light Company before the passing of this Act shall be sued out or commenced at any Time subsequent to the Day of the passing of this Act, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs, and upon making such Order such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Not to extend to Cases where Judgment has passed.

III. And be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act.

Commissioners or Officers disqualified may be re-appointed.

IV. And be it enacted, That every such Commissioner and Officer who at the Time of the passing of this Act shall have become disqualified or incapable of acting as aforesaid, or of being appointed and retained under either of the Acts herein-before mentioned or referred to, shall be capable of being re-appointed and re-elected.

Public Act.

V. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXVI.

An Act for maintaining a Lighthouse at *Gibraltar*, and respecting Lighthouses not within the United Kingdom.

[4th August 1838.]

WHEREAS by an Act passed in the Seventh Year of His late Majesty King *William* the Fourth, intituled *An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond, and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof*, Provision was made for vesting certain Lighthouses on the Coast of *England* in the Master, Wardens, and Assistants of the Corporation of *Trinity House of Deptford Strond*, and their Successors, in order that they might have the Management of all Lighthouses on the said Coasts; and by the said Act the Lighthouse at *Heligoland* was vested in the said Master, Wardens, and Assistants: And whereas a Lighthouse is about to be erected on Her Majesty's Possessions at *Gibraltar* for the Protection and Guidance of Vessels entering or departing from the *Mediterranean Sea*, and it is desirable that such Lighthouse should be placed under the Management of the said Master, Wardens, and Assistants, and that further Provisions should be made respecting the Tolls payable in respect of Lighthouses not within the United Kingdom: Be it therefore enacted by the Queen'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 the passing of this Act the said Lighthouse at *Gibraltar*, with the Lands, Buildings, and Appurtenances thereunto belonging or occupied for the Purposes thereof, and all the Fixtures, Apparatus, and Furniture respectively belonging thereto or used therewith, shall become the Property of and absolutely vest in the said Master, Wardens, and Assistants, and their Successors; and thenceforth they shall be deemed to be in the actual Occupation thereof, freed from all former and other Estates, Rights, Titles, Interests, Claims, and Demands, whether of Her Majesty or of any other Person, and the Maintenance, Control, and Management of the said Lighthouse shall be in the said Master, Wardens, and Assistants.

Gibraltar
Lighthouse
vested in the
Trinity House.

II. And be it enacted, That from the first Exhibition of a Light in the said Lighthouse at *Gibraltar* there shall be paid to the said Master, Wardens, and Assistants from Time to Time, towards the Maintenance of the said Lighthouse, the following Tolls; (that is to say,)

Gibraltar
Light Tolls.

In respect of every Vessel not belonging to Her Majesty, for each Time of departing from any Port or Place in the United Kingdom to any Port or Place in the *Mediterranean Sea*, or at, within, or near to the Entrance of the said Sea, One Shilling:

Departure
from United
Kingdom.

In respect of every Vessel not belonging to Her Majesty (except Vessels which have cleared from the United Kingdom, and there paid the said Toll), for each Time of arriving at *Gibraltar*, One Shilling:

Arrival at
Gibraltar.

Departure
from Gibraltar.

In respect of every Vessel not belonging to Her Majesty, for each Time of departing from *Gibraltar*, One Shilling :

Arrival in
United King-
dom.

In respect of every Vessel not belonging to Her Majesty (except Vessels which have cleared from *Gibraltar*, and there paid the said Toll), for each Time of arriving at any Port or Place in the United Kingdom from any Port or Place in the *Mediterranean Sea*, or at, within, or near to the Entrance of the said Sea, One Shilling.

Application
of Provisions
of recited Act to
Lighthouses
abroad :

III. And be it enacted, That the following Provisions of the said Act passed in the Seventh Year of His said late Majesty shall, so far as they are applicable, apply to the said Lighthouse at *Gibraltar*, and to all Lighthouses not within the United Kingdom, at any Time vested in the said Master, Wardens, and Assistants, and to the Tolls payable in respect thereof; (that is to say,)

Collection of
Tolls.

So much of the said Act as relates to the Collection of Tolls payable in respect of Lighthouses throughout the United Kingdom :

Collectors.
Officers.

So much thereof as relates to the Appointment of Collectors :
So much thereof as relates to the Duties of Officers of Customs in relation to such Tolls :

Recovery, &c.

So much thereof as relates to the Power of Distress, and other Remedies for the Recovery of Tolls unpaid :

Alteration of
Tolls.

So much thereof as relates to the Reduction, Relinquishment, or Modification of Tolls, and the Regulations to be made for the Purpose of relieving Vessels in respect of such Tolls :

Lighthouses.

So much thereof as relates to the Power to alter the Situation of Lighthouses :

Accounts.

So much thereof as relates to the laying of Accounts before Parliament :

Interpretation.

So much thereof as relates to the Interpretation of Words and Expressions used therein ; and

Legal Pro-
ceedings.

So much thereof as relates to the Regulation of pleading in legal Proceedings against Persons for any thing done under the said Act.

Duties of Cus-
toms Officers
abroad.

And the Collector and Officers of Customs at any Port or Place within Her Majesty's Dominions abroad shall from Time to Time perform all the Duties by the said Act required to be performed by the same Officers within the United Kingdom ; and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, and the said Corporation, may give the requisite Directions accordingly to the Officers acting under them respectively.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

C A P. LXVII.

An Act for the better Government of Prisons in the *West Indies*.
[4th August 1838.]

‘ WHEREAS it is expedient to make further Provision for regulating Prisons in Her Majesty's Colonies in the *West Indies*, and for the Superintendence and Care of Prisoners confined therein, and for the due Discharge of their Duties by the Keepers and Officers of such Prisons :’ Be it enacted by the Queen's

Queen'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 be lawful for Her Majesty, with the Advice of Her Privy Council, or, with respect to the Prisons of each Colony, for the Governor and Council of such Colony, to make Rules for the Government of the Prisons in Her Majesty's Colonies in the *West Indies*, and for the Care and Superintendence of the Prisoners, and for the Duties of the Keepers and Officers of such Prisons, and also to amend or annul any such Rules in force at the Time of the Proclamation of this Act, or which shall be made after such Proclamation; and all such Rules so made or amended shall be binding on all Persons within such Colony; and no Rule which shall be made after the Proclamation of this Act in any of the said Colonies for any of the Purposes aforesaid shall be of any Force until it shall have been approved by the Governor and Council of the Colony, or by Her Majesty in Council; and no Rule for any of the Purposes aforesaid which shall be annulled by the Authority aforesaid shall thereafter be of any Force or Validity: Provided always, that it shall be lawful for Her Majesty in Council to amend or annul any such Rule although it may have been approved by the Governor and Council of the Colony.

II. And be it enacted, That whenever the Governor of any of the said Colonies shall, with the Advice of his Council, make, amend, or annul any Rule or Rules for the Government of any Prison, he shall by the earliest convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State a Copy of the Rule or Rules so made, amended, or annulled, and a Copy of all such Rules shall be laid before Parliament within Forty Days after it shall be so received, if Parliament shall be then sitting; and a Copy of all Rules made, amended, or annulled under the Authority of this Act by Her Majesty in Council shall be laid before Parliament within Forty Days after it shall have been so made, amended, or annulled, if Parliament shall then be sitting; or in either Case, if Parliament shall not be then sitting, such Copy shall be laid before Parliament within Forty Days after the Commencement of the then next Session of Parliament.

III. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, or authorize the Governor of each of the said Colonies to appoint, a Person or Persons, properly qualified, to be Inspector of Prisons in any such Colony; and every Person so appointed shall have Authority to visit and inspect all Prisons within the Colony for which he shall be appointed, and also to examine any Person holding any Office or receiving any Salary or Emolument in any such Prison within the Limits of his Appointment, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching such Prison, and to examine every Prisoner or other Person whom he may find in the Prison whom he shall think fit to examine, either alone or in the Presence of such other Persons as to the Inspector shall seem fit; and every such Inspector shall, on or before the Thirty-first Day of *December* in every Year, make a separate and distinct Report in Writing of the State of every Prison visited by him, and shall send the same to the Governor; and a Copy of every such

Her Majesty in Council, or the Governor and Council of any Colony, to make Rules for the Government of the Prisons of each Colony, which shall be binding on all Persons.

Her Majesty may amend or annul any Rule.

Rules made or annulled by any Governor or by the Queen in Council to be laid before Parliament.

Power to appoint Inspectors of Prisons.

Report shall be sent as soon as conveniently may be to One of Her Majesty's Principal Secretaries of State.

Governor may visit or authorize any Person to visit Prisons.

IV. And be it enacted, That it shall be lawful for the Governor at any Time to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison within the Limits of his Government, and to examine the Officers and Prisoners therein in such Manner as he or they may think fit.

Penalty for obstructing Inspectors or other authorized Persons.

V. And be it enacted, That every Person who shall wilfully obstruct any such Inspector of Prisons, or any Person duly authorized by the Governor to inspect any Prison, in the Execution of the Powers intrusted to him by this Act, may be summoned before a Justice of the Peace to answer for the same, and being convicted thereof before a Justice of the Peace shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds Sterling, and in default of Payment of any Penalty so adjudged, immediately or within such Time as the Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

Governor may suspend or dismiss Officers of Prisons.

VI. And be it enacted, That the Governor shall have Authority to suspend for such Time as to him shall seem fit, or to dismiss, all or any of the Officers of any Prison within the Limits of his Government; and no Person who shall have been so dismissed by the Governor shall be thereafter eligible to be appointed to any Office in any Prison within such Limits without the Approval of the Governor in Writing under his Hand; and in the event of the Vacancy in any Office occasioned by such Dismissal as aforesaid not being filled up within Fourteen Days, by the Appointment by the Person or Persons authorized by Law to appoint to such Office of a fit Person to the Satisfaction of the Governor, it shall then be lawful for the Governor to appoint a fit Person to such Office.

Periodical Returns to be made to the Governor.

VII. And be it enacted, That the Justices or other Persons having Authority over any of the said Prisons shall from Time to Time, as may be required by the Governor, send a Return of the State of the Prison, and the Condition of the Prisoners confined therein, in such Form as shall from Time to Time be directed by Her Majesty, with the Advice of Her Privy Council, and a Statement of the Establishment of Officers and Servants employed therein, specifying the Number and Description of such Officers and Servants, the Salaries and Emoluments of each, and by whom such Officers and Servants respectively are appointed.

Plans of Prisons to be sent to the Governor.

VIII. And be it enacted, That the Justices or other Persons having Authority over any such Prison shall send to the Governor a Plan of the Prison drawn upon a Scale of not less than One Sixteenth of an Inch to a Foot; and it shall not be lawful to enlarge, build, or rebuild any such Prison until a Plan upon the same Scale shall have been sent to the Governor showing the intended Buildings and Additions, or until the Governor shall have subscribed a Certificate approving such Plan.

No Persons to be imprisoned in any Prison which the Governor shall have certified to

IX. And be it enacted, That it shall not be lawful to imprison any Person in any of the said Prisons which the Governor shall certify by any Writing under his Hand directed to the Justices or other Persons having Authority over such Prison to be unfit to be used as a Prison; provided that in every such Certificate the

Grounds

Grounds of the Unfitness shall be fully set forth, and that the Governor shall not issue any such Certificate until after he shall have given Notice of his Intention to the said Justices or other Persons aforesaid, and shall have required them to cause such Prison to be amended in those Particulars, and shall have allowed a reasonable Time for making such Amendments.

X. And be it enacted, That in the Construction of this Act the Word "Prison" shall be taken to comprise every Gaol, House of Correction, Hospital, Asylum, Workhouse, and every other Place, however called, which shall be used in any of the said Colonies or Plantations for the Confinement of Persons charged with or convicted of any Offence; and the Word "Prisoner" shall be taken to comprise every Inmate of any such Prison detained therein; and the Word "Governor" shall mean every Person lawfully charged with the Administration of the Government of any such Colony.

Meaning of the Words "Prison" and "Prisoner" in this Act.

XI. And be it enacted, That this Act shall be proclaimed by the Governor of each of the said Colonies, and shall take effect in each of the said Colonies from the Proclamation thereof in that Colony.

Act shall be proclaimed.

C A P. LXVIII.

An Act to continue until the First Day of *June* One thousand eight hundred and forty, and to the End of the then Session of Parliament, the Local Turnpike Acts for *Great Britain* which expire with this or the ensuing Session of Parliament. [4th August 1838.]

C A P. LXIX.

An Act to remove Doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees. [4th August 1838.]

WHEREAS by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases*, it was enacted, that where any Person seised of any Land upon any Trust should be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery, or it should be uncertain, where there were several Trustees, which of them was the Survivor, or it should be uncertain whether the Trustee last known to have been seised as aforesaid were living or dead, or if known to be dead it should not be known who was his Heir, or if any Trustee seised as aforesaid, or the Heir of any such Trustee, should neglect or refuse to convey such Land for the Space of Twenty-eight Days next after a proper Deed for making such Conveyance should have been tendered for his Execution by, or by an Agent duly authorized by, any Person entitled to require the same, then and in every or any such Case it should be lawful for the said Court

1 W. 4. c. 60.

4 & 5 W. 4. c. 23.

of Chancery to direct any Person whom such Court might think proper to appoint for that Purpose, in the Place of the Trustee or Heir, to convey such Land to such Person and in such Manner as the said Court should think proper, and that every such Conveyance should be as effectual as if the Trustees seised as aforesaid or his Heir had made and executed the same; and by the same Act it was further enacted, that the several Provisions therein-before contained should extend to every Case of a constructive Trust, or Trust arising or resulting by Implication of Law, but that in every such Case, where the alleged Trustee had or claimed a beneficial Interest adversely to the Party seeking a Conveyance or Transfer, no Order should be made for the Execution of a Conveyance or Transfer by such alleged Trustee until after it had been declared by the Court of Chancery, in a Suit regularly instituted in such Court, that such Person was a Trustee for the Person so seeking a Conveyance or Transfer; but that the said Act should not extend to Cases upon Partition, or Cases arising out of the Doctrine of Election in Equity, or to a Vendor, except in any Case therein-before expressly provided for: And whereas by another Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty King *William the Fourth*, intituled *An Act for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in Trust*, it was enacted, that where any Person seised of any Land upon any Trust or by way of Mortgage died without an Heir, it should be lawful for the Court of Chancery to appoint a Person to convey such Land in like Manner as was provided by the herein-before in part recited Act in case such Trustee or Mortgagee had left an Heir, and it was not known who was such Heir, and that such Conveyance should be as effectual as if there was such Heir: And whereas Doubts have arisen whether the Provisions of the said Acts extend to the Cases herein-after mentioned; and it is expedient that such Doubts should be removed by Authority of Parliament: May it therefore please Your Majesty that it may be enacted and declared; and be it enacted and declared by the Queen'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 where any Person seised of any Land by way of Mortgage shall have departed this Life without having been in Possession of such Land or in the Receipt of the Rents and Profits thereof, and the Money due in respect of such Mortgage shall have been or shall be paid to his Executor or Administrator, and the Devisee or Heir or other real Representative, or any of the Devisees or Heirs or real Representatives, of such Mortgagee shall be out of the Jurisdiction or not amenable to the Process of the Court of Chancery, or it shall be uncertain, where there were several Devisees or Representatives who were joint Tenants, which of them was the Survivor, or it shall be uncertain whether any such Devisee or Heir or Representative be living or dead, or if known to be dead it shall not be known who was his Heir, or where such Mortgagee or any such Devisee or Heir or Representative shall have died without an Heir, or if any such Devisee or Heir or Representative shall

In certain Cases to which it is doubtful whether the recited Act extends, the Court of Chancery to appoint Persons in place of the Devisee, Heir, &c., to convey Land, &c.

shall

shall neglect or refuse to convey such Land for the Space of Twenty-eight Days next after a proper Deed for making such Conveyance shall have been tendered for his Execution by, or by an Agent duly authorized by, any Person entitled to require the same, then and in every such Case it shall be lawful for the said Court of Chancery to direct any Person whom such Court may think proper to appoint for that Purpose in the Place of the Devisee, Heir, or Representative, (whether such Devisee, Heir, or Representative shall or shall not have a beneficial Interest in the Money paid to the Executor or Administrator as aforesaid,) to convey such Land in like Manner as by the said first-recited Act the said Court is empowered to appoint a Person to convey in the Cases therein mentioned in the Place of a Trustee or the Heir of a Trustee, and every such Conveyance shall be as effectual as if such Devisee or Heir or Representative had executed the same.

II. And be it further enacted, That the Words used in this Act shall have the same Effect in *England* and in *Ireland*, and shall embrace the same Objects as they would have had and embraced if the Provision herein-before contained had formed Part of the said recited Acts or either of them.

Act to extend to England and Ireland, &c.

III. Provided always, and be it hereby enacted and declared, That the said recited Acts or either of them shall not be construed to extend to any Case of any Person dying seised of any Land by way of Mortgage, other than such as are herein-before expressly provided for.

Recited Acts to extend only to Mortgages herein provided for.

C A P. LXX.

An Act to extend the Powers of an Act of the Sixth and Seventh Year of the Reign of His late Majesty, in relation to granting Tacks and making Excambions by Heirs of Entail.
[4th August 1838.]

WHEREAS an Act was passed in the Sixth and Seventh Year of the Reign of His late Majesty, intituled *An Act to grant certain Powers to Heirs of Entail in Scotland, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same*: And whereas the Powers granted by the said Act are granted only to Heirs in Possession under Entails made and established pursuant to an Act passed in the Parliament of *Scotland* in the Year Sixteen hundred and eighty-five, intituled *Act concerning Tailzies*; and it is expedient that the Powers of granting Tacks and making Excambions, conferred by the said first-recited Act, should be extended to Heirs in Possession of Entailed Estates under Deeds of Entail not recorded in Terms of the said second-recited Act: Be it therefore enacted by the Queen'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 all the Powers of granting Tacks and of making Excambions conferred by the said first-recited Act upon Heirs of Entail in Possession of Entailed Estates, in virtue of any Deed of Entail made and established, or which may hereafter be made and established, pursuant to the Directions of the said second-recited Act, shall extend and are hereby extended

6 & 7 W. 4. c. 42.

1685. (S.)

Powers and Provisions of recited Acts, as to Tacks and Excambions, further extended.

to Heirs of Entail in Possession of Entailed Estates under Deeds of Entail not recorded in Terms of the said second-recited Act; and all the Powers, Provisions, and Clauses contained in the said first-recited Act, in relation to the granting Tacks and making Excambions, shall, except as herein otherwise provided, extend to and be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

Contracts of Excambion to be recorded in Sheriff Court Books.

II. Provided always, and be it enacted, That all Contracts of Excambion to be executed in virtue of the Powers of this Act shall be recorded in the Sheriff Court Books of each of the Shires or Stewartry in which the Lands or Heritages excambed are situated, and shall thereupon be effectual to all Intents and Purposes, without the Necessity of being recorded in the Register of Tailzies, as by the said first-recited Act required.

Where Deed of Entail is recorded after making an Excambion, any Contract entered into shall be registered at the same Time.

III. And be it enacted, That in case any Excambion shall be made of Lands held under a Deed of Entail which has not been recorded in the Register of Entails, and such Deed of Entail shall, after such Excambion, be recorded in the said Register, it shall be incumbent upon the Party registering the Entail to register also at the same Time in the said Register of Entails any Contract or Contracts of Excambion of any Part or Parts of the Entailed Estate entered into before the Registration of the Deed of Entail as aforesaid, and failing the Registration of such Contract or Contracts, such Deed of Entail, in so far as regards any such Excambion made before the Registration, shall be deemed and taken to be unrecorded in the said Register of Entails.

C A P. LXXI.

An Act to amend and continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*. [4th August 1838.]

47 G. 3. Sess. 2. c. 54.

50 G. 3. c. 109.

10 G. 4. c. 47.

1 & 2 W. 4. c. 47.

2 & 3 W. 4. c. 70.

4 & 5 W. 4. c. 53.

6 & 7 W. 4. c. 39.

‘ WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having Arms in Ireland*, to continue in force for a limited Period, which Act was by another Act passed in the Fiftieth Year of His said Majesty’s Reign continued and amended; and such Acts, having been continued, were by another Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth amended and further continued until a Time when the same expired: And whereas by another Act passed in the First and Second Years of His late Majesty’s Reign the said recited Acts were revived and continued: And whereas by Three other Acts passed respectively in the Second and Third and Fourth and Fifth and Sixth and Seventh Years of the Reign of His late Majesty such Acts have been further continued and will remain in force until the End of this present Session of Parliament; and it is expedient that the said Acts should be further continued:’ Be it therefore enacted by the Queen’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,

same, That the said recited Acts of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, as the said Act is amended by the said recited Act of the Fiftieth Year of the same Reign, and by the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, and as the said Acts were revived by the said recited Act of the First and Second Years of the Reign of His late Majesty, shall be and the said Acts are hereby continued and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Four first-recited Acts continued for One Year.

II. 'And whereas by the aforesaid Act of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, and by the subsequent Acts herein-before recited, it was provided that all Persons having in their Possession any Arms not duly registered according to Law should be liable to the Forfeiture of the same, and to certain Fines and Terms of Imprisonment therein stated: And whereas it is expedient that a certain limited Time should be fixed within which Persons possessing themselves of Arms shall be at liberty to register the same according to the Provisions of the aforesaid Acts;' be it therefore enacted, notwithstanding any thing to the contrary in the aforesaid Acts contained, That no Person or Persons shall be liable to the Forfeiture of any Arms found in his or her Possession, purchased from a licensed Dealer or Maker of Arms, or obtained from a Person duly licensed to keep Arms, or to the Fines and Imprisonment by the aforesaid Acts imposed for Default of having the same duly registered according to the Provisions of the aforesaid Acts, until after the holding of the first Sessions of the Peace for the County in which the Person in whose Custody the same may have been found shall reside next after the Day on which the same shall have come into his or her Possession: Provided always, that the said Owner or Purchaser shall, within Forty-eight Hours after purchasing or obtaining the same, have lodged with the Justice of the Peace dwelling nearest to his Residence a Declaration, signed by himself and by the Person from whom he shall have purchased or obtained the same, specifying the Description and Number of the said Arms, and the Date on which the same came into his Possession.

Limiting the Time within which Arms must be registered.

III. And be it enacted, That any Person licensed to kill Game may carry Arms for that Purpose, provided the same are duly registered; and that any Person having in his or her Possession any Arms regularly registered according to the Provisions of the aforesaid Acts may carry the same for his own Protection, or may remove the same to or from his own Residence to or from that of any licensed Dealer or Maker of Arms, for the Purpose of Repairs, without procuring a Licence for Removal from his Excellency the Lord Lieutenant, as directed by the aforesaid Acts.

Registered Arms may be used for killing Game, carried for Protection, and removed for Repairs, &c.

IV. 'And whereas an Act was passed in the First Year of the Reign of His late Majesty, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into Ireland, and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in Ireland*; and such Act having been continued from Time to Time, will remain in force until the End of this present Session of Parliament; and it is expedient that the said Act should be further continued;' be it therefore enacted,

The Act 1 W. 4. c. 44. continued for a Year.

enacted, That the said recited Act of the First Year of the Reign of His late Majesty, shall be and the said Act is hereby continued and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

C A P. LXXII.

An Act to continue for One Year, and from thence until the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.

[4th August 1838.]

C A P. LXXIII.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in *England*.

[10th August 1838.]

2 & 3 W. 4.
c. 107.

3 & 4 W. 4. c. 64.

C A P. LXXIV.

An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy.

[10th August 1838.]

When Tenant or Occupier of Premises where there is no Rent, or where the Rent does not exceed 20l. a Year, refuses to give Possession, the Landlord may give him Notice of his Intention to proceed to recover Possession.

‘ WHEREAS it is expedient to provide for the more speedy and effectual Recovery of the Possession of Premises unlawfully held over after the Determination of the Tenancy:’ Be it therefore enacted by the Queen’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 passing of this Act, when and so soon as the Term or Interest of the Tenant of any House, Land, or other corporeal Hereditaments held by him at Will or for any Term not exceeding Seven Years, either without being liable to the Payment of any Rent or at a Rent not exceeding the Rate of Twenty Pounds a Year, and upon which no Fine shall have been reserved or made payable, shall have ended or shall have been duly determined by a legal Notice to quit or otherwise, and such Tenant or (if such Tenant do not actually occupy the Premises, or only occupy a Part thereof,) any Person by whom the same or any Part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up Possession of the Premises or of such Part thereof respectively, it shall be lawful for the Landlord of the said Premises or his Agent to cause the Person so neglecting or refusing to quit and deliver up Possession to be served (in the Manner herein-after mentioned) with a written Notice, in the Form set forth in the Schedule to this Act, signed by the said Landlord or his Agent, of his Intention to proceed to recover Possession under the Authority and according to the Mode prescribed in this Act; and if the Tenant or Occupier shall not thereupon appear at the Time and Place appointed, and show to the Satisfaction of the Justices herein-after mentioned reasonable Cause why Possession should not be given under the

If Tenant does not appear, or fails to show Cause why he not give

Pro-

Provisions of this Act, and shall still neglect or refuse to deliver up Possession of the Premises or of such Part thereof of which he is then in Possession to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to such Justices Proof of the holding and of the End or other Determination of the Tenancy, with the Time or Manner thereof, and where the Title of the Landlord has accrued since the letting of the Premises, the Right by which he claims the Possession, and upon Proof of Service of the Notice, and of the Neglect or Refusal of the Tenant or Occupier, as the Case may be, it shall be lawful for the Justices acting for the District, Division, or Place within which the said Premises or any Part thereof shall be situate, in Petty Sessions assembled, or any Two of them, to issue a Warrant under their Hands and Seals to the Constables and Peace Officers of the District, Division, or Place within which the said Premises or any Part thereof shall be situate, commanding them, within a Period to be therein named, not less than Twenty-one nor more than Thirty clear Days from the Date of such Warrant, to enter (by Force if needful) into the Premises, and give possession of the same to such Landlord or Agent: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday, Good Friday, or Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall be deemed to protect any Person on whose Application and to whom any such Warrant shall be granted from any Action which may be brought against him by any such Tenant or Occupier, for or in respect of such Entry and taking Possession, where such Person had not at the Time of granting the same lawful Right to the Possession of the same Premises: Provided also, that nothing herein contained shall affect any Rights to which any Person may be entitled as outgoing Tenant by the Custom of the Country or otherwise.

II. And be it enacted, That such Notice of Application intended to be made under this Act may be served either personally or by leaving the same with some Person being in and apparently residing at the Place of Abode of the Person so holding over as aforesaid, and that the Person serving the same shall read over the same to the Person served or with whom the same shall be left as aforesaid, and explain the Purport and Intent thereof: Provided that if the Person so holding over cannot be found, and the Place of Abode of such Person shall either not be known or Admission thereto cannot be obtained for serving such Summons, the posting up of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person.

III. And be it enacted, That in every Case in which the Person to whom any such Warrant shall be granted had not at the Time of granting the same lawful Right to the Possession of the Premises, the obtaining of any such Warrant as aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the Premises, although no Entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound with Two Sureties as herein-after provided, to be approved of by the said Justices, in such Sum as to them shall seem reasonable, regard being had to the Value of the Premises and to the probable

Possession, the Justices may issue their Warrant directing the Constables to give the Landlord Possession.

The Manner in which such Summons shall be served.

How Execution of Warrants of Possession may be stayed.

probable Costs of an Action, to sue the Person to whom such Warrant was granted with Effect and without Delay, and to pay all the Costs of the Proceeding in such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action or become nonsuit therein, Execution of the Warrant shall be delayed until Judgment shall have been given in such Action of Trespass; and if upon the Trial of such Action of Trespass a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the Warrant so granted, and the Plaintiff shall be entitled to Double Costs in the said Action of Trespass.

Proceedings on
the Bond in
Actions of
Trespass.

IV. And be it enacted, That every such Bond as herein-before mentioned shall be made to the said Landlord or his Agent, at the Costs of such Landlord or Agent, and shall be approved of and signed by the said Justices; and if the Bond so taken be forfeited, or if upon the Trial of the Action for securing the Trial of which such Bond was given, the Judge by whom it shall be tried shall not endorse upon the Record in Court that the Condition of the Bond hath been fulfilled, the Party to whom the Bond shall have been so made may bring an Action, and recover thereon: Provided always, that the Court where such Action as last aforesaid shall be brought may, by a Rule of Court, give such Relief to the Parties upon such Bond as may be agreeable to Justice, and such Rule shall have the Nature and Effect of a Defeazance to such Bond.

Protection of
Justices, Con-
stables, &c.

V. And be it enacted, That it shall not be lawful to bring any Action or Prosecution against the said Justices by whom such Warrant as aforesaid shall have been issued, or against any Constable or Peace Officer by whom such Warrant may be executed, for issuing such Warrant or executing the same respectively, by reason that the Person on whose Application the same shall be granted had not lawful Right to the Possession of the Premises.

Where Land-
lord has a lawful
Title, he shall
not be deemed
a Trespasser
by reason of
Irregularity,
but be liable in
an Action on
the Case for
special Damage
proceeding from
Irregularity.

VI. And be it enacted, That where the Landlord at the Time of applying for such Warrant as aforesaid had lawful Right to the Possession of the Premises, or of the Part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other Person acting in his Behalf, shall be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may if he think fit bring an Action on the Case for such Irregularity or Informality, in which the Damage alleged to be sustained thereby shall be specially laid, and may recover full Satisfaction for such special Damage, with Costs of Suit: Provided, that if the special Damage so laid be not proved, the Defendant shall be entitled to a Verdict, and that if proved, but assessed by the Jury at any Sum not exceeding Five Shillings, the Plaintiff shall recover no more Costs than Damages, unless the Judge before whom the Trial shall have been held shall certify upon the Back of the Record that in his Opinion full Costs ought to be allowed.

Interpretation
Clause.

VII. And be it enacted, That in construing this Act the Word "Premises" shall be taken to signify Lands, Houses, or other corporeal Hereditaments; and that the Word "Person" shall be taken to comprehend a Body Politic, Corporate, or Collegiate as well as an Individual; and that every Word importing the Singular
Number

Number shall, where necessary to give full Effect to the Enactments herein contained, be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and that every Word importing the Masculine Gender shall where necessary extend and be applied to a Female as well as a Male; and that the Term "Landlord" shall be understood as signifying the Person entitled to the immediate Reversion of the Premises, or, if the Property be held in Joint-tenancy, Coparcenary, or Tenancy in Common, shall be understood as signifying any one of the Persons entitled to such Reversion; and that the Word "Agent" shall be taken to signify any Person usually employed by the Landlord in the letting of the Premises or in the Collection of the Rents thereof, or specially authorized to act in the particular Matter by Writing under the Hand of such Landlord.

VIII. And be it enacted, That this Act shall not extend to *Scotland or Ireland*.

Not to extend to Scotland, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Act refers.

FORM, No. 1.

NOTICE of OWNER'S INTENTION to apply to JUSTICES to recover POSSESSION.

I [Owner, or Agent to the Owner, as the Case may be,] do hereby give you notice, That unless peaceable Possession of the Tenement [shortly describing it] situate which was held of me, or of the said [as the Case may be] under a Tenancy from Year to Year, or [as the Case may be], which expired [or was determined] by Notice to quit from the said or otherwise [as the Case may be] on the Day of , and which Tenement is now held over and detained from the said be given to [the Owner or Agent] on or before the Expiration of Seven clear Days from the Service of this Notice, I shall on the next the Day of at of the Clock of the same Day, at , apply to Her Majesty's Justices of the Peace acting for the District of [being the District, Division, or Place in which the said Tenement, or any Part thereof, is situate] in Petty Sessions assembled, to issue their Warrant directing the Constables of the said District to enter and take possession of the said Tenement, and to eject any Person therefrom.

Dated this

(Signed)

To Mr.

[Owner or Agent.]

FORM, No. 2.

COMPLAINT before TWO JUSTICES.

THE Complaint of [Owner or Agent, &c., as the Case may be,] made before us Two of Her Majesty's Justices of the Peace acting for the District of , in Petty Sessions assembled, who saith that the said did let to

a Tene-

a Tenement, consisting of _____, for _____ under the Rent of _____, and that the said Tenancy expired [or was determined by Notice to quit, given by the said _____, as the Case may be,] on the _____ Day of _____ and that on the _____ Day of _____ the said _____ did serve on [the Tenant overholding] a Notice in Writing of his Intention to apply to recover Possession of the said Tenement (a Duplicate of which Notice is hereto annexed), by giving, &c. [describing the Mode in which the Service was effected]; and that notwithstanding the said Notice the said _____ refused [or neglected] to deliver up Possession of the said Tenement, and still detains the same.

(Signed)

Taken the _____ Day of _____ before us

(Signed)

A Duplicate of the Notice of Intention to apply is to be annexed to this Complaint.

FORM, No. 3.

WARRANT TO PEACE OFFICERS to take and give POSSESSION.

WHEREAS [set forth the Complaint], We Two of Her Majesty's Justices of the Peace, in Petty Sessions assembled, acting for the _____ of _____, do authorize and command you, on any Day within _____ Days from the Date hereof [except on Sunday, Christmas Day, and Good Friday, to be added if necessary], between the Hours of Nine in the Forenoon and Four in the Afternoon, to enter (by force, if needful,) and with or without the Aid of the Owner or Agent, as the Case may be, or any other Person or Persons whom you may think requisite to call to your Assistance, into and upon the said Tenement, and to eject thereout any Person, and of the said Tenement full and peaceable Possession to deliver to the said [the Owner or Agent].

Given under our Hands and Seals this _____ Day of _____

To _____ and all other Constables and Peace Officers acting for the _____ District of _____

C A P. LXXV.

An Act to amend so much of an Act of the Twenty-fifth Year of King George the Third, for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster, as relates to Manufactories of Pitch, Tar, and Turpentine. [10th August 1838.]

25 G. 3. c. 77. **W**HEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend so much of an Act passed in the Fourteenth Year of the Reign of His present Majesty, for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster, and the Liberties thereof, and other the Places therein mentioned, as relates to Manufactories of Turpentine; for extending the Provisions of the said Act, so amended,*

‘ to *Manufactories of Pitch, Tar, and Turpentine, throughout that Part of Great Britain called England, and for indemnifying the Proprietor of a Turpentine Manufactory in Potter’s Field in the Borough of Southwark against the Penalties he may be liable to under the said Act, and for excepting for a limited Time his said Manufactory from the Provisions herein contained*: And whereas it was in and by the said Act among other things enacted, that it should not be lawful for any Person or Persons within that Part of *Great Britain called England* to distil or boil any Turpentine or Tar, or to draw any Oil of Turpentine and Rosin by distilling Turpentine, or to draw any Oil of Tar or Pitch by distilling or boiling Tar, or to boil any Oil and Turpentine together, or to boil any Oil and Tar together, above the Quantity of Ten Gallons at one Time of all or any of the said Commodities, in any Workhouse or Place contiguous to any other Building, or in any Place nearer to any other Building than the Distance of Seventy-five Feet at the least (except in Houses or Buildings then in use for carrying on such Manufactories, and then legally entitled to be used for those Purposes), upon pain that every Person offending therein should for every such Offence forfeit and pay the Sum of One hundred Pounds: And whereas the said Enactment has been found to be inexpedient:’ Be it therefore enacted by the Queen’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 Penalties named in the said recited Act shall extend to the Owners or Occupiers of any Pitch, Tar, or Turpentine Distillery which shall be within the Distance of Seventy-five Feet from any other Building or Buildings; but in case the other Building or Buildings next adjoining to such Distillery be occupied jointly by the same Tenant, and that the whole of such Buildings (including such Distillery and the said other Building or Buildings) so jointly occupied by the said Tenant be Seventy-five Feet distant from any other Building, then the said Penalties shall not extend to the Occupier or Occupiers thereof.

To whom
recited Act
shall extend.

II. And be it enacted, That no Proprietor or Occupier of any Distillery of Pitch, Tar, or Turpentine, or of any Building used for the Purposes of the Trade of such Distillery, whose Distillery shall have been in operation during the Space of Thirty Years at the least next before the passing of this Act, shall be liable to any Penalty or Forfeiture whatever under or by virtue of the Provisions of the said recited Act until the First Day of *August* One thousand eight hundred and forty.

Certain Pro-
prietors, &c. not
to be liable to
Penalties under
recited Act until
August 1840.

III. And be it enacted, That no Action or Prosecution shall be brought, commenced, or carried on against any other Person or Persons, for the Recovery of any Penalty incurred by virtue of the said recited Act, until the First Day of *January* One thousand eight hundred and thirty-nine.

No Action to be
brought until
January 1839.

IV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

C A P. LXXVI.

An Act to explain and amend certain Provisions in Acts of the Parliament of *Ireland* for the Protection of Fisheries in that Kingdom. [10th August 1838.]

17 & 18 G. S.
c. 19. s. 4.

WHEREAS by an Act passed in the Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Preservation of Fish in Rivers, Lakes, and Inland Waters*, it is enacted, that "no Person or Persons whatsoever shall from and after the passing of this Act throw or empty any waste Dye Stuffs, Lime, Flax, Hemp, or any other Kind of noxious or poisonous Substance into any River, and if any Person shall so offend he, she, or they shall forfeit for every such Offence the Sum of Five Pounds, to be levied of the Goods and Chattels of such Offender, to be recovered in such Manner as therein directed; one Moiety of such Penalty to be given to the Poor of the Parish wherein such Offence shall be committed, and the other to the first real Informer of such Offence; and in case no Distress sufficient to answer the said Penalty can be found, that the Offender shall in such Case be committed to the County Gaol, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, as his Committal by such Justices as shall adjudge the said Penalty shall specify":

21 & 22 G. S.
c. 40. s. 20.

And whereas the Enactment aforesaid was renewed and continued in force for Seven Years by an Act subsequently passed by the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing, renewing, and amending several temporary Statutes*: And whereas the said Enactment was still further renewed and continued in force for Ten Years from the Tenth Day of *May* in the Year of our Lord One thousand seven hundred and eighty-four, by an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth

23 & 24 G. S.
c. 40.

Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Protection and Improvement of the Inland Fisheries of this Kingdom*: And whereas by another Act passed in the said Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled

26 G. S. c. 40.
s. 13.

An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty, intituled "An Act for the Protection and Improvement of the Inland Fisheries of this Kingdom," the said Enactment is explained, and stated to be directed against such Persons as shall "steep or cause to be steeped poisonous Drugs or Weeds in any Water, whereby the Fish are liable to be injured or destroyed": And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-second Year of His late Majesty *George* the Third, intituled

32 G. S. c. 40.

An Act for reviving and continuing certain temporary Statutes, and also by another Act of the said Parliament passed in the Thirty-third Year of His Majesty *George* the Third, intituled *An Act for the Encouragement of the Fisheries in this Kingdom, and for continuing certain Acts respecting the same*, the aforesaid Acts and Enactments are made perpetual: And

33 G. S. c. 50.

whereas

' whereas various Dye Stuffs in use in Manufactures are not
' poisonous nor injurious to Fish, but nevertheless, owing to the
' Enactments of the aforesaid Acts, the emptying or permitting
' the same to be emptied into any River would render and have
' rendered the Person or Persons so acting liable to vexatious
' Prosecutions, and to the Penalties and Imprisonment herein-
' before recited, to the manifest Discouragement and Interruption
' of Manufactures, and contrary to the real Intention of the said
' Acts: And whereas it is necessary to explain and amend the
' same: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spi-
ritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That so much of
the said Acts passed in the Seventeenth and Eighteenth, Twenty-
first and Twenty-second, Twenty-third, and Twenty-fourth,
Twenty-sixth, and Thirty-second, and Thirty-third Years of the
Reign of His late Majesty King *George* the Third, as relates to
the emptying of any waste Dye Stuff, Lime, Flax, Hemp, or other
Kind of noxious or poisonous Substance into any River be and
the same is hereby repealed.

Repeal of cer-
tain Provisions
of recited Acts.

II. And be it enacted, That from and after the passing of this
Act no Person or Persons whatsoever shall throw or empty into
any River frequented by Fish, or into any Stream or Watercourse
flowing into any such River, any poisonous Dye Stuff, Flax, Hemp,
Lime Waste, or other Substance in a poisonous State; and if any
Person shall so offend he, she, or they shall forfeit for every such
Offence the Sum of Five Pounds, to be levied of the Goods and
Chattels of such Offender, on being convicted thereof before any
Two Justices of the Peace of the County or Jurisdiction in which
the Offences shall be committed, one Moiety of such Penalty to
be given to the Poor of the Parish wherein such Offence shall
have been committed, and the other to the first real Informer of
such Offence; and in case no Distress sufficient to answer the said
Penalty can be found, that the Offender shall in such Case be
committed to the County Gaol or House of Correction, there to
remain without Bail or Mainprize and to be kept at hard Labour
for any Time not exceeding Three Calendar Months, as his Com-
mittal by such Justices as shall adjudge the said Penalty shall
specify: Provided always, that nothing in the aforesaid Acts or
in this Act contained shall extend or be construed to render Par-
ties liable to the Penalties hereby imposed for casting into any
River any Dye Stuffs or other Materials which are not of a deleter-
ious Nature, or which are not in a State poisonous to Fish.

For punishing
Persons throw-
ing poisonous
Materials into
Rivers.

III. And be it enacted, That this Act may be amended or
repealed by any Act to be passed in the present Session of Par-
liament.

Act may be
amended.

C A P. LXXVII.

An Act for permitting Affirmation to be made instead of an
Oath in certain Cases. [10th August 1838.]

' **W**HEREAS by an Act passed in the Reign of King *Wil-*
' *liam* the Third, intituled *An Act that the Solemnization,*
' *Affirmation, and Declaration of the People called Quakers shall*
1 & 2 VICT. A a ' be

7 & 8 W. 3. c. 34.

‘ *be received instead of an Oath in the usual Form, reciting that*
 ‘ *divers Dissenters, commonly called Quakers, refusing to take an*
 ‘ *Oath in Courts of Justice and other Places, are frequently im-*
 ‘ *prisoned and their Estates sequestered by Process of Contempt*
 ‘ *issuing out of such Courts, to the Ruin of themselves and*
 ‘ *Families, it is enacted, that every Quaker on every Occasion*
 ‘ *(except on Criminal Trials) where an Oath is by Law re-*
 ‘ *quired shall be permitted to make solemn Affirmation and*
 ‘ *Declaration in lieu thereof: And whereas the same Privilege*
 ‘ *has by subsequent Acts of Parliament been extended in all*
 ‘ *Cases to the Persons called Quakers and Moravians: And*
 ‘ *whereas it is expedient and fitting that the aforesaid Privilege*
 ‘ *should be extended to such Persons as have been Quakers and*
 ‘ *Moravians, but have ceased to belong to either of such Religious*
 ‘ *Denominations of Christians, still continuing nevertheless to en-*
 ‘ *ertain conscientious Objections to the taking of an Oath:’ Be it*
 ‘ *therefore enacted by the Queen’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 be lawful for any Person*
 ‘ *who shall have been a Quaker or a Moravian to make solemn*
 ‘ *Affirmation and Declaration in lieu of taking an Oath, as fully as*
 ‘ *it would be lawful for any such Person to do if he still remained*
 ‘ *a Member of either of such Religious Denominations of Christians,*
 ‘ *which said Affirmation or Declaration shall be of the same Force*
 ‘ *and Effect as if he or she had taken an Oath in the usual Form;*
 ‘ *and if any such Person making such solemn Affirmation or De-*
 ‘ *claration shall be convicted of having wilfully, falsely, and corruptly*
 ‘ *affirmed or declared any Matter or Thing which, if the same had*
 ‘ *been sworn in the usual Form, would have amounted to wilful and*
 ‘ *corrupt Perjury, every such Offender shall be subject to the same*
 ‘ *Pains, Penalties, and Forfeitures to which Persons convicted of*
 ‘ *wilful and corrupt Perjury are or shall be subject: Provided*
 ‘ *always, that every such Affirmation or Declaration shall be in*
 ‘ *the Words following; that is to say,*

Certain Persons
may make Affir-
mation in lieu
of Oath;

if convicted of
having falsely
affirmed, to be
punished as if
guilty of Per-
jury.

Form of
Declaration.

‘ **I** *A.B., having been One of the People called Quakers, [or*
 ‘ *One of the Persuasion of the People called Quakers, or of*
 ‘ *the United Brethren called Moravians, as the Case may be,]*
 ‘ *and entertaining conscientious Objections to the taking of an*
 ‘ *Oath, do solemnly, sincerely, and truly declare and affirm.’*

C A P. LXXVIII.

An Act for the Amendment of the Laws relating to Loan
Societies in Ireland. [10th August 1838.]

4 G. 4. c. 32.

10 G. 4. c. 42.

‘ **W**HEREAS an Act was passed in the Fourth Year of the
 ‘ *Reign of His Majesty King George the Fourth, intituled*
 ‘ *An Act for the Amendment of the Laws respecting Charitable*
 ‘ *Loan Societies in Ireland: And whereas another Act was passed*
 ‘ *in the Tenth Year of the Reign of His said late Majesty, inti-*
 ‘ *tuled An Act to amend an Act of the Fourth Year of His present*
 ‘ *Majesty, for the Amendment of the Laws respecting Charitable*
 ‘ *Loan Societies in Ireland: And whereas it is expedient that the*
 ‘ *said recited Acts should be repealed:’ Be it therefore enacted*
 ‘ *by*

by the Queen'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 Expiration of Twelve Calendar Months from the passing of this Act the said recited Acts shall be and the same accordingly are and each of them is hereby repealed, save as to any Act, Matter, or Thing done or to be done under either or both of them prior to the Expiration of the said Twelve Calendar Months, and save also as to the *London Charitable Association*, as herein-after specified.

Recited Acts
repealed after
12 Months.

II. 'And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to amend the Laws relating to Loan Societies in Ireland*: And whereas it is expedient that the said last-mentioned Act should be amended, and that the Provisions thereof, as altered and amended by this Act, should be extended to all Societies established or to be established for the Purpose of granting Loans to the industrious Classes resident in *Ireland*;' be it therefore enacted, That the said last-recited Act, and all and every the Enactments, Clauses, and Provisions therein contained, (save so far as the same may be repealed or altered by this Act,) shall extend to all Associations or Societies already formed or incorporated, or which may hereafter be formed or incorporated, in any Part of the United Kingdom of *Great Britain and Ireland*, for the Purpose of lending, either directly, or through local or County Trustees, Treasurers, Managers, Committees, or otherwise, Money or Goods to the poor or industrious Classes resident in *Ireland*, so far as regards the Proceedings of Branch Offices or Loan Societies actually doing Business within *Ireland*, but not otherwise; and all such Associations or Societies as aforesaid which have been already formed or incorporated, but whose Rules have not been certified and transmitted and enrolled pursuant to the Provisions of the said last-recited Act, shall with all convenient Speed after the passing of this Act cause their Rules to be so certified and transmitted and enrolled; and in case any such Association or Society as aforesaid which has been already formed or incorporated shall not, at the Expiration of Twelve Calendar Months from the passing of this Act, have caused its Rules to be certified for the Purpose of being transmitted and enrolled pursuant to the Provisions of the said last-recited Act, it shall not be lawful for such Association or Society, or for the Trustees, Managers, Committee, Treasurer, or any Officer or Officers thereof, or for any Person or Persons in the Name or on behalf of such Association or Society, or otherwise, to sue for, receive, or recover any Money or Goods which may be lent or advanced out of the Funds or Property of such Association or Society subsequent to the Expiration of Twelve Calendar Months from the passing of this Act.

Provisions of
6 & 7 W. 4.
c. 55. extended
to all Loan
Societies in
Ireland.

Existing Societies whose Rules have not been certified to produce them to be certified within Twelve Months, or disabled from suing for their Loans.

III. And be it enacted, That every Society which shall hereafter be formed for the Purposes aforesaid shall, with all convenient Speed after the Formation thereof, cause its Rules to be certified and enrolled pursuant to the Provisions of the said last-recited Act; and until its Rules shall have been certified for the Purpose of being so enrolled it shall not be lawful for such Society,

Societies hereafter to be formed disabled from suing until their Rules shall have been certified.

or for the Trustees, Managers, Committee, Treasurer, or any Officer or Officers thereof, or for any Person or Persons in the Name or on the Behalf of such Society, or otherwise, to sue for, receive, or recover any Money or Goods which may have been theretofore lent or advanced out of the Funds or Property of such Society; provided always, that the Rules of every Society formed or to be formed for the Purposes aforesaid shall be binding and in force immediately after they shall have been certified by the Barrister appointed under the said last-recited Act to certify Rules of Loan Societies; and it shall be lawful for every such Society to proceed to act in execution of the Purposes for which it shall have been established immediately after such Society shall have received back from the said Barrister its Rules duly certified pursuant to the said last-recited Act, and it shall not be necessary for such Society to postpone or suspend its Operations until the Rules so certified shall have been confirmed at the Quarter Sessions; nevertheless it shall be the Duty of the Clerk of the Peace to whom a certified Transcript of such Rules shall have been transmitted to proceed to have the same confirmed and enrolled as directed by the said recited Act.

Treasurer, &c.
of Loan Soci-
ties to find
Security to the
Satisfaction of
Loan Fund
Board.

IV. And be it enacted, That every Treasurer or other Officer or Officers, or other Person whatsoever, who is or shall be intrusted with the Receipt or Custody of any Sum or Sums of Money belonging or lent to any Society formed or to be formed for the Purposes aforesaid, shall become bound with sufficient Sureties in the Manner prescribed by the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, for the just and faithful Execution of such Office or Trust, in a Sum or Sums of Money of reasonable Amount, regard being had to the Amount or Extent of the Trust committed to such Treasurer or other Officer; and in case it shall appear to the Loan Fund Board established by the said Act in any Instance that the Security so found is insufficient, either as regards the Solvency of the Sureties or the Amount of the Security or otherwise, then and in every such Case, and from Time to Time so often as the same shall happen, it shall be lawful for the said Loan Fund Board to require that increased or better Security be found; and in case any Society shall refuse or neglect to comply with such Requisition of the said Board it shall be lawful for the said Board to proceed to act with regard to such Society in like Manner as the said Board is hereby authorized to act with regard to any Society which may have violated the Provisions of the said recited Act or of this Act.

Societies to as-
certain by Rules
the Amount of
Salaries payable
to Officers, &c.

Loan Fund
Board may
reduce prospec-
tively the
Amount of the
Salaries and
ther Exences.

V. And be it enacted, That it shall not be lawful for any such Society as aforesaid to pay to any Clerk, Officer, or Servant of such Society any Salary or other Allowance unless the Amount thereof shall have been ascertained by the Rules of such Society, or unless a reasonable Limit to the Amount of such Salary or Allowance, payable to the Clerks, Officers, and Servants of such Society, shall have been ascertained by the Rules thereof; and it shall and may be lawful for the Loan Fund Board constituted under the said last-recited Act, from Time to Time as often as they shall judge it expedient so to do, to reduce prospectively the Amount of any such Salary or Allowance, or of any such Limit

as aforesaid, ascertained or which may hereafter be ascertained by the Rules of any such Society, and likewise to reduce all and every or any other Expence to be incurred by any such Society in the Management thereof, for House Rent, Stationery, or otherwise; and after such Reduction shall have been notified to such Society it shall not be lawful for the same to exceed in their Payments the Amount of the Sums so reduced.

VI. And be it enacted, That every Member of the said Loan Fund Board shall deliver to the Secretary of the said Board a Statement in Writing of the Residence of such Member, or of the Place to which it is the Desire of such Member that Notices of intended Meetings of the said Board, and other Communications relating to the Business thereof, intended for such Member, shall be sent; and the Delivery of all such Notices or other Communications as aforesaid at such Place, directed to such Member, or the Delivery thereof into the General Post, directed to such Member at such Place, shall be and be deemed for all Purposes whatsoever due Service upon such Member of all Notices and Communications so delivered as aforesaid; and in case any Member of the said Board shall refuse or neglect to deliver to the Secretary thereof such Statement in Writing as aforesaid of his Residence, or of the Place to which Notices intended for him are to be sent as aforesaid, it shall not be necessary to give or send to such Member any Notice of any intended Meeting of the said Board, or any other Communication relating to the Business thereof.

VII. And be it enacted, That all Sums of Money which shall hereafter be granted to or for the Use of the said Board, by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, pursuant to any Statute or Statutes now or hereafter to be in force in *Ireland*, and also all Funds and Monies whatsoever which may at any Time or Times hereafter be appropriated to the Use of the said Loan Fund Board in furtherance of the Objects for which it has been established, either by public Grant or private Donations or Bequest, or otherwise, shall be paid into the Hands of the Governor and Company of the Bank of *Ireland*, and shall be placed to an Account in the Books of the said Governor and Company which shall be entitled "The Loan Fund Board Account"; and the Receipt of the said Bank for any Sum or Sums of Money hereby directed to be paid into the same, which the said Bank is hereby required to give, shall be a sufficient Acquittance and Discharge to the Person or Persons by whom the same shall have been so paid.

VIII. And be it enacted, That it shall not be lawful for the said Bank to pay out any Part of the Funds which shall be lodged therein to the Credit of the said Loan Fund Board Account, except in Payment of Drafts to be signed by at least Three Members, and countersigned by the Secretary of the said Board for the Time being, and in each of which Drafts shall be specified the Purpose to which the Sum for which the same has been drawn is intended to be applied.

IX. And be it enacted, That no Draft upon the said Bank shall be signed or countersigned as aforesaid except at a Meeting of the said Board convened by at least One Fortnight's Notice in

Each Member of the Loan Fund Board to leave with the Secretary a Statement of his Residence or of the Place to which all Board Notices intended for him are to be sent, &c.

Funds appropriated to the Use of the Loan Fund Board to be paid into the Bank of *Ireland*, to the Credit of Loan Fund Board.

No Part of the Fund to be paid out except in Payments of Drafts signed by 3 Members, &c.

Drafts to be signed only at Meetings of the Board, &c.

Writing to all such Members thereof as shall be entitled to be served with Notice of the Proceedings of the said Board, in which Notice the Object of such Meeting shall be specially stated.

The Board empowered to pay Salaries, &c. to Officers, not exceeding in the whole 600*l.* a Year.

X. And be it enacted, That it shall and may be lawful for the said Loan Fund Board, out of the Funds which shall be placed to their Credit in the Bank of *Ireland*, to pay such Salary or Salaries or other Remuneration to their Secretary, and to any Inspector or Inspectors, or Clerks or Servants whom they may appoint, as the Lord Lieutenant or other Chief Governor or Governors may from Time to Time direct, and also to pay out of the said Funds such further Sum or Sums as may be necessary to defray the incidental Expences incurred in carrying into execution the Purposes for which the said Board has been established, provided such Expenditure for Salaries and Expences shall not in the whole exceed the Sum of Six hundred Pounds Sterling in any One Year.

The Board may make Advances to Loan Societies.

XI. And be it enacted, That it shall and may be lawful for the said Board, out of the Funds which shall be placed to their Credit in the said Bank, from Time to Time to advance to any Loan Societies whose Rules shall have been duly certified, transmitted, and enrolled pursuant to the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth and of this Act, in aid of the Funds supplied by the Members of such Societies respectively, such Sum and Sums of Money, upon such Security, and in such Manner, and upon such Terms and Conditions consistent with the Provisions of the said recited Act and of this Act, as the said Loan Fund Board shall think fit: Provided always, that the Money so advanced by the said Board shall be repaid out of the Funds of such Societies prior and in preference to any Repayment to be made to the Members of such Societies in respect of any Contributions made by them.

The Board to transmit an Annual Report to Parliament.

XII. Provided always, and be it enacted, That the said Loan Fund Board shall, on or before the First Day of *April* in every Year, cause a Report of their own Proceedings, and also of the Proceedings of the several Loan Societies under their Control and Superintendence, during the Year ending the Thirty-first Day of *December* preceding, to be prepared, which Report shall contain an Account of all Monies and Funds which shall have come to the Hands or been placed to the Credit of the said Board, either from public or private Sources, during the Year to which such Report shall relate, and shall specify the particular Sources of Revenue from which such Monies and Funds shall have arisen, and shall set forth in what Manner the same shall have been applied and disposed of, and an Account of all and every the Monies expended or lent by the said Board during the said Year, and for what Purposes, and upon what Account respectively, and the general Balance then standing to the Credit of the said Board, and the Amount of Loans from the said Board outstanding, and all such other Particulars as may tend to show the Efficiency or Inefficiency of the said Board for the Purposes for which it has been established, and to what Extent those Purposes have been fulfilled; and the said Board shall cause such annual Report, signed by at least Three Members, and countersigned by the Secretary, to be laid

before Parliament within One Month after the same shall have been prepared.

XIII. 'And whereas by the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty it is enacted, that any Person who should have advanced any Sum of Money by way of Loan to any such Loan Fund Society as aforesaid should be authorized and allowed to dispose of and transfer any Part of the Whole or the Amount of the Money so advanced by him as aforesaid; and such Transfer should be deemed sufficient by a written Order directed to the Trustee or Trustees of such Society for the Time being, such Order or Transfer to be signed by Two respectable Housekeepers as Witnesses; and the Person or Persons to whom such Transfer should be made as aforesaid should, so soon as the Order or Transfer should be delivered to the Trustees or their Clerk, stand possessed of and be entitled to the Amount of such Transfer, together with all Interest and Benefit, Claims and Demands whatsoever arising or to arise or to be derived or accrue therefrom, as fully and to all Intents and Purposes as if he or they had been the Parties who had originally advanced the same to such Loan Fund Society: And whereas it is expedient that the said Clause should be repealed, and that the Provision herein-after contained should be substituted in lieu thereof;' be it therefore enacted, That the said recited Clause of the said Act shall be and the same is hereby repealed: Provided always, that such Repeal shall not invalidate or affect any Transfer, Act, Matter, or Thing made or done under or by virtue of the said recited Clause before the Commencement of this Act.

Repeal of Section 20 of 6 & 7 W. 4. c. 55.

Proviso for Acts done.

XIV. And be it enacted, That for every Sum of Money deposited or to be deposited with any Loan Society it shall be lawful for such Society to issue a Debenture to be transferrable in the Manner herein-after mentioned, and not otherwise; that is to say, by Endorsement upon the said Debenture, to be executed by the Person or Persons entitled to the Sum thereby secured in the Presence of Two credible subscribing Witnesses, and to be registered in the Books of the Loan Society by whom such Debenture shall be payable; and after such Endorsement shall have been so executed and registered as aforesaid, but not before, the Person or Persons to whom such Transfer shall be made shall thereupon stand possessed of and be entitled to the Amount of such Debenture, and of all Interest, Benefit, Claims, and Demands whatsoever due or to grow due thereon, as fully as if he or they had been the Party who had originally advanced the Sum secured by the said Debenture; and all such Debentures, Endorsements, and Transfers shall not be liable to any Stamp Duty or Parliamentary Imposition whatever.

Societies to issue Debentures, transferrable by Indorsement executed in Presence of Two Witnesses, and registered.

XV. And be it enacted, That no Treasurer, Trustee, or other Officer of any Loan Fund Society subscribing a Debenture shall be individually responsible in Person or Property for the Payment of same, or of any Interest thereon, but such Debenture shall be a Charge on the Capital and Property of the Society alone, unless such Treasurer, Trustee, or other Officer shall in the Instrument, or by Writing at the Foot or on the Back thereof, declare his or their Willingness to be so liable in Person or Property;

Trustees signing Debentures not personally liable unless specially undertaken.

and such Undertaking shall only apply to the specific Sums so guaranteed.

Sums under 50*l.* deposited in any Loan Fund Society payable without Probate to the Representative of any deceased Debenture Holder.

XVI. And be it enacted, That in case any Debenture Holder, Depositor, or other Claimant entitled to receive any Sum not exceeding Fifty Pounds out of the Funds of any such Loan Society shall die, it shall be lawful for the Trustees thereof, and they are hereby authorized and permitted, from and after the Expiration of Three Calendar Months after the Death of such Debenture Holder, Depositor, or other Claimant, if they shall be satisfied that no Will was made and left by such deceased Person, and that no Letters of Administration have been or will be taken out of the Goods, Chattels, Rights, and Credits of such deceased Person, to pay the same to any Person or Persons who shall appear to the said Trustees to be the Persons or One of the Persons entitled under the Statute of Distribution to the Effects of the deceased Intestate, although no Letters of Administration shall have been taken out; and the Payment of any such Sum or Sums of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased Intestate, or as the lawful Representative or Representatives of such Person against the Funds of such Society, or against the Trustees, Treasurer, or Officers thereof; but nevertheless such next of Kin or Representative shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Loan Fund Board in Dublin may wind up the Affairs of any Loan Fund Society for not adhering to their Rules, &c.

XVII. And whereas it is expedient that additional Powers should be given to the Loan Fund Board in Cases where Loan Fund Societies do not strictly adhere to their Rules; be it enacted, That in case it shall appear to the aforesaid Loan Fund Board in *Dublin*, after due Investigation and Inquiry, that any of such Loan Societies as aforesaid have not adhered strictly to their Rules, or have applied any of their Profits or done any Matter or Thing contrary to the Provisions of the said recited Act of the Sixth and Seventh Years of His late Majesty or of this Act, the said Loan Fund Board, instead of advertising and proceeding as required by the said recited Act of the Sixth and Seventh Years of His late Majesty, may, if they shall so think fit, after notifying their Decision in that Behalf to such Society and also to the Clerk of the Peace with whom the Rules of such Society shall be filed, cause the Affairs of such Society to be wound up, and for that Purpose may appoint a fit and proper Person to call in and receive all outstanding Debts and Demands, and, either in his own Name or in the Name of the Treasurer, Trustees, or other Officer or Officers of such Society, to institute the necessary Proceedings for that Purpose, and such Person shall have all the Powers vested in the said Treasurer, Trustees, or other Officer or Officers of such Society under the aforesaid Act or this Act; and if, after paying all lawful Debts and Demands and all necessary Expences, any surplus Effects or Property shall remain, it shall and may be lawful for the said Board or the Trustees of such Society with the Consent of the said Board to appropriate the same to the Establishment of any other Loan Society or Societies, or to increase the Capital of any existing Loan Society or Societies in the same Neighbourhood, or to such Hospital, Infirmary, or other local charitable Purpose

Purpose as the said Board or the said Trustees, with the Consent and Approbation of the said Loan Fund Board, shall think proper: Provided always, that it shall be lawful for any such Society, within One Calendar Month after Notice shall be given of any such Decision as aforesaid to such Society, to appeal against such Decision to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and the Privy Council thereof, whose Judgment in the Premises shall be final and conclusive: And provided further, that no Steps shall be taken towards winding up the Affairs of any such Society until the Expiration of One Calendar Month from the Date of such Notice, nor, if any Appeal shall be lodged within that Time, until Judgment shall be given on such Appeal against the Appellants.

XVIII. ' And whereas by the said recited Act last mentioned it is enacted, that it should and might be lawful to and for the Trustees and Managers of any Charitable Pawn Society entitled to the Benefit of the said Act to lend and advance upon the Security of the Boat or other Fishing Vessel of any poor Person or Persons resident within the County, County of a City, or Town in which the Office of such Society should be situated, any Sum or Sums of Money not exceeding in Amount One Half Part of the Value of such Boat or Fishing Vessel, although the same should not be actually deposited or lodged in the Stores of such Society: Provided always, that every such Loan, together with the Name and Description of the Boat or Fishing Vessel in respect of which the same should have been made, should be duly registered in a Book to be kept for that Purpose by the Society advancing such Money; and that no Sale of any such Boat or Fishing Vessel by the Owner should be valid, unless the Principal Money and Interest then due thereon to any Society should be first repaid out of the Purchase Money for the same: And whereas it is expedient that the said recited Clause should be repealed; be it therefore enacted, That the said Clause of the said Act lastly herein recited shall be and the same is hereby repealed, save and except as to any Act, Matter, or Thing done or to be done under or by virtue thereof previous to the Commencement of this Act.

Repeal of
Section 22. of
6 & 7 W. 4. c. 55.

XIX. And be it enacted, That it shall and may be lawful for the Treasurer for the Time being of any Loan Society whose Rules shall have been duly certified as aforesaid to sue for and recover, for the Use of such Society, the Amount of any Note or other Security which shall have been passed or made payable to the Treasurer for the Time being of such Society, notwithstanding any Change or Changes which may have taken place in the Person by whom the said Office of Treasurer may be filled.

Treasurer of
any Loan So-
ciety to sue for
Securities
granted to his
Predecessor.

XX. ' And whereas the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth contains a Clause in the Words following; that is to say, " And be it further enacted, that all the Rules of any Society entitled to the Benefit of this Act shall be certified by a Barrister at Law, to be appointed by the said Loan Fund Board, and transmitted and enrolled in the same Manner as the Rules and Regulations of any Friendly Society are required to be certified, transmitted, and enrolled pursuant to the Provisions of a cer-
' tain

Repeal of
Section 7. of
6 & 7 W. 4. c. 55.

4 & 5 W. 4. c. 40.

tain Act passed in the Fourth and Fifth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*; and that all the Provisions of the said Act, as well as the Act made and passed in the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies, as far as the same relate to the certifying, transmitting, and enrolling the Rules or any Alteration or Amendment of the Rules of Friendly Societies, shall be applicable to the certifying, transmitting, and enrolling the Rules or any Alteration or Amendment of the Rules of any Society to be established under the Provisions of this Act; and also that an authenticated Copy or Transcript of all such Rules, or of any Alteration or Amendment thereof, shall be transmitted by the said Society to the said Loan Fund Board within One Month after the same shall have been certified as herein-before provided:” And whereas, inasmuch as the Purposes intended to be effectuated by the said recited Clause are effectuated by other Clauses contained in the same Act and by the Provisions of this Act, the said recited Clause is unnecessary; be it therefore enacted, That the said recited Clause of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth shall be and the same is hereby repealed; provided that such Repeal shall not be deemed or construed to be a Repeal of any other Provision of the said recited Act of the same or a like Purport or Effect as the Provisions of the said recited Clause so hereby repealed as aforesaid.

All Documents
free of Stamp.

XXI. And be it enacted, That no Instrument, Security, or Document whatever which shall be executed in pursuance of this Act shall be subject to or chargeable with any Stamp Duty whatsoever.

Form of Barrister's
Certificate.

XXII. And be it enacted, That from and after the passing of this Act the Certificate to be given by the Barrister appointed to certify the Rules of Loan Societies, or (in case of his refusing to certify) by the Justices at Quarter Sessions, in the event of their over-ruling the Opinion of such Barrister, shall be to the Effect that the Rules to which such Certificate shall relate are in conformity to Law and to the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth as the same have been altered and amended by this Act.

Powers in favour
of Trustees by
Sec. 24. of
6 & 7 W. 4. c. 55.
vested in Society
at large.

XXIII. And whereas by the said Act of the Sixth and Seventh Years of the Reign of His late Majesty it is enacted, that the Trustees of any such Society as therein mentioned may from Time to Time appropriate such Portion of the clear net Profits, over and above all Losses, as they shall think proper, in support of the Hospital or Infirmary of the County for which or for a Portion of which the Society shall be established, or for such other local charitable Purpose as they shall think fit, the Residue or the whole of such net Profits, if no Part shall be so appropriated, being employed as Part of the Funds of the Society until the Trustees shall otherwise determine: And whereas it is just and reasonable that the Powers vested by the said recited Clause in the Trustees of any such Society as therein mentioned should

be

' be vested in the Members at large of such Society, or in such
' Persons as may be authorized in that Behalf by them;' be it
therefore enacted, That from and after the Commencement of this
Act the said recited Powers relating to the Appropriation of the
net Profits of any Charitable Loan Society established or to be
established under the Provisions of the said recited Act or of this
Act shall vest in and shall and may be exercised by the Members
at large of such Society, or by such Committee, Trustees, or other
Officer or Officers of such Society, or other Person or Persons as
have been or shall be duly authorized in that Behalf by the en-
rolled Rules of such Society, but not otherwise.

XXIV. ' And whereas Doubts have arisen as to the Power of
' the Justices under the Act of the Sixth and Seventh Years of the
' Reign of King *William* the Fourth to summon Parties who shall
' fail in the Payment of Instalments, due on account of Loans
' obtained by them from Loan Societies, to the Petty Sessions in
' or nearest to the Place where such Loan Society carry on their
' Business;' be it hereby enacted, That it shall be lawful for One
of Her Majesty's Justices of the Peace for the County or Place
where such Loan Society carry on their Business to summon De-
faulters in the Manner pointed out by the above-recited Act, either
before the Justices assembled at the Petty Sessions of the Town
or District where such Loan Society transact their Business, or
before the Justices in Petty Sessions at the Town or Place where
such Defaulters shall reside.

XXV. And be it enacted, That all Actions and Suits, and Pro-
ceedings whatsoever, at Law or in Equity, touching or concerning
any Loan, Contract, or Agreement, or other Matter or Thing to
be made, done, or entered into by or with the said Loan Fund
Board established under the Provisions of the said recited Act of
the Sixth and Seventh Years of the Reign of His late Majesty King
William the Fourth, shall and may be instituted and carried on
and defended in the Name of the Secretary of the said Board for
the Time being, for or on behalf of the said Board; and all such
Actions, Suits, and Proceedings in any Court of Law or Equity in
the Name of such Secretary shall be as good and effectual to all
Intents and Purposes as if such Actions, Suits, and Proceedings
had been commenced, prosecuted, carried on, or defended in the
Name of the said Board, or any Member or all the Members of
the same; and in case such Secretary shall happen to die, or be
removed from his Office, whilst any such Action, Suit, or Pro-
ceeding shall be depending, then and in such Case such Action,
Suit, or Proceeding shall not abate by the Death or Removal of
such Secretary, but shall be carried on or defended in the Name of
the succeeding Secretary, and shall stand to all Intents and Pur-
poses in the same State and Condition as it was immediately before
the Death or Removal of such former Secretary.

XXVI. Provided always, and be it enacted, That nothing herein
contained shall extend to any Loan Societies in *Ireland* which
have been established by or are in connexion with the *London*
Charitable Association commonly called The *Irish* Reproductive
Loan Fund Institution, and heretofore enrolled under the Pro-
visions of the said Acts made and passed in the Fourth and Tenth
Years of the Reign of His late Majesty *George* the Fourth, or
either

One Justice
may summon
any Defaulter
to appear at
Petty Sessions,
either for the
Place where the
Society carries
on Business, or
where Defaulter
resides.

Loan Fund
Board to sue
and be sued in
the Name of
their Secretary.

Act not to
extend to Loan
Societies in
connexion with
the Irish Re-
productive Loan
Fund Institu-
tion, enrolled
under 4 G. 4.

and 10 G. 4.,
until such
Societies shall be
enrolled under
6 & 7 W. 4.

Chairman of
said Institution
to send to Se-
cretary of Loan
Fund Board,
&c. Lists
of last-men-
tioned Societies
not enrolled
under 6 & 7 W. 4.

Public Act.

either of them, unless and until such last-mentioned Societies or any of them shall be enrolled under the Provisions of the said Act made and passed in the Sixth and Seventh Years of His late Majesty *William* the Fourth; but that until the said last-mentioned Societies or any of them shall be enrolled under the Provisions of the said last-mentioned Act made and passed in the Sixth and Seventh Years of His late Majesty *William* the Fourth, all the Powers, Authorities, Privileges, Immunities, and Remedies contained in the said Acts made and passed in the Fourth and Tenth Years of the Reign of His late Majesty *George* the Fourth shall be and continue in full Force and Effect with reference to such last-mentioned Societies which shall not be enrolled as last aforesaid as fully and effectually to all Intents and Purposes as if this present Act had not been made: Provided also, that the Chairman of the *London Charitable Association* commonly called The *Irish* Reproductive Loan Fund Institution shall, within Six Calendar Months after the passing of this Act, send under his Hand and Seal, countersigned by the Secretary and Manager, to the Secretary of the Loan Fund Board in *Dublin*, a correct List of all such Loan Societies which at the Time of the passing of this Act were established by or are in connexion with the said *London Charitable Association*, and duly enrolled under the Provisions of said Acts of the Fourth and Tenth Years of the Reign of His late Majesty *George* the Fourth, and which have not been enrolled under the Provisions of the said Act of the Sixth and Seventh Years of His late Majesty *William* the Fourth.

XXVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

C A P. LXXIX.

An Act for the better Regulation of Hackney Carriages, and of Metropolitan Stage Carriages, and of Waggons, Carts, and Drays, used in and near the Metropolis, and of the Drivers and Attendants thereof. [10th August 1838.]

‘ WHEREAS it is expedient that the Drivers of Hackney Carriages and the Drivers and the Conductors of Metropolitan Stage Carriages in and near the Metropolis, and the Watermen at Standings for Hackney Carriages, should be licensed, and that further Provisions should be made for the Regulation of such Hackney Carriages and Metropolitan Stage Carriages, and the Drivers, Conductors, Watermen, and Attendants thereof:’ Be it therefore enacted by the Queen’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 Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction) be interpreted as follows; (that is to say,) the Words “Hackney Carriage” shall include every Carriage except a Stage Carriage, or a Carriage

Meaning of
certain Words
used in this Act.

drawn or impelled by the Power of Steam, or otherwise than by Animal Power, with Two or more Wheels, which shall be used for the Purpose of standing or plying for a Passenger or Passengers for Hire at any Place within the Distance of Ten Miles from the General Post Office in the City of *London*; and that so much of an Act passed in the First and Second Years of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays, used in the Metropolis, and to place the Collection of the Duties on Hackney Carriages, and on Hawkers and Pedlars in England, under the Commissioners of Stamps*, as relates to Hackney Carriages and to Watermen, shall extend and apply to Hackney Carriages and to Watermen within the Meaning of this Act: Provided nevertheless, that every Licence to act as a Waterman, and all Power to grant such Licences by virtue of the said recited Act, shall cease and determine; and every Person to whom any such Licence shall have been granted shall, within One Calendar Month before the Commencement of this Act, deliver up to the Registrar appointed under the Authority of this Act the Licence, and the Badge to which every such Licence relates, and shall thereupon be entitled to a new Licence and Ticket from the said Registrar in manner herein-after mentioned; and the Words "Metropolitan Stage Carriage" shall include every Stage Carriage except such as shall on every Journey go to or come from some Town or Place beyond the Limits of this Act; and the Words "Limits of this Act" shall include every Place within the Distance of Ten Miles from the General Post Office in the City of *London*, and the whole of every Town, Village, or Hamlet, any Part or Portion of which shall be within the said Distance from the said General Post Office; and the Word "Proprietor" shall include every Person who shall, either solely or in Partnership with any other Person, be concerned in keeping any Hackney Carriage or any Metropolitan Stage Carriage, or who shall be concerned otherwise than merely as a Driver or Attendant in using or employing for Hire any Hackney Carriage or any Metropolitan Stage Carriage; and the Word "Conductor" shall include every Director, Cad, or other Person, except the Driver, who shall be attendant upon or with any Metropolitan Stage Carriage; and the Word "Waterman" shall include every Assistant to Drivers of Hackney Carriages at the Standings or Places where Hackney Carriages usually stand or ply for Hire; and the Word "Passenger" shall include every Person carried by any Hackney Carriage or by any Metropolitan Stage Carriage except One Driver, and where there shall be a Conductor to such Metropolitan Stage Carriage, One Conductor; and the Word "Horse" shall include every Mare or Gelding; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as One Person or Thing, and every Word importing the Masculine Gender only shall extend to a Female as well as a Male.

Certain Provisions of 1 & 2 W. 4. c. 22. extended to this Act.

II. And be it enacted, That there shall be charged upon and in respect of every Licence to be granted under the Authority of this Act as herein-after provided a Duty of Five Shillings, and that the same shall be under the Care and Management of the

Stamp Duty of 5s. on every Licence granted under this Act.

Commis-

Commissioners of Stamps and Taxes to issue stamped Paper for Licences upon Payment of Duties, &c.

Commissioners of Stamps and Taxes, and shall be denominated and deemed to be a Stamp Duty, and shall be raised, levied, paid, secured, and accounted for under the Provisions of any Act or Acts in force or to be in force for raising, levying, or securing the Stamp Duties, or any of them; and it shall be lawful for the said Commissioners, and they are hereby required, upon Application for that Purpose made by the Person who for the Time being shall be the Registrar of Metropolitan Public Carriages, duly appointed under the Provisions herein-after contained, to issue to such Person, Vellum, Parchment, or Paper for such Licences, duly stamped, for denoting the Duties charged by this Act, either upon the present Payment of the Duties payable on such Licences, or upon giving such Security for the Payment thereof, and upon such Terms and subject to such Regulations as the said Commissioners shall think proper.

“Metropolitan Stage Carriage” to be inscribed on every Carriage; and the Number of the Stamp Office Plate, and the Number of Passengers to be carried, painted or affixed thereon.

III. And be it enacted, That upon every such Metropolitan Stage Carriage there shall be affixed immediately above the Stamp Office Plates, or in such other Position as the Registrar to be appointed by virtue of this Act shall direct, a Plate or Plates upon which there shall be inscribed in Black Letters of at least One Inch in Height, and of a proportionate Breadth, upon a White Ground, the Words “Metropolitan Stage Carriage,” or such other Words as the said Registrar shall from Time to Time direct; and also that upon every such Metropolitan Stage Carriage the Number of the Stamp Office Plate relating to such Stage Carriage, and the Number of Passengers which such Carriage shall be licensed to carry in the Inside and on the Outside thereof shall be painted or affixed in a conspicuous Manner, both in the Inside and on the Outside of every such Carriage, in such Manner as shall be approved of by the Registrar to be appointed by virtue of this Act, on pain of a Penalty not exceeding Twenty Shillings, to be paid on Conviction of Neglect thereof before any One of Her Majesty's Justices of the Peace.

Secretary for the Home Department to appoint a Registrar and Clerks.

IV. And be it enacted, That it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department for the Time being to nominate and appoint a fit and proper Person to be called the Registrar of Metropolitan Public Carriages, by whom the several Licences and Tickets to be granted and issued to Drivers of Hackney Carriages, and to Drivers and Conductors of Metropolitan Stage Carriages, and to Watermen as herein-after directed, shall be granted and issued, at such convenient Place as the said Secretary shall direct and appoint, and also all such Clerks and other Officers as the said Secretary shall deem necessary for the Assistance of such Registrar in the due Execution of this Act; and the said Secretary may at his Discretion remove any of the Persons so being such Registrar, Clerks, and Officers appointed as aforesaid, and upon any Vacancy occasioned by such Removal or otherwise appoint some other fit and proper Person to be such Registrar, Clerk, or Officer; and it shall be lawful for the Commissioners of Her Majesty's Treasury to fix and appoint such Salaries to be paid to such Registrar, Clerks, and Officers as they shall think proper, which Salaries, together with such other Expences in and about the Execution of this Act as the said Commissioners

Treasury to fix Salaries of Registrar and Clerks, to be paid by the Commissioners

sioners

sioners shall direct, shall be paid by the said Commissioners of Stamps and Taxes out of any Monies to arise from any of the Duties under their Care and Management.

V. And be it enacted, That it shall not be lawful for any Person to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage, whether such Person shall or shall not be the Proprietor of such Carriage, or for any Person to act as a Waterman, unless such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force; and if any Person shall act as such Driver or Conductor or Waterman without such Licence and Ticket, or if any Person to whom any such Licence and Ticket shall have been granted shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, he shall for every such Offence forfeit any Sum not exceeding Five Pounds; and if any Proprietor shall knowingly permit or suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage of which he shall be the Proprietor, such Proprietor shall for every such Offence forfeit any Sum not exceeding Ten Pounds: Provided always, that in case sudden Illness or any other unforeseen Cause shall prevent any Driver or Conductor in the Service of any Proprietor from acting as such Driver or Conductor, any competent Person, whether duly licensed or not under this Act, may lawfully be employed in his Place for any Time not exceeding Forty-eight Hours next after such Accident.

VI. And be it enacted, That it shall be lawful for the said Registrar, upon the Payment of the Sum of Five Shillings, to grant to any Person, not under Sixteen Years of Age, who shall produce such a Certificate of his Ability to drive and of his good Character as shall be satisfactory to the said Registrar, a Licence to act as Driver of any Hackney Carriage, or a Licence to act as Driver of any Metropolitan Stage Carriage (as the Case may be), and in like Manner to grant to any Person, upon the Production of a Certificate of his good Character as aforesaid, a Licence to act as Conductor of any Metropolitan Stage Carriage, or a Licence to act as a Waterman: Provided always, that in every such Licence there shall be specified the Number of such Licence, and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted; and in the Case of a Waterman, of the Standing or Place at which he shall thereby be authorized to act as Waterman; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the First Day of *June* next after the Date thereof, except the same shall be sooner revoked, and except during such Period as the same shall be suspended: Provided also, that it shall be lawful for the said Registrar, at any Time during the Period of One Calendar Month preceding the First Day of *June* in any Year, to grant and issue such Licences, to commence and take effect from the Day of the Date thereof, and to continue in force (except as aforesaid) until and upon the First Day of *June* in the Year next following that in which the same shall

of Stamps and Taxes.

Drivers, Conductors, and Watermen to have Licences and Tickets.

Not to transfer or lend Licence or Ticket.

Proprietors not to allow unlicensed Persons to act as Drivers &c.

Proviso, in case of Illness, &c.

Registrar to grant Licence to act as a Driver, &c. on Payment of 5s., and Production of Certificate.

What shall be specified in the Licences.

Particulars of Licences to be entered in Book at the Registrar's Office.

shall be granted ; and in One or more Book or Books to be provided and kept for that Purpose there shall be entered the Particulars of every Licence which shall be granted as aforesaid ; and in all Courts, and before any Justice of the Peace, and upon all Occasions whatsoever, the Entries made or contained in any such Book or Books shall be received as Evidence, and be deemed sufficient Proof of all Matters and Things therein registered or contained, without requiring the Production of any Licence, or of any Requisition, or other Document upon which any such Entries may be founded, and without any further Proof than the Production of such Book or Books ; and any Person shall be at liberty to inspect any such Book or Books at all reasonable Times without Payment of any Fee or Reward.

Persons applying for Licences to sign a Requisition for the same.

VII. And be it enacted, That before any such Licence as aforesaid shall be granted a Requisition for the same in such Form as the said Registrar shall from Time to Time provide for that Purpose, and accompanied with such Certificate as herein-before is required, shall be made and signed by the Person to whom such Licence is requested to be granted ; and in every such Requisition there shall be truly specified and set forth the proper Name and Surname, and Place of Abode, and Age of the Person applying for such Licence ; and if any Person applying for and procuring or attempting to procure any such Licence shall make or cause to be made any false Representation in regard to his Name or Place of Abode, or Age, or if he shall not truly answer all Questions which shall be demanded of him in relation to such Application for a Licence, or if any Person to whom reference shall be made shall in regard to such Application wilfully or knowingly make any Misrepresentation with the Intention of deceiving the said Registrar, each and every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds ; and it shall be lawful for any Justice of the Peace, upon Proof of any such Offence, to revoke any Licence which shall have been granted under any such false Representation.

Persons making false Representations to forfeit Five Pounds, and Licence may be revoked.

Notice to be given by Drivers, &c. of any Change of Abode.

VIII. And be it enacted, That as often as any Driver, Conductor, or Waterman shall change his Place of Abode he shall, within Two Days next after such Change, give Notice thereof in Writing, signed by him, to the said Registrar, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence to the said Registrar, who shall endorse thereon a Memorandum specifying the Particulars of such Change ; and if any Driver, Conductor, or Waterman shall change his Place of Abode, and shall neglect or omit to give Notice of such Change, or to produce his Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, he shall forfeit for every such Offence any Sum not exceeding Twenty Shillings ; and it shall not be necessary for the Proprietor of any Hackney Carriage to give any such Account as aforesaid to the Commissioners of Sewers at the Guildhall in the City of *London*, any thing in the said recited Act of the First and Second Years of His late Majesty's Reign to the contrary notwithstanding.

If Notice not given, to forfeit 20s.

IX. And be it enacted, That the said Registrar shall at the Time of granting any such Licence deliver to the Driver, Conductor,

An Abstract of the Laws with a Metal Ticket

or Waterman to whom the same shall be granted an Abstract of the Laws in force relating to such Driver, Conductor, or Waterman, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence; and every such Driver, Conductor, not being a Proprietor of a Metropolitan Stage Carriage, shall at all Times during his Employment, and when he shall be required to appear before any Justice of the Peace, wear such Ticket conspicuously upon his Breast in such Manner that the Number thereon shall be distinctly visible and legible; and every Driver or Conductor of any Metropolitan Stage Carriage who shall be the Proprietor of such Carriage shall at all such Times as aforesaid carry such Ticket about his Person; and if any Driver, Conductor, or Waterman shall act as such, or shall attend when required before any Justice of the Peace, without having and (except in the Case of any Driver or Conductor of any Metropolitan Stage Carriage who shall be a Proprietor of such Carriage) wearing such Ticket in manner aforesaid, or shall when thereunto required refuse to produce such Ticket for Inspection, or to permit any Person to note the Number thereon, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

X. And be it enacted, That upon the Expiration of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver up such Licence and the Ticket relating thereto to the said Registrar; and if after the Expiration of such Licence such Person shall use or wear the Ticket relating thereto, or shall wilfully neglect for the Space of Three Days to deliver the same to the said Registrar; or if any Person shall use or wear or detain any Ticket without having a Licence in force relating to such Ticket, or shall for the Purpose of Deception use or wear or have any Ticket resembling or intended to resemble any Ticket granted by the Authority of this Act, he shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for any Peace Officer to seize and take away any such Ticket wheresoever the same may be found, in order to deliver the same to the said Registrar.

XI. And be it enacted, That whenever the Number on any Ticket shall become obliterated or defaced so that the same shall not be distinctly visible and legible, and also whenever any Ticket shall be proved to the Satisfaction of the said Registrar to have been lost or mislaid, the Person to whom the Licence relating to any such Ticket shall have been granted shall surrender and deliver up such Ticket (if he shall have the same in his Possession), and shall produce such Licence to the said Registrar, and such Person shall then be entitled to have a new Ticket delivered to him in lieu of the Ticket so delivered up or lost or mislaid, upon Payment for the Use of Her Majesty of the Sum of One Shilling for each Ticket: Provided always, that if any Ticket which shall have been proved as aforesaid or represented to have been lost or mislaid shall afterwards be found, the same shall forthwith be delivered up to the said Registrar; and if any Person into whose Possession any such Ticket as last aforesaid shall be or come shall refuse or neglect for the Space of Three Days to deliver up

to be delivered with Licences.

Tickets to be carried conspicuously by Drivers, &c.

Penalty for Neglect, or refusing to permit any Person to inspect such Ticket, 40s.

Licences and Tickets to be delivered up on their Discontinuance.

Penalty for wearing a Ticket without having a Licence, &c.

New Tickets to be delivered in lieu of defaced or lost Tickets.

Penalty for not delivering up lost Ticket, when found, or for wearing a Ticket after it has been defaced, 40s.

the same to the said Registrar; or if any Person licensed under the Authority of this Act shall use or wear the Ticket granted to him after the Number thereon shall be in any Manner obliterated, defaced, or obscured, so that the same shall not be distinctly visible and legible, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, a Misdemeanor.

XII. And be it enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited, or resembled, any Licence or Ticket by this Act directed to be provided for the Driver of a Hackney Carriage, or for the Driver or the Conductor of a Metropolitan Stage Carriage, or for any Waterman; or if any Person shall sell, or exchange, or expose to Sale, or utter any such forged or counterfeited Licence or Ticket; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have or be possessed of such forged or counterfeited Licence or Ticket, knowing such Licence or Ticket to be forged or counterfeited; every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person in committing any such Offence as aforesaid, shall be adjudged guilty of a Misdemeanor, and being thereof convicted shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Licence or Ticket, or for any Peace Officer to seize and take away any such Licence or Ticket, in order that the same may be produced in Evidence against such Offender, or be disposed of as the said Registrar shall think proper.

Proprietor to retain Licence of Drivers, &c. when in his Employ;

and to produce the same when summoned.

Justices may endorse Convictions for Offences upon Licences.

Penalty on Proprietor for Neglect.

XIII. And be it enacted, That if the Proprietor of any Hackney Carriage or of any Metropolitan Stage Carriage shall permit or employ any licensed Person to act as the Driver or the Conductor thereof, then and in every such Case such Proprietor shall require to be delivered to him and shall retain in his Possession the Licence of such Driver or Conductor during such Time as such Driver or Conductor shall remain in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage shall be summoned to attend before a Justice of the Peace, or to produce the Driver or the Conductor of such Carriage, the Proprietor so summoned shall also produce the Licence of such Driver or Conductor if he shall then be in his Employ; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, it shall be lawful for such Justice to make an Endorsement upon the Licence of such Driver or Conductor, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any Proprietor shall neglect to require to be delivered to him and to retain in his Possession the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Employ, or shall refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence forfeit any Sum not exceeding Three Pounds.

Proprietors to return Licence of Drivers, &c.

XIV. And be it enacted, That when and so often as any Driver or Conductor shall leave the Service of the Proprietor by whom he

he shall have been employed, and shall not have been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver or Conductor the Licence belonging to him; but if such Driver or Conductor shall have been guilty of any Misconduct, then and in any such Case such Proprietor shall not return the Licence to such Driver or Conductor, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver or Conductor to appear before any Justice of the Peace to answer the said Complaint; and such Justice, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon the Inquiry it shall appear that the Licence of such Driver or Conductor has been improperly withheld, it shall be lawful for such Justice to direct immediate Re-delivery of such Licence, and to award such Sum of Money as he shall think proper to be paid by such Proprietor to such Driver or Conductor by way of Compensation.

XV. And be it enacted, That it shall be lawful for any Justice of the Peace before whom any Driver, Conductor, or Waterman shall be convicted of any Offence, whether under this Act or any other Law, if such Justice in his Discretion shall think proper, to suspend for any Period not exceeding Two Calendar Months the Licence granted to such Driver, Conductor, or Waterman under this Act; and it shall also be lawful for any Two Justices of the Peace, upon Proof that any Driver, Conductor, or Waterman has been convicted of Felony or of knowingly receiving stolen Property, or upon the Conviction before them for a Second Offence of any Driver or Conductor for furious or wanton or negligent Driving, or for detaining Property left in any Hackney Carriage, or in any Metropolitan Stage Carriage, or for wilfully defrauding his Employer, or for refusing or neglecting to attend before any Justice when lawfully required so to do, if such Justices in their Discretion shall think proper, to revoke the Licence granted to such Driver, Conductor, or Waterman under this Act; and whenever the Licence of any Driver, Conductor, or Waterman shall be suspended or revoked as aforesaid, it shall be lawful for any Justice of the Peace to require any Proprietor to deliver up forthwith to such Justice the Licence of such Driver or Conductor, if the same shall then be in his Possession, or to require such Driver, Conductor, or Waterman to deliver up forthwith to such Justice his Licence, and the Ticket relating thereto; and if any Proprietor, Driver, Conductor, or Waterman shall upon being so required refuse or neglect to deliver up such Licence or any such Ticket he shall forfeit any Sum not exceeding Five Pounds; and every Justice to whom any Licence or any Ticket shall be delivered up shall forthwith transmit the same to the said Registrar, who shall at the Expiration of the Period for which any such Licence shall have been suspended re-deliver such Licence with the Ticket to the Person to whom it shall have been granted.

XVI. And be it enacted, That it shall not be lawful for any Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney Carriage, or as Driver or Conductor of any Metropolitan Stage Carriage, to permit or suffer any other Person to act as Driver of such Hackney Carriage, or as Driver or as

when quitting his Service, if they behave well; if otherwise Proprietor to summon them.

Compensation if Licence improperly withheld.

Licences may be suspended, and for certain Offences revoked by Justices.

Justices empowered to require Licences or Tickets to be delivered up to them.

Penalty 5*l*.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

Conductor of such Metropolitan Stage Carriage, without the Consent of the Proprietor thereof (except in the Cases herein-before mentioned), or for any Person, whether duly licensed or not, to act as Driver or as Conductor of any such Carriage without the Consent of the Proprietor thereof (except in the Cases herein-before mentioned); and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to apprehend any Person unlawfully acting as a Driver or as a Conductor, and to convey him before any Justice of the Peace at One of the Police Offices in the City of *London* or in the Counties of *Middlesex* or *Surrey*, to be dealt with according to Law, or to be held to Bail to answer the said Offence.

Punishment for wanton or furious Driving, or Negligence, or wilful Misbehaviour of Drivers of Carriages.

XVII. And be it enacted, That if the Driver of any Hackney Carriage or of any Metropolitan Stage Carriage shall be guilty of wanton or furious driving, or shall, by Negligence, wilful Misbehaviour, or any other Misconduct, cause any Hurt or Damage to any Person or Property being upon any Street or Highway, or if any Driver, Conductor, or Waterman shall during his Employment be intoxicated, or shall make use of any abusive Language, he shall for every such Offence forfeit any Sum not exceeding Three Pounds; or it shall be lawful for the Justice before whom such Complaint shall be brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit such Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as such Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused such Justice may direct and award that the Proprietor of any Hackney Carriage or of any Metropolitan Stage Carriage, when the Driver thereof has caused any Hurt or Damage as aforesaid, shall pay such a Sum, not exceeding Five Pounds, as shall appear to the Justice of the Peace before whom the Complaint shall be brought to be a reasonable Compensation to the Person so aggrieved or injured; and every Proprietor who shall pay any Compensation as aforesaid shall be entitled to recover the same from his Driver in a summary Manner as herein-after directed.

Compensation for Hurt or Damage, not exceeding 5*l.*, to be paid by the Proprietor, who shall recover of the Driver.

Penalty on Drivers of Hackney Carriages, &c. for loitering or causing any Obstruction, or plying for Hire by making any Noise, &c.

XVIII. And be it enacted, That if the Driver of any Hackney Carriage shall ply for Hire elsewhere than from some Standing or Place appointed for that Purpose, or shall by loitering or by any wilful Misbehaviour cause any Obstruction in or upon any public Street or Road; or if the Driver or the Conductor of any Metropolitan Stage Carriage shall by loitering or by any wilful Misbehaviour cause any Obstruction in or upon any public Street or Road; or shall improperly delay such Carriage on any Journey, or wilfully deceive any Person in respect to the Route or Destination thereof; or shall for the Purpose of taking up or setting down a Passenger, or except in case of Accident or other unavoidable Necessity, stop such Carriage opposite to the End of any Street, or upon any Place where Foot Passengers usually cross the Carriageway; or shall ply for Hire or Passengers by blowing a Horn; he shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

Any Justice may inquire Disputes

XIX. And be it enacted, That in case of any Complaint or Dispute between the Proprietor of any Hackney Carriage and the Driver

Driver thereof, or the Proprietor of any Metropolitan Stage Carriage and the Driver or the Conductor thereof, in respect to the Amount of Earnings, or to such Sums of Money as such Driver or Conductor shall have engaged to pay Day by Day to such Proprietor, or in respect to Injury, Damage, or Loss which shall have arisen through the Neglect or Default of such Driver or Conductor to the Property of such Proprietor intrusted to his Care, or of Penalties, Forfeitures, or Expences which shall have been incurred by such Proprietor through the Misconduct of such Driver or Conductor, or respecting Wages or Reward alleged to be due to such Driver or Conductor, and to be improperly withheld by such Proprietor, or in respect of any Sum of Money deposited by such Driver or Conductor in the Hands of such Proprietor, or in any other Case of Dispute or Complaint between the Proprietor of any such Carriage and the Driver or the Conductor thereof, upon Complaint made to any Justice of the Peace by such Proprietor against such Driver or Conductor, or by such Driver or Conductor against such Proprietor, the said Justice shall inquire into and determine the same, and order such Compensation to be made to either Party as to such Justice shall seem proper.

between Proprietors and Drivers of Carriages, and settle the same.

XX. And whereas by the said recited Act of the First and Second Years of His late Majesty's Reign it was enacted, that the Owner of every Waggon, Wain, Cart, Car, Dray, or other Carriage should, before any such Carriage should be driven or used in any public Street or Road within the Distance of Five Miles from the General Post Office in the City of London, paint or cause to be painted in Words at full Length, and in One or more straight Line or Lines, upon some conspicuous Place on the Right or Off Side of every such Carriage clear of the Wheel or Wheels thereof, or upon the Right or Off Side Shaft thereof, the true Christian Name and Surname and Place of Abode of the Owner, or, if there be more than One, of the principal Owner of such Carriage, in the Manner in such Act directed; be it enacted, That in all Cases where the Owner of any such Carriage shall be a Peer of the Realm, or shall be known or usually designated by some Title of Rank, it shall be deemed to be a Compliance with the Provisions of the aforesaid Act that the Title only and Place of Abode of such Peer or other Person shall be painted in the Manner therein described upon any such Waggon, Wain, Cart, or other Carriage.

Title and Place of Abode of a Peer of the Realm painted on any Carriage, &c. to be deemed a Compliance with the Provisions of the recited Act.

XXI. And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, for any Offence committed by him, within Seven Days, against the Provisions of this Act, or of any Act now in force relating to Hackney Carriages or to Metropolitan Stage Carriages, or of any Orders or Regulations made in pursuance thereof, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Carriage personally to appear, or to produce the Driver of such Hackney Carriage, or the Driver or the Conductor of such Metropolitan Stage Carriage, to answer such Complaint; and if any such Proprietor, being duly summoned, shall neglect or refuse personally to appear or to produce such Driver or Conductor,

Proprietors may be summoned to appear, or to produce the Driver or Conductor.

Penalty for Neglect of Summons 40s.

according to such Summons, without a reasonable Excuse for such Neglect or Refusal, to be allowed by the Justice before whom he ought to appear according to such Summons, such Proprietor shall forfeit any Sum not exceeding Forty Shillings, and so from Time to Time as often as he shall be so summoned, until he shall appear, or such Driver or Conductor shall be produced by him ; and every Proprietor so summoned to appear, or to produce the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, shall cause a verbal or written Notice to be given to such Driver or Conductor of the Time and Place when and where such Driver or Conductor is so required to attend ; and if after any such verbal or written Notice shall have been given or served as aforesaid any Driver or Conductor shall, without a reasonable Excuse to be allowed by the Justice, neglect or refuse to attend at the Time and Place at which he is so required to attend, or if such Driver or Conductor having previously left the Service of the Proprietor so summoned as aforesaid shall not then and there also produce his Licence, every Driver or Conductor so offending shall forfeit any Sum not exceeding Forty Shillings: Provided always, that if such Proprietor shall neglect or refuse to appear, or to produce such Driver or Conductor when so summoned, it shall not be necessary to issue a Second Summons unless such Justice shall think proper so to do ; but it shall be lawful for such Justice to proceed to hear and determine the said Complaint in the Absence of the said Proprietor and of the Driver or Conductor, or either of them, and upon Proof of such Offence by the Oath of One or more credible Witness or Witnesses to give Judgment against such Proprietor or Driver or Conductor, as the Case may be, for the Penalty incurred by reason of such Offence.

Proprietor to give Notice to Driver, &c.

Penalty on Driver or Conductor for not appearing 40s.

On Neglect of Summons Justice may proceed.

If Driver or Conductor does not appear the Proprietor to pay the Penalty, and be entitled to recover from the Driver, &c.

XXII. And be it enacted, That whenever it shall happen that the Driver of any Hackney Carriage or the Driver or the Conductor of any Metropolitan Stage Carriage shall have committed any Offence against this Act, or against the said Act passed in the First and Second Years of the Reign of His late Majesty, or against any such Orders and Regulations as aforesaid, for the Commission whereof any Penalty is imposed upon such Driver or Conductor and not upon the Proprietor of such Carriage, and such Driver or Conductor shall not appear or be produced by such Proprietor, then, but not otherwise, the Proprietor of such Carriage shall be liable to every such Penalty as if he had been the Driver or the Conductor of such Carriage at the Time when such Offence was committed ; and every Proprietor who shall pay any Penalty or Costs incurred by reason of any such Offence shall be entitled to recover the same from such Driver or Conductor in a summary Manner ; and upon Complaint made in the Premises before any Justice of the Peace by such Proprietor against such Driver or Conductor such Justice shall inquire into the same, and shall cause the Sum which shall appear to have been so paid to be repaid by such Driver or Conductor, as a Compensation to such Proprietor, together with such further Expences as the said Justice shall think fit.

Justices empowered to hear and determine Complaints.

XXIII. And be it enacted, That it shall be lawful for any Justice of the Peace appointed by Her Majesty's Principal Secretary of

of State for the Home Department, under the Authority of the said Act of the First and Second Years of His late Majesty's Reign, for the Purpose of hearing and determining Offences against the Provisions of that Act, or for such other Justice of the Peace as shall be in attendance at the Office appointed in that Behalf, to hear and determine any Complaint for any Offence against the Provisions of this Act, or of any Act now in force or hereafter to be in force, so far as the same shall relate to Hackney Carriages, or to Metropolitan Stage Carriages, or to Watermen, in like Manner as if such Provisions had been included in the aforesaid Act.

XXIV. And be it enacted, That it shall be lawful for any Justice of the Peace, in all Cases in which no other Mode of proceeding is specially provided or directed by this Act, upon Complaint being made by any Person of any Offence against the Provisions of this Act or of the said recited Act of the First and Second Years of the Reign of His late Majesty, or of the Orders and Regulations made in pursuance thereof or any of them, within Seven Days next after the Commission of any such Offence, to issue his Summons to require the Attendance of the Person complained against before the said Justice, or before any other Justice of the Peace, at a Time and Place to be appointed for that Purpose, or a Warrant for the Apprehension of the Offender; and either on the Appearance of the Party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice present at the Time and Place appointed for such Appearance, to proceed to examine into the Matter of Fact, and hear and determine the Matter of such Complaint, and upon due Proof made thereof by voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to give Judgment for the Penalty or Compensation and Costs, and to adjudge that such Person shall pay the same, either immediately or within such Period as such Justice shall think fit; and such Justice, according to his Discretion, may either adjudge that, in default of Payment of such Penalty or Compensation and Costs at the Time appointed, the Person so convicted shall be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Calendar Months, the Imprisonment to cease upon Payment of the Sum due; or may, on Nonpayment of such Penalty or Compensation and Costs, award and issue his Warrant for the levying of any Penalty or Compensation so adjudged, together with the said Costs and Expences, and also the Costs and Expences of such Warrant and of levying the same on the Goods of the Offender, and to cause Sale to be made of such Goods, in case they shall not be redeemed within Five Days, rendering to the Party the Overplus (if any); and where Goods of such Offender cannot be found sufficient to answer the Penalty or Compensation, and all such Costs and Expences, to commit such Offender to Prison, there to remain for any Time not exceeding Two Calendar Months, unless such Penalty or Compensation and all such Costs and Expences shall be sooner paid; and every such Imprisonment shall be with or without hard Labour, as such Justice shall direct; and all Proceedings whatsoever before any Justice of the Peace, under any of the Provisions of this Act, and the Judgment of the said Justice thereon, shall be final and

Mode of proceeding for Penalties or Compensation before a Justice of the Peace.

conclusive between the Parties, and shall not be quashed or vacated for Want of Form, and shall not be removed by Certiorari, or any other Writ or Process, into any Superior Court; any Law, Statute, or Usage to the contrary notwithstanding.

In what Manner Goods distrained under this Act shall be sold.

XXV. And be it enacted, That in all Cases where any Goods or Chattels distrained or otherwise seized or taken under any of the Provisions of this Act are directed to be sold, the same shall be sold by public Auction, and Notice of the Time and Place of such Sale shall be given to the Owner of such Goods or Chattels or left at his last known Place of Abode Three Days at least prior to such Sale: Provided always, that if the Owner of any such Goods or Chattels shall give his Consent in Writing to the Sale thereof at an earlier Period than is by this Act or shall be by any such Notice appointed for such Sale, or in any other Manner than is by this Act directed, it shall be lawful to sell such Goods or Chattels according to such Consent: Provided also, that if the Owner of such Goods or Chattels shall at any Time before the Sale thereof pay or tender to the Person who by any Warrant or other Process shall be directed or authorized to cause such Goods or Chattels to be sold, the Sum which he shall by such Warrant or Process be directed to levy or raise by the Sale of such Goods or Chattels, together with all reasonable Costs and Expences incurred, no Sale of such Goods or Chattels shall be made.

Peace Officers and Informers not disqualified from being Witnesses.

XXVI. And be it enacted, That upon the Trial or hearing of any Complaint made under any of the Provisions of this Act, or such Orders and Regulations as aforesaid, any Peace Officer or any Complainant or other Person shall be deemed and is hereby declared to be a competent Witness, notwithstanding that such Officer or Person may be entitled to or expect any Part of the pecuniary Penalty or Compensation, or any Remuneration or Reward on the Conviction of any Offender upon any such Complaint: Provided always, that no Person shall be convicted under any of the Provisions of this Act where the only Evidence against him shall be that of the Person who may be entitled to or expect any Part of the pecuniary Penalty on the Conviction of such Person, unless such Person so entitled as aforesaid shall, before he shall be sworn to give Evidence, give up all Claim to the pecuniary Penalty and every Part thereof which may be inflicted in case of Conviction.

Proviso.

Application of Penalties.

XXVII. And be it enacted, That all pecuniary Penalties imposed by or incurred under this Act, or such Orders and Regulations as aforesaid, shall respectively be distributed and divided in manner following; (that is to say,) one Moiety thereof in aid of Expences of Police of the District in which the Offence shall be committed, and the other Moiety thereof, with full Costs of Suit, to the Person who shall inform and sue or prosecute for the same within Seven Days after the Offence committed, unless such Person shall have given up all Claim to the said Penalty and every Part thereof, in which Case the whole of such Penalty shall go in aid of Expences of the said Police; or if the Prosecutor be a Constable in the Metropolitan Police Force or City Police, then to the Receiver of the said Force; or if in the City of London, then to the Chamberlain of London for Police Expences; or if he be a Constable attached

attached to the Public Office *Bow Street*, or any of the Police Offices, then to the Receiver of Police.

XXVIII. And be it enacted, That if any Driver, Conductor, Waterman, or Proprietor shall be summoned before any Justice of the Peace to answer any Complaint made against him by any Person other than an Officer of Stamps and Taxes, or any Police Constable, touching or concerning any Offence committed or alleged to have been committed by such Driver, Conductor, Waterman, or Proprietor respectively against the Provisions of this Act, or against any such Orders and Regulations made as aforesaid, and such Complaint shall afterwards be withdrawn or quashed or dismissed; or if the Defendant shall be acquitted of the Offence charged against him, it shall be lawful for such Justice, if he shall think fit, to order and award that the Informer or Person making such Complaint shall pay to the Defendant such Costs of making or preparing for his Defence, and also such Compensation for his Loss of Time and for the Time of his Witnesses (if any) in attending such Justice, touching or concerning such Complaint, as to such Justice shall seem reasonable; and in default of immediate Payment of the Sum so awarded, it shall be lawful for such Justice at his Discretion to commit such Person to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, unless the same shall be sooner paid, or to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Costs of such Distress and Sale; and if Goods and Chattels of such Person sufficient to answer the Sum so awarded, with such Costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such Person to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, unless the Sum so awarded, together with all Costs and Expences, shall be sooner paid and satisfied.

Justices may award Costs to Defendant, where Complaint is withdrawn or dismissed.

XXIX. And be it enacted, That any Summons issued by any Justice of the Peace requiring any Defendant or any Witness or other Person to appear before such Justice or any other Justice with reference to any Complaint or other Proceeding for the Recovery of any Penalty or Compensation or Costs under this Act, or such Orders and Regulations as aforesaid, or any Notice required by this Act, shall be deemed to be well and sufficiently served, in case either the Summons, or a Copy thereof, or such Notice, be delivered to any such Person as aforesaid, or to the Husband, Wife, or Servant of such Person, or be left at his usual or last Place of Residence, or, in case such Person be a licensed Driver, Conductor, or Waterman, or a Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage, at the Place specified in any such Licence as the Place of Abode of such Driver, Conductor, Waterman, or Proprietor (as the Case may be); and if any Constable or other Peace Officer shall refuse or neglect to serve or execute any Summons, Warrant, or Order granted, issued, or made by any Justice of the Peace, pursuant to any of the Provisions of this Act, every such Constable or Peace Officer so offending shall forfeit any Sum not exceeding Ten Pounds.

Service of the Justice's Summons and other Notices.

XXX. And be it enacted, That every Summons, Conviction, Warrant of Distress or Commitment, or other such Proceeding which

Penalty on Constables refusing to serve a Summons, &c.

Proceedings to be drawn up according to

the Forms in
the Schedule.

which shall be had or taken for the Recovery of any Penalty, Compensation, or Costs under the Provisions of this Act, or such Rules, Orders, and Regulations as aforesaid, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the Effect thereof, *mutatis mutandis*, as the Case may require; and every such Summons, Conviction, Warrant, or other such Proceeding which shall be so drawn or made out shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence in any more particular Manner than is required in and by such Forms respectively.

Limitation of
Actions.

XXXI. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act, or of such Orders and Regulations as aforesaid, shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the City of *London* or the City of *Westminster*, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or of any such Orders and Regulations as aforesaid, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become nonsuit, or shall discontinue any such Action, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit, as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action, and of the Verdict obtained thereupon.

Venue.

Notice of
Action.

General Issue.

Tender of
Amends.

Commencement
of Act.

Licences, &c.
may be issued
One Month be-
fore Commence-
ment of Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the Seventh Day of *October* One thousand eight hundred and thirty-eight: Provided always, that it shall be lawful for the said Registrar, at any Time during the Period of One Calendar Month preceding the said Seventh Day of *October*, to grant and issue Licences and Tickets under any of the Provisions of this Act, to commence and take effect upon the said Seventh Day of *October*; and all Licences which shall be so granted and issued shall be dated on the said Seventh Day of *October*, and shall be

be valid and effectual to all Intents and Purposes, any thing hereinbefore contained to the contrary notwithstanding.

XXXIII. And be it enacted, That nothing herein or in any other Act contained shall be deemed or construed to authorize any Hackney Carriage to stand or ply for Hire opposite to the General Post Office in *Saint Martin-le-Grand, London*, or any Part thereof. Hackney Carriages not to stand opposite to Post Office.

XXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be altered.

The SCHEDULE to which this Act refers.

No. 1.

FORM of a SUMMONS on Complaint made for the Recovery of a Penalty or Compensation under this Act.

To *E.O.* of, &c.

County [or as the Case may be] of to wit. } WHEREAS Complaint hath been this Day made by *A.B.* before me *C.D.* Esquire, One of Her Majesty's Justices of the Peace for the of for that you, on the Day of at did [*here state the Substance of the Charge*]: These are therefore in Her Majesty's Name to require you personally to appear before me the said Justice, or such other of Her Majesty's Justices of the Peace for the said as shall be sitting at on the Day of at the Hour of of the Clock, then and there to answer thereto.

Given under my Hand and Seal this Day of in the Year of our Lord

C.D.

No. 2.

FORM of a CONVICTION on the foregoing Complaint, with Order of Imprisonment on Nonpayment of the Penalty or Compensation.

County [or as the Case may be] of to wit. } BE it remembered, That on the Day of the Year of our Lord at in the said County of

[or City, Liberty, or Place, as the Case may be], *A.B.* is duly convicted before me *C.D.*, One of Her Majesty's Justices of the Peace for the County of [or City, &c.], for that he the said *A.B.* did [*here insert the Offence, Day, and Place*], contrary to the Statute in that Case made and provided [or contrary to the Orders and Regulations made in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled *An Act, &c.*, [*Title of this Act*]: I do therefore adjudge the said *A.B.*

to forfeit and pay the Sum of [Penalty], and also the Sum of [Compensation if any]; and also the Sum of for Costs; and in default of immediate Payment of the said Sums [or, if Time is given for Payment, in default of Payment of the said Sums on or before the Day of] to be imprisoned in the [Prison], and there to be kept to hard Labour [*as the Case may be*] for the Space of unless the said Sums shall be sooner paid; and

and I do direct the said Sum of [Penalty] to be paid to
 to be applied according to the Directions of the Sta-
 tute in that Case made and provided, [or, if Penalty and Com-
 pensation are ordered, the Sum of [Penalty] to be
 paid [as above]; and the said Sum of [Compensation]
 to be paid to the Party aggrieved, and the said Sum of
 [Costs] to be paid to [Party].

Given under my Hand and Seal the Day and Year first above
 written.

C.D.

No. 3.

FORM of a CONVICTION on the foregoing Complaint, without an
 Order of Imprisonment.

County [or as the } BE it remembered, That on the Day of
 Case may be } at A.B. of, &c. was duly
 of to wit. } convicted before me One of Her Ma-
 jesty's Justices of the Peace for in pursuance of an Act
 passed in the Year of the Reign of Her Majesty Queen
 Victoria, intituled *An Act, &c. [Title of this Act]*, for that the
 said C.D. on the Day of did [here state the
Offence, as the Case may happen to be], contrary to the Form of the
 Statute in that Case made and provided [or contrary to the Orders
 and Regulations made in pursuance of the said Act]; for which
 Offence I do adjudge that the said C.D. hath forfeited the Sum of
 over and above the Sum of for the Costs
 and Charges of E.F., the Informer, in prosecuting this Conviction.

Given under my Hand and Seal the Day and Year first above
 written,

C.D.

No. 4.

FORM of a WARRANT of DISTRESS founded on the foregoing
 Conviction.

To the Constable of in the of
 County [or as the } WHEREAS E.O. of, &c. has been duly convicted
 Case may be } of a certain Offence, for that [here state the
 of to wit. } Offence as in the Conviction], whereby he hath
 forfeited the Sum of over and above the reasonable
 Costs and Charges of the Informer, allowed and assessed at the
 Sum of ; therefore I command you to levy the said
 Sum of and also the said Sum of for the Costs
 and Charges aforesaid, making together the Sum of
 by distraining the Goods and Chattels of the said E.O.; and if
 within the Space of Five Days next after such Distress taken the
 said Sum of together with the reasonable Costs and
 Charges of taking and keeping such Distress, shall not be paid,
 then I order and direct that you shall sell and dispose of the said
 Goods and Chattels which shall be so distrained, seized, and taken
 as aforesaid, and shall levy and raise thereout the said Sum of
 , and all reasonable Costs and Charges of taking and
 keeping and selling such Distress, rendering the Overplus (if any)
 to the Owner of the said Goods and Chattels; and you are to
 certify

certify to me what you shall have done by virtue of this my Warrant.

Given under my Hand and Seal the Day of .

(Signed)

One of Her Majesty's Justices of the Peace for the
said of .

No. 5.

FORM of a WARRANT of COMMITMENT for Want of a sufficient Distress, founded on the foregoing Conviction.

To the Constable of and to the Keeper of the
Common Gaol [or House of Correction] at in the
said

County [or as the
Case may be
of to wit. } WHEREAS *E.O.* of, &c. has been duly convicted
of a certain Offence, for that [here state the
Offence as in the Conviction], whereby he hath
forfeited the Sum of over and above the reasonable
Costs and Charges of the Informer, allowed and assessed at the
Sum of making together the Sum of : And
whereas it has been duly made to appear to me, that no sufficient
Distress can be found whereon to levy the said Sum of ;
therefore I command you the Constable of to apprehend
and take the said *E.O.*, and safely to convey him to the
Common Gaol [or House of Correction] at in the
of and there to deliver him to the Keeper
thereof, together with this Warrant: And I do hereby command
you the said Keeper to receive into your Custody in the said
Gaol [or House of Correction] him the said *E.O.*, and him
therein safely to keep for the Space of unless the
said Sum of shall be sooner paid.

Given under my Hand and Seal the Day of .

(Signed)

One of Her Majesty's Justices of the Peace for the
said of .

No. 6.

FORM of a SUMMONS to the Proprietor of a Hackney Carriage
or a Metropolitan Stage Carriage to appear or to produce
the Driver or Conductor thereof to answer a Complaint.

To *B.F.* of, &c., Proprietor of the Hackney Carriage Number
[or the Metropolitan Stage Carriage Number .]

WHEREAS Complaint hath been made by *C.D.* against the
Driver of the Hackney Carriage Number [or the Driver or
Conductor of the Metropolitan Stage Carriage Number],
on the Day of now last past [or instant],
charging that the said Driver [or Conductor] on the
Day of now last past [or instant], (of which said Carriage
you were then the Proprietor,) at or about the Hour of
did [here state the alleged Offence]: These are therefore
to require you personally to appear before me, or such other
of Her Majesty's Justices of the Peace as shall be present, at
on the Day of at of

of the Clock in the noon, or then and there to produce the said Driver [*or Conductor*], to answer the said Complaint. Dated the Day of

(Signed)

One of Her Majesty's Justices of the Peace for

No. 7.

FORM of a WARRANT of DISTRESS for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage the Penalty in which the Driver or Conductor thereof has been convicted.

To *A.B.* of, &c.

County [*or as the Case may be* of to wit.] WHEREAS *C.D.*, the Driver of the Hackney Carriage Number [*or the Driver or Conductor of the Metropolitan Stage Carriage* Number] on the Day of was duly convicted of a certain Offence, for that [*here state the Offence*], whereby he hath forfeited the Sum of over and above the Sum of for the Costs and Charges of the Informer, making together the Sum of which hath not been paid by the said Driver [*or Conductor*], nor by any Person on his Behalf: And whereas, according to the Statute in that Behalf made, the said *E.F.*, the Proprietor of the said Carriage, hath been required to pay the said Sum of which he hath neglected and refused to do: Therefore I command you to levy the said Sum of by distraining the Goods and Chattels of the said *E.F.*, the said Proprietor [*proceed as in the Form No. 4. to the End thereof*].

No. 8.

FORM of WARRANT of COMMITMENT of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for Want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

To *A.B.* of, &c. and to the Keeper of the Common Gaol [*or House of Correction*] at

County [*or as the Case may be* of to wit.] WHEREAS, &c. [*proceed as in Form No. 7. to the Words "which he hath neglected and refused to do" inclusive*]: And whereas it has been duly made to appear to me that no sufficient Distress of the Goods and Chattels of the said *E.F.*, the said Proprietor, can be found whereon to levy the said Sum of : Therefore I command you the said *A.B.* to apprehend and take the said *E.F.*, and safely to convey him, &c. [*proceed as in the Form No. 5. to the End thereof*].

C A P. LXXX.

An Act for the Payment of Constables for keeping the Peace near Public Works. [10th August 1838.]

‘ WHEREAS great Mischiefs have arisen by the outrageous and unlawful Behaviour of Labourers and others employed on Railroads, Canals, and other Public Works, by reason whereof the Appointment of Special Constables is often necessary

‘ sary for keeping the Peace, and for the Protection of the Inhabitants and Security of the Property in the Neighbourhood of such Public Works, whereby great Expences have been cast upon the Public Rates of Counties and other Districts chargeable with such Expences:’ Be it therefore enacted by the Queen’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 after the passing of this Act, whenever any Special Constables shall be appointed under the Authority of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, or under the Authority of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables*, and it shall be made to appear to any Two or more Justices of the Peace of any County, Riding, or Division having a separate Commission of the Peace, or of any Liberty, Franchise, City, Town, or Borough, in *England or Wales*, on the Oath of Three or more credible Witnesses, that the Appointment of such Special Constables has been occasioned by the Behaviour, or by reasonable Apprehension of the Behaviour, of the Persons employed upon any Railway, Canal, or other Public Work made or carried on under the Authority of Parliament within the District or Division for which such Justices usually act, it shall be lawful for such Justices as aforesaid, at any Time not exceeding One Calendar Month next after such Appointment, to make Orders from Time to Time upon the Treasurer or other Officer who shall have the Control or Custody of the Funds of any Company making or carrying on such Railroad, Canal, or other Public Work, for the Payment of such reasonable Allowances for their Trouble, Loss of Time, and Expences to such Special Constables who shall have so served or be then serving, as to the said Justices shall seem proper; and a Copy of every such Order shall be sent by the Justices to One of Her Majesty’s Principal Secretaries of State, and such Order, if allowed by the Secretary of State, shall be binding on such Company, and on every such Treasurer and Officer thereof: Provided always, that nothing herein contained shall empower any such Justices to order any Allowance for any such Special Constables at the Rate of more than Five Shillings daily to be paid to each Special Constable employed for the Purposes aforesaid.

II. And be it enacted, That if it shall appear to the Secretary of State that there was no Need for the Appointment of such Special Constables, or that a greater Number of Special Constables was appointed than was needed by reason of the Behaviour, or reasonable Apprehension of the Behaviour, of the Persons employed on such Railroad, Canal, or other Public Work as aforesaid, the Secretary of State shall have Power to disallow any such Order, or to reduce the Amount ordered to be paid by any such Order, in such Manner as to him shall seem just according to the Circumstances of each Case; and in such Case the Order shall be of no force, or shall be of force for such reduced Amount only,

Whenever the Appointment of Special Constables has been occasioned by the Behaviour of Persons employed upon Public Works, the Expences thereof shall be paid by the Companies carrying on such Works.

Secretary of State may reduce excessive Orders.

only, as the Case may be; and the whole of such Expences in case the Whole shall be disallowed, or so much thereof as shall exceed such reduced Amount if a Part shall be allowed, shall be defrayed out of the Public Rates of such County, Riding, or Division, Liberty, Franchise, City, Town, or Borough, as if this Act had not been made.

Amount ordered and allowed may be recovered by Distress.

III. And be it enacted, That in all Cases where such Treasurer or other Officer as aforesaid shall refuse or neglect, during Three Weeks next after Demand thereof, to pay such Sum of Money as shall have been ordered by such Justices, and allowed by the Secretary of State as aforesaid, it shall be lawful for such Justices to cause the same to be levied by Distress upon the Goods and Chattels belonging to such Company.

Act may be amended.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

C A P. LXXXI.

An Act further to postpone until the First Day of *January* One thousand eight hundred and forty the Repayment of certain Sums advanced by the Bank of *Ireland* for the Public Service. [10th *August* 1838.]

1 & 2 G. 4. c. 72. **W**HEREAS an Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of Ireland for advancing the Sum of Five hundred thousand Pounds Irish Currency, and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three Millions:* And whereas another Act was passed in the Third Year of the Reign of His said Majesty King *George* the Fourth, intituled 3 G. 4. c. 26. *An Act to reduce the Rate of Interest payable on the Sum of One million two hundred and fifty thousand Pounds advanced by the Governor and Company of the Bank of Ireland for the Public Service under an Act made in the Forty-eighth Year of His late Majesty:* And whereas the respective Sums of Five hundred thousand Pounds and One million two hundred and fifty thousand Pounds, advanced by the Governor and Company of the Bank of *Ireland* for the Public Service, were by the said Acts directed to be repaid on the First Day of *January* One thousand eight hundred and thirty-eight: And whereas the said Period was postponed by an Act passed in the last Session of Parliament, intituled *An Act to postpone until the First Day of January One thousand eight hundred and thirty-nine the Repayment of certain Sums advanced by the Bank of Ireland for the Public Service:* And whereas the Governor and Company of the Bank of *Ireland* have agreed that the Time for such Repayment should be further postponed: Be it therefore enacted by the Queen'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 respective Sums of Five hundred thousand Pounds *Irish* Currency and One million two hundred and fifty thousand

7 W. 4. & 1 Vict. c. 59. Time for Repayment of certain Sums

4

thousand Pounds *Irish* Currency shall be repaid to the Governor and Company of the Bank of *Ireland* on the First Day of *January* One thousand eight hundred and forty instead of the First Day of *January* One thousand eight hundred and thirty-nine, unless such Payments shall be made at an earlier Period; and that all Powers, Provisions, Matters, and Things in the said Acts contained relating to the said Sums and to the said Day shall extend to the Day hereby appointed for the Repayment of the said Sums in the same Manner as if the First Day of *January* One thousand eight hundred and forty had been originally named in the said recited Acts.

advanced by the Bank of *Ireland* postponed.

C A P. LXXXII.

An Act for establishing a Prison for young Offenders.

[10th *August* 1838.]

‘ **W**HEREAS it may be of great public Advantage that a Prison be provided in which young Offenders may be detained and corrected, and may receive such Instruction and be subject to such Discipline as shall appear most conducive to their Reformation and to the Repression of Crime: And whereas the Buildings at *Parkhurst* in the *Isle of Wight*, lately used as a Military Hospital and as a Medical Asylum for the Children of Soldiers, are Buildings which may be conveniently used for such a Prison;’ be it therefore enacted by the Queen’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 be lawful for Her Majesty, by Warrant under the Royal Sign Manual, to appoint that the said Buildings at *Parkhurst* shall be used as a Prison for the Confinement of such Offenders as are herein-after specified, as soon as the same can be fitted and completed for that Purpose; and the said Buildings shall thereupon become a Prison for the lawful Confinement of such Offenders, and shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain*.

Her Majesty may appoint the Buildings at *Parkhurst* to be used as a Prison for juvenile Offenders.

5 & 6 W. 4. c. 38.

II. And be it enacted, That it shall be lawful for One of Her Majesty’s Principal Secretaries of State to appoint for *Parkhurst* Prison a Governor, a Chaplain being a Clergyman not having any other Cure of Souls, a Surgeon, a Matron, and such other Officers, Assistants, and Servants as may be necessary for the Service and Discipline of the Prison, and at Pleasure to remove all or any of the said Governor, Chaplain, Surgeon, Matron, and other Officers, Assistants, and Servants, and to appoint others in their Room, and to fix the Salaries to be paid to each of them.

Officers to be appointed by the Crown.

III. And be it enacted, That it shall be lawful for One of Her Majesty’s Principal Secretaries of State to direct the Removal to *Parkhurst* Prison of any young Offender, Male or Female, as well those under Sentence or Order of Transportation as those under Sentence of Imprisonment, who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any

Young Offenders under Sentence may be removed to *Parkhurst* Prison.

5 G. 4. c. 84.

Term of Im-
prisonment in
Parkhurst
Prison.

Gaolers, &c.
having the Cus-
tody of Offen-
ders ordered to
be placed there
shall cause them
to be delivered
to the Governor
thereof.

As to Offenders
removed from
Parkhurst
Prison as in-
corrigible.

Powers of the
Governor.

putrid or infectious Distemper, and fit to be removed from the Gaol, Prison, or Place in which such Offender shall be confined: Provided always, that every Offender so removed, who shall be under Sentence of Transportation, shall nevertheless be within the Provisions of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled *An Act for the Transportation of Offenders from Great Britain*, in case the Secretary of State shall direct that he or she shall be afterwards removed from *Parkhurst* Prison as herein-after provided.

IV. And be it enacted, That every Offender who shall be so removed to *Parkhurst* Prison shall continue there until he or she shall be transported according to Law, or shall become entitled to his or her Liberty, or until the Secretary of State shall direct the Removal of such Offender to the Gaol, Prison, or Place from which he or she shall have been brought, or in which he or she may be lawfully confined; and the Sheriff, Gaoler, or other Person having the Custody of any Offender whose Removal to *Parkhurst* Prison shall be ordered in manner aforesaid shall, with all convenient Speed after the Receipt of any such Order, convey or cause to be conveyed every such Offender to *Parkhurst* Prison, and shall there deliver him or her to the Governor of the Prison, with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which such Offender was sentenced, containing the Sentence of every such Offender by virtue whereof he or she shall be in the Custody of such Sheriff or Gaoler, and also a Certificate specifying such Particulars within the Knowledge of the Sheriff or Gaoler concerning such Offender as may be from Time to Time directed by the Secretary of State; and the Governor shall give a Receipt in Writing to the Sheriff or Gaoler for his Discharge; and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender was convicted shall have been holden.

V. And be it enacted, That it shall be lawful for the Secretary of State at any Time to order any Offender to be removed from *Parkhurst* Prison as incorrigible, and in every such Case the Offender so removed shall be liable to be transported or confined, under his or her original Sentence or Sentences of Transportation or Imprisonment, to the full Extent of the Term or Terms specified in such Sentence or Sentences, and shall be subject to all the Consequences of such Sentence or Sentences, in the same Manner as if no Order for sending him or her to *Parkhurst* Prison had been made.

VI. And be it enacted, That after the Delivery of any such Offender as aforesaid into the Custody to which he or she shall be so ordered as aforesaid, such Governor or other Person having the Custody of Offenders under his Direction shall, during the Term for which such Offender shall remain in his Custody, have the same Powers over such Offender as are incident to the Office of a Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment as a Gaoler is now liable to by Law.

VII. And

VII. And be it enacted, That the Secretary of State shall be empowered from Time to Time to make Rules for the Government and Regulation of *Parkhurst* Prison, and for the Discipline of the Offenders imprisoned therein, and to subscribe a Certificate that they are fit to be enforced; and all such Rules shall be laid before Parliament within Six Weeks after such Rules shall be certified, or if Parliament be not then sitting, within Six Weeks after the next Meeting of Parliament.

Secretary of State to make Regulations for the Government of the Prison.

VIII. And be it enacted, That it shall be lawful for the Secretary of State from Time to Time to specify, by such Regulations as aforesaid, such Offences which, if committed in *Parkhurst* Prison by Male Convicts, shall appear to him deserving of corporal Punishment; and if any Male Offender in *Parkhurst* Prison shall commit any Offence whereby he shall under any Regulation then in force become liable to corporal Punishment, the Governor of the said Prison shall have Power to inflict such Punishment.

Corporal Punishment may be inflicted in *Parkhurst* Prison.

IX. And be it enacted, That as soon as the said Buildings shall be appointed to be used as a Prison as aforesaid for the Reception of Offenders it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to nominate and appoint Three or more fit and discreet Persons to be Visitors of the said Prison, and from Time to Time to remove all or any of such Visitors and appoint others in their Stead, or in the Stead of such as shall die or resign or be unable by Sickness or otherwise to attend; and One or more of such Visitors shall personally visit such Prison at least Three Times in each Quarter of a Year, and oftener if Occasion shall require, and shall examine into the Behaviour and Conduct of the respective Officers, and the Treatment, Behaviour, and Condition of the Prisoners, and of all Abuses within the Prison, and if he or they shall discover any Abuse or Abuses therein he or they is or are hereby required to report the same in Writing to One of Her Majesty's Principal Secretaries of State.

Visitors to be appointed by the Queen in Council.

X. And be it enacted, That the said Visitors shall make a half-yearly Report in Writing to One of Her Majesty's Principal Secretaries of State concerning the State and Condition of such Prison, and of any Abuse or Abuses which they may have observed or have reason to believe to exist in the said Prison or in the Management of the Prison, as well as of the general State of the Prisoners as to Morals, Discipline, and Employment, and Observance of Rules.

Visitors to report the State of the Prison to the Secretary of State.

XI. And whereas Her Majesty has lately exercised Her Royal Prerogative of Mercy in granting Pardons to young Offenders who have been sentenced to Transportation or Imprisonment, upon the Condition of placing himself or herself under the Care of some charitable Institution for the Reception and Reformation of young Offenders named in such Pardon, and conforming to and abiding by the Orders and Rules thereof: And whereas the same has been found beneficial: And whereas it is expedient that some Provision should be made for carrying the same more fully into effect; be it therefore further enacted, That from and after the passing of this Act, in case any young Offender who has been or shall be hereafter sentenced to Transportation or Imprisonment has been or shall be pardoned by Her Majesty for such Offence upon such Condition as aforesaid, and has or shall

Offenders pardoned conditionally may be committed to House of Correction if they break the Condition, or re-mitted to their former Sentence.

accept such conditional Pardon, and shall afterwards abscond from such Institution, or wilfully neglect or refuse to abide by and conform to the Rules thereof, it shall and may be lawful to and for any Justice of the Peace acting in and for the County, City, Riding, or Division wherein the said Offender shall actually be at the Time he shall so abscond or neglect or refuse as aforesaid, upon due Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Riding, or Division, with or without hard Labour, for any Period not exceeding Three Calendar Months for the First Offence and not exceeding Six Calendar Months for the Second or any subsequent Offence, in case the Managers or Directors of any such charitable Institution shall be willing to receive any such young Offender after his or her being convicted of absconding, neglecting, or refusing as aforesaid; and in every Case such Imprisonment shall be in addition to the original Sentence of such young Offender; and after the Expiration of the Time of such additional Punishment, if the Managers or Directors of any such charitable Institution shall refuse to receive such Offender, or if Her Majesty shall not be pleased to exercise Her Royal Prerogative in pardoning the Breach of the Condition on which the former Pardon was granted, the said Party shall forfeit all Benefit of the said Pardon, and shall be remitted to the original Sentence, and shall undergo the Residue thereof, as if no such Pardon had been granted.

Offenders
breaking Pri-
son, &c.

XII. And be it enacted, That if any Offender who shall be ordered to be confined in *Parkhurst* Prison shall at any Time during the Term of such Confinement break Prison or escape from the Place of his or her Confinement, or in his or her Conveyance to such Place of Confinement, or from any Lands belonging to the Prison, or from the Person or Persons having the lawful Custody of such Offender, he or she so breaking Prison or escaping shall be punished, if under Sentence of Imprisonment, by an Addition not exceeding Two Years to the Term for which he or she at the Time of his or her Breach of Prison or Escape was subject to be confined, and if under Sentence of Transportation, in such Manner as Persons under Sentence of Transportation escaping from or breaking out of any other Prison or Place of Confinement are liable to be punished; and if an Offender so punished by such Addition to the Term of Confinement shall afterwards be convicted of a Second Escape or Breach of Prison, he or she shall be adjudged guilty of Felony; and if any Offender who shall be ordered to be confined in the said Prison shall, at any Time during the Term of such Confinement, attempt to break Prison or escape from the Place of his or her Confinement, or shall forcibly break out of his or her Cell, or shall make any Breach therein with Intent to escape, he or she so offending, being convicted thereof, shall be punished by Imprisonment for a Term not exceeding Twelve Calendar Months, in addition to the Punishment to which he or she at the Time of committing any such Offence was subject.

Penalty on
rescuing or aid-
ing in the
Rescue of
Offenders.

XIII. And be it enacted, That every Person who shall rescue any Offender who shall be ordered to be confined within *Parkhurst* Prison, either during the Time of his or her Conveyance to the

the said Prison, or whilst such Offender shall be in the Custody of the Person or Persons under whose Care and Charge he or she shall be so confined, and also every Person who shall aid in any such Rescue, shall be guilty of Felony; and every Person having the Custody of any such Offender, or employed by the Person having such Custody, as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, who shall knowingly allow such Offender to escape, and also every Person who shall, by supplying Arms, Tools, or Instruments of Disguise, or otherwise in any Manner aid any such Offender in any Escape, or in any Attempt to make an Escape, though no Escape be actually made, or who shall attempt to rescue any such Offender, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody, or being so employed by the Person having such Custody as aforesaid, who shall carelessly allow any such Offender to escape, shall be guilty of a Misdemeanor, and being lawfully convicted of the same shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

XIV. And be it enacted, That any Offender who shall escape, break Prison, or be rescued in manner aforesaid, shall be tried before the Justices of Oyer and Terminer or Gaol Delivery, either for the County where he or she shall be apprehended and re-taken, or for the County in which the said Offence shall have been committed; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison or Rescue, either against the Offender escaping or attempting to escape, or breaking Prison, or being rescued, or against any other Person or Persons concerned therein, or aiding the same, a Copy, properly attested, of the Order of Commitment to *Parkhurst* Prison, shall, after Proof made that the Person then in question before the Court is the same who was delivered with such Order, be sufficient Evidence to the Court and Jury that the Person then in question was so ordered to such Confinement; and the Expences of the said Prosecution shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender was convicted shall have been holden.

Where Offenders escaping shall be tried.

Order of Commitment to be Evidence.

Expences of Prosecution.

XV. And be it enacted, That the Provisions of all Acts of Parliament for rendering Justices of the Peace more safe in the Execution of their Office shall extend to the Governor of *Parkhurst* Prison acting in the Execution of this Act.

Protection of the Governor.

XVI. And be it enacted, That all Actions, Suits, and Prosecutions to be commenced against any Person or Persons for any thing done in pursuance of this Act shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise or afterwards.

Limitation of Actions.

XVII. And be it enacted, That a Report upon the State of *Parkhurst* Prison and of the Persons confined therein, and also an Account of the Expences of carrying this Act into execution, shall be annually laid before Parliament by the Secretary of State.

An annual Report to be laid before Parliament.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. LXXXIII.

An Act for carrying into effect a Convention of Accession of the Duke of *Tuscany* to Two Conventions with the King of the *French* for suppressing the Slave Trade.

[10th August 1838.]

Convention between Great Britain and France for Suppression of the Slave Trade.

3 & 4 W. 4. c. 72.

Convention of Accession of the Duke of *Tuscany*.

‘ WHEREAS Two Conventions were concluded between His late Majesty the King of the United Kingdom of *Great Britain and Ireland* and His Majesty the King of the *French* for rendering more effectual the Means of suppressing the criminal Traffic called the Slave Trade, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one and on the Twenty-second Day of *March* in the Year of our Lord One thousand eight hundred and thirty-three: And whereas His late Majesty the King of the United Kingdom of *Great Britain and Ireland* and His Majesty the King of the *French*, conformably to the Ninth Article of the First of the said Conventions, which states that the other Maritime Powers shall be invited to accede to it, addressed an Invitation to His Imperial and Royal Highness the Grand Duke of *Tuscany*, and His Imperial and Royal Highness, animated with the same Sentiments and anxious to concur with His Two august Allies in the same humane Object, had without Hesitation assented to their Proposal: And whereas an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into effect Two Conventions with the King of the French for suppressing the Slave Trade*: And whereas a Convention was concluded between Her *Britannick* Majesty, His Majesty the King of the *French*, and His Imperial Highness the Grand Duke of *Tuscany*, containing the Accession of His said Imperial Highness to the aforesaid Two Conventions between *Great Britain and France* for the more effectual Suppression of the Slave Trade, and was signed at *Florence* on the Twenty-fourth Day of *November* One thousand eight hundred and thirty-seven, containing as follows:

‘ Article I.—His Imperial and Royal Highness the Grand Duke of *Tuscany* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one and on the Twenty-second of *March* One thousand eight hundred and thirty-three between His Majesty the King of the United Kingdom of *Great Britain and Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to Cruizers, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to the Annex above mentioned; and excepting the Differences which necessarily result from the Situation of His Imperial and Royal Highness the Grand Duke of *Tuscany* as Party acceding to the Conventions in question after their Conclusion:

‘ Her

‘ Her Majesty the Queen of the United Kingdom of
 ‘ *Great Britain and Ireland* and His Majesty the King of the
 ‘ *French* having accepted the said Accession, all the Articles
 ‘ of these Two Conventions, and all the Conditions of the
 ‘ said Annex, shall in consequence be held to have been con-
 ‘ cluded and signed in the same Manner as the present Con-
 ‘ vention directly between Her Majesty the Queen of the
 ‘ United Kingdom of *Great Britain and Ireland*, His Majesty
 ‘ the King of the *French*, and His Imperial and Royal High-
 ‘ ness the Grand Duke of *Tuscany* :

‘ The Three High Contracting Parties engage and
 ‘ promise reciprocally to each other to execute faithfully all
 ‘ the Clauses, Conditions, and Obligations of the present
 ‘ Convention, subject always to the Reservations and Modifi-
 ‘ cations therein contained; and, in order to prevent any
 ‘ Uncertainty, it has been agreed that the above-mentioned
 ‘ Conventions, and the Annex of the latter, containing
 ‘ Instructions to Cruizers, should be inserted here Word for
 ‘ Word [which were accordingly inserted Word for Word
 ‘ therein].

‘ Article II.—It is agreed, with reference to the Fifth
 ‘ Article of the Instructions annexed to the Supplementary
 ‘ Convention of the Twenty-second Day of *March* One
 ‘ thousand eight hundred and thirty-three, that all Vessels
 ‘ bearing the *Tuscan* Flag, and appearing by their Papers
 ‘ to belong to *Tuscany*, which shall be detained, in execution
 ‘ of the Conventions above transcribed, by the Cruizers of
 ‘ Her Majesty the Queen of the United Kingdom of *Great*
 ‘ *Britain and Ireland* or of His Majesty the King of the *French*
 ‘ employed on the Stations of *America, Africa, or Madagascar*,
 ‘ shall be conducted or sent to the Port of *Leghorn*.

‘ Article III.—Whereas the landing at the Port of *Leg-*
 ‘ *horn* of the Slaves who may be found on board Vessels
 ‘ bearing the *Tuscan* Flag, and appearing by their Papers
 ‘ to belong to *Tuscany*, might be attended with great Incon-
 ‘ venience, it is agreed that the Slaves found on board such
 ‘ Vessel detained by a *British* or *French* Cruizer shall be
 ‘ previously landed at the nearest Port or Place, whether
 ‘ *British* or *French*, to which a Slave Vessel under the Flag
 ‘ of One of those Two Nations found and detained under
 ‘ similar Circumstances would, according to the above-men-
 ‘ tioned Conventions, be conducted or sent; the *British*
 ‘ Ports of *Bathurst* on the *Gambia*, *Port Royal* in *Jamaica*,
 ‘ the *Cape of Good Hope*, and *Demerara*, as well as the *French*
 ‘ Ports of *Goree, Martinique, Bourbon, and Cayenne*, shall
 ‘ be considered as respectively fixed on for this Purpose
 ‘ for the *British* and *French* cruising Stations on the Coasts
 ‘ of *Africa, the West Indies, Madagascar, and the Brazils*.

‘ Article IV.—If His Imperial and Royal Highness the
 ‘ Grand Duke of *Tuscany* should not deem it expedient to
 ‘ fit out Cruizers of his own for the Suppression of the Trade,
 ‘ he nevertheless engages to furnish the special Authority or
 ‘ Warrant required by the Fifth Article of the Convention of
 ‘ the Thirtieth of *November* One thousand eight hundred and
 ‘ thirty-

‘ thirty-one to the Commanders of the *British* and *French*
 ‘ Cruizers, as soon as the Names and the Number thereof
 ‘ shall have been notified to him.

‘ Article V.—The present Convention shall be ratified,
 ‘ and the Ratifications thereof shall be exchanged at *Florence*,
 ‘ within the Space of Three Months, or sooner if possible.

‘ And whereas it is expedient that the Provisions of the said recited
 ‘ Act of the Third and Fourth Years of the Reign of His late
 ‘ Majesty King *William* the Fourth should be applied to the said
 ‘ Convention of Accession of the Duke of *Tuscany*, signed at
 ‘ *Florence* on the Twenty-fourth Day of *November* One thousand
 ‘ eight hundred and thirty-seven, for the carrying into execution
 ‘ the said Convention and Articles for the more effectual Suppres-
 ‘ sion of the Slave Trade:’ Be it therefore enacted by the Queen’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
 all Clauses, Provisions, Powers, and Authorities contained in, and
 all Penalties and Forfeitures imposed by, the said recited Act of
 the Third and Fourth Years of the Reign of His late Majesty
 King *William* the Fourth shall be applied and put in force for the
 Purpose of carrying into execution the said Convention, and the
 several Articles, Stipulations, and Regulations therein respectively
 contained, except so far as any of such Powers and Authorities
 are altered by this Act, as fully and effectually as if the same were
 re-enacted in this Act as to such Convention and all Matters therein
 respectively contained.

Provisions of
 the recited Act
 extended to the
 Convention of
 Accession of
 Tuscany.

Vessels cap-
 tured bearing
 the Flag of
 Tuscany to be
 taken to Leg-
 horn.

II. And be it enacted, That, in pursuance of the said Second
 Article of the said Convention, all Vessels bearing the *Tuscan* Flag,
 and appearing by their Papers to belong to *Tuscany*, which may
 be detained, in execution of the said Convention of the Years One
 thousand eight hundred and thirty-one and One thousand eight
 hundred and thirty-three respectively, by the Cruizers of Her
 Majesty the Queen of the United Kingdom of *Great Britain*
 and *Ireland* employed on the Stations of *America*, of *Africa*,
 or of *Madagascar*, shall be conducted or sent to the Port of
Leghorn.

Slaves found on
 board Vessels
 bearing the
 Tuscan Flag to
 be taken to cer-
 tain Ports.

III. And be it enacted, That, in pursuance of the said Third
 Article of the said Convention, [all Slaves who are found on board
 Vessels bearing the *Tuscan* Flag, and appearing by their Papers
 to belong to *Tuscany*, and detained by a *British* Cruizer, shall
 be landed at the nearest *British* Port or Place to which a Slave
 Vessel under the Flag of *Great Britain* or *France* found and
 detained under similar Circumstances would according to the
 above-mentioned Convention be conducted or sent; *videlicet*,
 either to the *Cape of Good Hope*, or to the *British* Port of
Bathurst on the *Gambia*, or to *Port Royal* in *Jamaica*, or to
Demerara.

C A P. LXXXIV.

An Act for carrying into effect a Convention of Accession of the King of the *Two Sicilies* to Two Conventions with the King of the *French* for suppressing the Slave Trade.

[10th August 1838.]

WHEREAS Two Conventions for the Suppression of the Slave Trade were concluded between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one and the Twenty-second Day of *March* in the Year of our Lord One thousand eight hundred and thirty-three: And whereas by the Ninth Article of the First of the said Conventions the High Contracting Parties thereto agreed to invite the other Maritime Powers to accede thereunto: And whereas an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into effect Two Conventions with the King of the French for suppressing the Slave Trade*: And whereas a Convention was concluded between Her *Britannick* Majesty, His Majesty the King of the *French*, and the King of the *Two Sicilies*, containing the Accession of His said Majesty the King of the *Two Sicilies* to the aforesaid Two Conventions between *Great Britain* and *France* for the more effectual Suppression of the Slave Trade: And whereas the said Convention was signed at *Naples* on the Fourteenth Day of *February* One thousand eight hundred and thirty-eight, and contained as follows:

Convention between Great Britain and France for Suppression of the Slave Trade.

3 & 4 W. 4. c. 72.

Convention of Accession of the King of the Two Sicilies.

Article I.—His Majesty the King of the Kingdom of the *Two Sicilies* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one and on the Twenty-second of *March* One thousand eight hundred and thirty-three between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing the Instructions for the Cruizers, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to the Annex above mentioned, and excepting the Differences which necessarily result from the Situation of His Majesty the King of the Kingdom of the *Two Sicilies* as a Party acceding to the Conventions in question after their Conclusion: Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French* having accepted the said Accession, all the Articles of these Two Conventions, and all the Conditions of the said Annex, shall in consequence be held to have been concluded and signed in the same Manner as the present Convention directly between Her Majesty the Queen of United

‘ United Kingdom of *Great Britain* and *Ireland*, His Majesty
 ‘ the King of the *French*, and His Majesty the King of the
 ‘ Kingdom of the *Two Sicilies*: Their said Majesties engage
 ‘ and promise reciprocally to each other to execute faithfully
 ‘ all the Clauses, Conditions, and Obligations of the present
 ‘ Convention, subject always to the Reservations and Modi-
 ‘ fications therein contained; and, in order to prevent any
 ‘ Uncertainty, it has been agreed that the above-mentioned
 ‘ Convention, as well as the Annex of the latter Convention,
 ‘ containing Instructions to Cruizers, shall be inserted here
 ‘ Word for Word as follows: [Here were copied and entered
 ‘ the Conventions of *November* Thirtieth One thousand eight
 ‘ hundred and thirty-one and *March* Twenty-second One
 ‘ thousand eight hundred and thirty-three, and [the Annex
 ‘ containing Instructions to Cruizers were inserted Word for
 ‘ Word as required by the said last Article.]

‘ Article II.—It is agreed, with reference to Article III.
 ‘ of the Convention of the Thirtieth *November* One thousand
 ‘ eight hundred and thirty-one, herein-above transcribed, that
 ‘ His Majesty the King of the Kingdom of the *Two Sicilies*
 ‘ shall fix, according to his Convenience, the Number of
 ‘ Cruizers of the *Two Sicilies* which shall be employed on
 ‘ the Service mentioned in the said Article, and the Station
 ‘ on which they shall cruise.

‘ Article III.—The Government of His Majesty the
 ‘ King of the Kingdom of the *Two Sicilies* shall make known
 ‘ to the Governments of *Great Britain* and of *France*, con-
 ‘ formably to Article IV. of the Convention of the Thirtieth
 ‘ *November* One thousand eight hundred and thirty-one, the
 ‘ Ships of War of the *Two Sicilies* which are to be employed
 ‘ in the Suppression of the Trade, in order that the necessary
 ‘ Warrants for their Commanders may be delivered; the
 ‘ Warrants which are to be delivered by the Government of
 ‘ the *Two Sicilies* shall be issued after Notification of the
 ‘ Number of *British* and *French* Cruizers intended to be
 ‘ employed shall have been made to it; but if the Govern-
 ‘ ment of His Majesty the King of the Kingdom of the *Two*
 ‘ *Sicilies* shall not find it convenient to commission Cruizers
 ‘ under the Flag of the *Two Sicilies* for the Suppression of
 ‘ the Slave Trade, it engages nevertheless to furnish Warrants
 ‘ to the Commanders of the *British* and *French* Cruizers to
 ‘ be employed on this Service, as soon as the Names and Des-
 ‘ tination of such Cruizers are officially notified to it, as above
 ‘ stipulated.

‘ Article IV.—It is agreed, with reference to the Fifth
 ‘ Paragraph of the Instructions annexed to the Supplemen-
 ‘ tary Convention of *March* the Twenty-second One thousand
 ‘ eight hundred and thirty-three, that all Vessels of the *Two*
 ‘ *Sicilies*, or Vessels bearing the *Sicilian* Flag, and appearing
 ‘ by their Papers to belong to the *Two Sicilies*, which shall
 ‘ be detained, in execution of the Conventions above trans-
 ‘ cribed, by the Cruizers of Her Majesty the Queen of the
 ‘ United Kingdom of *Great Britain* and *Ireland* or of His
 ‘ Majesty the King of the *French*, employed on the Stations
 ‘ of

‘ of *America, Africa, and Madagascar*, shall be conducted or sent to the Port of *Naples*.

‘ Article V.—Whereas the landing at the Port of *Naples* of the Slaves who may be found on board Vessels bearing the Flag of the *Two Sicilies*, and appearing by their Papers to belong to the *Two Sicilies*, might be attended with great Inconvenience, it is agreed that the Slaves found on board such Vessels detained by a *British* or *French* Cruizer shall be previously landed at the nearest Port or Place, whether *British* or *French*, to which a Slave Vessel under the Flag of One of those Two Nations found and detained under similar Circumstances would, according to the above-mentioned Conventions, be conducted or sent; the *British* Ports of *Bathurst* on the *Gambia*, *Port Royal* in *Jamaica*, the *Cape of Good Hope*, and *Demerara*, as well as the *French* Ports of *Goree*, *Martinique*, *Bourbon*, and *Cayenne*, shall be considered as respectively fixed on for this Purpose for the *British* and *French* Stations on the Coast of *Africa*, the *West Indies*, *Madagascar*, and the *Brazils*.

‘ The present Convention shall be ratified, and the Ratifications thereof shall be exchanged at *Naples*, at the Expiration of Three Months, or sooner if possible.

‘ And whereas it is expedient that the Provisions of the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth should be applied to the said Convention of Accession of the King of the *Two Sicilies* signed at *Naples* on the Fourteenth Day of *February* One thousand eight hundred and thirty-eight, for the carrying into execution the said Convention and Articles for the more effectual Suppression of the Slave Trade:’ Be it therefore enacted by the Queen’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 all Clauses, Provisions, Powers, and Authorities contained in, and all Penalties and Forfeitures imposed by, the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth shall be applied and put in force for the Purpose of carrying into execution the said Convention, and the several Articles, Stipulations, and Regulations therein respectively contained, (except so far as any of such Powers and Authorities are altered by this Act,) as fully and effectually as if the same were re-enacted in this Act as to such Convention and as to all Matters therein respectively contained.

II. And be it enacted, That, in pursuance of the said Fourth Article of the Convention, all Vessels bearing the *Sicilian* Flag, and appearing by their Papers to belong to the *Two Sicilies*, which may be detained, in execution of the said Conventions of the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-three respectively, by the Cruizers of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* employed on the Stations of *America*, of *Africa*, or of *Madagascar*, shall be conducted or sent to the Port of *Naples*.

The Provisions of the recited Act extended to the Convention of Accession of the King of the *Two Sicilies*.

Vessels bearing the *Sicilian* Flag to be taken to *Naples*.

III. And

Slaves found on board Vessels captured bearing the Sicilian Flag to be taken to certain Ports.

III. And be it enacted, That, in pursuance of the said Fifth Article of the said Convention, Slaves who are found on board Vessels bearing the Flag of the *Two Sicilies*, and which appear by their Papers to belong to the *Two Sicilies*, and which may be detained by a *British* Cruizer, shall be landed as soon as possible at the nearest *British* Port or Place to which a Slave Vessel under the Flag of *Great Britain* or of *France* found and detained under similar Circumstances would according to the above-mentioned Conventions be conducted or sent; *videlicet*, either to the *Cape of Good Hope*, or to the *British* Port of *Bathurst* on the *Gambia*, or to *Port Royal* in *Jamaica*, or to *Demerara*.

C A P. LXXXV.

An Act to authorize the using in any Part of the United Kingdom Stamps denoting Duties payable in *Great Britain* and *Ireland* respectively. [10th August 1838.]

‘ **W**HEREAS under and by virtue of the Laws in force separate and distinct Stamps are used for denoting the Stamp Duties payable in *Great Britain* and *Ireland* respectively, and it is expedient to permit Stamps denoting the Duties payable on Deeds or Instruments in either of the said Parts of the United Kingdom of *Great Britain* and *Ireland* to be used for Deeds or Instruments liable to Stamp Duties payable in the other Part of the said United Kingdom: Be it therefore enacted by the Queen'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 passing of this Act any Deed or Instrument liable to any Stamp Duty payable in either Part of the said United Kingdom, and for or upon which any Stamp or Stamps denoting a Stamp Duty or Stamp Duties payable in the other Part of the United Kingdom shall have been at any Time heretofore or shall be at any Time hereafter used, of equal or greater Amount with or than the Duty or Duties chargeable by Law upon or in respect of such Deed or Instrument, shall nevertheless be deemed valid and effectual in the Law: Provided always, that nothing herein contained shall extend to authorize the using of any Stamp denoting any of the Law, Chancery, or Exchequer Fund Duties in *Ireland* for any Instrument other than such as is or shall be liable to the Duty denoted by such Stamp, nor to authorize the using for any Instrument liable to any of the said last-mentioned Duties any Stamp other than such as is or may be provided and appropriated for denoting the Duty to which such last-mentioned Instrument is or may be liable, nor to authorize the using for any Instrument any Stamp specially appropriated to any other Instrument by having its Name on the Face thereof.

Stamps denoting Duties payable in one Part of the United Kingdom may be used for Instruments liable to Stamp Duties payable in any other Part. Proviso.

C A P. LXXXVI.

An Act to diminish Delay and Expençe in Advocations and Suspensions in the Court of Session in *Scotland*.

[10th August 1838.]

‘ **W**HEREAS it is expedient that it should be made competent to bring Advocations and Suspensions into the Court of Session in *Scotland*, without the Necessity of presenting Bills of Advocation or Suspension in the Bill Chamber in the present Form, and expeding Letters of Advocation or Suspension under the Signet, and thereby to diminish the Delay and Expençe arising from the present Mode of Procedure:’ Be it therefore enacted by the Queen’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 final Judgments of Sheriffs or other inferior Judges of which Advocation is at present competent may be brought under Review of the Court of Session, before Extract, by lodging with one of the Depute Clerks of Session or his Assistant a written Note of Advocation, signed by an Agent in the said Court, having prefixed thereto the Interlocutor or Interlocutors complained of, together with the Notes of the Judge, if any, affixed thereto, and setting forth in a Prayer the Relief or Remedy craved; and such Note shall be received and marked by such Depute or Assistant Clerk on such Caution as is by the present Practice required, being certified by the Clerk of the inferior Court to have been found in common Form; and certified Notice, under the Hand of the said Depute or Assistant Clerk, of such Note of Advocation having been received being transmitted to the Clerk of such inferior Court, all further Proceedings in the original Cause shall cease, and the Process shall forthwith be transmitted to the Court of Session; and such Note of Advocation and Notice shall be intimated to the opposite Party by delivering a Copy of the same to him or his known Agent, and a Certificate of Intimation shall be endorsed on the said Note by the Agent of the Advocator; and within Fifteen Days after the Date of such Intimation, it shall be competent to call and thereafter to enrol the Cause in the weekly printed Roll, and the same shall proceed in like Manner as at present on exped Letters of Advocation.

Final Judgments may be brought under Review by Note of Advocation.

II. And be it enacted, That in Cases of Competitions of Brieves, as well as where a Party claiming Right to appear and oppose a Service has made Appearance, it shall be lawful to any Party to remove the Cause or Proceedings to the Court of Session, by written Note of Advocation as aforesaid, not only from any inferior Judge, but also from the Sheriff of *Edinburgh* acting under special Commission by Authority of the Court of Session; and such Note shall be received and marked in manner and to the Effect aforesaid, and be laid before a Lord Ordinary named in the Note, who shall advocate the Brief and be the Judge in the said Service, without Prejudice nevertheless to the Power of the Court, on Declinature or other Cause shown, to remit to any other Ordinary to be Judge in any Service; and thereafter the Cause shall proceed in the Form in such Cases made and provided.

Cases of Competitions of Brieves and Services may be removed to Court of Session.

III. And

Advocation of Interlocutory Judgments may be brought.
50 G. S. c. 112.

III. And be it enacted, That such Advocations of Interlocutory Judgments of Sheriffs and other inferior Judges as are allowed by an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for abridging the Form of extracting Decrees of the Court of Session in Scotland, for the Regulation of certain Parts of the Proceedings of that Court*, may be brought by lodging in the Bill Chamber a written Note of Advocation in manner aforesaid; and there shall be annexed to such Note an articulate Statement of the Reasons of Advocation, together with a Note of Pleas in Law; and on such Caution as is by the present Practice required being certified as aforesaid to have been found in the inferior Court in common Form, such Note of Advocation shall be received and marked by the Clerk in the Bill Chamber, and be forthwith laid before the Lord Ordinary on the Bills, who shall pronounce such Order or Interlocutor thereon as shall be just; and where Answers shall be ordered, such Answers shall be in a similar Form to the Reasons of Advocation; and in case the Lord Ordinary shall pass such Note of Advocation, the Cause may, after the Expiry of Fifteen Days from the passing of the Note, be called, and thereafter enrolled in the weekly printed Roll, in like Manner as at present on expedite Letters of Advocation; and if Parties shall not be prepared to close the Record upon the Note and Reasons of Advocation, it shall be competent to order them to be revised, with a view to their forming the Record, or to order a Condescendence and Answers, as in the Case of ordinary Actions, and the Cause shall thereafter proceed before the Lord Ordinary and the Court of Session in common Form.

Suspensions may be brought of Decrees in *foro*.

IV. And be it enacted, That where the Judgment of any inferior Court pronounced *in foro*, which may at present be brought under Review of the Court of Session by Suspension, with the Exception of any Judgment pronounced in Actions of Removing, is intended to be brought under Review in that Form, it shall be competent to suspend the Decree, and any Diligence or Proceedings following thereon, by lodging in the Bill Chamber a written Note of Suspension, signed by an Agent in the Court of Session, reciting the Import and Effect of the Decree sought to be suspended, and setting forth in a Prayer the Relief or Remedy craved; the Presentment of which Note, on being certified by the Clerk, shall operate as an interim Sist of Diligence; and on such Caution as is by the present Practice required being found for Implement of such Decree, and also for such Expences as may be incurred in the Court of Session, such Note shall be forthwith passed by the Lord Ordinary on the Bills, and certified Notice of the Note having been passed being transmitted to the Clerk of the inferior Court the Process shall be forthwith transmitted to the Court of Session; and such Note and Interlocutor passing, the same shall be served on the opposite Party by a Messenger at Arms in common Form; and it shall be competent after the Expiry of Fifteen Days from the Date of Service to call and thereafter to enrol the Cause in the weekly printed Roll, and to proceed therein in like Manner as at present on expedite Letters of Suspension: Provided always, that where a Party is desirous to have such Decree of any inferior Court pronounced *in foro* suspended without Caution or on juratory Caution, and also in Suspensions of Decrees of Removing, there shall

shall be annexed to such Note of Suspension an articulate Statement of the Facts on which the Suspension is founded and a Note of Pleas in Law; and such Note shall be laid before the Lord Ordinary on the Bills, who may pronounce such Order or Interlocutor as shall be just; and where Answers shall be ordered, such Answers shall be in a similar Form to the Reasons of Suspension; and in case the Lord Ordinary shall pass the Note, the same Procedure shall take place as is herein-before provided in the Case of Advocations of Interlocutory Judgments, it being always competent to reclaim to the Inner House against the Interlocutor of the Lord Ordinary passing or refusing such Note; and provided also, that in all Cases of Suspension it shall be competent to the inferior Court or the Court of Session to regulate all Matters regarding interim Possession in like Manner as is by the present Law and Practice competent in the Case of Advocations.

V. And be it enacted, That it shall be lawful for any Party to bring a Suspension of any Decree in Absence pronounced in the Court of Session, by lodging in the Bill Chamber a Note of Suspension of the Form and Effect of Notes of Suspension herein-before allowed to be brought of Decrees *in foro* of inferior Courts; and upon Consignation in the Hands of the Clerk of such Expences as may have been decerned for, such Note of Suspension shall be received and marked by the Clerk in the Bill Chamber, and shall thereupon be laid before the Lord Ordinary on the Bills, and shall be passed; and the Lord Ordinary shall have Power to award to the Pursuer such Part of the Expences consigned as may appear to be just; and such Note of Suspension and Interlocutor passing, the same shall be served on the opposite Party by a Messenger at Arms in common Form, and it shall be competent after the Elapse of Fifteen Days from the Date of Service to call and thereafter to enrol the Cause before the Judge who pronounced the original Decree or his Successor, and to proceed therein in common Form, without Prejudice to the Power of the Court, on Cause shown, to remit the same to any other Lord Ordinary; and the Lord Ordinary before whom such Cause shall come may grant Warrant to transmit the original Proceedings to the Clerk to such Cause.

Suspensions of Decrees in Absence may be brought.

VI. And be it enacted, That all Suspensions and Interdicts, and Advocations and Suspensions, not otherwise provided for in this Act, may be brought by lodging in the Bill Chamber a Note in manner aforesaid, and there shall be annexed to such Note an articulate Statement of the Facts on which such Advocation or Suspension is founded, together with a Note of Pleas in Law, and such Note of Advocation or Suspension shall be received and marked by the Clerk in the Bill Chamber, and be forthwith laid before the Lord Ordinary on the Bills, who shall pronounce such Order or Interlocutor thereon as may be just; and such Note and Order or Interlocutor thereon shall be served on the opposite Party by a Messenger at Arms in common Form, and shall be answered in a similar Form to the Reasons of Advocation or Suspension; and in case the Lord Ordinary shall pass the said Note, the same Procedure shall take place as is herein-before provided in the Case of Advocations of Interlocutory Judgments: Provided always, that the

Form of Suspensions and Interdicts, &c. not otherwise provided for in this Act.

the Practice as to Caution in such Cases, and Power to reclaim to the Inner House, shall remain as at present.

Authorizing
Compensation
to Persons
affected by this
Act.

VII. And be it enacted, That it shall be lawful for any Person entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act to make Application to the Lord High Treasurer or to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, claiming such Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate; and it shall be lawful for the said Lord High Treasurer or Commissioners of the Treasury to investigate such Claim, and call for such Evidence in relation thereto as he or they may think necessary; and upon such Claim being established to his or their Satisfaction, the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, is and are hereby authorized and empowered to award to such Person such Compensation as he or they shall think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as he or they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Two Calendar Months after the Commencement of the Session next ensuing after making the same; and no such Award shall be final and conclusive until Two Calendar Months after the same shall have been so laid before Parliament: Provided also, that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any other Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such other Office while he shall continue to hold the same.

Compensation
how to be paid.

VIII. And be it enacted, That the several Compensations which may be awarded under the Authority of this Act shall be payable and paid out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Judiciary, or Exchequer in *Scotland*.

Court of Session
authorized to
make Acts of
Sederunt rela-
tive to this Act.

IX. And be it enacted, That the Court of Session shall be and is hereby empowered from Time to Time to make such further Regulations, by Act or Acts of Sederunt, as the said Court may deem proper for carrying into effect the Purposes of this Act; and for such Purposes the said Court may meet during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided always, that within Fourteen Days from the Commencement of the Session of Parliament next ensuing the making of any such Regulations, there shall be transmitted to both Houses of Parliament Copies of all such Acts of Sederunt to be made and passed under the Powers hereby given.

Acts inconsis-
tent with this
Act repealed.

X. And be it enacted, That all Laws, Statutes, and Usages relative to the Subject Matter of this Act shall be and the same are hereby repealed, in as far as they may be in any respect inconsistent or at variance with the Provisions of this Act: Provided always, that the same shall in all other respects be of full Force and Effect.

XI. And be it enacted, That the Provisions of this Act shall commence and take effect from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-eight. Commencement of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be altered, &c.

C, A P. LXXXVII.

An Act to facilitate the Foundation and Endowment of additional Schools in *Scotland*. [10th August 1838.]

‘ **W**HEREAS an Act was passed by the Parliament of *Scotland* in the First Parliament of King *William*, in the Year One thousand six hundred and ninety-six, intituled *Act for settling of Schools*: And whereas another Act was passed by the Parliament of *Great Britain*, in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for further Regulations for the better Government of the Parish Schools, in Scotland*: And whereas another Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland*: And whereas under the said last-recited Act a Number of Places of Worship have been built in the Highlands and Islands aforesaid, and the Parishes in which such additional Places of Worship have been built have been divided and disunited *quoad sacra*: And whereas the Parish Schools and other Means of Education existing in the Highlands and Islands aforesaid are wholly inadequate to the Education of the People, and some Places are altogether destitute of such Schools or other Means of Instruction, and it is desirable that Provision should be made against so great an Evil:’ Be it therefore enacted by the Queen’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 for the Commissioners of Her Majesty’s Treasury of *Great Britain* and *Ireland* for the Time being, or any Three of them, from Time to Time to set apart and appropriate, from any Sum which has been or may be voted by Parliament for Purposes of Education in *Scotland*, any such Part thereof as they shall deem expedient and necessary, for the Endowment of additional Schools in such Parts of such divided Parishes aforesaid as they shall judge proper. 1696, c. 26.
43 G. 3. c. 54.
5 G. 4. c. 90.
Commissioners of the Treasury authorized to provide, &c. for the Endowment of additional Schools.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty’s Treasury from Time to Time to invest the Sum or Sums to be set apart and appropriated as aforesaid in the Purchase of Three *per Centum* Consolidated Bank Annuities, or such other Government Stock or Funds as they shall think fit, and in the Name or Names of such Person or Persons as they shall nominate and appoint, and to direct the Dividends or Proceeds of the Monies so invested to be paid to such Person or Persons in *Scotland* as they shall nominate, to be applied in manner hereinafter provided. Money how to be invested.

If Heritors of divided Parishes provide Schools, &c. such Schools may be endowed.

III. And be it enacted, That in all Parishes which shall have been divided *quoad sacra* under the said last-recited Act, if in that District or Division of any such Parish in which there shall be no School or not an adequate Number of Schools, or in which there being a School or Schools but no Endowment or no sufficient or permanent Endowment for the Schoolmaster or Schoolmasters of the same, the Heritors of such Parish or District shall, at their own Expence or otherwise, provide an adequate Schoolhouse and Schoolmaster's Dwelling House, consisting of not less than Two Rooms, besides the Kitchen and a Garden, which shall be reported by the Presbytery of the Parish to the said Commissioners of Her Majesty's Treasury to be in all respects equal and answerable to the Description of Schoolhouse, Schoolmaster's House (excepting that the Schoolmaster's House under this Act shall consist of not less than Two Apartments besides the Kitchen), and Garden, contained in and required by the said recited Act of the Forty-third Year of the Reign of His Majesty King *George* the Third, and which shall be conveyed to, vested in, and held by any Person or Persons to be appointed by the said Commissioners of Her Majesty's Treasury or any Three of them for the Purposes of this Act, then and in such Case it shall be lawful for the said Commissioners of Her Majesty's Treasury to appropriate or to direct to be appropriated, out of the Dividends or Proceeds of the Money to be invested as aforesaid, a Sum not exceeding the maximum Sum payable to Parochial Schoolmasters, as directed to be ascertained and fixed according to the Average Amount of the Fairs Price of Oatmeal under and in the Manner by the said recited Act of the Forty-third Year of the Reign of King *George* the Third directed to be paid to the Schoolmaster to be appointed to such School in manner after mentioned, by such Person or Persons as the said Commissioners or any Three of them shall appoint, by equal Portions half-yearly at the Terms of *Whitsunday* and *Martinmas* in each Year.

Incapacitated Persons empowered to convey Heritages for Purposes of this Act.

IV. Provided always, and be it enacted, That it shall be lawful for Heirs of Entail, Tutors, Curators, Trustees, and others under any legal Disability or Incapacity, with or without valuable Consideration, to give and dispone heritably and irredeemably Lands or Heritages for the Purposes aforesaid; and such Heirs of Entail or incapacitated Persons shall not be thereby subject to or incur any Forfeiture or Irritancy or Liability for Damages under any Deed of Entail or Trust Deed or other Deed under which he, she, or they may hold such Lands or Heritages.

Conveyance to be free of Stamp Duty.

V. And be it enacted, That the Conveyance of such Lands or Heritages for the Purposes of this Act shall be free of all Stamp Duty, any Law to the contrary notwithstanding, and shall be made according to the following Form or in Words to the like Effect:

Form of Conveyance.

‘ I [or We] [*insert Name and Description of the Disposer*], do hereby grant, dispone, and convey to [*insert the Names of the Persons to be appointed by the Commissioners of Her Majesty's Treasury*], all [*describe the Premises*], and all my [or our] Right, Title, and Interest [or Right, Title, and Interest of those for whom we act,] to and in the same and every Part thereof, to be held for the Purposes specified in and according to the true Intent and Meaning of an Act passed in the First Year
 ‘ of

‘ of the Reign of Her Majesty Queen Victoria, intituled [insert the Title of this Act]. In witness whereof I [or we] have subscribed these Presents, written by [Name and Designation of the Writer], this [Day] Day of [Month] in the Year [Year] before these Witnesses [Name and Designation of Two Witnesses, who will also subscribe as such.]’

And such Conveyances shall be recorded within Sixty Days of the Date thereof in the General or Particular Register of Sasines, and shall be valid and effectual in Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, Interests, and Incumbrances to, in, or upon the Subjects so conveyed.

VI. And be it enacted, That the Schoolhouse and Schoolmaster's House so to be provided shall in all Time thereafter be maintained and kept in repair, or if necessary be rebuilt, by the Heritors of the whole Parish, in the like Manner as they are now liable to maintain Parochial Schools and Schoolmasters Houses under the said recited Act of the Forty-third Year of the Reign of His Majesty King George the Third, and failing their so doing it shall be competent and lawful for the Schoolmaster or for any Heritor to bring the Case by Representation or Petition before the Quarter Sessions of the Peace of the County in which such Parish is situated, who shall direct and ordain such Repairs to be made as shall be necessary, and the Judgment of the Quarter Sessions shall be final, and not subject to Review; provided that no Justice of the Peace who shall be an Heritor in such Parish shall vote upon such Representation or Petition.

Schools, &c. to be maintained by Heritors.

VII. And be it enacted, That the Heritor or Heritors and the Minister of any Parish within which any such School, Schoolmaster's House, and Garden shall have been reported to have been provided as aforesaid shall, within Four Months thereafter, and failing them the Commissioners of Supply of the County, *jure devoluto*, shall appoint a Schoolmaster to such School; and in like Manner, upon any future Vacancy in any such Parish, the Heritors and Minister or the Commissioners of Supply shall, within Four Months of such Vacancy, appoint a Schoolmaster to supply the same in such Manner and subject to the like Examination and Approval by the Presbytery as is directed by the said last-mentioned Act in relation to Parochial Schoolmasters.

Schoolmasters to be appointed.

VIII. And be it enacted, That all Schoolmasters appointed under the Authority of this Act shall be entitled to School Fees, and be bound to teach *gratis* such Poor Children as the Heritors and Minister shall recommend in Terms of the said recited Act of the Forty-third Year of the Reign of His Majesty King George the Third, and shall be under and subject to the like Jurisdiction, Regulations, Conditions, and Provisions, and have and enjoy the like Powers, Privileges, Immunities, and Exemptions, as Parochial Schoolmasters under the said last-mentioned Act.

Schoolmasters to be entitled to School Fees, &c.

IX. And be it enacted, That no Alteration of any divided Parish or District to be made by virtue of the said recited Act of the Fifth Year of the Reign of His Majesty King George the Fourth shall in any way affect any School to be provided as aforesaid, or Schoolhouse or Garden, or the Appointment or Endowment of any Schoolmaster to be appointed under this Act.

No Alteration of District by 5 G. 4. to affect Endowments under this Act.

Schoolmasters under this Act subject to Provisions under 47 G. 3. c. 85.

X. And be it enacted, That every Schoolmaster to be appointed in virtue of this Act shall be in all respects under and subject to the Provisions of an Act passed in the Forty-seventh Year of the Reign of His Majesty King *George the Third*, intituled *An Act for raising and securing a Fund for the Relief of Widows and Children of Burgh and Parochial Schoolmasters in Scotland*, as if such Schoolmasters had been specially described and comprehended therein.

Schools, &c. to be subject to Alterations.

XI. Provided always, and be it declared and enacted, That all Schools established and Appointments of Schoolmasters made under this Act shall be held subject to such Alterations as may hereafter be made by Law in such Schools or in the Office of such Schoolmasters.

Two first-recited Acts applied to this Act.

XII. And be it enacted, That the said Two first-recited Acts shall, in as far as the same are applicable to and consistent with this Act, be deemed and taken to be Part of this Act, and be construed and carried into force and effect along therewith, in all respects as if the same were re-enacted and repeated therein.

Proceedings to be reported to Parliament.

XIII. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall once in every Year report their Proceedings in Writing to both Houses of Parliament, showing the Sums of Money vested in and appropriated and the Schools endowed under the Provisions of this Act.

C A P. LXXXVIII.

An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto.

[14th August 1838.]

57 G. 3. c. 34. WHEREAS an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George the Third*, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom and Employment of the Poor in Great Britain, in manner therein mentioned*: And whereas another Act passed in 57 G. 3. c. 124. the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor*: And whereas another Act passed in the First Year of 1 G. 4. c. 60. the Reign of His Majesty King *George the Fourth*, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King George the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in Great Britain*: And whereas another Act passed in the First and Second Years of the Reign of His said 1&2 G. 4. c. 111. last-mentioned Majesty, intituled *An Act to empower the Commissioners in Great Britain for the Execution of several Acts for authorizing the Issue of Exchequer Bills for carrying on the Public Works and Fisheries and Employment of the Poor, to extend*

‘ the Time for the Payment of certain Advances under the said
 ‘ Acts: And whereas another Act passed in the Third Year of the
 ‘ Reign of His said last-mentioned Majesty, intituled *An Act to* 3 G. 4. c. 86.
 ‘ *amend Two Acts, of the Fifty-seventh Year of His late Majesty*
 ‘ *and the First Year of His present Majesty, for authorizing the*
 ‘ *Issue of Exchequer Bills and the Advance of Money for carrying*
 ‘ *on Public Works and Fisheries and Employment of the Poor,*
 ‘ *and to authorize a further Issue of Exchequer Bills for the Pur-*
 ‘ *poses of the said Acts:* And whereas another Act passed in the
 ‘ Fourth Year of the Reign of His said last-mentioned Majesty,
 ‘ intituled *An Act to authorize the Advance of Money by the Com-* 4 G. 4. c. 63.
 ‘ *missioners under several Acts for the Issue of Exchequer Bills*
 ‘ *for Public Works, for the building, rebuilding, enlarging, or re-*
 ‘ *pairing of Gaols in England:* And whereas another Act passed
 ‘ in the Fifth Year of the Reign of His said last-mentioned Ma-
 ‘ jesty, intituled *An Act to amend and render more effectual the* 5 G. 4. c. 36.
 ‘ *several Acts for the issuing of Exchequer Bills for Public Works:*
 ‘ And whereas another Act passed in the same Year, intituled *An* 5 G. 4. c. 77.
 ‘ *Act to amend the Acts for the Issue of Exchequer Bills for Public*
 ‘ *Works:* And whereas another Act passed in the Sixth Year of the
 ‘ Reign of His said last-mentioned Majesty, intituled *An Act to* 6 G. 4. c. 35.
 ‘ *render more effectual the several Acts for authorizing Advances*
 ‘ *for carrying on Public Works, so far as relates to Ireland:*
 ‘ And whereas another Act passed in the Seventh Year of
 ‘ the Reign of His said last-mentioned Majesty, intituled *An* 7 G. 4. c. 30.
 ‘ *Act to amend the several Acts for authorizing Advances for*
 ‘ *carrying on Public Works, and to extend the Provisions thereof*
 ‘ *in certain Cases:* And whereas another Act passed in the Seventh
 ‘ and Eighth Years of the Reign of His said last-mentioned
 ‘ Majesty, intituled *An Act to amend an Act of the First Year* 7 & 8 G. 4. c. 12.
 ‘ *of His present Majesty, for the Advance of Money for carrying*
 ‘ *on Public Works in Ireland:* And whereas another Act passed
 ‘ in the same Year, intituled *An Act for the further Amendment* 7 & 8 G. 4. c. 47.
 ‘ *and Extension of the Powers of the several Acts authorizing*
 ‘ *Advances for carrying on Public Works:* And whereas another
 ‘ Act passed in the First and Second Years of His late Majesty
 ‘ King William the Fourth, intituled *An Act to amend several* 1 & 2 W. 4. c. 24.
 ‘ *Acts passed for authorizing the Issue of Exchequer Bills and*
 ‘ *the Advance of Money for carrying on Public Works and*
 ‘ *Fisheries and Employment of the Poor, and to authorize a further*
 ‘ *Issue of Exchequer Bills for the Purposes of the said Acts:*
 ‘ And whereas another Act passed in the Third and Fourth Years
 ‘ of the Reign of His said late Majesty, intituled *An Act to amend* 3 & 4 W. 4. c. 32.
 ‘ *several Acts authorizing Advances for carrying on Public Works:*
 ‘ And whereas another Act passed in the Fourth and Fifth Years
 ‘ of the Reign of His said late Majesty, intituled *An Act to* 4 & 5 W. 4. c. 72.
 ‘ *amend several Acts for authorizing the Issue of Exchequer Bills*
 ‘ *for carrying on Public Works and Fisheries and Employment*
 ‘ *of the Poor, and to authorize a further Issue of Exchequer Bills*
 ‘ *for the Purposes of the said Acts:* And whereas another Act
 ‘ passed in the First Year of the Reign of Her present Majesty
 ‘ Queen Victoria, intituled *An Act to authorize a further Issue of* 7 W. 4. &
 ‘ *Exchequer Bills for Public Works and Fisheries and Employ-* 1 Vict. c. 51.
 ‘ *ment of the Poor, and to amend the Acts relating thereto:* And

‘ whereas sundry Advances have been made by the Commissioners appointed by the said recited Acts for the Purposes, and under the Regulations in the said Acts respectively contained, and Applications have been made, and are by several Acts authorized to be made, to the said Commissioners for other Advances which the Funds remaining at their Disposal are insufficient to meet, and it is therefore expedient that further Advances of Exchequer Bills should be placed at the Disposal of the said Commissioners for the like Purposes, and subject to the like Terms and Conditions mentioned in the said recited Acts, or any of them, or in any Act or Acts of Parliament having reference thereto, except so far as such Terms and Conditions may be altered or extended by this Act:’ Be it therefore enacted by the Queen’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 be lawful for the Queen’s most Excellent Majesty, by Warrant or Warrants under Her Royal Sign Manual, to authorize the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to cause or direct any Number of Exchequer Bills to be made out at Her Majesty’s Exchequer in *Great Britain*, not exceeding in the whole the Sum of Five hundred thousand Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

Her Majesty may authorize the Commissioners of the Treasury to issue Exchequer Bills not exceeding 500,000*l*.

48 G. 3. c. 1.

Powers of 48 G. 3. c. 1. to extend to Exchequer Bills under this Act.

Bills to bear an Interest not exceeding 3*¼*d. per Cent. ;

and to be current to all Receivers, &c. and at the Bank.

II. And be it enacted, That all the Powers, Authorities, Regulations, Clauses, Provisoos, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of His said Majesty King *George* the Third shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

III. And be it enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Money contained therein.

IV. Provided always, and be it enacted, That the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever due or payable to Her Majesty, Her Heirs or Successors, and also at the Bank of *England* to the Account of Her Majesty’s Exchequer, from the said Receivers or Collectors, or from any Person or Persons, Bodies

Politie or Corporate whatsoever, making any Payments there to Her Majesty, Her Heirs and Successors.

V. And be it enacted, That from and after the passing of this Act all Exchequer Bills which at any Time after the passing of this Act shall be made out and issued in pursuance of this Act, and advanced for any of the Purposes mentioned in the said recited Acts or any of them, or in this Act, shall be dated and made payable at such Periods as shall be fixed by the Commissioners of Her Majesty's Treasury.

Treasury to fix Periods when such Bills shall be payable ;

VI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of all Exchequer Bills issued under the Authority of this Act.

and to order Payment, &c.

VII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, and they are hereby authorized and required, to issue or advance, or cause to be issued and advanced, all such Sums of Money to such Person or Persons and in such Manner and such Proportions as the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, shall by Writing under their Hands desire, out of the said Consolidated Fund, which Sums so to be issued and advanced shall be employed for the Payment of Allowances and defraying all Charges and Expences in the Execution of the said recited Acts and this Act, without any other Account than before the said Commissioners of Her Majesty's Treasury, and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatsoever imposed by Authority of Parliament.

Commissioners of the Treasury to issue Money to defray the Charges of executing recited Acts and this Act.

VIII. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of the said recited Acts, under the Title of "The Commissioners for the Issue of certain Exchequer Bills," and shall carry to the Credit of such Account the several Monies directed to be paid to the Cashiers of the said Bank by the said recited Acts, as well as all Payments to be made under this Act, upon such Certificates under the Hands of the said Commissioners as have been heretofore used for such Purpose as directed by the said recited Acts, or some or one of them, in such and the like Manner in all respects as if the Clauses and Provisoies in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act.

Bank to continue the Account already opened with the Commissioners for executing recited Acts.

IX. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners, under and by virtue of the said recited Acts and this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried

Money paid into Bank to make Part of the Consolidated Fund.

to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Commissioners for executing recited Acts to be Commissioners for executing this Act.

X. And be it enacted, That the several Persons who in and by the said recited Acts, or any of them, are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration.

XI. And be it enacted, That the said Commissioners named or constituted in and by the said recited Acts, or either of them, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

‘ I *A.B.* do declare, That according to the best of my Judgment I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act, the Acts therein recited, and other Acts having reference thereto.’

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Exchequer Bills advanced to be certified to the Comptroller General of the Exchequer.

XII. And be it enacted, That when the Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced out of the Exchequer Bills authorized to be made out of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Comptroller General of Her Majesty's Exchequer at *Westminster* for the Time being, who, on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer or Bearers thereof Exchequer Bills to be prepared under the Authority of this Act to such Amount as the said Commissioners shall direct, provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of Exchequer Bills authorized by this Act; and every Exchequer Bill to be issued by virtue of this Act shall and may be signed by the Comptroller General of Her Majesty's Exchequer, or in his Name, by any Person duly authorized by Law to sign the same.

List of Exchequer Bills made out to be delivered to Commissioners.

XIII. And be it enacted, That the Officers by whom such Exchequer Bills shall be delivered shall from Time to Time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, deliver to them at their Office complete Lists of all the Exchequer Bills made out as aforesaid, specifying the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Person to whom and the Numbers of the Certificates by virtue whereof the same were issued respectively.

Commissioners may appropriate 50,000*l.* for the Promotion of Public Works and Land.

XIV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to appropriate, out of the Sum of Five hundred thousand Pounds in Exchequer Bills authorized to be advanced under the Authority of this Act, any Sum

Sum or Sums in Exchequer Bills, not exceeding Fifty thousand Pounds in the whole, for the Promotion and Extension of Public Works in *Ireland*, to be applied by the Commissioners appointed under the Authority of an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, to the Purposes and under the Provisions of the said Act.

1 & 2W. 4. c. 33.

XV. Provided always, and be it enacted, That in case any such Appropriation shall be made, it shall be lawful for the Comptroller General of Her Majesty's Exchequer and he is hereby required to deliver from Time to Time Exchequer Bills, made out under the Provisions of this Act, to any Amount not exceeding in the whole the said Sum of Fifty thousand Pounds, to such Persons and under such Regulations as shall be directed by the said Commissioners of Her Majesty's Treasury.

If such Appropriation made the Comptroller of the Exchequer to deliver Bills, &c.

XVI. And be it enacted, That the said Commissioners, at any Time after the passing of this Act, may lend and advance, and apportion or distribute, to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors or Person or Persons engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may hereafter be carried on under the Authority of Parliament, or for the Encouragement of the Fisheries, or the Support of any Collieries or Mines, or any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any of the Purposes mentioned in the said recited Acts, or any or either of them or this Act, all or any Part of the Sum or Sums, in Exchequer Bills, to be issued at any Time after the passing of this Act, under the Authority of this Act, or any Act or Acts of Parliament having any relation thereto, upon, under, and subject to the like Terms, Conditions, and Securities, or any or either of them, as are specified and prescribed by the said recited Acts, or any or either of them or this Act, or any Act or Acts of Parliament having relation thereto; and all the Powers and Authorities, Regulations, Restrictions, Clauses, Provisoos, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or this Act, or any Act or Acts of Parliament having relation thereto, shall be applied and extended to all Loans advanced and Acts done by the said Commissioners or their Secretary for the Time being, or any Trustees or other Persons or Bodies Politic, Corporate, or Collegiate, or Companies, in pursuance and execution of this Act, as fully and effectually to all Intents or Purposes as if the said several Powers, Authorities, Regulations, Restrictions, Clauses, and Provisoos, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally and separately repeated and re-enacted in the Body of this Act, except only so far as the same are altered, amended, or enlarged by this present Act.

Commissioners may make Advances to Parties engaged in Public Works.

XVII. And be it enacted, That all the Clauses, Powers, Provisoos, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts, or any of them, in relation to any Advances made or to be made under the said recited Acts, or any of them,

Powers, &c. of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

or this Act, or for the Recovery, Repayment, and Application of such Advances and the Repayment thereof, and the Accounts to be kept in relation thereto, shall extend and are hereby extended and made applicable to the said Commissioners, and all other Persons, Parties, Bodies Politic or Corporate, in respect to all Advances which shall be made by the said Commissioners, and all Acts done and directed by the Commissioners of Her Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, under the Authority of the said recited Acts and this Act, or any or either of them, and the Recovery, Repayment, and Application of such Advances, and of all Accounts in respect of the same, in such and the like Manner to all Intents, Constructions, and Purposes whatsoever, as if such Clauses, Powers, Provisoos, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended, extended, or altered by this Act.

Repeal of the Clause in 7 Will. 4. & 1 Vict. c. 51. as to further Advance for the Completion of certain Public Works.

XVIII. 'And whereas by the said Act of the First Year of the Reign of Her present Majesty it is enacted, That in all Cases in which the said Commissioners had made or should thereafter make Advances for any Work which had been or which should be taken possession of by the said Commissioners under the Powers and Provisions of the said recited Acts, or some or one of them, it should be lawful for the said Commissioners, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, to make any further Advances for the Completion, Repair, Improvement, or Security of the Works so taken possession of, or of which Possession should thereafter be taken as aforesaid, and such Advances should be considered a further Charge on such Works, repayable with Interest from the Time of the making of such further Advance, in such and the like Manner to all Intents and Purposes as if such further Advances had been secured by a further Mortgage of such Public Work so taken possession of, or which should thereafter be taken possession of as aforesaid, although such further Advance might exceed the Capital authorized to be borrowed by the Parties interested in the Public Work on account of which such further Advance should have been necessary for any or either of the Purposes aforesaid; any Law, Statute, or Usage to the contrary thereof notwithstanding: And whereas it is expedient that such Provision should be repealed; and, in lieu thereof, be it enacted, That in all Cases in which the said Commissioners have made or shall hereafter make Advances under the Provisions of the said recited Acts or this Act, for any Work which after such Advance or Advances has been or shall be taken possession of by the said Commissioners, in default of Repayment of the same, under the Powers and Provisions of the said recited Acts, or some or one of them, it shall be lawful for the said Commissioners to make further Advances by Certificates to be made as aforesaid during their keeping such Possession, to be applied in the Completion, Repair, Improvement, or Security of the Works so taken possession of, or of which Possession shall hereafter be taken as aforesaid, subject nevertheless to the Approval of the Lords Commissioners

Where Commissioners have made Advances and taken possession, they may make further Advances by Certificates during their Possession.

missioners of Her Majesty's Treasury; and such Advances when made shall be considered a further Charge on such Works, repayable with Interest from the Time of the making of the said Advance, in such and the like Manner to all Intents and Purposes as if such further Advances had been secured in like Manner as the Advance or Advances made by the said Commissioners to such Public Work previous to the same being taken possession of as aforesaid; any Law, Statute, or Usage to the contrary thereof notwithstanding.

XIX. And be it enacted, That the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," whenever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, whenever such Office there shall be.

Construction of certain Words in this Act.

C A P. LXXXIX.

An Act respecting the Transfer of certain Funds to the Secretary at War and the Paymaster General.

[14th August 1838.]

WHEREAS *John Drouly* Esquire, late a Colonel in His Majesty's Army and Governor of *Cowes Castle* in the *Isle of Wight*, who died on the Eleventh of *September* One thousand eight hundred and eighteen, did by his Will and Codicil, in the Terms recited in the Schedule hereto annexed, bequeath to the Secretary at War and Paymaster of the Forces for the Time being the Sum of Ten thousand Pounds Three Pounds *per Centum* Reduced Bank Annuities, upon Trust to be by them applied in Payment of certain Annuities to Officers Widows: And whereas in pursuance of that Bequest the said Sum was invested in the Names of the Right Honourable *Henry John Viscount Palmerston* the then Secretary at War and the Right Honourable *Charles Long* the then Paymaster of the Forces: Now, for rendering it unnecessary to transfer the Funds of the said *Drouly* Charity on every Change in the Occupation of the Office of the Secretary at War or of the Paymaster General, and for keeping the said Funds apart from other Funds under their Control, be it enacted by the Queen'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 there shall be raised an Account in the Books of the said Governor and Company of the Bank of *England*, and such Account shall be entitled "The Stock Account of the Secretary at War and the Paymaster General, as Trustees under the Will of the late Colonel *John Drouly*;" and immediately after the passing of this Act the said Sum of Ten thousand Pounds Three *per Centum* Reduced Bank Annuities, now standing in the Books of the Governor and Company of the Bank of *England* in the Names of the Right Honourable *Henry John Viscount Palmerston* and the Right Honourable *Charles Long*, shall stand transferred to the said Account, subject to the Trusts of the said Will, and thenceforth the said Account shall be a Public Account; and upon the Death, Resignation, or

Drouly Officers Widows Fund.

Transfer of the Fund.

Nature of the Account.

Removal

Removal of either of them, the said Secretary at War and Paymaster General for the Time being, and until the Appointment of his Successor, the Balance of the said Account shall vest in the other of them, but upon every such Appointment the said Balance shall again vest jointly in the then Secretary at War and Paymaster General; and in the Case of the Death of any such Secretary at War or Paymaster General such Balance shall not constitute Assets of the Deceased, nor be in any Manner subject to the Control of his Personal Representatives.

Death of
Officer.

Drouly Chelsea
Hospital Be-
quest.

II. ' And whereas the said Colonel *John Drouly* did direct One
' Half of the Residue of his Estates to be paid to the Treasurer
' of the Royal Military Hospital at *Chelsea*, for the Benefit of the
' Pensioners of the said Hospital, as the Governors thereof should
' from Time to Time order: And whereas, on the Twenty-seventh
' Day of *July* One thousand eight hundred and twenty-one, the
' surviving Trustees transferred the Sum of Twenty thousand
' Pounds Three *per Centum* Consolidated Bank Annuities, on
' account of the Share of the said Hospital in the said residuary
' Estate, into the Names of Sir *Samuel Hulse* the Governor of
' the said Hospital, Sir *Harry Calvert* the Lieutenant Governor
' thereof (both since deceased), *Richard Neave* Esquire the Secre-
' tary thereof, and *William Henry Spicer* Esquire the Deputy
' Treasurer thereof, in the Books of the Governor and Company
' of the Bank of *England*: And whereas a Part of the said Sum
' of Twenty thousand Pounds Stock has been sold out by the
' Direction of the Commissioners of the said Hospital, and the
' Produce thereof applied for the Purposes directed by the said
' Will, and there remains thereof the Sum of Sixteen thousand
' seven hundred and thirty-nine Pounds Three Shillings and Five-
' pence Three *per Centum* Consolidated Bank Annuities: And
' whereas, by virtue of an Act passed in the Fifth and Sixth
' Years of the Reign of His late Majesty King *William* the Fourth,
' intituled *An Act for consolidating the Offices of Paymaster*
' *General, Paymaster and Treasurer of Chelsea Hospital, Treas-*
' *urer of the Navy, and Treasurer of the Ordnance*, the Funds of
' the said Hospital, formerly standing in the Name of the Treas-
' urer or Deputy Treasurer of the Hospital, have been transferred
' to the Account of the Paymaster General appointed under the
' recited Act: Now, for vesting the said Fund in Her Majesty's
Paymaster General for the Time being, subject to the Direction
of the Commissioners of *Chelsea* Hospital, and for keeping the
said Fund apart from other Funds under the Control of the said
Paymaster General, be it enacted, That there shall be raised
an Account in the Books of the Governor and Company of the
Bank of *England*, and such Account shall be entitled "The Stock
Account of the Paymaster General, as Trustee in regard to the
Drouly Bequest to *Chelsea* Hospital," and such Account shall be
a Public Account; and upon the Death, Resignation, or Removal
of any such Paymaster General, and the Appointment of his
Successor, the Balance of such Account shall vest in such Suc-
cessor; and in case of the Death of any such Paymaster General
such Balance shall not constitute Assets of the Deceased, nor be
in any Manner subject to the Control of his Personal Representa-
tives.

5 & 6 W. 4. c. 35.

Vesting Fund
in Paymaster
General for the
Time being.

III. And

III. And be it enacted, That from the passing of this Act the Sum of Sixteen thousand seven hundred and thirty-nine Pounds Three Shillings and Five-pence Three *per Centum* Consolidated Bank Annuities, standing in the Names of the said *Richard Neave* and *William Henry Spicer*, the surviving Trustees of the said last-mentioned Fund on behalf of *Chelsea Hospital*, shall stand transferred to the said Account, so that the same may be held by the said Paymaster General, subject nevertheless to the Direction of the said Commissioners of *Chelsea Hospital* as to the Application thereof; and the said *Richard Neave* and *William Henry Spicer*, and each of them, their and each of their Heirs, Executors, and Administrators, shall respectively be hereby released from all Claim whatsoever on account of the said Fund for any thing heretofore done in relation to the same.

Transfer of the Fund.

Release of Trustees.

IV. And with respect to the Purchase or Sale of any Public Stock made in pursuance of the Trusts of the Will of the said Colonel *John Drouly* upon either of the Accounts herein mentioned, standing in the Names of the Secretary at War and Paymaster General, or in the Name of the Paymaster General, and with respect to the Receipt of the Dividends of the said Stocks; be it enacted, That the Secretary at War and the Paymaster General jointly, as to the said first-mentioned Fund of Ten thousand Pounds Three *per Centum* Reduced Bank Annuities, or the Paymaster General alone as to the said last-mentioned Fund of Sixteen thousand seven hundred and thirty-nine Pounds Three Shillings and Five-pence Three *per Centum* Consolidated Bank Annuities, may by Power of Attorney authorize any Person to make such Purchase or Sale of Stock on the said Accounts respectively, and may by Power of Attorney authorize any Person to receive the Dividends now due, or hereafter to grow due thereon; and every such Power shall be under the Hands and Seals of the Secretary at War and Paymaster General, or under the Hand and Seal of the Paymaster General, as the Case requires; and the Execution thereof shall be attested by Two credible Witnesses; and every such Power of Attorney shall be exempt from Stamp Duty.

Power to grant Power of Attorney for Purchase or Sale of Stock, and for Receipt of Dividends;

exempt from Stamp Duty.

SCHEDULE to which this Act refers.

Extract from the Will of the late Colonel John Drouly.

“ I direct that the said Alexander Fraser, George Ridge senior, and George Ridge junior, and John Ridge, my said Trustees, and the Survivor of them, his Executors or Administrators, do and shall transfer into the Name of the Secretary at War and Paymaster General for the Time being the Sum of Ten thousand Pounds Three Pounds per Centum Reduced Bank Annuities, upon Trust to be by them applied in Payment of the Annuities or yearly Sums herein-after mentioned; videlicet, to the Widows of Officers in the Army who shall be killed or die in the Service, and whose yearly Income shall not exceed the Sum of Thirty Pounds exclusive of their annual Pensions; (that is to say,) to the Widows of Five Captains the Sum of Twenty-five Pounds each per Annum, to the Widows of Five Lieutenants the Sum of Twenty Pounds per Annum each, and to the Widows of Five Cornets or Ensigns the Sum

Sum of Fifteen Pounds per Annum each; the Nominations to be made by the Secretary at War and the Paymaster General for the Time being, subject to His Majesty's Approbation."

Extract from a Codicil to the Will of the said Colonel John Drouly.

"Now my Intention and Meaning is, that the Widows of such Officers as are killed upon Service shall upon all Occasions have Preference; and that in making a Selection of proper Objects the Secretary at War and Paymaster General will always keep in view that such Widows as have most Children born in Wedlock are to be preferred to those of the same Description who have fewer in Number."

C A P. XC.

An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[14th August 1838.]

[*This Act is the same, except as to Dates, as 2 & 3 W. 4. Cap. 50.*]

C A P. XCI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-nine.

[14th August 1838.]

[*This Act is the same, except as to Dates, as 7 W. 4. & 1 Vict. Cap. 63.*]

C A P. XCII.

An Act to repeal the Four-and-a-Half *per Centum* Duties. (a)

[14th August 1838.]

‘ **W**HEREAS certain Duties called the Four-and-a-Half *per Centum* or *West India* Duties upon all Sugars and other Commodities shipped from various Islands and Colonies in the *West Indies* subject to the Crown of the United Kingdom of *Great Britain* and *Ireland* are payable to Her Majesty, Her Heirs and Successors: And whereas Her Majesty did by an Act passed in the First Year of Her Majesty's Reign, intituled *An Act for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland, surrender for Her Majesty's Life* (which God long preserve) all Her Majesty's Interest in the said Duties: And whereas there were chargeable thereon, under Grants from Her Majesty's Royal Predecessors, certain Pensions

1 Vict. c. 2.

(a) [*See Chap. 95. post.*]

• and

‘ and Annuities to the Payment of which the Produce of the said Duties was in the first place applicable: And whereas Provision has been made by an Act passed in the present Session of Parliament for enabling Her Majesty, Her Heirs and Successors, to defray the Charge of the said Pensions and Annuities: And whereas it is expedient altogether to repeal the said Duties:’ Be it therefore enacted by the Queen’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 on the Tenth Day of *October* next ensuing all such Duties of Four-and-a-Half *per Centum* on Sugars and other Commodities shipped from any Colony or Possession of Her Majesty in the *West Indies* shall wholly cease and determine.

Four-and-a-Half per Cent. Duties on Sugar, &c. to cease.

C A P. XCIII.

An Act for raising the Sum of Eleven millions forty-four thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-eight. [14th *August* 1838.]

C A P. XCIV.

An Act for keeping safely the Public Records.

[14th *August* 1838.]

‘ **W**HEREAS the Public Records are in the keeping of several Persons, and many are kept in unfit Buildings; and it is expedient to establish One Record Office and a better Custody, and to allow the free Use of the said Records, as far as stands with their Safety and Integrity, and with the Public Policy of the Realm:’ Be it therefore enacted by the Queen’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 Records belonging to Her Majesty which now are or ought to be deposited in the several Record Offices, Courts, Places, and Custody hereinafter mentioned; that is to say, in the Tower of *London*, Chapter House of *Westminster*, Rolls Chapel, Petty Bag Office, Offices in the Custody of the Queen’s Remembrancer of the Exchequer or of any other Officer of the Exchequer, Augmentation Office, First Fruits and Tenths Office, and the Office of the Land Revenue and Enrolments, or of the late Auditor of the Land Revenues of *England* and *Wales*, and the Records lately deposited in the Office of the Pells of the Exchequer and now in the Custody of Her Majesty’s Comptroller of the Exchequer, and the Records belonging to the Court of Chancery, Exchequer, and Admiralty, Queen’s Bench, Common Pleas, and Marshalsea, in whatsoever Office or Place they may be deposited at the Time of the passing of this Act, and also all the Records of the lately abolished Courts of the Principality of *Wales* and Palatinates of *Chester* and *Durham* and of the *Isle of Ely*, shall from the passing of this Act be under the Charge and Superintendence of the Master of the Rolls

Records to be in the Custody of the Master of the Rolls.

Until Appointment of a Deputy, &c. Persons in charge to continue so.

Queen in Council may order Records in other Offices to be included in this Act.

Accumulating Records to be delivered from Time to Time to the Master of the Rolls.

Rolls for the Time being, in the Name and on the Behalf of Her Majesty, Her Heirs and Successors; and until the Appointment of a Deputy Keeper and Assistant Keepers of the Records, as herein-after provided, the Persons now having the Care of any such Records shall continue to have the Charge of them, subject to such Orders as the Master of the Rolls is herein empowered to give concerning the same.

II. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that Records belonging to Her Majesty deposited in any Office, Court, Place, or Custody other than as herein-before mentioned shall be thenceforth under the Charge and Superintendence of the Master of the Rolls; and thereupon the Provisions of this Act shall extend to all such Records, and to the Persons then having the Charge or Custody of the same, as fully as if such Office, Court, Place, or Custody had been named and included in this Act.

III. And be it enacted, That after the passing of this Act the Records of the Chancery of *England* shall be deemed to be in the Custody of the Master of the Rolls, under the Authority of this Act, and subject to the Regulations hereby authorized to be made, and the Master of the Rolls shall by Warrant under his Hand from Time to Time appoint a fit Person or fit Persons to attend the several Courts, Offices, and Places aforesaid, and in his Name to receive and take charge of all other Records of which the Charge and Superintendence are hereby vested in him; and the Chief Judge of the Court or principal Officer of the Office to which the same shall belong, upon sight of the Warrant of the Person thereby appointed to take charge of the Records then to be delivered from that Court or Office into the Custody of the Master of the Rolls, shall give the necessary Orders to the proper Officer or Officers of his Court or Office for the Delivery thereof; and as soon as the said Records shall have been so delivered to the Person so appointed to receive the same, in pursuance of such Warrant, the same shall be deemed to be in the Custody of the Master of the Rolls, and to be subject to the Regulations hereby authorized to be made; and the Person receiving any Records by virtue of any such Warrant shall thereupon deliver a Schedule thereof, and a Receipt for the same, under his Hand, to the Judge or Officer to whom the same shall be delivered: Provided always,

First, That no such Warrant be issued by the Master of the Rolls unless the same shall be first approved of, and countersigned by the Lord High Chancellor:

Secondly, That every such Warrant shall specify and describe the Records intended to be delivered to the Person thereby authorized to receive the same:

Thirdly, That the Master of the Rolls shall not issue any such Warrant for the Removal of any Records belonging to any of Her Majesty's Superior Courts of Common Law, or to the Court of Admiralty, unless or until the Records described in such Warrant shall be of the Age of Twenty Years from the making thereof, or if the same be under that Age, unless the Removal thereof shall have been requested by the Chief Judge of the Court to which the same shall belong:

Fourthly,

Fourthly, That if it shall appear to the Chief Judge of any such Court that it will be conducive to the Ends of Justice, or to the due Performance of the Business of such Court, that any Record belonging thereto should not be delivered into the Custody of the Master of the Rolls as aforesaid, at the End of Twenty Years from the making thereof, it shall be lawful for such Chief Judge to certify such his Opinion to the Master of the Rolls, and that the Master of the Rolls, upon receiving such Certificate under the Hand of such Chief Judge, may and shall from Year to Year, but not for any Time longer than a Year without a new Certificate, abstain from issuing any Warrant for the Removal of the Records mentioned in such Certificate into his Custody :

Fifthly, That the Master of the Rolls shall not issue any Warrant for removing any Bills, Answers, Decrees, or Proceedings of the Court of Exchequer as a Court of Equity unless the same shall be first approved by the Lord Chief Baron of the same Court, nor for removing any Papers or Documents from the Registry of the High Court of Admiralty unless the same be first approved by the Judge of the said Court, nor for removing any Records or Documents from the Office of Land Revenue Records and Inrolments, or from the Office of Her Majesty's Comptroller of the Exchequer, unless the same shall be first approved by the Lord High Treasurer, or any Three or more of the Commissioners of Her Majesty's Treasury.

IV. And be it enacted, That the Master of the Rolls shall have full Power to make such Orders as he may think fit for cleaning, repairing, preserving, and arranging all the Public Records under his Charge and Superintendance, and for making Calendars, Catalogues, and Indexes to the same, and for such Purposes to cause any of the said Records to be from Time to Time removed from their present Place of Custody, and deposited in such safe Place or Places as the Master of the Rolls may order, by Warrant under his Hand, directed to the Person then having the same under his Care ; and every such Warrant shall be kept among the Public Records in the Custody of the Master of the Rolls, and shall be a sufficient Warrant for the Removal of such Records as shall be specified therein to the Place named in the Warrant ; and such Removal of any Record by Authority of the Master of the Rolls shall not in any Manner affect the legal Authenticity of such Record, but the Place where any such Record shall be deposited and kept from Time to Time under the Authority of the Master of the Rolls shall be taken to be for the Time its legal Place of Deposit, and every such Record shall, after any Removal under this Act, and in its new Place of Deposit, be of the same legal Validity, and be received or rejected as Evidence in all Courts and Proceedings, in the same Manner as if such Record had remained in the Custody in which it is at the Time of the passing of this Act.

Master of the
Rolls to make
Orders for the
Preservation of
the Records.

V. And be it enacted, That the Master of the Rolls, with the Approval of Her Majesty, shall appoint a fit Person duly qualified by his Knowledge of Records to be Deputy Keeper of the Records, and, subject to the like Approval of Her Majesty, may remove the

Deputy Keeper
of the Records
to be appointed.

Deputy Keeper of the Records, and appoint another Person in his Room; and the Deputy Keeper of the Records shall act as Chief Record Keeper under the Master of the Rolls, and shall superintend all Persons employed in keeping the Records in the Custody of the Master of the Rolls, subject to such Directions as he may from Time to Time receive from the Master of the Rolls.

Appointment of Assistant Record Keepers and other Officers.

VI. And be it enacted, That the Lord High Treasurer, or any Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, shall appoint a sufficient Number of Assistant Record Keepers, duly qualified as aforesaid, and all such other Officers and Servants as shall be necessary for the Purposes of this Act; and the Persons so appointed shall assist in executing this Act under the Superintendence of the Deputy Keeper of the Records, in such Manner as the Master of the Rolls may direct; and the said Assistant Record Keepers shall be removeable at pleasure by the Master of the Rolls, and the other Officers and Servants shall be removeable at pleasure by the Master of the Rolls or by the Deputy Keeper of the Records, with the Approval of the Master of the Rolls: Provided always, that when any such Person shall have been removed from his Office the Fact of his Removal and a Statement of the Grounds thereof shall be reported to the Lord High Treasurer or the Commissioners of the Treasury.

Treasury to provide additional Buildings for the Custody of Records.

VII. And be it enacted, That the Lord High Treasurer or any Three or more of the Commissioners of Her Majesty's Treasury, shall provide such suitable and proper or additional Building or Buildings as may be required for the Reception and safe Custody of all the Public Records which, under the Provisions of this Act, shall be in the legal Custody of the Master of the Rolls.

A Public Record Office to be established.

VIII. And be it enacted, That as soon as conveniently may be after the Appointment of a Deputy Keeper of the Records under the Provisions of this Act, a Public Record Office shall be established under the Direction of the Master of the Rolls, and that the said Deputy Keeper of Records and the Assistant Record Keepers, and every other Person employed in the Care of the Records in the Custody of the Master of Rolls, wheresoever the same may be at any Time deposited, as well before as after the Time when such Building or Buildings as aforesaid shall have been provided, shall be taken to be employed in the Public Record Office; and that from and after the Time when such Record Office shall be established every Office or Place where Public Records which by the Authority of this Act are placed under the Charge and Superintendence of the Master of the Rolls are or shall be deposited shall be, so long as such Records shall remain therein, deemed and taken to be a Branch or Part of such Public Record Office.

Master of the Rolls to make Rules for the Management of the Office and the Admission of Persons using the Records;

IX. And be it enacted, That the Master of the Rolls shall have Power to make Rules for the Management of the said Public Record Office, and the Duties to be performed by the Deputy Keeper, Assistant Keepers, and other Officers thereof, and in like Manner for the Management of the present Record Offices, and the Duties to be performed therein, so long as they shall subsist, and also for the Admission of such Persons as ought to be admitted to the Use of the Records, Calendars, Catalogues, and Indexes

Indexes in his Custody, and to suspend, alter, or rescind such Rules, or any of them, and to fix the Amount of Fees (if any) which he shall think proper to be paid for the Use thereof respectively, and for making Copies of Records, as herein-after provided, and from Time to Time to vary the same as he shall think fit; and also to make Rules for dispensing with the Payment of Fees in such Cases as he shall think fit; and every such Rule shall be laid by the Master of the Rolls before both Houses of Parliament within Six Weeks after it is made, or after the next Meeting of Parliament: Provided always, that nothing herein contained shall be deemed or taken to affect the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England*, or the Orders made or to be made in pursuance thereof, so far as relates to such of the Records of the Court of Chancery as shall not be removed from their present Places of Custody under the Power herein-before contained, or to the Fees payable for Searches in and Copies of such Records.

and for dispensing with Fees in certain Cases.

Nothing herein to affect 3 & 4 W. 4. c. 94.

X. And be it enacted, That the Deputy Keeper of the Records shall keep or cause to be kept an Account of all Fees which shall be paid for the Use of the Records in the Custody of the Master of the Rolls, and shall pay the Amount thereof monthly into the Bank of *England* to the Credit of the Exchequer, and the Amount thereof shall be carried to the Account of the Consolidated Fund; and the Person by whom such Account shall be kept shall be considered as a Public Accountant, and within all Provisions concerning Public Accountants in the Acts for examining and auditing the Public Accounts.

Fees to be paid into the Exchequer.

XI. And be it enacted, That the Master of the Rolls shall cause to be made a Seal of the said Record Office, and shall cause to be sealed or stamped therewith all certified Copies made as herein-after provided of any Records in his Custody.

Seal of the Record Office to be provided.

XII. And be it enacted, That the Master of the Rolls or Deputy Keeper of the Records may allow Copies to be made of any Records in the Custody of the Master of the Rolls, at the Request and Costs of any Person desirous of procuring the same; and any Copy so made shall be examined and certified as a true and authentic Copy by the Deputy Keeper of the Records, or One of the Assistant Record Keepers aforesaid, and shall be sealed or stamped with the Seal of the Record Office, and delivered to the Party for whose Use it was made.

Power to order the making of authentic Copies of Records, which shall be sealed.

XIII. And be it enacted, That every Copy of a Record in the Custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the Seal of the Record Office, shall be received as Evidence in all Courts of Justice, and before all legal Tribunals, and before either House of Parliament, or any Committee of either House, without any further or other Proof thereof, in every Case in which the original Record could have been received there as Evidence.

Such Copies, sealed with the Seal of the Record Office, to be received in Evidence.

XIV. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State to cause to be printed, from Time to Time, such Calendars, Catalogues, and Indexes of

Calendars, Indexes, and Records may be printed.

the Records, and also such Records, in the Custody of the Master of the Rolls, as the Secretary of State may select, or as the Master of the Rolls shall recommend as fit to be printed: Provided always, that an Estimate of the probable Cost to be thereby occasioned shall be laid in every Case before Parliament, and that no such Expenditure shall be incurred until the Sum estimated for making Provision for the same shall have been voted by Parliament.

Printed Copies
of Records to
be sold.

XV. And be it enacted, That all Records, Calendars, Catalogues, and Indexes of the said Records which shall be printed as aforesaid under the Direction of the Secretary of State shall be published and sold for such reasonable Sums which shall be approved by the Secretary of State; and the Proceeds of all such Sales shall be paid into the Bank of *England*, to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund: Provided nevertheless, that so many printed Copies of any such Records, Calendars, Catalogues, and Indexes as the Secretary of State from Time to Time shall direct may be presented gratuitously to Public Offices, Institutions, and Libraries in this or any other Realm or Country.

Power to purchase private
Calendars,
Catalogues, and
Indexes.

XVI. And be it enacted, That the Lord High Treasurer, or any Three or more Commissioners of Her Majesty's Treasury, shall have Power to purchase, for the Use of the Public Record Office, any private Calendars, Catalogues, and Indexes to the Public Records which the Master of the Rolls shall recommend as fit to be purchased; and every Calendar, Catalogue, and Index to any Records in the Custody of the Master of the Rolls which shall be compiled, continued, or copied after the passing of this Act, by any Person belonging to or employed in the Public Record Office, excepting such printed Copies which shall be sold or given away by the Authority aforesaid, shall belong to Her Majesty, Her Heirs and Successors, for the Use of the Public Record Office.

Annual Report
to be made to
Parliament by
Deputy Keeper
of Records.

XVII. And be it enacted, That the Deputy Keeper of the Records, under the Direction of the Master of the Rolls, shall once in every Year report to Her Majesty the Proceedings had in the Execution of this Act; and every such Report shall be signed by the Deputy Keeper of the Records and Master of the Rolls, and shall be laid before both Houses of Parliament.

Compensation
to present Re-
cord Keepers.

XVIII. And be it enacted, That all Keepers of Records and Persons deriving Emolument from any Office to which the Custody of Records is attached, or from Fees for searching or copying Records by virtue of any Office holden by them or any of them before or at the passing of this Act, whose Office, Profits, or Emoluments shall in anywise be affected by the passing of this Act, may deliver to the Master of the Rolls a Statement in Writing of any Losses they may thereby sustain, or of the Manner in which they may be thereby affected, and the Master of the Rolls shall have Power thereupon to examine the Parties and such other Persons as he may think fit, and shall report such Statements, and the Result of such Examinations, with his Opinion thereon, to the Lord High Treasurer or Commissioners of Her Majesty's Treasury, who may award such Compensation to the said Record Keepers and Officers as the Lord High Treasurer or any Three or more Commissioners of Her Majesty's Treasury may think fit; and the

the Payment of any such Compensation shall be taken to be an Expende incurred for the Purposes of this Act: Provided always, that Account shall be taken of such Compensation in any Salary or Emolument to which any Person to whom the same shall be awarded may become entitled in virtue of any Appointment in the Public Record Office or elsewhere in Her Majesty's Service: Provided also, that every Person who shall receive any Compensation under this Act shall, if appointed, take upon himself the Office of Assistant Record Keeper in the Public Record Office, without prejudice nevertheless to his Right to Compensation under this Act, if afterwards removed from the said Office for any Cause other than for Misbehaviour: Provided also, that the Commissioners of Her Majesty's Treasury shall in the first instance appoint the Assistant Record Keepers and other Officers and Servants in the Public Record Office from among such of the Persons entitled to Compensation under this Act whom they shall judge to be in all respects competent and fit to be appointed to such Office or Service respectively.

XIX. And be it enacted, That every Person belonging to or employed in the said Public Record Office who shall certify any Writing as a true and authentic Copy of a Record in the Custody of the Master of the Rolls knowing the same to be false in any material Part, and every Person who shall counterfeit the Signature of an Assistant Record Keeper for the Purpose of counterfeiting a certified Copy of a Record, or shall forge or counterfeit the Seal of the Public Record Office, shall be guilty of Felony, and being duly convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

Certifying as true any false Copies of Records a Felony.

XX. And be it enacted, That in this Act the Word "Records" shall be taken to mean all Rolls, Records, Writs, Books, Proceedings, Decrees, Bills, Warrants, Accounts, Papers, and Documents whatsoever of a public Nature belonging to Her Majesty, or now deposited in any of the Offices or Places of Custody before mentioned.

Interpretation Clause.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended or repealed.

C A P. XCV.

An Act to provide for the Payment of certain Pensions.

[14th August 1838.]

‘ WHEREAS at the Demise of His late Majesty King William the Fourth (of blessed Memory) certain Pensions and Annuities granted by His said Majesty and His Royal Predecessors were charged upon and made payable out of His said Majesty's Civil List, out of the Four-and-a-Half *per Centum* or *West India* Duties, and out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, under the Authority of an Act passed in the Second and Third Years of the Reign of His said Majesty, intituled *An Act to provide for the Salaries of certain High and Judicial Officers, and of Payments heretofore*

2&3W.4.c.116.

Her Majesty may charge an annual Sum on the Consolidated Fund for Payment of certain Pensions.

Treasury to issue the Money.

Sum for Pensions not yet provided for.

Section 7. of 1 Ann. c. 7. to extend to all Parts of the United Kingdom.

A Return of Pensions to be laid before Parliament.

‘ made out of the Civil List Revenues : And whereas it is expedient to make Provision for the Payment of the said Pensions out of the said Consolidated Fund :’ Be it therefore enacted by the Queen’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 be lawful for Her Majesty, if Her Majesty shall be graciously pleased so to direct, to charge upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* an annual Sum, not exceeding One hundred and thirty-six thousand Pounds, for the Payment of such Pensions as prior to the Accession of Her Majesty were charged upon the Consolidated Fund by virtue of the said recited Act, upon the Civil List Revenues of His said late Majesty, and upon the Four-and-a-Half *per Centum* or *West India* Duties, and that the said Charge shall commence and take effect on and from the First Day of *July* One thousand eight hundred and thirty-eight.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty’s Treasury, and they are hereby authorized and required, by Warrant under the Hands of any Three or more of them, to direct the Issue out of the said Consolidated Fund, from Quarter to Quarter, of such Sums of Money, not exceeding in the whole the said Sum of One hundred and thirty-six thousand Pounds, as shall be required for the Payment of such Pensions.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury in like Manner to direct the Issue out of the growing Produce of the said Consolidated Fund of such Sums as shall be required to defray the Charge to the First Day of *July* One thousand eight hundred and thirty-eight of any Pensions formerly paid as aforesaid, and for which no Provision has been made before the passing of this Act.

IV. ‘ And whereas by an Act passed in the First Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty’s Household, and of the Honour and Dignity of the Crown*, it is enacted, that the Hereditary Duties of Excise, and the Revenue arising in the General Letter Office or Post Office, and the small Branches of Her Majesty’s Revenue, should not be alienable or grantable by Her Majesty, Her Heirs or Successors, for any Estate or Term whatsoever to endure longer than the Life of Her Majesty, or of such King or Queen as shall make such Alienation or Grant; and that all Gifts, Grants, Alienations, Leases, and Assurances whatsoever to be had or made of any Manors, Messuages, Lands, Tenements, Rents, Tithes, or other Hereditaments, or of any of the said Revenues or Branches, or any Part thereof, contrary to the Provisions of the said Act, or any of them, should be null and void : And whereas it is expedient to extend the said Provision to *Ireland and Scotland* ;’ be it enacted, That the said Provision shall be deemed and taken to extend to all Parts of the United Kingdom.

V. And be it enacted, That a Return of all such Pensions as shall become payable by Her Majesty’s Command under the Authority of this Act shall be laid before both Houses of Parliament within Ten Days after the Commencement of the next Session of Parliament.

C A P. XCVI.

An Act to amend, until the End of the next Session of Parliament, the Law relative to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

[14th August 1838.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled 'An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of Three Millions towards the Supply of the Service of the Year Eighteen hundred,' as relates to the same*, it was amongst other things enacted, that it should be lawful for any Bodies Politic or Corporate erected for the Purposes of Banking, or for any Number of Persons united in Covenants or Copartnerships, although such Persons so united or carrying on Business together should consist of more than Six in Number, to carry on (subject to certain Provisions therein contained) the Trade or Business of Bankers in *England*, in like Manner as Copartnerships of Bankers consisting of not more than Six Persons in Number might lawfully do; and it was further enacted, that all Actions and Suits against any Persons who might be at any Time indebted to any such Copartnership carrying on Business under the Provisions of the said Act, and all other Proceedings at Law and in Equity to be instituted on behalf of any such Copartnership against any Persons, Bodies Politic or Corporate, or others, whether Members of such Copartnership or otherwise, for recovering any Debts or enforcing any Claims or Demands due to such Copartnership, or for any other Matter relating to the Concerns of such Copartnership, might be commenced and prosecuted in the Name of any One of the public Officers for the Time being of such Copartnership, to be nominated as therein is mentioned, as the nominal Party on behalf of such Copartnership, and that Actions or Suits, and Proceedings at Law or in Equity, to be instituted by any Persons, Bodies Politic or Corporate, or others, whether Members of such Copartnership or otherwise, against such Copartnership, should be commenced and prosecuted against any One or more of the public Officers for the Time being of such Copartnership as the nominal Defendant on behalf of such Copartnership, and that the Death, Resignation, Removal, or any Act of such public Officer should not abate or prejudice any such Action, Suit, or other Proceeding commenced against or on behalf of such Copartnership, but that the same might be continued in the Name of any other of the public Officers of such Copartnership for the Time being: And whereas an Act was passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in Ireland*: And whereas it is expedient that the said Acts should for a

7 G. 4. c. 46.

6 G. 4. c. 42.

‘ limited Time be amended so far as relates to the Powers enabling
 ‘ any such Copartnership, not being a Body Corporate, to sue any
 ‘ of its own Members, and the Powers enabling any Member of
 ‘ any such Copartnership, not being a Body Corporate, to sue the
 ‘ said Copartnership:’ Be it therefore enacted by the Queen’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
 any Person now being or having been or who may hereafter be
 or have been a Member of any Copartnership now carrying on or
 which may hereafter carry on the Business of Banking under the
 Provisions of the said recited Acts may, at any Time during the
 Continuance of this Act, in respect of any Demand which such
 Person may have, either solely or jointly with any other Person,
 against the said Copartnership, or the Funds or Property thereof,
 commence and prosecute, either solely or jointly with any other
 Person (as the Case may require), any Action, Suit, or other Pro-
 ceeding at Law or in Equity against any public Officer appointed
 or to be appointed under the Provisions of the said Acts to sue and
 be sued on the Behalf of the said Copartnership; and that any
 such public Officer may in his own Name commence and prosecute
 any Action, Suit, or other Proceeding at Law or in Equity against
 any Person being or having been a Member of the said Copartner-
 ship, either alone or jointly with any other Person, against whom
 any such Copartnership has or may have any Demand whatsoever;
 and that every Person being or having been a Member of any such
 Copartnership shall, either solely or jointly with any other Person
 (as the Case may require), be capable of proceeding against any
 such Copartnership by their public Officer, and be liable to be pro-
 ceeded against, by or for the Benefit of the said Copartnership, by
 such public Officer as aforesaid, by such Proceedings and with
 the same legal Consequences as if such Person had not been a
 Member of the said Copartnership; and that no Action or Suit
 shall in anywise be affected or defeated by reason of the Plaintiffs
 or Defendants or any of them respectively, or any other Person in
 whom any Interest may be averred, or who may be in anywise
 interested or concerned in such Action, being or having been a
 Member of the said Copartnership; and that all such Actions,
 Suits, and Proceedings shall be conducted and have effect as if the
 same had been between Strangers.

Banking Co-
partnerships
may sue and be
sued.

Proceedings in
an Action may
be pleaded in
Bar of any
other Action.

Extending Pro-
visions of re-
cited Acts to
present Act.

Member’s
Share, &c. not
to be set off

II. And be it enacted, That in case the Merits of any Demand by
 or against any such Copartnership shall have been determined in
 any Action or Suit by or against any such public Officer, the
 Proceedings in such Action or Suit may be pleaded in Bar of any
 other Action or Suit by or against the public Officer of the same
 Copartnership for the same Demand.

III. And be it enacted, That all the Provisions of the said recited
 Acts relative to Actions, Suits, and Proceedings commenced or pro-
 secuted under the Authority thereof, shall be applicable to Actions,
 Suits, and Proceedings commenced or prosecuted under the Autho-
 rity of this Act.

IV. And be it enacted, That no Claim or Demand which any
 Member of any such Copartnership may have in respect of his
 Share of the Capital or Joint Stock thereof, or of any Dividends,
 Interest,

Interest, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which such Copartnership may have against such Member on account of any other Matter or Thing whatsoever; but all Proceedings in respect of such other Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect thereof.

against Demand of Copartnership.

V. And be it enacted, That this Act shall continue in force until the End of the next Session of Parliament; and that any such Action, Suit, or other Proceeding as aforesaid, which during the Continuance of this Act may have been commenced or instituted, shall (notwithstanding this Act may have expired) be carried on in all respects whatsoever as if this Act had continued in force.

Continuance of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

C A P. XCVII.

An Act for imposing Rates of Postage on the Conveyance of Letters by Packet Boats between Places in the *Mediterranean* and other Parts. [14th August 1838.]

‘WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, a Rate of Eight-pence was imposed on every Single Letter transmitted by Packet Boats between the Town or Fortress of *Gibraltar* (not having been first conveyed thither from the United Kingdom) and the Island of *Malta*, the *Ionian Islands*, *Greece*, *Syria*, or *Egypt*: And whereas it is expedient that the said Rate should be repealed, and certain other Rates of Packet Postage be imposed:’ Be it therefore enacted by the Queen’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 Rate of Eight-pence hereinbefore mentioned shall be and the same is hereby repealed.

7W.4. & 1Vict. c. 34.

Rate of Gibraltar Postage repealed.

II. And be it enacted, That the Rates of Postage herein-after set forth shall be charged by Her Majesty’s Postmaster General, for the Use of Her Majesty, on Letters transmitted by Packet Boats between the Places herein-after mentioned; (that is to say,)

Rates of Postage to be charged.

For every Single Letter (not having been first brought or conveyed from the United Kingdom, or not being intended to be conveyed to the United Kingdom,) transmitted by Packet Boat between any of the Ports or Islands or Places situate upon the *Mediterranean Sea*, the *Adriatic Sea*, the *Archipelago*, and *Black Sea*, in *Turkey in Europe* and *Asia*, in *Spain*, *Portugal*, *Italy*, *France* in the *Mediterranean*, and upon the Northern Coast of *Africa*, whether in the *Mediterranean* or the *Straits of Gibraltar*, the Sum of Sixpence; and for every Single Letter (not having been first brought or conveyed from the United Kingdom, or not being intended to be sent to the United Kingdom,) transmitted between any of the Ports, Islands, or Places aforesaid

aforsaid and any Port or Place in the *East Indies* by way of the *Red Sea* or the *Persian Gulf*, in addition to any other Rates of Postage which may be payable in respect of such last-mentioned Letters, the Sum of Sixpence; and that every such Letter consisting of One Sheet or a single Piece of Paper, under the Weight of One Ounce, shall be charged as a Single Letter, and every Letter consisting of Two Sheets or Pieces of Paper, or containing any Inclosure, shall be charged with double the Rate of a Single Letter, and every Letter consisting of Three Sheets or Three Pieces of Paper, or containing Two Inclosures, shall be charged with treble the Rate of a Single Letter; and no Letter shall be charged at a higher Rate than a Treble Letter, unless it be One Ounce in Weight, and in that Case, whether it be a Single, Double, or Treble Letter, it shall be charged for One Ounce Four Times the Postage of a Single Letter, and for every Quarter of an Ounce beyond that Weight the Postage of a Single Letter.

Postmaster General may charge Rates of Postage in any Parts where Packets shall be hereafter established.

III. And be it enacted, That it shall be lawful for Her Majesty's Postmaster General to charge, for the Use of Her Majesty, on all Letters conveyed by Packet Boats between one Part of Her Majesty's Dominions and another Part of the same Dominions, or between Her Majesty's Dominions and Foreign Parts, or between one Port in any Foreign Country and another Port in the same or any other Foreign Country, where Packet Boats or Communications by Packet Boats shall be hereafter established, and where Rates of Postage have not hitherto been authorized, such Rates of Postage as the Postmaster General shall, with the Consent of the Lords of the Treasury, deem expedient, but so that such Rates shall not be demandable by Law before the same shall have been published in the *London Gazette*; and such Rates shall be laid before Parliament within Fourteen Days after being so published, if Parliament shall be then sitting, or otherwise within Fourteen Days next after Parliament shall re-assemble: Provided nevertheless, that such Rates shall and may be demanded and taken immediately after they shall have been so published in the *London Gazette*, although the same shall not then have been laid before Parliament.

Payment on sending or delivering Letters.

IV. And be it enacted, That it shall be lawful for Her Majesty's Postmaster General, with the Consent of the Lords of the Treasury, to require the Postage of Sixpence hereby imposed, and also any other Postage from Time to Time payable for Letters transmitted by Packet Boats or otherwise, between Places out of the United Kingdom, to be paid by the Sender on the Tender or Delivery of such Letters at the Post Office or other Place appointed by the Postmaster General for the Receipt of such Letters for the Purpose of Transmission by Packet Boats.

Certain Rates to be deemed British Postage, others to be deemed Packet Postage.

V. And be it enacted, That the Rates of Postage hereby imposed and authorized, as also the Rates of Postage imposed by the said recited Act, on Letters transmitted by Post between the United Kingdom and other Ports or Places out of the United Kingdom, shall be deemed *British Postage*; and the Rates hereby imposed and authorized, as also the Rates by the said recited Act imposed on

on Letters transmitted by Packet Boats between Places out of the United Kingdom, shall be deemed Packet Postage.

VI. And be it enacted, That the Provisions of this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, so far as those Interpretations are not repugnant to the Subject or inconsistent with the Context of such Provisions.

Interpretation
of Terms.

1 Vict. c. 36.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be
amended this
Session.

C A P. XCVIII.

An Act to provide for the Conveyance of the Mails by Railways.
[14th August 1838.]

‘ WHEREAS it is expedient that Provision should be made by Law for the Conveyance of the Mails by Railways at a reasonable Rate of Charge to the Public:’ Be it enacted by the Queen’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 in all Cases of Railways already made or in progress or to be hereafter made within the United Kingdom, by which Passengers or Goods shall be conveyed in or upon Carriages drawn or impelled by the Power of Steam, or by any locomotive or stationary Engines, or animal or other Power whatever, it shall be lawful for the Postmaster General, by Notice in Writing under his Hand delivered to the Company of Proprietors of any such Railway, to require that the Mails or Post Letter Bags shall from and after the Day to be named in any such Notice (being not less than Twenty-eight Days from the Delivery thereof) be conveyed and forwarded by such Company on their Railway, either by the ordinary Trains of Carriages, or by special Trains, as Need may be, at such Hours or Times in the Day or Night as the Postmaster General shall direct, together with the Guards appointed and employed by the Postmaster General in charge thereof, and any other Officers of the Post Office; and thereupon the said Company shall, from and after the Day to be named in such Notice, at their own Costs, provide sufficient Carriages and Engines on such Railways for the Conveyance of such Mails and Post Letter Bags to the Satisfaction of the Postmaster General, and receive, take up, carry, and convey by such ordinary or special Trains of Carriages or otherwise, as Need may be, all such Mails or Post Letter Bags as shall for that Purpose be tendered to them, or any of their Officers, Servants, or Agents, by any Officer of the Post Office, and also receive, take up, carry, and convey, in and upon the Carriages carrying such Mails or Post Letter Bags, the Guards in charge thereof, and any other Officers of the Post Office, and shall receive, take up, deliver, and leave such Mails or Post Letter Bags,

Postmaster
General may re-
quire Railway
Companies to
convey the
Mails.

Bags, Guards, and Officers at such Places in the Line of such Railway, on such Days, at such Hours or Times in the Day or Night, and subject to all such reasonable Regulations and Restrictions as to Speed of travelling, Places, Times, and Duration of Stoppages, and Times of Arrival, as the Postmaster General shall in that Behalf from Time to Time order or direct: Provided always, that the Rate of Speed to be required shall in no Case exceed the maximum Rate of Speed prescribed by the Directors of such Railway or Railways for the Conveyance of Passengers by their First Class Trains; but that no Alteration in the Rate of Speed of any Train by which the Mails shall be conveyed shall be made until Six Calendar Months previous Notice shall be given to the Postmaster General of any such intended Alteration.

Exclusive Use of Carriage if necessary.

II. And be it enacted, That it shall be lawful for the Postmaster General (if he shall see fit) to require that the whole of the Inside of any Carriage used on any Railway for the Conveyance of Mails or Post Letter Bags shall be exclusively appropriated for the Purpose of carrying the Mails.

Railway Company, if required, to provide separate Carriage for sorting Letters.

III. And be it enacted, That the Company of Proprietors of any such Railway shall, on being required so to do by the Postmaster General, provide and furnish (in addition to the Carriages aforesaid) a separate Carriage or separate Carriages, fitted up as the Postmaster General, or such Person as he shall nominate in that Behalf, shall direct, for the Purpose of sorting Letters therein, and shall forward the same Carriage or Carriages by their Railway, at such Hours or Times, and subject to all such reasonable Regulations as aforesaid, as the Postmaster General shall in that Behalf order or direct; and such Company of Proprietors shall receive, take up, carry, and convey in any such last-mentioned Carriage or Carriages all such Post Letter Bags and Officers of the Post Office as the Postmaster General shall reasonably require, and shall deliver and leave any Post Letter Bags and Officers of the Post Office at such Places on the Line of the Railway as the Postmaster General shall in that Behalf from Time to Time reasonably order and direct.

Postmaster General may direct Mails to be carried on Railway in Mail Coaches, in lieu of Company's Carriages.

IV. And be it enacted, That in case the Postmaster General shall at any Time be desirous of sending by any such Railway any of Her Majesty's Mail Coaches or Mail Carts, with the Mails or Post Letter Bags and Guards thereof, and Carriages for sorting Letters, with any Officers of the Post Office therein, instead of sending the said Mails or Post Letter Bags, Guards, and Officers of the Post Office by Carriages to be provided by such Railway Company as aforesaid, then and in any such Case such Railway Company shall, at the Request of the Postmaster General, signified by such Notice as aforesaid, cause such Mail Coaches or Mail Carts, with the Mails or Post Letter Bags and Guards thereof, and Carriages for sorting Letters, with any Officers of the Post Office therein, to be conveyed by the usual or proper Trucks or Frames on their said Railway, subject to such Regulations and Restrictions of the Postmaster General as herein-before mentioned.

Railway Companies to be subject to Directions of Post Office respect-

V. And be it enacted, That for the greater Security of the Mails or Post Letter Bags so to be carried or conveyed by Railways the Company of Proprietors of such respective Railways along which such Mails or Post Letter Bags, Mail Coaches, or Carts and Carriages.

riages for sorting Letters shall be so required by the Postmaster General to be conveyed, and their respective Officers, Servants, and Agents, shall obey, observe, and perform all such reasonable Regulations respecting the Conveyance, delivering, and leaving of such Mails and Post Letter Bags, Guards, and Officers of the Post Office, Mail Coaches, or Carts and Carriages, on any such Railway, or on the Line thereof, as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall in his Discretion from Time to Time give or make: Provided always, that it shall not be lawful for any Officer or Servant of the Post Office to interfere with or give Orders to the Engineer or other Person having the Charge of any Engine upon any Railway along which Mails or Post Letter Bags shall be conveyed; but if any Cause of Complaint shall arise the same shall be stated to the Conductor or other Officer of the Railway Company having the Charge of the Train, or to the chief Officer at any Station upon the Railway; and in case of any Default or Neglect on the Part of any Officers or Servants of the Railway Company to comply with any of the Regulations of the Postmaster General or other Officer of the Post Office so to be nominated as aforesaid the Railway Company shall be wholly responsible for the same.

VI. And be it enacted, That every Company of Proprietors of any Railway along which such Mails or Post Letter Bags, Mail Coaches, Carts, or Carriages shall be so required by the Postmaster General to be conveyed, shall be entitled to such reasonable Remuneration to be paid by the Postmaster General to any such Company of Proprietors for the Conveyance of such Mails, Post Letter Bags, Mail Guards, and other Officers of the Post Office, Mail Coaches, Carts, and Carriages, in manner required by such Postmaster General, or by such Officer of the Post Office as he shall in that Behalf nominate as aforesaid, as shall (either prior to or after the Commencement of such Service) be fixed and agreed on between the Postmaster General and such Company of Proprietors, or in case of Difference of Opinion between them then as shall be determined by Arbitration as herein-after provided, but so that the Services which may be required by the Postmaster General, or by such Officer of the Post Office as he in that Behalf shall nominate as aforesaid, to be performed by any such Company of Proprietors, be not suspended, postponed, or deferred by reason of such Remuneration not having been then fixed or agreed on between the said Postmaster General and such Company of Proprietors, or by reason of the Award on any Reference to Arbitration to determine the Remuneration not having been then made.

VII. And be it enacted, That notwithstanding any Agreement entered into between the Postmaster General and any such Company, or any Award to be made on any such Reference as aforesaid, fixing the Amount of Remuneration to be paid to such Company for any Services to be rendered by them as aforesaid, it shall be lawful and competent to and for the Postmaster General, by Notice in Writing, to require, from and after the Day to be named in any such Notice, not being less than Twenty-eight Days from the Delivery thereof, any Addition to be made to the Services in respect of which such Agreement shall be entered into or Award made; and in any such Case, and also in case of a Discontinuance

ing Conveyance
of Mails.

Remuneration
to Railway
Companies for
Conveyance of
Mails.

Agreements be-
tween Post-
master General
and Railway
Companies as
to Amount of
Remuneration,
&c. may be
altered.

of any Part of such Services as herein-after provided, a fresh Agreement shall be entered into between the Postmaster General and such Company, regulating the future Amount of Remuneration to be paid by the Postmaster General to such Company for such increased or diminished Services, as the Case may be; or if the Parties cannot agree on such Amount the same shall be referred to Arbitration in like Manner as herein-before is mentioned and herein-after provided as to any original Agreement; and such Arbitrators shall have Power to award any Compensation they may consider reasonable to be paid to any Railway Company for any Loss that may have been occasioned to them by the Discontinuance or Alteration of the Services previously agreed to be performed by them by any Train or Carriage specially required by the Postmaster General to be forwarded for the Conveyance of the Mails, but so that nevertheless such increased or diminished Services shall not be suspended, postponed, or deferred by reason of the Amount of such increased or diminished Remuneration not having been then fixed or agreed on between the Postmaster General and such Company of Proprietors, or by reason of the Award on any Reference to Arbitration to determine the Amount of such increased or diminished Remuneration not having been then made.

Postmaster General may terminate Services of Railway Companies, on Notice;

VIII. And be it enacted, That it shall be lawful for the Postmaster General and he is hereby authorized, at any Time during the Continuance of the Services of any Company of Proprietors as aforesaid, to give to such Company, by Writing under his Hand, Six Calendar Months previous Notice that such Services or any Part thereof shall cease and determine; and thereupon, at the Expiration of such Six Calendar Months Notice, the said Services, or such Part thereof as aforesaid, and the Remuneration for the same, shall cease and determine.

or may terminate Services of Railway Companies without Notice, subject to certain Conditions.

IX. And be it enacted, That it shall be lawful for the Postmaster General at any Time during the Continuance of the Services of any Company of Proprietors as aforesaid, by Notice in Writing under his Hand, absolutely to determine and put an End to the same or any Part thereof, without giving any previous Notice, or on giving any Notice less than Six Calendar Months in respect thereof, and thereupon the said Services shall cease and determine accordingly: Provided nevertheless, that in case the Postmaster General shall, without giving Six Calendar Months Notice as aforesaid, at any Time determine the Services to be required by the Postmaster General of any Company of Proprietors, or any Part of such Services, without any Cause whatever, or for any Cause other than the Default by such Company of Proprietors in the Performance of any of the Services to be required of them by the Postmaster General, or the Breach by such Company of Proprietors of any of their Engagements with the Postmaster General, then and in any such Case the Postmaster General shall make to such Company a full and fair Compensation for all Loss thereby occasioned, the Amount whereof in case the Parties differ about the same shall be ascertained by Arbitration as herein-after mentioned.

Royal Arms to be painted on Engines or Carriages provided for Service of the Post Office.

X. And be it enacted, That on all Carriages to be provided for the Service of the Post Office on any such Railway there shall on the Outside be painted the Royal Arms, in lieu of the Name of the Owner and of the Number of the Carriage, and of all other

Requisites,

Requisites, if any, prescribed by Law in respect of Carriages passing on any such Railway; but the Want of such Royal Arms on any Carriage belonging to or used by the Post Office shall not form an Objection to such Carriage running on any Railway, any thing to the contrary notwithstanding.

XI. And be it enacted, That it shall not be competent or lawful to or for the Company of Proprietors of any Railway to make any Bye Laws, Orders, Rules, or Regulations which shall militate against or be contrary or repugnant to any of the Enactments herein contained; and that if any Company of Proprietors shall make or shall have made any such Bye Laws, Orders, Rules, or Regulations, either prior or subsequently to the Postmaster General signifying to the said Company his Intention that the Mails or Post Letter Bags, Mail Coaches, Carts, or Carriages shall be conveyed by such Railway, all such Bye Laws, Orders, Rules, and Regulations, so far as they shall militate against or be contrary or repugnant to any of the Enactments herein contained, shall be and be deemed absolutely void and of no Effect, in like Manner as if such Bye Laws, Orders, Rules, or Regulations had never been made or passed, any thing to the contrary in anywise notwithstanding.

Bye Laws of Railway Companies not to be repugnant to Provisions of Act.

XII. And be it enacted, That if the Company of Proprietors of any Railway, or any of their respective Officers, Servants, or Agents, shall refuse or neglect to carry or convey any Mails or Post Letter Bags, when tendered to them for such Purpose by the Postmaster General or any Officer of the Post Office, or shall refuse to carry on their Railway any Mail Coaches, Carts, or Carriages as herein-before provided, when so required by the Postmaster General, or shall refuse or neglect to receive, take up, deliver, and leave any such Mails or Post Letter Bags, Mail Guards, or other Officers of the Post Office, Mail Coaches, Carts, or Carriages, at such Places, at such Times, on such Days, and subject to such Regulations and Restrictions as to Speed of travelling, Places, Times, and Duration of Stoppages, as the Postmaster General shall from Time to Time reasonably direct or appoint, as herein-before provided, or shall not obey, observe, and perform all such Regulations respecting the Conveyance of the Mails and Post Letter Bags, Mail Coaches, Carts, and Carriages on any such Railways as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall make for the Purposes aforesaid, then and in any such Case the Company of Proprietors who, or whose Officer, Servant, or Agent, shall so offend in the Premises, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds; provided nevertheless, that the Payment of or Liability to such Penalty shall not in any Manner lessen or affect the Liability of any such Company under any Bond which may have been given by them under the Provisions herein-after contained.

Penalty for refusing or neglecting to convey Mails.

XIII. And be it enacted, That it shall be lawful for the Postmaster General, if he shall so think fit, to require the Company of Proprietors of any Railway already made or in progress or to be hereafter made within the United Kingdom to give Security by Bond to Her Majesty, Her Heirs and Successors, conditioned to be void if such Company shall from Time to Time carry or convey,

Postmaster General may require Railway Companies to give Security by Bond.

or

or cause to be carried or conveyed, all such Mails or Post Letter Bags, Mail Guards, and other Officers of the Post Office, Mail Coaches, Carts, and Carriages in manner herein-before mentioned, when thereunto required by the Postmaster General, or any Officer of the Post Office duly authorized for that Purpose, and shall receive, take up, deliver, and leave all such Mails or Post Letter Bags, Guards and Officers, Mail Coaches, Carts, and Carriages, at such Places, at such Times, on such Days, and subject to such Regulations and Restrictions as to Speed of travelling, Places, Times, and Duration of Stoppages, as herein-before mentioned, and shall obey, observe, and perform all such Regulations respecting the same as the Postmaster General shall reasonably make, and shall well and truly do and perform, and cause to be done and performed, all such other Acts, Matters, and Things as by this Act are required or directed to be done or performed by or on the Part or Behalf of such Company, their Officers, Servants, and Agents; and every such Bond shall be taken in such Sum and in such Form as the Postmaster General shall think proper; and every such Security shall be renewed from Time to Time whenever and so often as such Bond shall be forfeited, and also whenever and so often as the Postmaster General shall in his Discretion require the same to be renewed; and if any Company of Proprietors of any such Railway as aforesaid shall, when so required as aforesaid, refuse or neglect, for the Space of One Calendar Month next after the Delivery of any Notice for such Purpose to them given by or from the Postmaster General, to execute to Her Majesty, Her Heirs and Successors, such Bond to the Effect and in manner aforesaid, or shall at any Time refuse or neglect to renew such Bond whenever and so often as the same shall by or in pursuance of this Act be required to be renewed, such Company of Proprietors shall forfeit One hundred Pounds for every Day during the Period for which there shall be any Refusal, Neglect, or Default to give or renew such Security as aforesaid, after the Expiration of the said One Calendar Month.

Lessees of Railway, not being a Body Corporate or Company, not to be required to give Security by Bond above 1,000*l*.

XIV. Provided always, and be it enacted, That in all Cases in which any Railway or Part of a Railway may previous to the passing of this Act have been demised or let by the Company of Proprietors thereof, the Body Corporate or Company, or other Persons to whom the same shall have been so demised or let, their Successors, Executors, Administrators, or Assigns, shall during the Continuance of such Lease be liable to all the Provisions of this Act for or in respect of such Railway or Part of a Railway, in lieu of such Company of Proprietors, but so that such Lessees (not being a Body Corporate or Company), their Executors, Administrators, or Assigns, shall not be required in respect of any such Railway or Part of a Railway to give Security under the foregoing Enactment to any Amount in any One Bond exceeding the Sum of One thousand Pounds, and shall not in any One Year be liable in Damages to be recovered upon any Bonds which they may have given to any Amount exceeding the Sum of One thousand Pounds and Costs of Suit.

Service of Notices.

XV. And be it enacted, That all Notices under the Provisions of this Act by or on behalf of the Postmaster General to any Company of Proprietors of any Railway as aforesaid shall be
con-

considered as duly served on any Company of Proprietors in case the same shall be given or delivered to any One or more of the Directors of such Company, or to the Secretary or Clerk of such Company, or be left at any Station belonging to such Company.

XVI. And be it enacted, That in all Cases in which the Postmaster General and any Company of Proprietors of any Railway shall not be able to agree on the Amount of Remuneration or Compensation to be paid by the Postmaster General to such Company of Proprietors for any Services performed or to be performed by them as herein-before mentioned, the same shall be referred to the Award of Two Persons, one to be named by the Postmaster General, and the other by such Company; and if such Two Persons cannot agree on the Amount of such Remuneration or Compensation, then to the Umpirage of some Third Person, to be appointed by such Two first-named Persons previously to their entering upon the Inquiry; and the said Award or Umpirage, as the Case may be, shall be binding and conclusive on the said Parties, and their respective Successors and Assigns.

XVII. And be it enacted, That after any Contract entered into or Award made under the Authority of this Act shall have continued in operation for a Period of Three Years, it shall be competent for any Railway Company who may consider themselves aggrieved by the Terms of Remuneration fixed by such Contract or Award, by Notice under their Common Seal, to require that it shall be referred to Arbitrators to determine whether any and what Alteration ought to be made therein; and thereupon such Arbitrators or Umpire to be appointed as herein-before mentioned shall proceed to inquire into the Circumstances, and make their Award therein, as in the Case of an original Agreement: Provided always, that the Services performed by such Railway Company for the Post Office shall in nowise be interrupted or impeded thereby.

XVIII. And be it enacted, That in all References to be made under the Authority of this Act the Postmaster General, or the Railway Company, as the Case may be, shall nominate his or their Arbitrator within Fourteen Days after Notice from the other Party, or in default it shall be lawful for the Arbitrator appointed by the Party giving Notice to name the other Arbitrator; and such Arbitrators shall proceed forthwith in the Reference, and make their Award therein within Twenty-eight Days after their Appointment, or otherwise the Matter shall be left to be determined by the Umpire; and if such Umpire shall refuse or neglect to proceed and make his Award for the Space of Twenty-eight Days after the Matter shall have been referred to him, then a new Umpire shall be appointed by the Two first-named Arbitrators, who shall in like Manner proceed and make his Award within Twenty-eight Days, or in default be superseded, and so *toties quoties*.

XIX. And be it enacted, That whenever the Term "Company of Proprietors," or "Railway Company," or "Company" is used in this Act, the same shall extend to and be construed to include the Proprietors for the Time being of any Railway, whether a Body Corporate or Individuals, and also (during the Continuance of any Demise or Lease as aforesaid) any Person, whether a Body Corporate or Company or Individuals, to whom any Railway

For settling Differences between Postmaster General and Railway Companies in certain Cases.

Railroad Companies, after Contracts have existed for a certain Period, may refer them to Arbitrators to decide as to their Continuance.

Nomination of Arbitrators to be within a limited Time after Application for References made.

Construction of Terms.

1 Vict. c. 36.

or Part of a Railway may previous to the passing of this Act have been demised or let, and their Successors, Executors, Administrators, and Assigns, unless the Subject or Context be otherwise repugnant to such Construction; and that the Provisions of this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, so far as those Interpretations are not repugnant to the Subject or inconsistent with the Context of such Provisions; and that this present Act shall be deemed and construed to be a Post Office Act within the Intent and Meaning of the said last-mentioned Act; and the pecuniary Penalties hereby imposed shall be recovered and recoverable in the Manner and Form therein particularly mentioned and expressed with reference to the pecuniary Penalties imposed by the Post Office Acts: Provided nevertheless, that any Justice of the Peace having Jurisdiction for any County through which any Railway shall pass, in respect of which any Penalty or Forfeiture under this Act shall have been incurred, shall and may hear and determine any Offence against this Act which may subject any Company to a pecuniary Penalty not exceeding Twenty Pounds; and a Summons issued under the Post Office Acts by any such Justice against any Railway Company for the Recovery of any such Penalty shall be deemed to be sufficiently served in case either the Summons or a Copy thereof be delivered to any Officer, Servant, or Agent of such Company, or be left at any Station belonging to such Company.

Act may be amended, &c.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. XCIX.

An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in *Ireland*; and for the Application and Distribution thereof. [14th August 1838.]

‘ WHEREAS it is expedient to make better Provision for levying all Fines, Issues, Deodands, Amerciaments, and forfeited Recognizances in *Ireland*; and that the same should be applied and distributed in the Manner herein-after provided: Be it enacted by the Queen’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 when and as often as any Fine, Penalty on summary Conviction or otherwise, Deodand or Amerciament, shall hereafter be imposed on any Person or Persons whatsoever, by any Court in *Ireland*, or by any Coroner or other public Officer in any way empowered by Law to impose the same, and as often as any Recognizance shall be forfeited and ordered to be estreated, or any Issues be directed to be levied in or by any

Entries of all Fines, &c. shall be made by the Officers of the Courts in a Book to be kept for that Purpose.

such Court or Authority, an Entry shall be forthwith made by the Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer of such Court, or the Person whose Duty it is to attend and make Entries of the Proceedings thereof, or if there be no such Officer, then by the Person imposing such Fine, Deodand, or Amerciament, or ordering any such Recognizance to be estreated or such Sum to be levied, in a Book to be kept for that Purpose, that such Fine, Penalty, Deodand, or Amerciament, stating the Amount thereof, was imposed on such Person or Persons, stating the Name, Residence, and Description of such Person or Persons, or that such Recognizance, stating the Amount thereof, and the Name, Residence, and Description of the Person or Persons bound thereby, was estreated, or that such Issues, stating the Amount thereof, and the Name, Residence, and Description of the Person or Persons by whom same are payable, were directed to be levied, as the Case may be; and every such Entry shall state what Part of such Sum, if any, is payable to any public Institution, Corporation, or Municipal Bodies or Borough Fund, or to any Informer or Informers, Party or Parties grieved, or other Person, as Part of the Penalty, or for Costs or otherwise, and to whom the same is so payable:

II. And be it enacted, That every such Officer or Person as aforesaid shall, within Fourteen Days after each such Fine, Penalty, Deodand, or Amerciament shall be imposed, or Recognizance be ordered to be estreated, or Issues be directed to be levied, transmit to the Sub-Inspector or One of the Sub-Inspectors of the Constabulary Force appointed under the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force* in Ireland, and acting for the County, County of a City, or Town, or Towns and Liberties, in which such Fines, Penalties, Deodands, or Amerciaments shall respectively be imposed, or Recognizances estreated, or Issues to be leviable, or, in any Case arising within the Police District of *Dublin* Metropolis, and to which this Act is applicable, to One of the Justices of the Peace for and of the said Police District of *Dublin* Metropolis appointed under the said Act passed in the Sixth Year of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis*, a true and correct List, signed by him, of all such Fines, Penalties, Deodands, or Amerciaments, Issues, and Recognizances as shall be imposed or be directed to be estreated or levied in or by the Court in which he shall act as such Officer, or by such Person, stating the Amount thereof respectively, and the Name, Description, and Residence of the Person or Persons respectively liable to the Payment thereof, commanding them respectively forthwith to levy on the Body or Goods of the Person or Persons against whom such Warrants respectively shall issue, as is usual in the Recovery of forfeited Recognizances, the respective Sums for which such Recognizances shall be respectively ordered to be estreated, or the respective Amounts of such Fines, Penalties, Deodands, Amerciaments, or Issues respectively imposed or to be levied on such Person or Persons, or the Amount thereof then remaining unpaid, as the Case may be; and such Sub-Inspector or Justice of the Peace,

Accounts of Fines, &c. to be transmitted to Sub-Inspectors of Police, &c. directing them to levy the same.

6 & 7 W. 4. c. 13.

6 & 7 W. 4. c. 29.

and all Chief or other Constables or Sub-Constables, or Policeman, whom the said Sub-Inspector or Justice may empower or direct so to do by Indorsement on said Warrant, with his and their Assistants, are hereby required and authorized to execute the same accordingly, in the Manner and with all the Powers now authorized and given by Law for levying forfeited Recognizances.

When Imprisonment is directed in default of Payment, the Warrant shall direct accordingly.

III. Provided always, and be it enacted, That in case it shall have been directed or adjudged at the Time of the Imposition of such Fine, Penalty, or Amerciament as aforesaid, or it shall have been provided by any Act or Acts under which such Fine, Penalty, or Amerciament shall have been imposed, that the Person or Persons liable thereto, or on whom same shall have been imposed as aforesaid, shall, in default of Payment thereof, be imprisoned for a Period of Time fixed at the Time of such Imposition, or by such Act or Acts as aforesaid, then and in every such Case such Warrants shall respectively command such Sub-Inspectors respectively, or such Justice, in default of the Payment of such Fine, Penalty, or Amerciament, to take the Body of the Persons liable thereto, or on whom same shall be imposed, and to commit him or her to the Common Gaol or House of Correction, there to remain, and, if so adjudged, to be kept to hard Labour until the Expiration of the Time fixed for such Imprisonment as aforesaid, and such Warrant may be executed accordingly in the Manner and by the Person aforesaid.

If Appeal duly made, Warrant not to be issued till after the Decision of the Appeal.

IV. Provided always, and be it enacted, That if any Appeal shall have been duly made, pursuant to Law in that Behalf, from the Decision, Rule, Order, or other Proceeding imposing any such Fines, Penalties, Deodands, or Amerciaments, or estreating such Recognizances, or directing such Issues to be levied, or any Proceeding shall have been taken by due Course of Law to quash or annul such Decision, Rule, or Order, or other Proceeding, it shall and may be lawful for such Officers or Persons as aforesaid and they are hereby respectively required to suspend the issuing of such Warrants until such Appeal or other Proceeding shall be finally decided: Provided always, that in any Case in which any Justice or Justices of the Peace is or are now by Law authorized to issue his or their Warrant for the Levy of any Penalty, or the Committal of any Person, immediately, or on Conviction had before him or them, or within any Period less than the said Period of Fourteen Days, every such Justice or Justices may issue such Warrant accordingly to such Sub-Inspector or Justice, or to any Chief Constable, if it shall seem expedient to him or them so to do, but subject, as to the Distribution of and accounting for all Sums levied thereunder, to all the Provisions of this Act.

Proviso for Cases where Justices may issue their Warrant immediately.

Penalty on Officer for Neglect.

V. And be it enacted, That if any such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other such Officer or Person as aforesaid, shall neglect to make such Entry in such Book as aforesaid, or shall make any untrue Entry therein, or if any such Officer or Person shall neglect to transmit to such Sub-Inspector or Justice of the Peace as aforesaid such Lists or such Warrants as aforesaid, or to transmit to the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland* such Accounts as hereinafter directed, such Officer shall, in addition to any other Penalty or Punishment to which he may in Law be liable, forfeit for each such

such Neglect or Misconduct, from Time to Time and as often as the same shall be committed by him, on Proof thereof, by Confession or otherwise, before any Justice of the Peace for the County, County of a City, or County of a Town in which he shall act as such Officer or otherwise, or in which the Court to which he belongs shall be situate, on a Summons to be issued for that Purpose at any Petty Sessions Court, any Sum not exceeding Ten Pounds, and such further Sum for Costs as such Justices may think fit, not exceeding Five Shillings, to be levied in the Manner provided by this Act for the Levy of Fines and forfeited Recognizances, said Penalty to be paid when levied with the other Monies levied under this Act as is herein-after directed.

VI. And be it enacted, That every such Sub-Inspector of Police respectively and such Justice of the Peace as aforesaid shall and they are hereby respectively required, on the First of *January*, First of *April*, First of *July*, and First of *October* in each and every Year, to return to the respective Officers or Persons issuing the same what they shall have respectively done in execution of such Warrants; and the said Officers and Persons are hereby respectively authorized and required to issue from Time to Time to such Sub-Inspectors or to such Justice of the Peace such Warrants as aforesaid, or Renewals thereof, until the full Amount of the Sums thereby directed to be levied shall be fully paid or otherwise discharged by due Course of Law.

VII. And be it enacted, That in case any Sub-Inspector or Justice of the Peace to whom such Warrant or Warrants shall be directed as aforesaid shall be removed by Death or otherwise from his Office as such Sub-Inspector, or Justice, it shall and may be lawful for the Person who shall be appointed Sub-Inspector, or Justice of the Peace in his Stead and such Person is hereby authorized and required to execute all such Warrant or Warrants then remaining unexecuted by the Person so deceased or removed, and to do all such other Matters and Things as are herein-before directed with respect thereto as if such Warrant or Warrants had been originally directed to such Person.

VIII. Provided always, and be it enacted, That it shall be lawful for any Person or Persons against whom such Warrant or Warrants shall be issued to apply for the Reduction or Remission of the Sum thereby directed to be levied in the Manner herein-after directed, such Person or Persons first giving before any Magistrate attending at the Petty Sessions of the District in which such Person or Persons shall reside, or if in *Dublin* before any Divisional Magistrate of Police, Security by Recognizance, at the Expence of such Person or Persons, with Two sufficient Sureties, in double the Amount of such Sum, and lodging with such Sub-Inspector or Justice of the Peace, or the Chief Constable of the said District, a Notice that such Person or Persons will apply for such Reduction or Remission as herein-after directed, and thereupon the Execution of such Warrant shall be suspended, and it shall be lawful for such Person to apply by Petition to the Court of Assize which shall be held next after such Warrant shall be issued, if such Fine, Penalty, Issues, or forfeited Recognizances was or were directed to be levied at a Court of Assize, or to One of Her Majesty's Superior Courts at *Dublin* if imposed or directed

Sub-Inspectors to report quarterly.

Warrants to levy may be issued from Time to Time till the Levy be made.

On Removal of Sub-Inspector or Justice his Successor shall execute Warrants, &c.

Application for Reduction or Remission of Fine.

by a Superior Court, or in case such Fine, Penalty, Deodand, Issues, or forfeited Recognizances was or were directed to be levied at any other Court, or by any Coroner or other such Person as aforesaid, then to the Court of Quarter Sessions which shall be held next after such Security shall be given in the County, County of the City or Town in which the same shall have so issued, for the Reduction or Remission thereof; and the Judges of said Superior Court, Judge of Assize, or Assistant Barrister at said Court or Court of Sessions, as the Case may be, shall and is hereby authorized and empowered to hear the Matter of said Petition, and to examine into the Merits thereof, and to make such Order therein for reducing or wholly remitting such Fine, Penalties, Deodand, Issues, or forfeited Recognizances, as to him or them may seem fit, or for confirming the same; and the Clerk of the Rules of such Court, Clerk of the Peace, or Clerk of the Crown, as the Case may be, shall thereupon forthwith make out and deliver a Copy of such Order to the Sub-Inspector or such Justice of the Peace to whom such Warrant may have been directed, who shall proceed accordingly in the Execution of such Warrant or Warrants, or refrain from the Execution thereof, as he shall be directed: Provided always, that nothing herein contained shall entitle any Person to such Right to appeal in any Case of summary Conviction where no Appeal is given by the Law under which the Fine or Penalty is inflicted, or to any Case where the Fine or Penalty is imposed or levied by the Authority of any Court of Petty Sessions.

In case the Party remove out of the Jurisdiction, Warrants to be issued to the Sub-Inspector where he resides.

IX. And be it enacted, That in all Cases when the Person or Persons against whom any Warrant or Warrants shall issue under this Act shall reside or have fled or removed from out of the Jurisdiction of the Sub-Inspectors of Police, or of such Justice of the Peace as aforesaid, to whom such Warrant or Warrants shall be issued and directed, it shall be lawful for such Sub-Inspector or such Justice of the Peace, and he is hereby authorized and required, to issue his Warrant under his Hand and Seal to the Sub-Inspector of Police for the County in which such Person or Persons shall then reside or be in, or to any such Justices of the Peace, if in the Police District of *Dublin* Metropolis as aforesaid, in which any Goods or Chattels or other Property of such Person or Persons shall be found, requiring such Sub-Inspector of Police or Justice of the Peace, as the Case may be, forthwith to execute same; and the said last-mentioned Sub-Inspector or Justice is hereby required, within Three Months after the Receipt of such Warrant, to return to the Sub-Inspector or Justice from whom he shall have received the same what he shall have done in the Execution of such Warrant, and in case a Levy shall have been made to pay over all Monies received in pursuance of the Warrant to the Sub-Inspector or Justice from whom he shall have received the same, who shall be accountable for the same as if directly levied by himself.

Chief Constable to lodge the Amount of Warrants in the Bank of Ireland.

X. And be it enacted, That the said respective Chief Constables of Police or the said Justice shall and they are hereby required respectively forthwith to lodge the Amount of every such Warrant received by him in the Bank of *Ireland*, or in some Branch Bank thereof, to the Credit of the Payment of Civil Services in *Ireland*, in an Account to be entitled in the Matter of this Act; and the

the said Paymaster shall, from Time to Time, draw on the said Bank of *Ireland* for such Part or Parts of the said Sums so lodged as are appropriated to any special Purpose by any Act or Acts now in force or under this Act in favour of the Party, public Institution, or Fund entitled thereto, taking a Receipt for the same in Writing, which shall not be subject to any Stamp Duty; and the said Paymaster shall keep an Account of all Sums paid under this Act.

XI. And be it enacted, That the respective Officers for the Time being of the respective Courts aforesaid, and the other Persons bound to keep such Accounts of Fines and Penalties as aforesaid, and the said respective Chief Constables or the said Justice who shall have been empowered to levy any Sums of Money, and the said Paymaster of Civil Services, shall, on the First *Monday* in the Months of *January, April, July, and November* in each Year, make out and transmit to the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland*, in such Form and verified as he shall direct or require, a just and true Account of all Fines, Penalties, Deodands, or Amerciaments, Recognizances or Issues imposed, estreated, or directed to be levied in their respective Courts or by them respectively, and of all Sums of Money levied, paid, or applied, and of all Sums then remaining in said Bank to the Credit of the Account aforesaid.

Officers of
Courts shall
transmit Ac-
counts to Chief
Remembrancer.

XII. And be it enacted, That the said Chief Remembrancer shall, once in each Year at least, examine, audit, and certify the said Accounts, and shall have all such Power, Authority, and Jurisdiction with respect to the said Accounts, and to the Examination of all Persons with respect to any Matters relating thereto, and to the Payment of any Balances, as are now vested in the said Chief Remembrancer with respect to any Accounts whatsoever.

Chief Remem-
brancer shall
audit Accounts.

XIII. And be it enacted, That it shall and may be lawful for the said Chief Remembrancer, and he is hereby authorized and empowered, from Time to Time to issue a Warrant or Warrants under his Hand and Seal to all such Sub-Inspectors of Police, or to such Justice of the Peace as aforesaid, commanding them severally and respectively to levy, in the Manner herein-before directed with respect to the Warrants herein-before mentioned, all such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Deodands payable to Her Majesty, Her Heirs and Successors, as the said Chief Remembrancer is now empowered to levy and enforce by any Process whatsoever, and also all such Balances as shall appear to be due on foot of any Account or Accounts which shall be submitted to such Chief Remembrancer under and by virtue of this Act; and such Sub-Inspectors respectively and such Justice of the Peace are hereby required, within Three Months after the Receipt of such Warrant or Warrants, to return to such Chief Remembrancer what they shall have respectively done in execution thereof; and said Chief Remembrancer is hereby authorized and empowered to issue from Time to Time to such Sub-Inspectors or to such Justice of the Peace such Warrants as aforesaid, or Renewals thereof, until the full Amount of the Sums thereby directed to be levied shall be fully paid or otherwise discharged by due Course of Law; and all such Sum or Sums as shall be paid to or levied by any such Sub-Inspector or Justice

Power to Chief
Remembrancer
to issue War-
rants, &c.

of the Peace as aforesaid on account of any such Balance as aforesaid shall be forthwith paid into the said Bank of *Ireland*, to the Credit of the said Fines and Penalties Fund Account; and no Process shall issue after the passing of this Act to any Sheriff to levy any of the said Sums or any Sum authorized to be levied under the Provisions of this Act.

If Accounts not kept and transmitted, Penalty 10*l*.

XIV. And be it enacted, That if such Sub-Inspector or Paymaster of the Constabulary Force or such Justice of the Peace for the District of *Dublin* Metropolis as aforesaid shall neglect to perform any of the Duties hereby imposed upon him, he shall for every such Neglect forfeit and incur such Penalty, not exceeding Ten Pounds, as the Chief Remembrancer shall direct; and the Amount of such Penalty shall and may be deducted from and out of any Salary accruing due to such Offender upon Certificate thereof by such Chief Remembrancer to the Receiver of the said Constabulary Force, and to be paid into the said Account in the Bank of *Ireland*, to the Credit of the Paymaster of Civil Services: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to mitigate and remit any such Penalty or any other Penalty imposed by this Act.

Distribution of Fund.

XV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, so long as the Hereditary Revenues of the Crown shall not be payable and paid to Her Majesty, Her Heirs and Successors, to direct from Time to Time that all or any Part of the Sums paid to the Bank of *Ireland* under the Provisions of this Act, and not already appropriated by any Act or Acts to any special Purpose, shall be paid to and distributed among the Intirmaries, Hospitals, Dispensaries, and other local Charities supported in the whole or in part by Grand Jury Presentment of the several Counties and Counties of Cities and Towns in *Ireland*, and to the Loan Fund Board established under an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Loan Societies* in *Ireland*, and in reduction of the County Presentments for the Support of the Constabulary Force in *Ireland*, in such Proportions as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council shall from Time to Time direct, and to direct the Paymaster of Civil Services to pay the same, and the same shall be so paid and distributed accordingly: Provided always, that no such Distribution shall be made at any Time after Her Majesty's Heirs and Successors shall have resumed Possession of the Hereditary Revenues of the Crown.

6 & 7 W. 4. c. 55.

Costs not exceeding Twenty Shillings may be awarded in Cases of summary Convictions.

XVI. And be it enacted, That in all Cases of summary Convictions under any Act or Acts whatsoever it shall be lawful for the Justice or other Person before whom or by whose Authority any such summary Conviction shall be had to award Compensation for Costs and Expences to the Party or Parties concerned in the Prosecution, to such Amount as to such Justice or other Person shall seem reasonable; provided such Compensation shall not in any Case whatsoever, after the passing of this Act, exceed the Sum of Twenty Shillings; the same to be paid by the Party or Parties convicted, and to be levied as any other Sum awarded by such Conviction.

XVII. Pro-

XVII. Provided always, and be it enacted, That from and after the passing of this Act all Recognizances entered into by any Person or Persons before any Tribunal, Justice or Justices of the Peace, having Authority to receive and take the same, conditioned that such Person or Persons shall keep the Peace to Her Majesty's Subjects, or to any particular Person named therein, or to both, according to the Condition of such Recognizance, shall, within Fourteen Days after same shall be so acknowledged, taken, and entered into, be returned or transmitted to the Clerk of the Peace of the County, County of a City, or County of a Town wherein such Recognizance or Recognizances shall be so acknowledged and taken.

Recognizances for keeping the Peace to be transmitted to the Clerk of the Peace, &c.

XVIII. And be it enacted, That in case any Person or Persons who shall enter into such Recognizance or Recognizances as aforesaid shall commit any Breach of the Peace, or in any Manner violate the Condition of such Recognizance or Recognizances, that then and in such Case it shall be lawful for the several Assistant Barristers of the several Counties in *Ireland*, and also for the several Recorders of Cities in *Ireland*, upon Conviction of such Person or Persons for any Offence that shall be a Breach of the Condition of the said Recognizance, such Conviction to be proved by the Production of a Certificate thereof, signed and attested by the proper Officer in that Behalf, or on due Proof made before such Assistant Barrister or Recorder by Affidavit or otherwise, that the Person or Persons so bound by Recognizance had committed a Breach of the Peace, to order that such Recognizance and Recognizances shall be forfeited to such Amount as such Assistant Barristers or Recorder shall think fit, and to direct Warrants to levy the Amount of such forfeited Recognizances to be issued for the levying thereof, in like Manner as other Fines and Penalties are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister or Recorder that Notice in Writing has been given to or left at the usual Place or Places of Abode of the Party, or each of the Parties if there be more than One, against whom it is sought to put such Recognizance in force, Six Days at the least before the Commencement of the Sessions at which such Application is made; and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

In case of a Breach of the Peace Recognizances to be forfeited.

XIX. And be it enacted, That any Chief Constable empowered to levy any Sum of Money under this Act may and he is hereby authorized to sell by Auction any Distress and Distresses levied by him or by his Authority under the Provisions of this Act, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred by him in effecting the same, to be approved by Two Magistrates at Petty Sessions.

Chief Constable may sell by Auction without Licence, &c.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended.

XXI. And be it enacted, That nothing herein contained shall be construed to extend or apply to *England* or *Scotland*.

Not to extend to England or Scotland.

C A P. C.

An Act for continuing, under certain Limitations, the Powers given to the Judges for altering the Forms of Pleading in the Courts of Common Law at *Westminster* and elsewhere.

[14th August 1838.]

‘ **W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth it was provided, for certain Reasons therein mentioned, that certain Powers should for a limited Period be given to the Judges of the Superior Courts of Common Law at *Westminster*, or any Eight of them, of whom the Chiefs of each of the said Courts were to be Three: And whereas the said Judges, in pursuance of such Powers, have made certain Rules, Orders, and Regulations; and it is desirable that further Time should be allowed in order to ascertain more fully the Effect and Operation of such Alterations, and to make further Alterations and Amendments therein from Time to Time as may be found necessary: And whereas it is expedient to limit the Powers so given, so as to make the Exercise of them continually subject to the Superintendence and Authority of the Crown and of each of the Houses of Parliament:’ Be it therefore enacted by the Queen’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 Judges of the said Superior Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and may, by any Rule or Order to be from Time to Time by them made in Term or Vacation, at any Time within Five Years from the Time when this Act shall take effect, make such Alterations in the Mode of pleading in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and such Regulations as to the Payment of Costs, and otherwise, for carrying into effect the said Alterations, as to them may seem expedient; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same; or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Six Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Courts and all other Courts of Common Law, and on all Courts of Error into which the Judgments of the said Courts or any of them shall be carried by any Writ of Error, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen’s most Excellent Majesty, by any Proclamation inserted in the Gazette, or for either of the Houses of Parliament by any Resolution passed at any Time within Six Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the Whole or any Part of such Rules, Orders, or Regulations, and in such Case the Whole, or such Part

Judges of the Superior Courts may make Rules or Orders for altering the Mode of Pleading, &c. in Actions at Law.

Such Rules or Orders not to be valid until Six Months after being laid before Parliament;

and may previously be declared suspended by Proclamation or Resolution.

Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error: Provided also, that no such Rule, Order, or Regulation shall have the Effect of depriving any Person of the Power of pleading the General Issue, and giving the special Matter in Evidence, in any Case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Power of pleading General Issue, &c.

II. And be it further enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and thirty-eight.

Commencement of Act.

III. And be it further enacted, That nothing in this Act shall extend to that Part of the United Kingdom called *Ireland*, or that Part of the United Kingdom called *Scotland*.

Not to extend to Ireland or Scotland.

C A P. CI.

An Act to revive and continue an Act of the First and Second Years of His late Majesty, to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments Parcel of the Duchy of *Cornwall* or annexed to the same; and to make Provision for rendering to Parliament annual Accounts of the Receipts and Disbursements of the Duchies of *Cornwall* and *Lancaster*.

[14th August 1838.]

‘ WHEREAS an Act passed in the First and Second Years of the Reign of His late Majesty, intituled *An Act to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments Parcel of the Duchy of Cornwall or annexed to the same*: And whereas it is expedient that Her most Excellent Majesty should, during such Time as the said Duchy of *Cornwall* shall remain vested in Her Majesty, have the like Powers and Authorities in relation to the Duchy of *Cornwall* as were by the said Act given to and vested in His late Majesty: Be it therefore enacted by the Queen'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 revived, and that the same shall be and continue in full Force and Effect during such Time as the Duchy of *Cornwall* shall remain vested in Her Majesty, and that all Powers and Authorities by the said Act given to or vested in His late Majesty, and all Powers thereby authorized to be vested in and deputed to such Number of the regular Officers for the Time being of the said Duchy as therein specified, shall vest in and may be used and exercised by Her Majesty, and are hereby authorized to be vested in such regular Officers, subject nevertheless to and under the same Limitations and Restrictions as to Leases and Grants, and the same Conditions to be therein contained, as are required with respect thereto respectively in the said recited Act; and that all Acts, Matters, and Things done by Her Majesty by virtue of such Power or Authority, and all Acts done by such regular Officers by virtue of the Power so authorized to be vested

1 & 2 W. 4. c. 5.

Recited Act revived.

Acts done by virtue of recited Act valid.

in

in or deputed to them, shall have full Force and Effect to all Intents and Purposes as if the Name of Her Majesty were inserted in the said recited Act and the same was herein repeated.

Accounts to be annually submitted to Commissioners of the Treasury.

II. And be it enacted, That Accounts of the Receipts and Disbursements of the Duchies of *Cornwall* and *Lancaster* shall be annually submitted by the proper Officers of the said Duchies to the Commissioners of Her Majesty's Treasury, in such Form and accompanied by such Explanations as the said Lords Commissioners of the Treasury shall from Time to Time require and direct; and that the annual Account of Receipts and Disbursements shall be presented to both Houses of Parliament by the said Lords Commissioners of the Treasury within One Calendar Month after the First Meeting of Parliament subsequent to the First Day of *January* in every Year.

C A P. CII.

An Act to revive and continue, until Six Months after the Commencement of the next Session of Parliament, and to amend, an Act for authorizing Her Majesty to carry into immediate Execution by Orders in Council any Treaties made for the Suppression of the Slave Trade.

[14th *August* 1838.]

7 W. 4. &
1 Vict. c. 62.

‘ **W**HEREAS an Act was passed in the last Session of Parliament, intituled *An Act to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade: And* whereas Her Majesty is at the present Time engaged in Negotiation with certain Foreign Powers for the Purpose of concluding with them such Treaties or Conventions or additional Stipulations: And whereas it may happen that during the Time when Parliament is not sitting some such Treaties or Conventions or additional Stipulations may be concluded, or, having previously been concluded, may at that Time be ratified, or, having been previously ratified, the Ratifications thereof may at that Time be exchanged, or, having been exchanged at some Spot in Foreign Parts, the Ratification of such Treaty by the Foreign State may at that Time arrive in this Country, or such Treaties, Conventions, or Stipulations, or Ratifications thereof, may arrive in this Country within so short a Period before the Prorogation of Parliament as may not allow the passing of any Act or Acts of Parliament before the Close of the Session authorizing Her Majesty to carry such Treaties or Conventions or additional Stipulations into immediate Execution: And whereas in such Case Delay would take place in carrying into execution the Stipulations of such Treaties or Conventions or additional Stipulations, and much Crime might be perpetrated during the Interval that might elapse between the Ratification of such Treaties or Conventions or Stipulations and the Time when Parliament might pass Acts authorizing the Crown to carry the same into execution: And whereas it is therefore expedient to revive and continue and amend the said Act: Be it therefore enacted by the Queen's
most

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 be lawful for Her Majesty, by any Order or Orders in Council, to direct that such Treaties or Conventions, and all Stipulations contained therein, and also all additional Stipulations to any former Treaties or Conventions which Her Majesty may have concluded or may hereafter conclude with any Foreign Power or State for the more effectual Suppression of the Slave Trade, shall be carried into immediate Execution, and for that Purpose to declare and direct in such Orders of Council that all Searches, Examinations, Detentions, Seizures, Condemnations, and Sales of Ships or Vessels detained, seized, or captured for any Violations of the Provision of any such Treaties, Conventions, or Stipulations, shall be legal; and also by any such Order or Orders in Council to establish Tribunals for the trying and deciding all Questions which may arise under such Treaties, Conventions, or Stipulations; and for the Condemnation of any such Vessels as aforesaid, and for punishing the Violation of any such Treaties, Conventions, or Stipulations, and for adjudging and enforcing the Payment of any Penalties for any such Violation, or to authorize any Tribunal which may have been heretofore established to act in relation to the enforcing such Treaties, Conventions, or Stipulations aforesaid; and also to authorize the Payment of such Bounties as are allowed in any Act or Acts of Parliament now in force, or which may be passed in this Session of Parliament, in relation to any such Bounties for the Suppression of the Slave Trade, to the Persons detaining, seizing, or capturing any such Vessels; and it shall be lawful for Her Majesty in any such Order or Orders in Council to declare that all Clauses and Provisions, Powers and Authorities contained in, and all Penalties and Forfeitures imposed by, any Act or Acts of Parliament now in force, or which may be passed in this Session of Parliament, for the carrying into execution or giving Effect to any Treaty, Convention, or Stipulation heretofore or which may hereafter be made with any Foreign Power or State, or in any other Act or Acts of Parliament in force for the Suppression of the Slave Trade, as shall be specified or referred to in any such Order or Orders in Council, shall be applied and put in force for the Purpose of carrying into immediate Execution any such Treaty, Convention, or additional Stipulation; and upon the issuing of any such Order or Orders in Council all the Directions, Powers, and Authorities contained therein, and all Clauses, Provisions, Powers, Authorities, Penalties, and Forfeitures referred to in any such Order or Orders, and contained in any such Act or Acts of Parliament, shall have the same and like Force and Effect; and all Acts, Matters, and Things done under the Authority thereof, and all Acts and Judgments of any Tribunals under the same, shall be valid and effectual, as fully, to all Intents and Purposes, as if the same had been enacted in or done under the Authority of an Act of Parliament.

II. And be it enacted, That this Act, and all Orders in Council issued under the Authority thereof, shall continue in force until the Expiration of Six Months after the Commencement of the next Session of Parliament.

Her Majesty empowered to direct, by Orders in Council, that all Treaties, &c. concluded with Foreign Powers for the Suppression of the Slave Trade be carried into immediate Execution.

Duration of Act.

C A P. CIII.

An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland*. [14th August 1838.]

6&7W.4. c.100. ' **W**HEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland*, whereby temporary Provision was made to the end that the Estates and Effects of the Bodies Corporate constituted in sundry Towns in *Ireland* might be preserved and maintained for the use and Benefit of the Inhabitants of the said Towns, and upon and for the several Trusts and Purposes to which the same ought to be applied: And whereas another Act was passed in 1 Vict. c. 74. ' the last Session of Parliament, whereby further temporary Provision was made to the like End: And whereas it is fitting that such Provision should be continued: Be it therefore enacted by the Queen'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 no Conveyance, Alienation, Settlement, Charge, or Incumbrance whatsoever of, out of, or upon any Lands, Tenements, or Hereditaments to which any Body Corporate or late or reputed Body Corporate named in the Schedule to the said first-recited Act annexed, or any One or more of the Members of any of the said Bodies Corporate, in his or their corporate Capacity, or any Person or Persons in Trust for them or any of them, now have or may hereafter acquire, or on or before the Sixteenth Day of *February* One thousand eight hundred and thirty-six had or have since then acquired any Right or Title, unless in pursuance of some Covenant or Contract or Agreement *bond fide* made or entered into on or before the said Sixteenth Day of *February* by or on behalf of such Body Corporate, or of some Resolution duly entered in the Corporate Books of such Body Corporate on or before the said Sixteenth Day of *February*, shall (except as herein-after provided) be made or executed by or on behalf of such Body Corporate before the First Day of *September* One thousand eight hundred and thirty-nine, and that no Contract, Covenant, or Agreement to convey or to charge such Lands, Tenements, or Hereditaments, entered into after the passing of this Act and before the said First Day of *September*, shall, except as herein-after provided, be valid; and no Assignment, Grant, or Disposition of, or Covenant or Agreement to affect, any Personal Estate or Estates of any such Body Corporate, which may be hereafter made before the said First Day of *September* shall, except as herein-after provided, be valid and effectual: Provided always, that nothing herein contained shall extend to such Dispositions as may be made before the said First Day of *September* of any Part of the Real or Personal Estate of any such Body Corporate for paying any just and lawful Debt contracted by them before the said Sixteenth Day of *February* One thousand eight hundred and thirty-six, or for paying any Debt which any such Body Corporate shall have been or may be directed to pay by any Order, Judgment, or Decree of any Court of Law or Equity, or for defraying the legal Salaries of necessary

Restraining the Conveyance of Corporate Property until the 1st of September 1839, unless *bond fide* agreed upon previous to 16th Feb. 1836.

Proviso.

necessary Officers and other legal and necessary Disbursements of such Body Corporate.

II. And be it enacted, That no Person who shall have been appointed to any Office or Place of Profit in or by any of the said Bodies Corporate since the said Sixteenth Day of *February* One thousand eight hundred and thirty-six shall be entitled, by Reason of such Appointment, to have any Compensation for the Loss of such Office or Place of Profit, or of the Fees and Emoluments thereof, in case Provision shall be hereafter made by Parliament for removing him or authorizing his Removal from such Office or Place of Profit, or for amending or abolishing the same.

Persons appointed to Offices since 16th Feb. 1836 not entitled to Compensation on Removal.

C A P. CIV.

An Act to authorize the County of *Clare* to borrow a Sum of Money for the Relief of the Creditors and others remaining unpaid by reason of the Default of the late Treasurer of the said County, to provide for the Repayment of the same, and to direct Proceedings to be taken in reference to the Default of such late Treasurer.

[14th August 1838.]

‘ **W**HEREAS a large Sum is due to the County of *Clare* by *George O'Callaghan* Esquire, the late Treasurer of the said County, and several Demands upon the said County remain unpaid in consequence thereof: And whereas the Nature and Circumstances of the Property of the said late Treasurer render it expedient to enter into an Arrangement for securing the ultimate Repayment of the Sums owing by him to the said County, with Interest as herein-after mentioned; and it is expedient to enable the said County in the meantime to borrow such Sum or Sums as may be necessary for discharging the said Demands upon it: Be it therefore enacted by the Queen'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 Chief Remembrancer of the Court of Exchequer in *Ireland* shall, with all convenient Speed, proceed to ascertain the whole Sum due or payable by the said *George O'Callaghan* to the said County as such Treasurer as aforesaid, and also to ascertain the Amount of all existing Demands upon the said County, and of all Funds now applicable to the Payment thereof, whether in the Hands of the present Treasurer or otherwise; and he shall certify the Sum due by the said *George O'Callaghan*, and the Amount of the said Demands, and of the Funds applicable to the Payment thereof, to the Lord Lieutenant of *Ireland* in Council.

The Chief Remembrancer shall ascertain the Sum due by the late Treasurer of the County of *Clare*, and certify the same and the Funds applicable;

II. And be it enacted, That it shall be lawful for the said Chief Remembrancer, and he is hereby authorized and required, forthwith to investigate the Nature and Circumstances of the Estate, Real and Personal, of the said *George O'Callaghan*, and to determine thereupon whether any and what Proceedings should be taken to enforce the Payment of the Balance which may be found due by him to the said County, or on account of any Monies for which he was liable, or which he was bound to pay or account for as the

and shall determine whether any and what Proceedings should be taken against him for Recovery of the Sum for which he made default

Treasurer

or may determine that an Agreement should be entered into with the late Treasurer for securing and repaying the Sum, and direct the necessary Acts to be done in order thereto.

Treasurer of such County, and to enforce Payment of the Balance which he shall find due by the said *George O'Callaghan*, by causing Her Majesty's Writ of *Levari facias* to issue against him, his Lands and Goods, or by granting a Custodiam of the Lands of the said *George O'Callaghan* in like Manner as if he were Debtor to the Crown for the Balance which shall be found due by him as aforesaid; or if the said Chief Remembrancer shall think that it will not be beneficial to take any such Proceedings, or to take such Proceedings only for Part of such Balance, and that, on the contrary, it would be more to the Public Advantage that an Agreement should be entered into by or for or with the said *George O'Callaghan*, for his giving or procuring Security for the ultimate Repayment of the Sums or Balance owing by him to the said County, or on account of his Default in his said Office, with any Interest thereon or any Part thereof, then that it shall be lawful for the said Chief Remembrancer, and he is hereby required, to consider and determine the Terms of such Agreement, and the Nature and Amount of such Security, and the Title to the Property to be included in or affected by the same, and the Amount to be charged thereon for Principal, Interest, Receiver's Fees, Poundage, or other reasonable Charges, and the Form and Manner in which, and the Acts, Deeds, Assurances, or other Matters by which, the same ought to be effected, and to direct to be had and done all such Acts, Deeds, and Assurances, and other Matters, as to the said Chief Remembrancer shall seem expedient, either by the Conveyance of any Lands or other Property to a Trustee or Trustees or by effecting a Policy or Policies of Insurance on the Life of the said late Treasurer, and applying any Property to the Payment of the Premiums on such Policy or Policies, and to the Payment of Interest on the Sums or Balance so owing by the said *George O'Callaghan*, or otherwise, or by such other Ways or Means as the said Chief Remembrancer shall deem expedient, and shall find to be practicable under all the Circumstances of the Case; and to consider and determine on the Person or Persons who shall be Trustee or Trustees for any of the Purposes of such Security; and to consider and determine the Rate of Interest to be payable upon the Balance or Sum so to be secured, or to be included in such Security, (such Rate of Interest not to be less than Five Pounds *per Centum per Annum*;) and from Time to Time to consider, determine, and make Orders as to the said Chief Remembrancer shall seem expedient, for compelling the Sheriff or Officer charged with the Execution of such Writ of *Levari facias* as aforesaid, or the Custodee or Custodees named in any such Custodiam as aforesaid, or any such Trustee or Trustees as aforesaid, to account for any Monies which he or they shall receive as aforesaid, and to pay any Balance due by him or them into the Bank with which the Treasurer of the said County has his Public Account, to the Credit thereof, as the Chief Remembrancer shall direct, or for the Removal of such Custodee or Custodees, or Trustee or Trustees, or for the Appointment of other and others in their or his Room, or for compelling such Trustee or Trustees to assign over to such Person or Persons as the said Chief Remembrancer shall nominate, as new Trustee or Trustees, any Property vested in him or them as such Trustee or Trustees:

and further from Time to Time to consider, determine, and make Orders as to the said Chief Remembrancer shall seem expedient, for effectuating the Purposes of any such Security as aforesaid, and for preventing the same from being defeated or delayed, or for any other Purposes of this Act; and all such Orders as the said Chief Remembrancer shall make touching the Premises shall be enforced by Attachment or otherwise, and shall have such Force and Effect as any Order or Orders which he is or shall be by Law empowered to make in the Performance of any of the Functions or Duties appertaining to his Office; and all the Powers and Authorities now vested in him for taking, enforcing, or auditing the Accounts of County Treasurers, or any other Accounts, by virtue of an Act passed in the last Session of Parliament, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*, and of the said Lord Lieutenant's Warrant in pursuance thereof, shall and may be used and applied in and towards the Performance of any Duty or Power imposed on or given to him by this Act.

III. And be it enacted, That it shall and may be lawful for the said Lord Lieutenant of *Ireland* in Council, by any Order to be by him made for that Purpose, to authorize the present Treasurer of the said County to borrow, upon the Security of a County Rate to be levied as herein-after mentioned, any Sum that the said Lord Lieutenant in Council shall deem necessary beyond the Balance in his Hands for enabling the said County to discharge any of the said existing Demands upon it, and to direct that the same, with such Interest thereupon as the said Lord Lieutenant in Council shall think proper, shall be levied off the County as Grand Jury Cess now is, by any Instalments as shall be stated in the said Order, and that the first and each subsequent Instalment shall be paid at such Assizes as in and by the said Order shall be appointed in that Behalf; and if any Person shall agree with the said Treasurer to lend or advance the Amount of the said Instalments, or any of them, for the Use of the said County, and shall pay the same into the Bank with which the said Treasurer has his public Account as aforesaid, to the Credit of the said Account, it shall be lawful for the said Treasurer to give to him a Draft upon the said Bank for the Amount of each Instalment which he shall so advance, and which Draft shall be countersigned by the Clerk of the Crown of the said County, and shall be made payable to the Payee or his Order, with such Interest as aforesaid, at the Assizes at which the said Instalment ought to be paid under or by virtue of the said Order in Council; and the said Treasurer shall include the Amount of every such Instalment, and of the Interest which will become payable thereupon, in the Warrant which he shall issue for raising the Sums leviable under the Grand Jury Presentments of the preceding Assizes, and the same shall be raised and paid into the said Bank in like Manner as any Sums leviable by Grand Jury Presentment ought now to be; and any Sum or Sums which shall be lent or advanced as aforesaid shall be paid and applied by the said Treasurer in satisfaction of the said Demands, in such Manner as the

Chief Remembrancer to have all such Powers in the Premises as he is invested with in respect to other Matters of Account.

7 W. 4. &
1 Vict. c. 54.

Lord Lieutenant in Council may authorize the present Treasurer to borrow Money on Security of a County Rate.

said Lord Lieutenant in Council shall in and by such Order as aforesaid direct.

Order of Chief Remembrancer shall be lodged with Clerk of Privy Council, &c.

IV. And be it enacted, That any Order which the said Chief Remembrancer shall make for any of the Purposes of this Act shall be lodged with the Clerk of Her Majesty's Privy Council in *Ireland*, who shall cause the same to be published in the *Dublin Gazette*; and it shall be lawful for the said Lord Lieutenant in Council to reverse or vary the same, provided a Petition of Appeal against such Order shall be presented to the said Lord Lieutenant in Council within Twenty-one Days after the same shall have been published as aforesaid in the said *Gazette*, and shall not in the meantime take effect.

Interpretation of certain Terms used in this Act.

V. And be it enacted, That the Words and Expressions herein mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Words "Lord Lieutenant of *Ireland*" shall extend to any Lords Justices or other Chief Governor or Governors of *Ireland*; and the Word "Land" shall extend to Manors, Messuages, and other Hereditaments, whether corporeal or incorporeal; and the Word "Person" shall extend to and comprise all and every Bodies Politic and Corporate, Sole and Aggregate; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Sureties of G. O'Callaghan not released.

VI. Provided always, That nothing herein contained shall be construed to release or to authorize the said Chief Remembrancer to release the Sureties of the said *George O'Callaghan* from their Liability under the Recognizances entered into by them or either of them.

Public Act.

VII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. CV.

An Act to remove Doubts as to the Validity of certain Oaths.
[14th August 1838.]

All Persons to be bound by the Oath administered in the Form, &c. which such Persons may declare binding.

BE it declared and enacted by the Queen'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 in all Cases in which an Oath may lawfully be and shall have been administered to any Person, either as a Jurymen or a Witness, or a Deponent in any Proceeding, Civil or Criminal, in any Court of Law or Equity in the United Kingdom, or on Appointment to any Office or Employment, or on any Occasion whatever, such Person is bound by the Oath administered, provided the same shall have been

been administered in such Form and with such Ceremonies as such Person may declare to be binding ; and every such Person in case of wilful false swearing may be convicted of the Crime of Perjury in the same Manner is if the Oath had been administered in the Form and with the Ceremonies most commonly adopted.

C A P. CVI.

An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy. [14th August 1838.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of King Henry the Eighth, intituled *An Act that no Spiritual Persons shall take to ferm of the King, or any other Person, any Lands or Tenements for Term of Life, Lives, Years, or at Will, &c. ; and for Pluralities of Benefices ; and for Residence*, the whole of which recited Act (excepting only such Parts as relate to Pluralities of Benefices) has since been repealed by an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act to consolidate and amend the Laws relating to Spiritual Persons holding of Farms ; and for enforcing the Residence of Spiritual Persons on their Benefices ; and for the Support and Maintenance of Stipendiary Curates in England* : And whereas it is expedient to consolidate and amend the said Laws, and to restrain the holding of Pluralities, and to make further Provision for enforcing the Residence of Spiritual Persons upon their Benefices, and to limit the Exemptions from such Residence ; and also to make further Provision respecting the Appointment and Support of Stipendiary Curates in *England* : Be it therefore enacted by the Queen'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 so much of the said recited Acts as is now in force shall be and the same is hereby repealed, save and except only such Part of the said last-recited Act as repeals certain Acts and Parts of Acts therein particularly recited : Provided always, that nothing herein contained shall exempt any Person from any Penalties incurred under the said last-recited Act before the Time of passing this Act, or take away or affect any Proceedings for Recovery thereof, whether commenced or not before the passing of this Act, or shall annul or abridge any Licence granted under the Provisions of the said last-recited Act before the Time of passing this Act.

21 H. 8. c. 13.

57 G. 3. c. 99.

Both Acts now wholly repealed; saving as to Penalties already incurred, or Licences already granted.

II. And be it enacted, That from and after the passing of this Act no Spiritual Person holding more Benefices than One shall accept and take to hold therewith any Cathedral Preferment or any other Benefice ; and that no Spiritual Person holding any Cathedral Preferment and also holding any Benefice shall accept and take to hold therewith any other Cathedral Preferment or any other Benefice ; and that no Spiritual Person holding any Preferment in any Cathedral or Collegiate Church shall accept and take to hold therewith any Preferment in any other Cathedral or Collegiate Church ; any Law, Canon, Custom, Usage, or Dis-

Not more than Two Preferments to be held together ;

persentation to the contrary notwithstanding: Provided that nothing herein-before contained shall be construed to prevent any Archdeacon from holding, together with his Archdeaconry, Two Benefices, under the Limitations herein-after mentioned with respect to Distance, joint yearly Value, and Population, and One of which Benefices shall be situate within the Diocese of which his Archdeaconry forms a Part, or One Cathedral Preferment in any Cathedral or Collegiate Church of the Diocese of which his Archdeaconry forms a Part, and One Benefice situate within such Diocese, or to prevent any Spiritual Person holding any Cathedral Preferment, with or without a Benefice, from holding therewith any Office in the same Cathedral or Collegiate Church the Duties of which are statutablely or accustomedly performed by the Spiritual Persons holding such Preferment.

nor Two Benefices, unless within Ten Miles of each other;

III. And be it enacted, That, except as herein-after provided, no Spiritual Person holding any Benefice shall accept and take to hold therewith any other Benefice, unless it shall be situate within the Distance of Ten Statute Miles from such first-mentioned Benefice.

nor if Population of One such Benefice is more than 3,000, or joint yearly Value shall exceed 1,000L.

IV. And be it enacted, That, except as herein-after provided, no Spiritual Person holding a Benefice with a Population of more than Three thousand Persons shall accept and take to hold therewith any other Benefice having, at the Time of his Admission, Institution, or being licensed thereto, a Population of more than Five hundred Persons; nor shall any Spiritual Person holding a Benefice with a Population of more than Five hundred Persons accept and take to hold therewith any other Benefice having, at the Time of his Admission, Institution, or being licensed thereto, a Population of more than Three thousand Persons; nor shall any Spiritual Person hold together any Two Benefices if, at the Time of his Admission, Institution, or being licensed to the Second Benefice, the Value of the Two Benefices jointly shall exceed the yearly Value of One thousand Pounds.

If yearly Value of One of said Benefices be less than 150L., and the Population shall exceed 2,000 Persons, the Two may be held jointly, &c.

V. And be it enacted, That in case the Bishop or Bishops, as the Case may be, to whom any Two Benefices within the Distance of Ten Miles from each other shall respectively be subject, which, under the Provision herein-before contained, might not be holden together, but one of which Benefices shall be below the yearly Value of One hundred and fifty Pounds, and the Population of which shall exceed Two thousand Persons, shall think it expedient that the Incumbent of one of such Benefices should be permitted to hold the said Two Benefices together, the said Bishop or Bishops shall be at liberty, upon Application made to him or them for that Purpose by such Incumbent, to state in Writing under his or their Hand or Hands the Reason why such Benefices should be holden together, and in such Case it shall be lawful for the said Incumbent to hold the said Two Benefices together: Provided always, that in the last-mentioned Case the Bishop of the Diocese within which such Benefice having a Population exceeding Two thousand Persons is situate may from Time to Time, if he shall so think fit, by an Order under his Hand and revocable at any Time, require that such Incumbent should keep Residence on and personally serve such Benefice during the Space of Nine Months in each Year; and if such Incumbent shall not, in obedience

Proviso as to Residence on larger Parish.

to the Terms of such Order and until the same be revoked, reside on and personally serve such Benefice, he shall be liable to all the Penalties for Non-residence imposed by this Act, notwithstanding he may have a legal Exemption permanent or temporary from Residence, or may be resident on some other Benefice of which he may be possessed, or may be performing the Duties of an Office, and the Performance of the Duties of which might in other Cases be accounted as Residence on some Benefice: Provided always, that such Spiritual Person may, within One Month after Service upon him of any such Order, appeal to the Archbishop of the Province, who shall confirm or rescind such Order as to him may seem just and proper.

VI. Provided always, and be it enacted, That before any Spiritual Person shall be allowed to hold any Two Benefices together under any Provision of this Act it shall be necessary for such Person to obtain from the Archbishop of *Canterbury* for the Time being a Licence or Dispensation for the Holding thereof, which Licence or Dispensation the said Archbishop is hereby empowered to grant under the Seal of his Office of Faculties, upon being satisfied as well of the Fitness of the Person as of the Expediency of allowing such Two Benefices to be holden together, and that such Licence or Dispensation shall issue in such Manner and Form as the said Archbishop shall think fit; and for such Licence or Dispensation there shall be paid to the Registrar of the said Office the Sum of Thirty Shillings and no more, and to the Seal Keeper thereof the Sum of Two Shillings and no more; and that no Stamp Duty, nor any other Fee, save as herein-before mentioned, shall be payable on the Licence or Dispensation to be granted as aforesaid, nor shall any Confirmation thereof be necessary; nor shall it be required of any Spiritual Person applying for any such Licence or Dispensation to give any Caution or Security by Bond or otherwise before such Licence or Dispensation is granted; and if the said Archbishop of *Canterbury* shall refuse or deny to grant any such Licence or Dispensation as aforesaid, it shall be lawful for Her Majesty, if She, by the Advice of Her Privy Council, shall think fit, upon Application by the Person to whom such Licence or Dispensation shall have been refused or denied, to enjoin the said Archbishop to grant such Licence or Dispensation, or to show to Her Majesty in Council sufficient Cause to the contrary, and thereupon to make such Order touching the Refusal or Grant of such Licence or Dispensation as to Her Majesty in Council shall seem fit; and such Order shall be binding upon the Archbishop.

VII. And be it further enacted, That where any Spiritual Person shall be desirous of obtaining a Licence or Dispensation for holding together any Two Benefices such Spiritual Person shall, previously to applying for the Grant of such Licence or Dispensation, deliver to the Bishop of the Diocese where both Benefices are situate in the same Diocese, or to the Bishops of the Two Dioceses where such Benefices are situate in different Dioceses, a Statement in Writing under his Hand, verified as such Bishop or Bishops respectively may require, according to a Form or Forms to be promulgated from Time to Time by the Archbishop of *Canterbury* and approved by the Queen in Council, in which Statement such

Licence or Dispensation to hold together any Two Benefices must be obtained from the Archbishop of *Canterbury*.

A Statement of certain Particulars to be made by every Spiritual Person to the Bishop of the Diocese previous to Application for a Licence or Dispensation.

Spiritual Person shall set forth, according to the best of his Belief, the yearly Income arising from each of the said Benefices, separately, on an Average of the Three Years ending on the Twentieth Day of *September* next before the Date of such Statement, and the Sources from which such Income is derived, and also the yearly Amount, on an Average of the same Period of Three Years, of all Taxes, Rates, Tenths, Dues, and other permanent Charges and Outgoings to which the same Benefices are respectively subject, and also the Amount of the Population of each of the said Benefices, to be computed according to the last Returns made under the Authority of Parliament, and also the Distance between the Two Benefices, to be computed according to the Directions of this Act; and it shall be lawful for the Bishop to whom such Statement shall be delivered to make any Inquiry which he may think right as to the Correctness of the same in respect to the Benefices or Benefice within his Diocese; and such Bishop is hereby required, within the Space of One Month after he shall have received such Statement as aforesaid, to transmit to the Archbishop of *Canterbury* a Certificate under his Hand, in which Certificate such Bishop shall set forth or shall annex thereto a Copy of the Statement delivered to him as aforesaid, and shall thereby certify the Amount at which he considers that the annual Value and the Population of each of the Two Benefices (where both Benefices are situate in the same Diocese) and the Distance of the said Two Benefices from each other, or the Amount at which he considers the annual Value and the Population of the Benefice within the Diocese of such Bishop (where the Two Benefices are situate in different Dioceses) and the Distance of such Benefice from the other Benefice, ought to be taken, with respect to the Licence or Dispensation in question; and whenever both or either of the Benefices shall be in the Diocese or Jurisdiction of the Archbishop of *Canterbury*, a Certificate shall be made out in manner aforesaid by the Archbishop, and shall be retained by him.

Bishop may test Statement.

Bishop to transmit a Certificate to the Archbishop of *Canterbury*, setting forth Copy of the Statement made to the Bishop and other Particulars.

How annual Value of Two Benefices to be held together by Dispensation to be estimated.

VIII. And be it further enacted, That in estimating the annual Value of any Benefice for the Purpose of any such Certificate as aforesaid it shall be lawful for the Archbishop or Bishop by whom such Certificate shall be made, and every such Archbishop and Bishop is hereby directed, to deduct from the gross Amount of the yearly Income arising from such Benefice all Taxes, Rates, Tenths, Dues, and other permanent Charges and Outgoings to which such Benefice shall be subject, but not to deduct or allow for any Stipend or Stipends to any Stipendiary Curate or Curates, nor for such Taxes or Rates in respect of the House of Residence on any Benefice or of the Glebe Land belonging thereto as are usually paid by Tenants or Occupiers, nor for Monies expended in the Repair or Improvement of the House of Residence and Buildings and Fences belonging thereto.

Certificate to be deposited in Office of Faculties; and be conclusive Evidence of Value, Population, and Distance.

IX. And be it further enacted, That the Certificate or Certificates to be transmitted to or retained by the Archbishop of *Canterbury* as aforesaid shall be deposited in the said Office of Faculties, and in the event of the required Licence or Dispensation being granted shall for the Purposes of this Act be conclusive Evidence of the annual Value and Population of each of the

the Benefices to which the same shall relate, and of their Distance from each other; and the Registrar of the Faculties shall and he is hereby required to produce such Certificate or Certificates to any Person who may require to inspect the same.

X. And be it further enacted, That for all the other Purposes of this Act the annual Value of all Benefices shall be the net annual Value thereof, to be estimated in the same Manner as is herein-before directed for the Purpose of any such Certificate as aforesaid; and that it shall be lawful for the Court before whom any Suit shall be depending for the Recovery of any Penalty or Forfeiture under this Act, and for any Bishop acting under any of the Provisions of this Act, to make or cause to be made such Inquiries and call for such Evidence as such Court or Bishop shall think fit, and otherwise to proceed upon the best Information which such Court or Bishop may be able to procure for estimating in manner aforesaid the annual Value of any Benefice; and with respect to the same, the Decision of such Court or of such Bishop, founded on such Evidence or other Information, shall be final and conclusive, save when appealed from in due Course of Law.

In other Cases how annual Value to be estimated.

XI. And be it enacted, That if any Spiritual Person, holding any Cathedral Preferment or Benefice, shall accept any other Cathedral Preferment or Benefice, and be admitted, instituted, or licensed to the same contrary to the Provisions of this Act, every Cathedral Preferment or Benefice so previously held by him shall be and become *ipso facto* void, as if he had died or had resigned the same, any Law, Statute, Canon, Usage, Custom, or Dispensation to the contrary notwithstanding; and if any Spiritual Person holding any Two or more Benefices shall accept any Cathedral Preferment, or any other Benefice, or if any Spiritual Person holding Two or more Cathedral Preferments shall accept any Benefice, or if any Spiritual Person holding any Cathedral Preferment or Preferments, and Benefice or Benefices, shall accept another Benefice, he shall, before he is instituted, licensed, or in any Way admitted to the said Cathedral Preferment or Benefice, in Writing under his Hand declare to the Bishop or Bishops within whose Diocese or Dioceses any of the Cathedral Preferments or Benefices previously holden by him are situate, which Cathedral Preferment and Benefice, or which Two Benefices, (such Two Benefices being tenable together under the Provisions of this Act,) he proposes to hold together, and a Duplicate of such Declaration shall by such Spiritual Person be transmitted to the Registry of the Diocese, and be there filed; and immediately upon any such Spiritual Person being instituted, licensed, or in any Way admitted to the Cathedral Preferment or Benefice which he shall have accepted as aforesaid, such Cathedral Preferment or Preferments, Benefice or Benefices as he previously held, and as he shall not as aforesaid have declared his Intention to hold, or such Benefice as shall not be tenable under the Provisions of this Act with such newly-accepted Benefice, shall be and become *ipso facto* void, as if he had died or had resigned the same; and if such Spiritual Person shall in any such Case refuse or wilfully omit to make such Declaration as aforesaid, every Cathedral Preferment and Benefice which he previously held shall be and become *ipso facto* void as aforesaid: Provided always, that nothing herein contained

Acceptance of Preferment contrary to this Act vacates the former Preferment.

shall be construed to affect the Provision herein-before made with respect to Archdeacons, or with respect to Spiritual Persons holding, with any Cathedral Preferment, and with or without a Benefice, Offices in the same Cathedral or Collegiate Church.

Present Rights
of Possession
saved.

XII. And be it enacted, That nothing herein-before contained shall be construed to prejudice or affect the Right of Possession in any Cathedral Preferment or Benefice to which any Spiritual Person shall have been collated, admitted, instituted, or licensed, or which shall have been otherwise granted to any Spiritual Person before the passing of this Act, unless he shall after the passing of this Act accept or take some Cathedral Preferment or Benefice contrary to the Provisions of this Act.

Saving of other
Rights.

XIII. And be it enacted, That nothing in this Act contained shall be construed to prevent any Spiritual Person possessed of One or more than One Benefice at the Time of the passing of this Act, and to whom or in Trust for whom the Advowson of or the next Presentation or Nomination to any other Benefice has been conveyed, granted, or devised by any Deed or Will made before the Twenty-third Day of *December* One thousand eight hundred and thirty-seven, from taking the said last-mentioned Benefice, and holding together such Benefice and any One such first-mentioned Benefice (although the Benefices to be held together be not within the Limits nor under the joint yearly Value, nor the Population thereof under the Amount, prescribed by this Act), but so nevertheless that the said Two Benefices be such as might have been held together before the passing of this Act by Dispensation duly granted and confirmed; and the Bishop of the Diocese in which such Second or other Benefice is situate shall and may, after a Licence or Dispensation shall have been obtained by such Spiritual Person as is by this Act required for holding Two Benefices together, admit, institute, or license such Spiritual Person thereto, any thing herein contained to the contrary notwithstanding; unless such Spiritual Person, after the passing of this Act, and before he shall be so admitted, instituted, or licensed to such Second or other Benefice as aforesaid, shall have accepted and taken any Cathedral Preferment or any other Benefice, the holding of which with such Second or other Benefice would be contrary to the Provisions of this Act.

Saving as to
former Chap-
lains to the
House of Com-
mons.

XIV. Provided also, and be it enacted, That nothing herein-before contained shall be construed to prevent the Reverend *Frederick Vernon Lockwood*, the Reverend *Edward Repton*, or the Reverend *Temple Frere*, formerly Chaplains to the House of Commons, from taking and holding with any Benefice of which any of them was in Possession at the Time of the passing of this Act any Cathedral Preferment, or any Benefice which may be conferred on them or either of them by Her Majesty in consideration of their respective Services as such Chaplains, although any such Benefices be not within the Limits nor under the joint yearly Value, nor the Population thereof under the Amount, prescribed by this Act.

Acts 37 H. 8.
c. 21. and
17 C. 2. c. 3.
for uniting
Churches re-

XV. And whereas it is expedient to alter and amend the Provisions made by an Act passed in the Thirty-seventh Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Union of Churches not exceeding the Value of Six Pounds*; and

by

‘ by another Act passed in the Seventeenth Year of the Reign of King Charles the Second, intituled *An Act for uniting Churches in Cities and Towns Corporate*;’ be it enacted, That the said last-recited Acts shall be and the same are hereby repealed.

XVI. And be it enacted, That whenever it shall appear to the Archbishop of the Province, with respect to his own Diocese, and whenever it shall be represented to him by the Bishop of any Diocese, or by the Bishops of any Two Dioceses, that Two or more Benefices, or that One or more Benefice or Benefices, and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in his or their Diocese or Dioceses, being either in the same Parish or contiguous to each other, and of which the aggregate Population shall not exceed One thousand five hundred Persons, and the aggregate yearly Value shall not exceed Five hundred Pounds, may with Advantage to the Interests of Religion be united into One Benefice, the said Archbishop of the Province shall inquire into the Circumstances of the Case; and if on such Inquiry it shall appear to him that such Union may be usefully made, and will not be of inconvenient Extent, and that the Patron or Patrons of the said Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages respectively is or are consenting thereto, such Consent being signified in Writing under the Hands of such Patron or Patrons, the said Archbishop shall, Six Weeks before certifying such Inquiry and Consent to Her Majesty as herein-after directed, cause, with respect to his own Diocese, a Statement in Writing of the Facts, and in other Cases a Copy in Writing of the aforesaid Representation, to be affixed on or near the principal outer Door of the Church, or in some public and conspicuous Place in each of such Benefices, Sinecure Rectories, or Vicarages, with Notice to any Person or Persons interested that he, she, or they may, within such Six Weeks, show Cause in Writing under his, her, or their Hand or Hands to the said Archbishop against such Union, and if no sufficient Cause be shown within such Time, the said Archbishop shall certify the Inquiry and Consent aforesaid to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty in Council to make and issue an Order or Orders for uniting such Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, into One Benefice, with Cure of Souls, for Ecclesiastical Purposes only; and it shall be lawful for Her Majesty in Council to give Directions for regulating the Course and Succession in which the Patrons, if there be more than One Patron, shall present or nominate to such united Benefice from Time to Time as the same shall become vacant, and for determining, if such united Benefice shall be in Two Dioceses, to which of such Dioceses such Benefice shall belong; and such Order or Orders shall be registered in the Registry or Registries of the Diocese or respective Dioceses to which such united Benefice shall be determined to belong, and to which either or any of the united Benefices, Sinecure Rectories, or Vicarages shall have belonged when separate, which Order or Orders the Registrar or Registrars of such Diocese or respective Dioceses, immediately on the Receipt thereof, are hereby required to register accordingly; and such Order or Orders shall thenceforth be binding on all Parties whatsoever; and if at the Time of the Registration of such Order or

and their Provisions re-enacted and extended.

Orders

Orders all the Benefices, Sinecure Rectories, or Vicarages ordered to be united shall not be holden by the same Incumbent, then if any of such Benefices, Sinecure Rectories, or Vicarages shall at such Time be vacant, and if not, then upon every Avoidance, until all the said Benefices, Sinecure Rectories, or Vicarages but One shall come to be holden by the same Incumbent, the Patron of the vacant Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, shall be bound to present or nominate, and the Bishop shall be bound to admit and institute or license, to the vacant Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, the Incumbent of the other or one of the other Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages so ordered to be united; and if both or all, as the Case may be, shall be holden by the same Incumbent at the Time of the Registration of such Order or Orders, or all but One of the said Benefices, Sinecure Rectories, or Vicarages shall at such Time be vacant, then immediately, or otherwise on the first Avoidance of either or any of such Benefices, Sinecure Rectories, or Vicarages, after all but One shall have come to be holden by the same Incumbent, the said Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages shall become permanently united together, and shall be and be deemed and taken to be One Benefice, with Cure of Souls, to all Intents and Purposes, unless and until the same shall be afterwards disunited in the Manner hereinafter enacted: Provided always, that notwithstanding any such Union the Parishes or Places of which such united Benefice shall consist shall continue distinct as to all secular Rates, Taxes, Charges, Duties, and Privileges, and in all other respects except as herein-before specified.

Glebe Lands, &c. may in certain Cases be excepted out of any United Benefice to augment the Provision for any other adjoining poor Benefice by an Exchange in such Manner that the Augmentation shall be situate within the Limits of such other Benefice.

XVII. And be it enacted, That when it shall further appear to the Archbishop of the Province, with respect to his own Diocese, or it shall be further represented to him by the Bishop of any other Diocese, that the total Income of any Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, proposed to be united as aforesaid, would be larger than sufficient for the due Maintenance and Support of the Incumbent of the Benefice when united, and that the Whole or some specified Part or Parts of the Glebe Lands, Tithes, Rent-charges, Tenements, and Hereditaments belonging to the Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages proposed to be united, or any of them, might and could, with Advantage to the Interests of Religion, be excepted out of such Union, and be exchanged for certain other Lands, Tithes, Tenements, and Hereditaments, or any of them, in some other specified Benefice situate in the same Diocese, and having no competent Provision belonging thereto, and that the Lands, Tithes, Tenements, or Hereditaments proposed to be given in exchange for such excepted Lands, Tithes, Rent-charges, Tenements, or Hereditaments might with like Advantage be granted, conveyed, and assured as a further perpetual Endowment for the Incumbent of such last-mentioned Benefice, and that the Patron or Patrons of the said Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages respectively, and the Incumbent or Incumbents for the Time being thereof respectively, or of such thereof as shall not be then vacant, and the Owner or Owners,

Impro-

Improprator or Impropriators of such Lands, Tithes, Tenements, or Hereditaments respectively so proposed to be given in exchange or are consenting thereto, such Consent to be signified in Writing under their respective Hands, it shall be lawful for the said Archbishop, after inquiring into such further Matter, to certify in like Manner as aforesaid such further Circumstances to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty, in and by such Order as aforesaid, or any other Order or Orders, to direct that such first-mentioned Lands, Tithes, Rent-charges, Teuements, and Hereditaments shall be excepted out of such united Benefice, and be granted, conveyed, and assured unto such Owner or Owners, Improprator or Impropriators as aforesaid, in exchange for an equal Value of Lands, Tithes, Tenements, or other Hereditaments situate or arising within the Limits of such Benefice, to be by such Owner or Owners, Improprator or Impropriators, granted, conveyed, and assured for the further Endowment of such other Benefice; and such Order or Orders shall be registered in the Register of the Diocese to which such united Benefice and other Benefice shall belong, and which Order or Orders the Registrar of such Diocese, immediately on the Receipt thereof, is hereby required to register accordingly, and such Order or Orders shall thenceforth be binding on all Parties whatsoever; and such Lands, Tithes, Tenements, and Hereditaments, so directed to be granted, conveyed, and assured to such Owner or Owners, Improprator or Impropriators as aforesaid, shall, immediately upon and after the Execution and Inrolment in manner herein-after directed of the Deed or Deeds, Instrument or Instruments herein-after mentioned, be for ever freed and discharged of and from all Estate, Right, Title, and Interest whatsoever of all and every the Incumbent or Incumbents for the Time being of the said Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages so to be united, and become and be subject and liable in every respect to all and singular the Uses, Trusts, Estates, and Charges of or to which the Lands, Tithes, Rent-charges, Tenements, or other Hereditaments so granted, conveyed, or assured by such Owner or Owners, Improprator or Impropriators, for such further Endowment as aforesaid, may at the Time of such Execution have been subject or liable; and that such last-mentioned Lands, Tithes, Rent-charges, Tenements, or other Hereditaments, so granted, conveyed, and assured by such Owner or Owners, Improprator or Impropriators, for such further Endowment as aforesaid, shall in like Manner become and be for ever annexed to such other Benefice for the further Endowment of which the same shall be so granted, conveyed, and assured, and be held and enjoyed for ever by the Incumbent for the Time being thereof, as Part of the Endowment thereof, freed and discharged of and from all Uses, Trusts, Estates, and Charges whatsoever to which the same respectively or any Part thereof were or was before subject or liable.

XVIII. Provided always, and be it further enacted, That all such Grants, Conveyances, and Assurances as aforesaid shall be made by Deed or Deeds, Instrument or Instruments in Writing, under the Hand and Seal or Hands and Seals of the Patron or Patrons of the Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage

Such Conveyances in exchange to be by Deed in Writing, under the Hands and Seals of all Parties

interested, to be inrolled in Chancery.

Vicarage or Vicarages, affected thereby, and of the Owner or Owners, Impropropriator or Impropropriators of the Lands, Tithes, Tenements, and Hereditaments so to be given in exchange as aforesaid; and the Bishop of the Diocese for the Time being shall testify his Approval thereof by being a Party and affixing his Episcopal Seal thereto; and the Incumbent or Incumbents for the Time being of such of the said Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, as shall not be then vacant, shall testify his or their Approval by being a Party or Parties to and signing the same respectively, and shall be the Party or Parties by whom the Grant, Conveyance, and Assurance to be made or executed to such Owner or Owners, Impropropriator or Impropropriators as aforesaid shall be made and executed; and such Deed or Deeds, Instrument or Instruments in Writing, shall be inrolled in Her Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof respectively, or else have no Operation under this Act.

Approval of Bishop of the Diocese.

XIX. Provided always, and be it enacted, That the Approval of the said Bishop, testified as aforesaid, shall be conclusive that the Lands, Tithes, Rent-charges, Tenements, and Hereditaments so to be granted, conveyed, and assured under or by virtue of the Provisions aforesaid were respectively of the proper Value required by this Act, and were respectively granted, conveyed, and assured due in Accordance with the Provisions aforesaid.

No Union, except under this Act.

XX. Provided also, and be it enacted, That from and after the passing of this Act it shall not be lawful to unite Two or more Benefices into One Benefice in any other Form or Manner or under any other Circumstances than is herein-before provided; and that if any such Union shall be made in any other Form or Manner or under any other Circumstances than as it is herein-before provided, the same shall be void to all Intents and Purposes whatsoever; any Statute, Law, Canon, Custom, or Usage to the contrary notwithstanding.

Provisions for partly disuniting united Benefices.

XXI. 'And whereas from the Increase of Population, or from other Circumstances, it may be expedient that Two or more Benefices which have been heretofore united or which may be hereafter united under the Provisions of this Act should be disuniting; be it enacted, That when Two or more Benefices shall have been united or may be hereafter united into One Benefice, and with respect to his own Diocese, it shall appear to the Archbishop of the Province, or the Bishop of any Diocese shall represent to the said Archbishop of the Province, that One or more of the Benefices within his Diocese of which such united Benefice shall consist may be separated therefrom with Advantage to the Interests of Religion, the said Archbishop shall inquire into the Circumstances of the Case, and if on such Inquiry it shall appear to him that such Union may be usefully dissolved, so far as respects such Benefice or Benefices, he shall, Six Weeks at least before certifying such Inquiry to Her Majesty as herein-after directed, cause with respect to his own Diocese a Statement in Writing of the Facts and in all other Cases a Copy in Writing of the aforesaid Representation to be affixed on or near the principal outer Door of the Church or in some public and conspicuous Place in each of the Benefices forming Part of the united Benefice, with Notice to

any Person or Persons interested that he, she, or they may within such Six Weeks show Cause in Writing under his, her, or their Hands to the said Archbishop against any such Disunion; and if no sufficient Cause be shown within such Time the Archbishop shall certify the Inquiry and Consent, when the Patron's Consent is necessary, to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty to issue an Order for separating such last-mentioned Benefice or Benefices from such united Benefice, and for declaring the Rights of Patronage of the several Patrons if there be more than One Patron, and such Order shall be registered in the Registry of the Diocese to which such united Benefice shall belong, which Order the Registrar of such Diocese, immediately on the Receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united Benefice shall be then vacant, otherwise on the first Avoidance thereof, such Union shall be *ipso facto* dissolved so far only as regards such Benefice or Benefices so proposed to be separated from such united Benefice, but in all other respects shall remain in full Force and Effect, and thenceforward such last-mentioned Benefice or Benefices shall be and be deemed and taken to be a separate and distinct Benefice or Benefices to all Intents and Purposes whatever as if no such Union had taken place, and the Patron or Patrons thereof shall and may according to the Terms of such Order present or nominate thereto respectively, and so from Time to Time upon each and every Avoidance of the same: Provided always, that no Benefices which have been united for more than Sixty Years before the passing of this Act shall be disunited without the Consent in Writing of the Patron or Patrons thereof.

XXII. And be it enacted, That in any Case in which Her Majesty in Council shall have issued any such Order as aforesaid for separating One or more Benefices from such united Benefice it shall be lawful for the Incumbent thereof, if such united Benefice shall be full at the Time of issuing such Order, to resign the Benefice or Benefices so proposed to be separated as aforesaid from such united Benefice; and thereupon it shall be lawful for the respective Patron or Patrons of such last-mentioned Benefice or Benefices to present or nominate thereto, in the same Manner as if such united Benefice had been vacant at the Time of issuing such Order.

XXIII. And be it enacted, That whenever Two or more Benefices which have at any Time been united into One Benefice shall be disunited and become separate Benefices under the Provisions of this Act, whether the Order for Disunion shall extend to the whole Number of Benefices of which such united Benefice consisted, or to One or more of such Benefices only, it shall be lawful for Her Majesty in Council, on the Recommendation of the Archbishop of the Province, with the Consent of the Patron or Patrons of such Benefices respectively (such Consent to be signified in Writing under the Hands of such Patron or Patrons), to assign and attach such Portion of the Glebe Lands, Tithes, Moduses, Rent-charges, or other Endowments or Emoluments belonging to or arising or accruing within the Limits of such united Benefice to each of such Benefices respectively, as to Her Majesty in Council shall seem fit, notwithstanding such Proportion of Glebe Land, Tithes,

Incumbent may resign One or more of disunited Benefices, and Patron may present.

Portion of Glebe, &c. may be assigned to each of the disunited Benefices;

Rent-

Rent-charges, Moduses, or other Endowments or Emoluments, or any Part thereof, may not arise or accrue within the Limits of the Benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto, and also to divide and apportion between such Benefices all such Charges and Outgoings as before the Disunion thereof were imposed upon the whole united Benefice, and in the Case of Mortgages with the Consent of the Mortgagees in Writing under their Hands and Seals.

and shall belong to the Incumbent.

XXIV. And be it enacted, That all such Lands, Tithes, Rent-charges, Moduses, or other Endowments or Emoluments, when so assigned and attached as aforesaid, shall belong to, and the same and the Rents and Profits thereof shall be recoverable by, the Incumbent of the Benefice to which the same shall have been so assigned and attached.

More than One House may be provided in disunited Benefices.

XXV. ' And whereas by an Act passed in this present Session of Parliament, intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy*, Provision is made in certain Cases for selling the Residence House and Appurtenances belonging to any Benefice, together with a certain Portion of Land contiguous thereto, and for applying the Proceeds of such Sale to the Erection or Purchase of some House, or the Purchase of an Orchard, Garden, or Land for the Residence and Occupation of the Incumbent of such Benefice: And whereas it may happen that in the Case of Benefices disunited under the Provisions of this Act, or divided or separately endowed under the Provisions of Two Acts passed in the Fifty-eighth Year and in the Fifty-ninth Year of His Majesty King *George* the Third, for building and promoting the building of additional Churches in populous Parishes, and for amending and rendering more effectual the said Act, the existing Benefice House may be inconveniently situated for any One of such disunited Parishes, or of the Divisions of such divided Benefices, or may be on too large and expensive a Scale to be conveniently maintained by the Incumbent of any such disunited or divided Benefice; be it enacted, That all the Provisions of the said recited Act of this present Session relating to the Sale of the House, Gardens, Orchards, Appurtenances, or Land attached to any Benefice, and the Application of the Proceeds of such Sale, shall be and be deemed applicable to the Case of any Benefice divided or separately endowed under the Provisions of the said Acts, or either of them, of His Majesty King *George* the Third, and of any Benefice disunited under the Provisions of this Act; and that the Proceeds of such Sale may be applied and disposed of by the Governors of the Bounty of Queen *Anne* in and towards the Erection or Purchase of such and so many Houses, or in and towards the Purchase of so many Gardens or Appurtenances, or of so much Land as shall be required for the Residence of an Incumbent within each of the Parishes so disunited, or each of the Divisions of the Benefices so divided, in such Proportions within each such Benefice respectively as shall be approved by the Archbishop of the Province, with the Consent of the Patron and Ordinary, and (if the Benefice be full) of the Incumbent of the Benefice, such Consents to be signified in Writing under their respective Hands, and shall be confirmed by Her Majesty in Council.

58 G. 3. c. 45.

59 G. 3. c. 134.

XXVI. ' And whereas in some Instances Tithings, Hamlets, Chapelries, and other Places or Districts may be separated from the Parishes or Mother Churches to which they belong with great Advantage, and Places altogether extra-parochial may in some Instances with Advantage be annexed to Parishes or Districts to which they are contiguous, or be constituted separate Parishes for Ecclesiastical Purposes; ' be it enacted, That when, with respect to his own Diocese, it shall appear to the Archbishop of the Province, or when the Bishop of any Diocese shall represent to the said Archbishop, that any such Tithing, Hamlet, Chapelry, Place, or District within the Diocese of such Archbishop, or the Diocese of such Bishop, as the Case may be, may be advantageously separated from any Parish or Mother Church, and either be constituted a separate Benefice by itself or be united to any other Parish to which it may be more conveniently annexed, or to any other adjoining Tithing, Hamlet, Chapelry, Place, or District, parochial or extra-parochial, so as to form a separate Parish or Benefice, or that any Extra-parochial Place may with Advantage be annexed to any Parish to which it is contiguous, or be constituted a separate Parish for Ecclesiastical Purposes; and the said Archbishop or Bishop shall draw up a Scheme in Writing (the Scheme of such Bishop to be transmitted to the said Archbishop for his Consideration), describing the Mode in which it appears to him that the Alteration may best be effected, and how the Changes consequent on such Alteration in respect to Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, and in respect to Patronage and Rights to Pews, may be made with Justice to all Parties interested; and if the Patron or Patrons of the Benefice or Benefices to be affected by such Alteration shall consent in Writing under his or their Hands to such Scheme, or to such Modification thereof as the said Archbishop may approve, and the said Archbishop shall, on full Consideration and Inquiry, be satisfied with any such Scheme or Modification thereof, and shall certify the same and such Consent as aforesaid, by his Report to Her Majesty in Council, it shall be lawful for Her Majesty in Council to make an Order for carrying such Scheme, or Modification thereof, as the Case may be, into effect; and such Order, being registered in the Registry of the Diocese, which the Registrar is hereby required to do, shall be forthwith binding on all Persons whatsoever, including the Incumbent or Incumbents of the Benefice or Benefices to be affected thereby, if he or they shall have consented thereto in Writing under his or their Hands; but if such Incumbent or Incumbents shall not have so consented thereto the Order shall not come into operation until the next Avoidance of the Benefice by the Incumbent objecting to the Alteration, or by the surviving Incumbent objecting, if more than One shall object thereto; and in such Case the Order shall forthwith, after such Avoidance, become binding on all Persons whatsoever.

Provisions for annexing isolated Places to the contiguous Parishes, or making them separate Benefices.

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XXVII. ' And whereas the Changes effected by virtue of the Provisions aforesaid for uniting or disuniting Benefices, and for altering the Contents of Parishes, may, when the Orders for those Purposes respectively come into operation, raise Doubts and create Disputes not foreseen at the Time when such Orders ' may

Power of adjusting Disputes arising out of the foregoing Alterations.

‘ may have been made respecting Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, Patronage, Right to Pews, and the Definition of local Boundaries;’ be it enacted, That it shall be lawful for Her Majesty in Council, at any Time within Five Years after such Orders respectively shall come into full Operation, if Occasion shall arise, to make a supplemental Order for removing such Doubts and settling such Disputes; and every such supplemental Order shall have the same Force and Effect as if it had formed Part of the original Order made under the Provisions of this Act: Provided always, that in every Case in which the Contents of Parishes shall be so altered, such Alteration shall not in any way affect the secular Rates, Taxes, Charges, Duties, or Privileges of such Parishes, or of any Part of them.

Spiritual Persons not to take to farm for Occupation above Eighty Acres, without Consent of the Bishop, and then not beyond Seven Years, under Penalty of 40s. per Acre.

XXVIII. And be it enacted, That it shall not be lawful for any Spiritual Person holding any Cathedral Preferment or Benefice, or any Curacy or Lectureship, or who shall be licensed or otherwise allowed to perform the Duties of any Ecclesiastical Office whatever, to take to farm for Occupation by himself, by Lease, Grant, Words, or otherwise, for Term of Life or of Years, or at Will, any Lands exceeding Eighty Acres in the whole, for the Purpose of occupying or using or cultivating the same, without the Permission in Writing of the Bishop of the Diocese specially given for that Purpose under his Hand; and every such Permission to any Spiritual Person to take to farm for the Purpose aforesaid any greater Quantity of Land than Eighty Acres shall specify the Number of Years, not exceeding Seven, for which such Permission is given; and every such Spiritual Person who shall without such Permission so take to farm any greater Quantity of Land than Eighty Acres, shall forfeit for every Acre of Land above Eighty Acres so taken to farm the Sum of Forty Shillings for each Year during or in which he shall so occupy, use, or cultivate such Land contrary to the Provision aforesaid.

No Spiritual Person, beneficed or performing Ecclesiastical Duty, shall engage in Trade, or buy to sell again for Profit or Gain.

XXIX. And be it enacted, That it shall not be lawful for any Spiritual Person holding any such Cathedral Preferment, Benefice, Curacy, or Lectureship, or who shall be licensed or allowed to perform such Duties as aforesaid, by himself or by any other for him or to his Use, to engage in or carry on any Trade or Dealing for Gain or Profit, or to deal in any Goods, Wares, or Merchandize, unless in any Case in which such Trading or Dealing shall have been or shall be carried on by or on behalf of any Number of Partners exceeding the Number of Six, or in any Case in which any Trade or Dealing, or any Share in any Trade or Dealing, shall have devolved or shall devolve upon any Spiritual Person, or upon any other Person for him or to his Use, under or by virtue of any Devise, Bequest, Inheritance, Intestacy, Settlement, Marriage, Bankruptcy, or Insolvency; but in none of the foregoing excepted Cases shall it be lawful for such Spiritual Person to act as a Director or managing Partner, or to carry on such Trade or Dealing as aforesaid in Person.

Not to extend to Spiritual Persons engaged in keeping Schools,

XXX. Provided always, and be it enacted, That nothing hereinbefore contained shall subject to any Penalty or Forfeiture any Spiritual Person for keeping a School or Seminary, or acting as a Schoolmaster or Tutor or Instructor, or being in any Manner concerned

cerned or engaged in giving Instruction or Education for Profit or Reward, or for buying or selling or doing any other Thing in relation to the Management of any such School, Seminary, or Employment, or to any Spiritual Person whatever for the buying of any Goods, Wares, or Merchandizes, or Articles of any Description, which shall without Fraud be bought with Intent at the buying thereof to be used by the Spiritual Person buying the same for his Family or in his Household, and after the buying of any such Goods, Wares, or Merchandizes, or Articles, selling the same again or any Parts thereof which such Person may not want or choose to keep, although the same shall be sold at an advanced Price beyond that which may have been given for the same; or for disposing of any Books or other Works to or by means of any Bookseller or Publisher; or for being a Manager, Director, Partner, or Shareholder in any Benefit Society, or Fire or Life Assurance Society, by whatever Name or Designation such Society may have been constituted; or for any buying, or selling again for Gain or Profit, of any Cattle or Corn or other Articles necessary or convenient to be bought, sold, kept, or maintained by any Spiritual Person, or any other Person for him or to his Use, for the Occupation, manuring, improving, Pasturage, or Profit of any Glebe, Demesne Lands, or other Lands or Hereditaments which may be lawfully held and occupied, possessed, or enjoyed by such Spiritual Person, or any other for him or to his Use; or for selling any Minerals the Produce of Mines situated on his own Lands; so nevertheless that no such Spiritual Person shall buy or sell any Cattle or Corn or other Articles as aforesaid in Person in any Market, Fair, or Place of public Sale.

XXXI. And be it enacted, That if any Spiritual Person shall trade or deal in any Manner contrary to the Provisions of this Act, it shall be lawful for the Bishop of the Diocese where such Person shall hold any Cathedral Preferment, Benefice, Curacy, or Lectureship, or shall be licensed or otherwise allowed to perform the Duties of any Ecclesiastical Office whatever, to cause such Person to be cited before his Chancellor or other competent Judge, and it shall be lawful for such Chancellor or other Judge, on Proof in due Course of Law of such trading, to suspend such Spiritual Person for his First Offence for such Time not exceeding One Year as to such Judge shall seem fit; and on Proof in like Manner before such or any other competent Ecclesiastical Judge of a Second Offence committed by such Spiritual Person subsequent to such Sentence of Suspension, such Spiritual Person shall for such Second Offence be suspended for such Time as to the Judge shall seem fit; and for his Third Offence be deprived *ab officio et beneficio*, and thereupon it shall be lawful for the Patron or Patrons of any such Cathedral Preferment, Benefice, Lectureship, or Office to make Donation or to present or nominate to the same as if the Person so deprived were actually dead; and in all such Cases of Suspension the Bishop during such Suspension shall sequester the Profits of any Cathedral Preferment, Benefice, Lectureship, or Office of which such Spiritual Person may be in Possession, and by an Order under his Hand direct the Application of the Profits of the same respectively, after deducting the necessary Expences of providing for the due Performance of the Duties of the same

or as Tutors, &c. in respect of any thing done, or any buying or selling in such Employment; or to selling any thing *bonâ fide* bought for the Use of the Family, or to being a Manager, &c. in any Benefit or Life or Fire Assurance Society; or buying and selling Cattle, &c.

Spiritual Persons illegally trading may be suspended, and for the Third Offence deprived.

respectively, towards the same Purposes and in the same Order, as near as the Difference of Circumstances will admit, as are herein-after directed with respect to the Profits of a Benefice sequestered in case of Non-compliance after Monition with an Order requiring a Spiritual Person to proceed and reside on his Benefice, save that no Part of such Profits shall be paid to the Spiritual Person so suspended nor applied in satisfaction of a Sequestration at the Suit of a Creditor; and in case of Deprivation the Bishop shall forthwith give Notice thereof in Writing under his Hand to the Patron or Patrons of any Cathedral Preferment, Benefice, Lectureship, or Office which the said Spiritual Person may have holden in the Manner herein-after required with respect to Notice to the Patron of a Benefice continuing under Sequestration for One whole Year, and thereby becoming void, and any such Cathedral Preferment or Benefice shall lapse at such Period after the said Notice as any such last-mentioned Benefice would under the Provisions of this Act lapse: Provided always, that no Contract shall be deemed to be void by reason only of the same having been entered into by a Spiritual Person trading or dealing, either solely or jointly with any other Person or Persons, contrary to the Provisions of this Act, but every such Contract may be enforced by or against such Spiritual Person, either solely or jointly with any other Person or Persons, as the Case may be, in the same Way as if no Spiritual Person had been Party to such Contract.

Penalties for Non-residence, on Incumbent not having a Licence or Exemption, unless he be resident on another Benefice.

XXXII. And be it enacted, That every Spiritual Person holding any Benefice shall keep Residence on his Benefice, and in the House of Residence (if any) belonging thereto; and if any such Person shall, without any such Licence or Exemption as is in this Act allowed for that Purpose, or unless he shall be resident at some other Benefice of which he may be possessed, absent himself from such Benefice, or from such House of Residence, if any, for any Period exceeding the Space of Three Months together, or to be accounted at several Times in any One Year, he shall, when such Absence shall exceed Three Months and not exceed Six Months, forfeit One Third Part of the annual Value of the Benefice from which he shall so absent himself; and when such Absence shall exceed Six Months and not exceed Eight Months, One Half Part of such annual Value; and when such Absence shall exceed Eight Months, Two Third Parts of such annual Value; and when such Absence shall have been for the whole of the Year, Three Fourth Parts of such annual Value.

Licence to reside out of the usual House, if unfit.

XXXIII. And be it enacted, That it shall be lawful for any Bishop, upon Application in Writing by any Spiritual Person holding any Benefice within his Diocese whereon there shall be no House or no fit House of Residence, by Licence under his Hand and Seal, to be registered in the Registry of the Diocese, which the Registrar is hereby required to do, to permit such Person to reside in some fit and convenient House, although not belonging to such Benefice, such House to be particularly described and specified in such Licence, and for a certain Time to be therein also specified, not exceeding the Period by this Act limited, and from Time to Time, as such Bishop may think fit, to renew such Licence; and every such House shall be a legal House of Residence for such specified Time to all Intents and Purposes: Provided always, that

no such Licence shall be granted to such Spiritual Person to reside in any House unless it be within Three Miles of the Church or Chapel of such Benefice, nor in case such Church or Chapel be in any City, or Market or Borough Town, unless such House be within Two Miles of such Church or Chapel.

XXXIV. And whereas the Governors of the Bounty of Queen Anne have purchased, built, or procured, and may hereafter purchase, build, or procure, by way of Benefaction or Donation to poor Benefices, Houses not situate within the Parishes or Places wherein such Benefices lie, but so near thereto as to be sufficiently convenient and suitable for the Residence of the officiating Ministers thereof; be it therefore enacted, That such Houses, having been previously approved by the Bishop of the Diocese, by Writing under his Hand and Seal duly registered in the Registry of the Diocese, shall be deemed the Houses of Residence belonging to such Benefices to all Intents and Purposes whatsoever.

Houses purchased by Governors of Queen Anne's Bounty to be deemed Residences.

XXXV. And be it enacted, That in all Cases of Rectories having Vicarages endowed or Perpetual Curacies the Residence of the Vicar or Perpetual Curate in the Rectory House of such Benefice shall be deemed a legal Residence to all Intents and Purposes whatever; provided that the House belonging to the Vicarage or Perpetual Curacy be kept in proper Repair to the Satisfaction of the Bishop of the Diocese.

Vicar or Perpetual Curate may reside in Rectory House.

XXXVI. And be it enacted, That from and after the Decease of any Spiritual Person holding any Benefice to which a House of Residence is annexed, and in which he shall have been residing at the Time of his Decease, it shall be lawful for the Widow of such Spiritual Person to occupy such House for any Period not exceeding Two Calendar Months after the Decease of such Spiritual Person, holding and enjoying therewith the Curtilage and Garden belonging to such House.

Widow of any Spiritual Person may continue in the House of Residence for Two Months, &c.

XXXVII. And be it enacted, That no Spiritual Person, being Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or being Warden of the University of *Durham*, or being Head Master of *Eton*, *Winchester*, or *Westminster* School, or Principal or any Professor of the *East India College*, having been appointed such Principal or Professor, before the Time of the passing of this Act, and not having respectively more than One Benefice with Cure of Souls, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice.

Certain Persons exempt from Penalties for Non-residence.

XXXVIII. And be it enacted, That no Spiritual Person being Dean of any Cathedral or Collegiate Church, during such Time as he shall reside upon his Deanery, and no Spiritual Person having or holding any Professorship or any public Readership in either of the said Universities, while actually resident within the Precincts of the University, and reading Lectures therein, (provided always, that a Certificate under the Hand of the Vice Chancellor or Warden of the University, stating the Fact of such Residence, and of the due Performance of such Duties, shall in every such Case be transmitted to the Bishop of the Diocese wherein the Benefice held by such Spiritual Person is situate within Six Weeks after the Thirty-first Day of *December* in each Year;) and no Spiritual

Privileges for temporary Non-residence.

Person serving as Chaplain of the Queen's or King's most Excellent Majesty, or of the Queen Dowager, or of any of the Queen's or King's Children, Brethren, or Sisters, during so long as he shall actually attend in the Discharge of his Duty as such Chaplain in the Household to which he shall belong; and no Chaplain of any Archbishop or Bishop, whilst actually attending in the Discharge of his Duty as such Chaplain; and no Spiritual Person actually serving as Chaplain of the House of Commons, or as Clerk of the Queen's or King's Closet, or as a Deputy Clerk thereof, while any such Person shall be actually attending and performing the Functions of his Office; and no Spiritual Person serving as Chancellor or Vicar General or Commissary of any Diocese, whilst exercising the Duties of his Office; or as Archdeacon, while upon his Visitation, or otherwise engaged in the Exercise of his Archidiaconal Functions; or as Dean or Subdean, or Priest or Reader, in any of the Queen's or King's Royal Chapels at *Saint James's* or *Whitehall*, or as Reader in the Queen's or King's Private Chapels at *Windsor* or elsewhere, or as Preacher in any of the Inns of Court, or at the Rolls, whilst actually performing the Duty of any such Office respectively; and no Spiritual Person, being Provost of *Eton College*, or Warden of *Winchester College*, or Master of the *Charter House*, or Principal of *Saint David's College*, or Principal of *King's College, London*, during the Time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice for the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, but every such Spiritual Person shall, with respect to Residence on a Benefice under this Act, be entitled to account the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, as if he had legally resided during the same Time on some other Benefice; any thing in this Act contained to the contrary notwithstanding.

Performance of Cathedral Duties, &c. may be accounted as Residence, under certain Restrictions.

XXXIX. And be it enacted, That it shall be lawful for any Spiritual Person, being Prebendary, Canon, Priest Vicar, Vicar Choral, or Minor Canon in any Cathedral or Collegiate Church, or being a Fellow of one of the said Colleges of *Eton* or *Winchester*, who shall reside and perform the Duties of such Office during the Period for which he shall be required to reside and perform such Duties by the Charter or Statutes of such Cathedral or Collegiate Church or College, as the Case may be, to account such Residence as if he had resided on some Benefice: Provided always, that nothing herein contained shall be construed to permit or allow any such Prebendary, Canon, Priest Vicar, Vicar Choral, Minor Canon, or Fellow to be absent from any Benefice on account of such Residence and Performance of Duty for more than Five Months altogether in any One Year, including the Time of such Residence on his Prebend, Canonry, Vicarage, or Fellowship: Provided also, that it shall be lawful for any Spiritual Person having or holding any such Office in any Cathedral or Collegiate Church or College in which the Year for the Purposes of Residence is accounted to commence at any other Period than the

First of *January*, and who may keep the Periods of Residence required for Two successive Years at such Cathedral or Collegiate Church or College, in whole or in part, between the First of *January* and the Thirty-first of *December* in any One Year, to account such Residence, although exceeding Five Months in the Year, as reckoned from the First of *January* to the Thirty-first of *December*, as if he had resided on some Benefice, any thing in this Act contained to the contrary notwithstanding.

XL. Provided always, That every Spiritual Person being in Possession of any Benefice at the Time of the passing of this Act, and entitled by the Law previously in force to Exemption from Residence, or to apply for a Licence for Non-residence, shall, as to every such Benefice, but not as to any after-taken Benefice, be entitled to the same Exemption from Residence, and to the same Capacity of applying for and obtaining a Licence for Non-residence, and to the same Right of Appeal, in case of Refusal or Revocation of a Licence, to which he was entitled before the Time of the passing of this Act; and every Bishop and other Person empowered before the passing of this Act to grant such Licence to such Spiritual Person shall have the like Power after the passing thereof, any thing herein-before contained to the contrary notwithstanding.

XLI. Provided also, and be it enacted, That every Spiritual Person having any House of Residence upon his Benefice, who shall not reside therein, shall, during such Period or Periods of Non-residence, whether the same shall be for the Whole or Part of any Year, keep such House of Residence in good and sufficient Repair; and in every such Case it shall be lawful for the Bishop to cause a Survey of such House of Residence to be made by some competent Person, the Costs of which, in case the House shall be found to be out of repair, shall be borne by such Spiritual Person; and if the Surveyor shall report that such House of Residence is out of repair, it shall be lawful for the Bishop to issue his Monition to the Incumbent to put the same in repair, according to such Survey and Report, a Copy of which shall be annexed to the Monition; and every such Non-resident Spiritual Person who shall not keep such House of Residence in repair, and who shall not, upon such Monition, and within One Month after Service of such Monition, show Cause to the contrary to the Satisfaction of the Bishop, or put such House in repair within the Space of Ten Months, to the Satisfaction of such Bishop, shall be liable to all the Penalties for Non-residence imposed by this Act during the Period of such House of Residence remaining out of repair and until the same shall have been put in repair.

XLII. And be it enacted, That every Spiritual Person applying for a Licence for Non-residence shall present to the Bishop a Petition signed by himself or by some Person approved by the Bishop in that Behalf, and shall state therein whether such Spiritual Person intends to perform the Duty of his Benefice in Person, and in that Case where and at what Distance from the Church or Chapel of such Benefice he intends to reside; and if he intends to employ a Curate such Petition shall state what Salary he proposes to give to such Curate, and whether the Curate proposes to reside or not to reside in the Parish in which such Benefice is situate;

Existing Rights as to Exemptions and Licences preserved.

If House of Residence not kept in repair, the Incumbent to be liable to the Penalties for Non-residence.

Every Petition for Licence for Non-residence to be in Writing, and to state certain Particulars.

and if the Curate intends to reside therein, then whether in the House of Residence belonging to such Benefice, or in some and what other House; and if he does not intend to reside in the Parish, then such Petition shall state at what Distance therefrom, and at what Place, such Curate intends to reside, and whether such Curate serves any other and what Parish as Incumbent or Curate, or has any and what Cathedral Preferment, and any and what Benefice, or officiates in any other and what Church or Chapel; and such Petition shall also state the annual Value and the Population of the Benefice in respect of which any Licence for Non-residence shall be applied for, and the Number of Churches or Chapels, if more than One, upon such Benefice, and the Date of the Admission of such Spiritual Person to the said Benefice; and it shall not be lawful for the Bishop to grant any such Licence unless such Petition shall contain a Statement of the several Particulars aforesaid; and every such Petition shall be filed in the Registry of the Diocese by the Registrar thereof, and shall be open to Inspection, and Copies thereof made, with the Leave in Writing of the Bishop.

Bishop may grant Licences for Non-residence in certain enumerated Cases.

XLIII. And be it enacted, That it shall be lawful for the Bishop, upon such Petition being presented to him, and upon such Proofs being adduced as to any Facts stated in any such Petition as he may think necessary and shall require, to grant, in such Cases as are herein-after enumerated, in which he shall think fit to grant the same, a Licence in Writing under his Hand for such Spiritual Person to reside out of the proper House of Residence of his Benefice, or out of the Limits of his Benefice, or out of the Limits prescribed by this Act, for the Purpose of exempting such Person from any pecuniary Penalty in respect of any Non-residence thereon; which Licence shall express the Cause of granting the same Licence; (that is to say,) to any Spiritual Person who shall be prevented from residing in the proper House of Residence or within the Limits of such Benefice, or within the Limits prescribed by this Act, by any Incapacity of Mind or Body; and also for a Period not exceeding Six Months to any Spiritual Person on account of the dangerous Illness of his Wife or Child making Part of his Family, and residing with him as such; but that no such Licence on account of the Illness of a Wife or Child shall be renewed save with the Allowance of the Archbishop of the Province previously signified under his Hand in pursuance of a Recommendation in Writing from the Bishop, setting forth the Circumstances, Proofs, and Reasons which induce him to make such Recommendation; and also to any Spiritual Person having or holding any Benefice wherein there shall be no House of Residence, or where the House of Residence shall be unfit for the Residence of such Spiritual Person, such Unfitness not being occasioned by any Negligence, Default, or other Misconduct of such Spiritual Person, and such Spiritual Person keeping such House of Residence, if any, and the Buildings belonging thereto, in good and sufficient Repair and Condition to the Satisfaction of the Bishop, and a Certificate under the Hand of Two neighbouring Incumbents, countersigned by the Rural Dean, if any, that no House convenient for the Residence of such Spiritual Person can be obtained within the Parish, or within the Limits prescribed by

by this Act, being first produced to the Bishop; and also to grant to any Spiritual Person holding any Benefice, and occupying in the same Parish any Mansion or Messuage whereof he shall be the Owner, a Licence to reside in such Mansion or Messuage, such Spiritual Person keeping the House of Residence and other Buildings belonging thereto in good and sufficient Repair and Condition, and producing to the Bishop Proof to his Satisfaction at the Time of granting every such Licence of such good and sufficient Repair and Condition: Provided always, that any such Spiritual Person, within One Month after Refusal of any such Licence, may appeal to the Archbishop of the Province, who shall confirm such Refusal, or direct the Bishop to grant a Licence under this Act, as shall seem to the said Archbishop just and proper.

Appeal to Archbishop in case of Refusal.

XLIV. And be it enacted, That it shall be lawful for any Bishop, in any Case not herein-before enumerated, in which such Bishop shall think it expedient, to grant to any Spiritual Person holding any Benefice within his Diocese a Licence to reside out of the Limits of such Benefice: Provided always, that in every such Case the Nature and special Circumstances thereof, and the Reasons that have induced such Bishop to grant such Licence, shall be forthwith transmitted to the Archbishop of the Province, who shall forthwith proceed therein as herein-after provided in Cases of Appeal, and shall allow or disallow such Licence in the whole or in part, or make any Alteration therein, as to the Period for which the same may have been granted or otherwise; and no such Licence shall be valid unless it shall have been so allowed by such Archbishop, such Allowance thereof being signified by the signing thereof by such Archbishop: Provided also, that it shall not be necessary in such Licence to specify the Cause of granting the same.

In Cases not enumerated Bishops may grant Licences to reside out of Limits of Benefice, subject to Allowance by the Archbishop.

XLV. And be it enacted, That during the Vacancy of any See the Power of granting Licences of Non-residence under this Act, subject to the Regulations herein contained, shall be exercised by the Guardian of the Spiritualities of the Diocese; or in case the Bishop of any Diocese shall be disabled from exercising in Person the Functions of his Office, such Power shall be exercised by the Person or Persons lawfully empowered to exercise his general Jurisdiction in the Diocese: Provided always, that no Licence granted by any other than the Bishop shall be valid until the Archbishop of the Province shall have signified his Approbation of the Grant of such Licence by signing the same.

By whom Licences may be granted while a See is vacant, &c.

XLVI. And be it enacted, That no Licence for Non-residence granted under this Act or under the said herein-before second-recited Act shall continue in force after the Thirty-first Day of *December* in the Year next after the Year in which such Licence shall have been or shall be granted.

Duration of Licences.

XLVII. And be it enacted, That every Person obtaining any Licence of Non-residence shall pay for the same to the Secretary or Officer of the Bishop, or other Person granting the same, the Sum of Ten Shillings, over and above the Stamp Duty chargeable thereon, and no more, and also the Sum of Three Shillings, and no more, to the Registrar of the Diocese, and shall also pay the Sum of Five Shillings to the Secretary of the Archbishop when any such Licence shall have been signed by such Archbishop.

Fee for Licence.

Licences not to be void by the Death, &c. of Grantor.

Licences may be revoked.

Copies of Licences or Revocations to be filed in the Registry of the Diocese, and a List kept for Inspection; and Copies transmitted to Churchwardens, and publicly read at the first Visitation.

XLVIII. And be it enacted, That no Licence of Non-residence shall become void by the Death or Removal of the Bishop granting the same, but the same shall be and remain valid, notwithstanding any such Death or Removal, unless the same shall be revoked as herein-after mentioned.

XLIX. And be it enacted, That it shall be lawful for any Archbishop or Bishop who shall have granted any Licence of Non-residence as aforesaid, or for any Successor of any such Archbishop or Bishop, after having given such Incumbent sufficient Opportunity of showing Reason to the contrary, in any Case in which there may appear to such Archbishop or Bishop good Cause for revoking the same, by an Instrument in Writing under his Hand to revoke any such Licence: Provided always, that any such Incumbent may, within One Month after Service upon him of such Revocation, if by a Bishop, appeal to the Archbishop of the Province, who shall confirm or annul such Revocation as to him shall appear just and proper.

L. And be it enacted, That every Bishop who shall grant or revoke any Licence of Non-residence under this Act shall and he is hereby required, within One Month after the Grant or Revocation of such Licence, to cause a Copy of every such Licence or Revocation to be filed in the Registry of his Diocese; and an alphabetical List of such Licences and Revocations shall be made out by the Registrar of such Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of Three Shillings, and no more; and a Copy of every such Licence, and a Statement in Writing of the Grounds of Exemption, shall be transmitted by the Spiritual Person to whom such Licence shall have been granted, or who may be exempted from Residence, to the Churchwardens or Chapelwardens of the Parish or Place to which the same relates, within One Month after the Grant of such Licence, or of his taking advantage of such Exemption, as the Case may be; and every Bishop revoking any such Licence shall cause a Copy of such Revocation to be transmitted, within One Month after the Revocation thereof, to the Churchwardens or Chapelwardens of the Parish or Place to which it relates; which Copies of Licences and Revocation, and Statements of Exemption, shall be by such Churchwardens or Chapelwardens deposited in the Parish Chest, and shall likewise be produced by them, and publicly read by the Registrar or other Officer, at the Visitation of the Ecclesiastical District within which such Benefice shall be locally situate next succeeding the Receipt thereof; and every Spiritual Person who shall neglect so to transmit a Copy of such Licence or Statement of Exemption, as hereby required, shall lose all Benefit of such Licence, and until he shall have transmitted such Statement shall not be entitled to the Benefit of such Exemption: Provided always, that in case the Archbishop of the Province shall on Appeal to him annul the Revocation of any such Licence, the Bishop by whom such Revocation shall have been made shall, immediately on receiving Notice from the Archbishop that he has annulled the same, order, by Writing under his Hand, that the Copies of such Revocation shall be forthwith withdrawn from the said Registry and Parish Chest, and that the same shall not be produced and read at the Visitation, and that such Revocation shall

shall be erased from the List of Revocations in the said Registry ; which Order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.

LI. And be it enacted, That every Archbishop who shall in his own Diocese grant any Licence of Non-residence, or who shall approve and allow, in manner directed by this Act, any such Licence in any Case not enumerated in this Act, or any Renewal of a Licence in the Case of the dangerous Illness of the Wife or Child of any Spiritual Person, shall annually in the Month of *January* in each Year transmit to Her Majesty in Council a List of all Licences or Renewals so granted or allowed by such Archbishop respectively in the Year ending on the last Day of *December* preceding such Month of *January*, and shall in every such List specify the Reasons which have induced him to grant or allow each such Licence or Renewal, together with the Reasons transmitted to him by the Bishops for granting or recommending each such Licence in their respective Dioceses ; and it shall be lawful for Her Majesty in Council, by an Order made for that Purpose, to revoke and annul any such Licence ; and if Her Majesty in Council shall think fit so to do, such Order shall be transmitted to the Archbishop who shall have granted or approved and allowed such Licence or Renewal, who shall thereupon cause a Copy of every such Order to be transmitted to the Bishop of the Diocese in which such Licence shall have been granted ; and such Bishop shall cause a Copy of the mandatory Part of the Order to be filed in the Registry of such Diocese, and a like Copy to be delivered to the Churchwardens or Chapelwardens of the Parish or Place to which the same relates, in manner herein-before directed as to Revocation of Licences ; and every such Archbishop shall cause a Copy of the mandatory Part of every such Order made in relation to any such Licence granted by him in his own Diocese to be in like Manner filed in the Registry of his Diocese, and a like Copy also to be delivered to the Churchwardens or Chapelwardens of the Parish or Place to which such Licence shall relate in manner before mentioned : Provided always, that after such Licence shall have been so revoked by Her Majesty in Council the same shall nevertheless, in all Questions that shall have arisen or may thereafter arise touching the Non-residence of the Spiritual Person to whom the same shall have been granted, between the Time at which the same was granted or approved and allowed and the Time of the Revocation thereof being so filed in the Registry, be deemed and taken to have been valid.

LII. And be it enacted, That it shall be lawful for each Bishop and he is hereby required to transmit, some Time in the Month of *January* in each Year, to every Spiritual Person holding any Benefice within his Diocese or Jurisdiction, the Questions contained in the First Schedule to this Act, for the Purpose of better enabling the several Bishops to make the Returns herein-after mentioned ; and every Spiritual Person to whom such Questions shall be so transmitted shall, within Three Weeks from the Day on which the same shall be delivered to him, or to the Officiating Minister of the Benefice for the Time being, make and transmit to the Bishop full and specific Answers thereto, such Answers being signed by such Spiritual Person.

List of Licences allowed by the Archbishop, or granted in his own Diocese, to be annually transmitted to Her Majesty in Council, who may revoke Licences, &c.

Licences, although revoked, to be deemed valid between the Grant and Revocation.

Incumbents to answer Questions transmitted to them by Bishop.

LIII. And

Annual Return to be made to Her Majesty in Council of Residents and Non-residents, &c.

LIII. And be it enacted, That on or before the Twenty-fifth Day of *March* in every Year a Return shall be made to Her Majesty in Council by every Bishop of the Name of every Benefice within his Diocese or Jurisdiction, and the Names of the several Spiritual Persons holding the same respectively who shall have resided thereon; and also the Names of the several Spiritual Persons who, by reason of any Exemption under or by virtue of this Act, or by reason of any Licence granted by such Bishop, shall not have resided on their respective Benefices; and also the Names of all Spiritual Persons, not having any such Exemption or Licence, who shall not have resided on their respective Benefices, so far as the Bishop is informed thereof; and also the Substance of the Answers received in all Cases to the Questions so transmitted as aforesaid.

Residence may be enforced by Monition, or the Living sequestered.

LIV. And be it enacted, That in every Case in which it shall appear to the Bishop that any Spiritual Person holding any Benefice within his Diocese, and not having a Licence to reside elsewhere than in the House of Residence belonging thereto, nor having any legal Cause of Exemption from Residence, does not sufficiently, according to the true Meaning and Intent of this Act, reside on such Benefice, it shall be lawful for such Bishop, instead of proceeding for Penalties under this Act, or for Penalties incurred before the passing of this Act under the Act of the Fifty-seventh Year of His Majesty King *George* the Third, or after proceeding for the same, to issue or cause to be issued a Monition to such Spiritual Person, requiring him forthwith to proceed to and to reside on such Benefice, and perform the Duties thereof, and to make a Return to such Monition within a certain Number of Days after the issuing thereof; provided that in every such Case there shall be Thirty Days between the Time of serving such Monition on such Spiritual Person, in the manner herein-after directed, and the Time specified in such Monition for the Return thereto; and the Spiritual Person on whom any such Monition shall be served shall, within the Time specified for that Purpose, make a Return thereto into the Registry of the Diocese, to be there filed; and it shall be lawful for the Bishop to whom any such Return shall be made to require such Return or any Fact contained therein to be verified by Evidence; and in every Case where no such Return shall be made, or where such Return shall not state such Reasons for the Non-residence of such Spiritual Person as shall be deemed satisfactory by the Bishop, or where such Return, or any of the Facts contained therein, shall not be so verified as aforesaid, when such Verification shall have been required, it shall be lawful for the Bishop to issue an Order in Writing under his Hand and Seal, requiring such Spiritual Person to proceed and reside as aforesaid within Thirty Days after such Order shall have been served upon him in like Manner as is herein-after directed with respect to the Service of Monitions; and in case of Non-compliance with such Order it shall be lawful for the Bishop to sequester the Profits of such Benefice until such Order shall be complied with, or such sufficient Reasons for Non-compliance therewith shall be stated and proved as aforesaid, and to direct, by any Order to be made for that Purpose under his Hand, and filed as aforesaid, the Application of such Profits,

after

after deducting the necessary Expences of serving the Cure, either in the Whole or in such Proportions as he shall think fit, in the first place to the Payment of the Penalties proceeded for, if any, and of such reasonable Expences as shall have been incurred in relation to such Monition and Sequestration, and in the next place towards the Repair or Sustentation of the Chancel, House of Residence of such Benefice, or of any of the Buildings and Appurtenances thereof, and of the Glebe and Demesne Lands, and in the next place, where such Benefice shall be likewise under Sequestration at the Suit of any Creditor, then towards the Satisfaction of such last-mentioned Sequestration; and after the Satisfaction thereof, then and in the next place towards the Augmentation or Improvement of any such Benefice, or the House of Residence thereof, or any of the Buildings and Appurtenances thereof, or towards the Improvement of any of the Glebe or Demesne Lands thereof, or to order and direct the same or any Portion thereof to be paid to the Treasurer of the Governors of the Bounty of Queen Anne, for the Purposes of the said Bounty, as such Bishop shall, in his Discretion, under all Circumstances, think fit and expedient; and it shall also be lawful for the Bishop, within Six Months after such Order for Sequestration, or within Six Months after any Money shall have been actually levied by such Sequestration, to remit to such Spiritual Person any Proportion of such sequestered Profits, or to cause the same or any Part thereof, whether the same remain in the Hands of the Sequestrator or shall have been paid to the said Treasurer, to be paid to such Spiritual Person; and every such Sequestrator, at the Suit of the Bishop, is hereby required, upon receiving an Order under the Hand of such Bishop, forthwith to obey the same; and the said Treasurer is hereby authorized and required, upon receiving a like Order from such Bishop, to make such Payment out of any Money in his Hands: Provided always, that any such Spiritual Person may, within One Month after Service upon him of the Order for any such Sequestration, appeal to the Archbishop of the Province, who shall make such Order relating thereto, or to the Profits that shall have been so sequestered as aforesaid, for the Return of the same or any Part thereof to such Spiritual Person, or to such Sequestrator at the Suit of any Creditor, (as the Case may be,) or otherwise as may appear to such Archbishop to be just and proper; but nevertheless such Sequestration shall be in force during such Appeal.

Appeal against
Sequestration to
the Archbishop.

Lv. And be it enacted, That every Spiritual Person to whom any such Monition or Order in Writing shall be issued as aforesaid, who shall be at the Time of the issuing thereof absent from his Benefice, contrary to the Provisions of this Act, but who shall forthwith obey such Monition or Order, and the Profits of whose Benefice shall by reason of such Obedience not be sequestered, shall nevertheless pay all Costs, Charges, and Expences incurred by reason of the issuing and serving such Monition or Order, and that the Proceedings thereon shall not be stayed until such Payment shall be made.

Incumbents
returning to
Residence on
Monition to pay
the Costs.

Lvi. And for effectually enforcing *bond fide* Residence according to the Intent of such Monition and Order, be it enacted, That if any Spiritual Person, not having a Licence to reside out

Incumbent re-
turning to Resi-
dence on Moni-
tion, but again
of

absenting himself within Twelve Months, the Bishop may, without further Monition, sequester.

of the Limits of his Benefice, nor having other lawful Cause of Absence from the same, who after any such Monition or Order as aforesaid requiring him to reside, and before or after any such Sequestration as aforesaid, shall in obedience to any such Monition or Order have begun to reside upon his Benefice, shall afterwards, and before the Expiration of Twelve Months next after the Commencement of such Residence, wilfully absent himself from such Benefice for the Space of One Month together, or to be accounted at several Times, it shall be lawful for the Bishop, without issuing any other Monition or making any Order, to sequester and apply the Profits of such Benefice, as before directed by this Act, for the Purpose of enforcing the Residence of such Spiritual Person, according to the true Intent of the original Monition issued by the Bishop as aforesaid; and it shall be lawful for the Bishop so to proceed in like Cases from Time to Time as often as Occasion may require; provided that in each such Case such Spiritual Person may, within One Month after the Service upon him of the Order for any such Sequestration, appeal to the Archbishop of the Province, who shall make such Order relating thereto, or to the Profits sequestered, or to any Part thereof, as to him may seem just and proper, but nevertheless such Sequestration shall be in force during such Appeal.

Reasons for remitting Penalties for Non-residence of a certain Amount to be transmitted to the Queen in Council.

LVII. And be it enacted, That in every Case in which any Archbishop or Bishop shall think proper, after proceeding by Monition for the Recovery of any Penalty under this Act for Non-residence of more than One Third Part of the yearly Value of any Benefice for any Non-residence exceeding Six Months in the Year, to remit the Whole or any Part of any such Penalty, such Archbishop shall forthwith transmit to Her Majesty in Council, and such Bishop shall forthwith transmit to the Archbishop of the Province to which he belongs, a Statement of the Nature and special Circumstances of each Case, and the Reasons for the Remission of any such Penalty; and it shall thereupon be lawful for Her Majesty in Council, or for the Archbishop, as the Case may be, to allow or disallow such Remission in whole or in part, in the same Manner as is provided in this Act with relation to the Allowance or Disallowance of Licences of Non-residence granted in Cases not herein-before expressly enumerated: Provided always, that the Decision of the Archbishop with respect to Cases transmitted to him from a Bishop shall be final.

Benefice continuing so sequestrated One Year, or being Twice so sequestrated within Two Years, to become void.

LVIII. And be it enacted, That if the Benefice of any Spiritual Person shall continue for the Space of One whole Year under Sequestration issued under the Provisions of this Act for Disobedience to the Bishop's Monition or Order requiring such Spiritual Person to reside on his Benefice, or if such Spiritual Person shall, under the Provisions of this Act, incur Two such Sequestrations in the Space of Two Years, and shall not be relieved with respect to either of such Sequestrations upon Appeal, such Benefice shall thereupon become void; and it shall be lawful for the Patron of such Benefice to make Donation or to present or nominate to the same as if such Spiritual Person were dead, and the Bishop, on such Benefice so becoming void, shall give Notice in Writing under his Hand to such Patron, which Notice shall either be delivered to such Patron or left at his usual Place of Abode, or if such

such Patron or Place of Abode shall be unknown, or shall be out of *England*, such Notice shall be Twice inserted in the *London Gazette* and also Twice in some Newspaper printed and usually circulated in *London*, and in some other Newspaper usually circulated in the Neighbourhood of the Place where such Benefice is situate; and for the Purposes of Lapse the Avoidance of the Benefice shall be reckoned from the Day on which such Notice shall have been delivered as aforesaid, or from the Day on which Six Months shall have expired after the Second Publication of such Notice in the *London Gazette*, as the Case may be; and every such Notice in the Gazette and Newspapers shall state that the Patron or the Place of Abode of the Patron is unknown, or that he is said to be out of *England*, as the Case may be, and that the Benefice will lapse, at the furthest, after the Expiration of One Year from the Second Publication thereof as aforesaid; and upon any such Avoidance it shall not be lawful for the Patron to appoint by Donation or present or nominate to such Benefice so avoided the Person by reason of whose Non-residence the same was so avoided.

LIX. And be it enacted, That any Agreement made for the letting of the House of Residence, or the Buildings, Gardens, Orchards, or Appurtenances necessary for the convenient Occupation of the same, belonging to any Benefice, to which House of Residence any Spiritual Person may be required, by Order of the Bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a Residence to any Curate by the Bishop, shall be made in Writing, and shall contain a Condition for avoiding the same, upon a Copy of such Order, Assignment, or Appointment being served upon the Occupier thereof, or left at the House, and otherwise shall be null and void; and a Copy of every such Order, Assignment, or Appointment shall immediately on the issuing thereof be transmitted to One of the Churchwardens of the Parish, or such other Person as the Bishop shall think fit, and be by him forthwith served on the Occupier of such House of Residence, or left at the same; and any Person continuing to hold any such House of Residence, or any such Building, Garden, Orchard, or Appurtenances, after the Day on which such Spiritual Person shall be directed by such Order to reside in such House of Residence, or which shall be specified in any such Order, Assignment, or Appointment, and after such Copy shall be so served or left as aforesaid, shall forfeit the Sum of Forty Shillings for every Day he shall, without the Permission of the Bishop in Writing under his Hand for that Purpose obtained, wilfully continue to hold any such House, Building, Garden, Orchard, or Appurtenances, together with the Expence of serving or leaving such Order, Assignment, or Appointment, to be allowed by the Bishop issuing the Order or making such Assignment or Appointment; and it shall also be lawful for the Spiritual Person so directed to reside, or the Curate to whom any such Residence is assigned, to apply to any Justice of the Peace having Jurisdiction in the Place for a Warrant for the taking Possession thereof; and the Justice to whom any such Order for such Possession is produced shall and he is hereby required, upon its being duly verified, to grant a Warrant to some Peace Officer to deliver such

Contracts for letting Houses in which any Spiritual Persons required by Bishop to reside to be void.

Penalty for holding adverse Possession 40s. for every Day.

such Possession, and Possession may thereupon be taken of such House under such Warrant at any Time in the Daytime, by entering the same by Force, if necessary, without any other Proceeding by Ejectment or otherwise; any Law or Statute to the contrary notwithstanding; provided that any Person who shall have been in Possession of any such House of Residence or Premises under a verbal Agreement only, or under any Agreement in which the Condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of Possession by virtue of this Act, shall be entitled to sue the Person with whom he or she had entered into such Agreement for Damages occasioned by his or her being so turned out of Possession, to be recovered in any of Her Majesty's Superior Courts at *Westminster*.

Incumbent not liable to Penalty while Tenant occupies.

LX. Provided always, and be it enacted, That no Spiritual Person shall be liable to any Penalty for not residing in any such House of Residence during such Time as such Tenant shall continue to occupy such House of Residence or other Building or Appurtenances necessary to the Occupation of the same.

Vicar's Oath, &c. abolished.

LXI. And be it enacted, That no Oath shall be required of or taken by any Vicar in relation to Residence on his Vicarage; any Law, Custom, Constitution, or Usage to the contrary notwithstanding.

On Avoidance of Benefice not having fit House of Residence Bishop to raise Money to build one by Mortgage of Glebe, &c. for Thirty-five Years.

LXII. And be it enacted, That upon or at any Time after the Avoidance of any Benefice it shall be lawful for the Bishop and he is hereby required to issue a Commission to Four beneficed Clergymen of his Diocese, or if the Benefice be within his peculiar Jurisdiction, but locally situate in another Diocese, then to Four beneficed Clergymen of such last-mentioned Diocese, One of whom shall be the Rural Dean (if any) of the Rural Deanery or District wherein such Benefice shall be situate, directing them to inquire whether there is a fit House of Residence within such Benefice, and what are the annual Profits of such Benefice, and if the clear annual Profits of such Benefice exceed One hundred Pounds whether a fit House of Residence can be conveniently provided on the Glebe of such Benefice, or otherwise; and if the said Commissioners, or any Three of them, shall report in Writing under their Hands to the said Bishop that there is no fit House of Residence within such Benefice, and that the clear annual Profits of such Benefice exceed One hundred Pounds, and that a fit House of Residence can be conveniently provided on the Glebe of such Benefice, or on any Land which can be conveniently procured for the Site of such House of Residence, it shall be lawful for the said Bishop and he is hereby required to procure from some skilful and experienced Workman or Surveyor a Certificate containing a Statement of the Condition of the Buildings (if any), and of the Value of the Timber and other Materials (if any) thereupon fit to be employed in building or repairing or to be sold, and also a Plan or Estimate of the Work fit and proper to be done for building or repairing such House of Residence, with all necessary and convenient Offices, and thereupon, by Mortgage of the Glebe, Tithes, Rents, Rent-charges, and other Profits and Emoluments, arising or to arise from such Benefice, to levy and raise such Sum or Sums as the said Estimate shall amount to, after deducting the Value of any Timber or other Materials
which

which may be thought proper to be sold not exceeding Four Years net Income and Produce of such Benefice, after deducting all Outgoings (except only the Salary of the Assistant Curate where such a Curate is necessary), which Mortgage shall be made to the Person or Persons who shall advance the Money so to be levied and raised for the Term of Thirty-five Years, or until the Money so to be raised, with Interest for the same, and such Costs and Charges as may attend the Recovery thereof, shall be fully paid and satisfied according to the Provisions of this Act; and the same Mortgage shall be made by One or more Deed or Deeds in the Form or to the Effect for that Purpose contained in the Second Schedule to this Act, and shall bind the Incumbent of such Benefice for the Time being and his Successors until the Principal and Interest, Costs and Charges, shall be fully paid off and satisfied, and every Incumbent for the Time being is hereby made liable to the Payment of so much of the Principal, Interest, and Costs as under the Directions herein-after contained shall become payable during the Time he shall be such Incumbent, and every such Incumbent and his Representatives shall be and are hereby also made respectively liable to the Proportion of the Payments for the Year which shall be growing at the Time of the Death of such Incumbent or Avoidance of such Benefice according to the Directions herein-after contained, which said Principal, Interest, and Costs, and the Proportion of Payment growing at the Time of the Death of such Incumbent or of such Avoidance, shall and may be recovered by Action of Debt in any Court of Record.

LXIII. Provided always, and be it enacted, That the said Bishop shall cause to be transmitted to the Patron and the Incumbent (if any) of such Benefice Copies of the Report so to be made by such Commissioners, and of the Plan, Estimate, and Certificate so to be made by such Workman or Surveyor, Two Calendar Months at the least before making any such Mortgage as aforesaid; and that in case the Patron and the Incumbent, or either of them, shall object to the proposed Site for a Residence, or to the proposed Plan for erecting or repairing such Residence, or to the Amount proposed to be raised, and shall deliver such Objections in Writing to the said Bishop before the Expiration of such Period of Two Calendar Months, the said Bishop shall have full Power to direct that the Plan proposed to be carried into effect shall be altered or modified in such Manner as he may think fit: Provided also, that if the Bishop shall, after receiving the Report to be made by such Commissioners, be of opinion that it is not expedient under the special Circumstances of any such Benefice to levy and raise any Sum or Sums of Money by Mortgage as herein-before required, or otherwise to take Measures for providing a fit House of Residence for such Benefice, he shall state in detail such special Circumstances and the Grounds of his Opinion in the next annual Return to be made by him to Her Majesty in Council, according to the Directions herein-before contained.

LXIV. And be it enacted, That every such Mortgagee shall execute a Counterpart of every such Mortgage, to be kept by the Incumbent for the Time being; and a Copy of every such Deed of Mortgage shall be registered in the Office of the Registrar of the Bishop of the Diocese, after having been first examined by him with

Bishop to transmit Copies of Report, &c. to Patron and Incumbent, who may object within Two Months, and if so Bishop may order Plan to be modified or abandoned.

Every Mortgagee to execute a Counterpart of the Mortgage, to be kept by the Incumbent, &c.

with the Original, which Officer shall register the same, and be entitled to demand and receive the Sum of Five Shillings, and no more, for such Register; and every such Deed shall be referred to upon all necessary Occasions, the Person inspecting the same paying One Shilling for every such Search; and the said Deed, or a Copy thereof certified under the Hand of the Registrar, shall be allowed as legal Evidence, in case any such Mortgage Deed shall happen to be lost or destroyed.

On Failure of Payment of Principal and Interest for Forty Days after due, Mortgagee may distrain.

LXV. And be it enacted, That whenever the Principal and Interest directed to be paid to the Mortgagee under the Provisions of this Act shall be in arrear and unpaid for the Space of Forty Days after the same shall become due, it shall be lawful for such Mortgagee, his Executors, Administrators, or Assigns, to recover the same, and the Costs and Charges attending the Recovery thereof, by Distress and Sale in such Manner as Rents may be recovered by Landlords or Lessors from their Tenants by the Laws in being.

Money borrowed to be paid to such Persons as the Bishop shall appoint;

LXVI. And be it enacted, That the Money so to be raised shall be paid into the Hands of such Person or Persons as shall be nominated and appointed by the Bishop of the Diocese by Writing under his Hand to receive and apply the same for the Purposes aforesaid, in the Form for that Purpose contained in the said Schedule, after such Nominee shall have given a Bond to the Ordinary, with sufficient Surety, in double the Sum so to be borrowed or raised, with Condition for his duly applying and accounting for the same according to the Directions of this Act; and the Receipt of the Person or Persons so to be nominated shall be a sufficient Discharge to the Person or Persons who shall advance and pay the Money; and the Person or Persons so to be nominated shall enter into Contracts with proper Persons for such Buildings or Repairs as shall be approved by the said Bishop and shall be specified in an Instrument written upon Parchment and signed by him, and shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Buildings and Repairs, according to the Terms of such Agreements, and also the Expences of preparing the Mortgage Deed and incident thereto, and of making such Certificate, Plan, and Estimate, and Copies thereof as aforesaid, and shall take proper Receipts and Vouchers for the same; and as soon as such Buildings or Repairs shall be completed, and the Money paid, shall make out an Account of his Receipts and Payments, together with the Vouchers for the same, and enter them in a Book fairly written, which shall be signed by him, and laid before the Bishop of the Diocese and examined by him, and when allowed by Writing under his Hand, such Allowance shall be a full Discharge to the Person so nominated in respect to the said Accounts; and if any Balance shall remain in the Hands of such Nominee or Nominees, the same shall be laid out in some further lasting Improvements in building upon such Glebe, or shall be paid and applied in discharge of so much of the said Principal Debt as such Balance will extend to pay, at the Discretion of the said Bishop, by Order signed by him; and an Account shall also be kept, made out, and allowed of such further Disbursements in manner aforesaid; all which Accounts, when made out, completed, and allowed, shall be deposited

who shall contract for the Buildings, &c. and see the same executed, and pay for them, &c.

How the Balance remaining shall be disposed of.

deposited with the Vouchers in the Hands of the said Registrar, and kept by him for the Use and Benefit of the Incumbents of such Benefice for the Time being, who shall have a Right to inspect the same whenever Occasion shall require, paying to such Registrar or Deputy Registrar the Sum of One Shilling for every such Inspection.

LXVII. And be it enacted, That the Incumbent of every such Benefice, in Cases where such Mortgage or Mortgages shall be made as aforesaid, and his Successors for the Time being, shall, from and after the Expiration of the first Year of the said Term (in which Year no Part of the Principal Sum borrowed shall be repayable), yearly and every Year (such Year to be computed from the Date of such Mortgage) pay to the Mortgagee One Thirtieth Part of the Principal Sum until the whole thereof shall be repaid, and shall at the End of the first and each succeeding Year pay the yearly Interest on the Principal Sum, or so much thereof as shall from Time to Time remain unpaid; and that every such Incumbent shall annually, at his own Expence, from the Time such Buildings authorized to be made by this Act shall be completed, insure, at one of the public Offices established in *London* or *Westminster* for Insurance of Houses and Buildings, the House and other Buildings upon such Glebe against Accidents by Fire, at such Sum of Money as shall be determined upon by the Bishop; and in default of the Payment of either the Principal or Interest in manner aforesaid, or Neglect of the Incumbent to make such Insurance, the Bishop shall have Power to sequester the Profits of the Benefice till such Payment or Insurance shall be made.

LXVIII. And be it enacted, That the Sum payable at the End of any Year in which there shall be an Avoidance of such Benefice shall be apportioned between the Successor and the Incumbent avoiding such Benefice by Death or otherwise, or his Representatives, in such Proportions as the Profits of such Living shall have been received by them respectively for the Year in which such Death or Avoidance shall happen; and that in case any Difference shall arise in adjusting or settling the Proportions aforesaid, the same shall be determined by Two indifferent Persons, the one to be named by the said Successor, and the other by the Person making such Avoidance, or his Representatives in case of his Death; and in case such Nominees shall not be appointed within the Space of Two Calendar Months next after such Death or Avoidance, or if they cannot agree in adjusting such Proportions within the Space of One Calendar Month after they shall have been appointed, the same shall be determined by some neighbouring Clergyman, to be nominated by the Bishop, whose Determination shall be final and conclusive between the Parties.

LXIX. And be it enacted, That all Sums of Money recovered or received, by Suit or Compositions, from the Representatives of any former Incumbent of such Benefice, and not laid out in the Repairs of such Buildings, shall go and be applied in Part of the Payments under such Estimate as aforesaid; and that all Money thereafter to be recovered or received, in case the same cannot be had before such Buildings are completed, and the Money paid for the same, shall be applied as soon as received in Payment of the Principal then due, as far as the same will extend; or in case the

Directions for Payment of Principal and Interest of the Mortgages.

As soon as the Buildings are completed, Incumbent to insure them against Fire.

For proportioning the annual Payment, in case of Death or other Avoidance.

All Money received for Dilapidations, &c. shall be applied in part of the Payments under the aforesaid Estimate;

said Mortgage Money shall have been discharged, all such Money arising from Dilapidations shall be paid into the Hands of the Nominee to be appointed as aforesaid, or of some other Person or Persons to be nominated by the Bishop, in case such Nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional Buildings or Improvements upon the Glebe of such Benefice, to be approved by the Bishop : and in the meantime, or in case such Buildings shall not be necessary, then in Trust to lay out the same in Government or other good Securities, and pay the Interest thereof to the Incumbent for the Time being.

or in making some additional Improvements, &c.

Where new Buildings are necessary for the Residence of the Incumbent, the Bishop may purchase any conveniently situated House, and a certain Portion of Land.

LXX. And be it further enacted, That where new Buildings are necessary to be provided for the Residence of the Incumbent of any Benefice exceeding in Value One hundred Pounds a Year, and avoided after the passing of this Act, and where such new Buildings cannot be conveniently erected on the Glebe of such Benefice, it shall be lawful for the Bishop to contract, or to authorize, if he shall think fit, the Person so to be nominated by him as aforesaid to contract, for the absolute Purchase of any House or Buildings in a Situation convenient for the Residence of the Incumbent of such Benefice, and also to contract for any Land adjoining or lying convenient to such House or Building, or to contract for any Land upon which a fit House of Residence can be conveniently built, and to raise the Purchase Money for such House or Buildings and Land adjoining, or for such Land upon which a House of Residence can be conveniently built (as the Case may be), by Mortgage of the Glebe, Tithes, Rents, and other Profits and Emoluments arising or to arise from such Benefice, in the same Manner in all respects as is herein-before directed with respect to the Mortgage herein-before authorized or directed to be made, which Mortgage shall be binding upon the Incumbent and his Successors, and he and they and their Representatives are hereby made liable to the Payment of the Principal, Interest, and Costs, in the same Manner and to the same Extent as herein-before directed with respect to the aforesaid Mortgage ; and the Receipt Discharge to the Person or Persons who shall advance or pay the Money so to be raised : Provided always, that no greater Sum shall be charged on any Benefice under the Authority of this Act than Four Years net Income and Produce of such Benefice (after such Deduction as aforesaid).

Buildings and Lands to be conveyed to Patron in Trust for the Incumbent for the Time being.

LXXI. And be it enacted, That the Buildings and Lands so to be purchased shall be conveyed to the Patron of such Benefice and his Heirs or Successors, as the Case may be, in Trust for the sole Use and Benefit of the Incumbent of such Benefice for the Time being and his Successors, and shall be annexed to such Benefice, and be enjoyed and go in succession with the same for ever ; but no Contract of Purchase made by the Nominee shall be valid until confirmed by the Bishop by Writing under his Hand ; and every such Purchase Deed shall be in the Form or to the Effect contained in the Schedule hereunto annexed, and shall be registered in such Manner and in such Office as the other Deeds are hereby directed to be registered.

LXXII. And

LXXII. And be it enacted, That it shall be lawful for the Governors authorized or appointed to regulate and superintend the Bounty given by Her late Majesty Queen *Anne*, for the Augmentation of the Maintenance of the poor Clergy, to advance and lend out of the Money which has arisen or shall from Time to Time arise from that Bounty, for promoting and assisting the Purposes of this Act, any Sum not exceeding the Amount hereby authorized to be raised upon such Mortgage and Security as aforesaid, and subject to the several Regulations of this Act, and to receive Interest for the same not exceeding Four Pounds for One hundred Pounds by the Year.

Governors of Queen Anne's Bounty empowered to lend certain Sums to promote the Execution of this Act.

LXXIII. And be it enacted, That it shall be lawful for any College or Hall within the Universities of *Oxford* and *Cambridge*, or for any other Corporate Bodies possessed of the Patronage of Ecclesiastical Benefices, to advance and lend any Sum or Sums of Money of which they have the Power of disposing in order to aid and assist the several Purposes of this Act for the building, rebuilding, repairing, or purchasing of any Houses or Buildings for the Habitation and Convenience of the Clergy, upon Benefices under the Patronage of such College or Hall, upon the Mortgage and Security directed by this Act for the Repayment of the Principal, without taking any Interest for the same.

Colleges in Oxford, &c. may lend any Sums without Interest, to aid the Execution of this Act.

LXXIV. And be it enacted, That it shall be lawful for the said Bishop, by Writing under his Hand, to make such Allowance to the Person or Persons to be nominated by him for the Purpose of paying and applying the Money so to be raised as aforesaid as he shall think fit, not exceeding the Sum of Five Pounds for every One hundred Pounds so to be laid out and expended as aforesaid.

Allowance to Persons nominated by the Bishop to apply Money.

LXXV. And be it enacted, That if any Spiritual Person holding any Benefice, who shall not actually reside thereon Nine Months in each Year, (unless such Person shall, with the Consent of the Bishop, from Time to Time, signified in Writing under his Hand, and revocable at any Time, perform the Ecclesiastical Duties of the same, he either being resident on another Benefice, of which he shall also be the Incumbent, or having a legal Exemption from Residence on his Benefice, or having a Licence to reside out of the same, or to reside out of the usual House of Residence belonging to the same,) shall for a Period exceeding Three Months altogether, or to be accounted at several Times, in the course of any One Year absent himself from his Benefice, without leaving a Curate or Curates duly licensed or approved by the Bishop to perform such Ecclesiastical Duties, or shall, for a Period of One Month after the Death, Resignation, or Removal of any Curate who shall have served his Church or Chapel, neglect to notify such Death, Resignation, or Removal to the Bishop, or shall for the Period of Four Months after the Death, Resignation, or Removal of such Curate neglect to nominate to the Bishop a proper Curate, in every such Case the Bishop is hereby authorized to appoint and license a proper Curate, with such Salary as is by this Act allowed and directed, to serve the Church or Chapel of the Benefice in respect of which such Neglect or Default shall have occurred: Provided always, that such Licence shall in every Case specify whether the Curate is required to reside within the Parish or Place, or not; and if the Curate is permitted by the Bishop to

Non-resident Incumbents neglecting to appoint Curates, the Bishop to appoint.

reside out of the Parish or Place, the Grounds upon which the Curate is so permitted to reside out of the same shall be specified in such Licence; and the Distance of the Residence of any Curate from any such Church or Chapel which he shall be licensed to serve shall not exceed Three Statute Miles, except in Cases of Necessity, to be approved by the Bishop, and specified in the Licence.

Curate to reside on Benefices, under certain Circumstances.

LXXVI. And be it enacted, That in every Case where a Curate is appointed to serve in any Benefice upon which the Incumbent either does not reside or has not satisfied the Bishop of his full Purpose to reside during Four Months in the Year, such Curate shall be required by the Bishop to reside within the Parish or Place in which such Benefice is situate, or if no convenient Residence can be procured within such Parish or Place, then within Three Statute Miles of the Church or Chapel of the Benefice in which he shall be licensed to serve, except in Cases of Necessity, to be approved of by the Bishop, and specified in the Licence, and such Place of Residence shall also be specified in the Licence.

If Duty inadequately performed, the Bishop may appoint a Curate;

LXXVII. And be it enacted, That whenever the Bishop shall see Reason to believe that the Ecclesiastical Duties of any Benefice are inadequately performed it shall be lawful for him to issue a Commission to Four beneficed Clergymen of his Diocese, or if the Benefice be within his peculiar Jurisdiction but locally situate in another Diocese then to Four beneficed Clergymen of such last-mentioned Diocese, one whereof shall be the Rural Dean, if any, of the Rural Deanery or District wherein such Benefice is situated, directing them to inquire into the Facts of the Case; and it shall be lawful for the Incumbent of the said Benefice to add to such Commissioners One other Incumbent of a Benefice within the same Diocese; and if the said Commissioners or the major Part of them report in Writing under their Hands to the said Bishop that in their Opinion the Duties of such Benefice are inadequately performed, it shall be lawful for such Bishop, if he shall see fit, by Writing under his Hand, to require the Spiritual Person holding such Benefice, though he may actually reside or be engaged in performing the Duties thereof, to nominate to him a fit Person or Persons, with sufficient Stipend or Stipends, to be licensed by him to perform or to assist in performing such Duties, specifying therein the Grounds of such Requisition; and if such Spiritual Person shall neglect or omit to make such Nomination for the Space of Three Months after such Requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and license a Curate or Curates, as the Case shall appear to him to require, with such Stipend or Stipends as he shall think fit to appoint, not exceeding the respective Stipends allowed to Curates by this Act in the Case of non-resident Incumbents, nor, except in the Case of Negligence, exceeding One Half of the net annual Value of such Benefice; and such Bishop shall cause a Copy of every such Requisition, and the Evidence to found the same, to be forthwith filed in the Registry of his Court: Provided always, that it shall be lawful for any such Spiritual Person within One Month after the Service upon him of such Requisition to nominate a Curate, or of Notice of any such Appointment and Licence of such Curate or Curates, to appeal to the Archbishop of the

but Incumbent may appeal.

Province, who shall approve or revoke such Requisition, or confirm or annul such Appointment, as to him may seem just and proper.

LXXVIII. And be it enacted, That whenever the annual Value of any Benefice the Incumbent whereof was not in Possession at the Time of the passing of this Act shall exceed Five hundred Pounds, and the Population thereof shall amount to Three thousand Persons, or though the Population do not amount to Three thousand Persons, if there be in the said Benefice a second Church or Chapel situated not less than Two Miles from the Mother Church, and with a Hamlet or District connected with it containing Four hundred Persons, it shall be lawful for the Bishop, if he shall see fit, to require the Spiritual Person holding such Benefice, although he shall be resident thereon or engaged in performing the Duties thereof, to nominate a fit and proper Person to be licensed as a Curate to assist in performing the Duties of such Benefice, and to be paid by the Person holding the same; and if a fit Person shall not be nominated to the Bishop within Three Months after his Requisition for that Purpose shall have been delivered to the Incumbent, or left at his last or usual Place of Abode, it shall be lawful for the Bishop to appoint and license a Curate, with such Stipend as he shall think fit to appoint, not exceeding the respective Stipends allowed to Curates by this Act, nor in any Case exceeding One Fifth Part of the net annual Value of the Benefice: Provided always, that such Spiritual Person may, within One Month after Service upon him of such Requisition to nominate a Curate, or of Notice of any such Appointment of a Curate, appeal to the Archbishop of the Province, who shall approve or revoke such Requisition, or confirm or annul such Appointment, as to him may appear just and proper.

In large Benefices an Assistant Curate may be required.

Appeal.

LXXIX. And be it enacted, That in case of a Stipend being assigned by the Bishop, according to the Provisions of this Act, to the Curate of any Benefice, the Incumbent whereof shall have been duly found a Lunatic or Person of unsound Mind, the Committee of the Estate of any such Lunatic or Person of unsound Mind shall pay such Stipend to such Curate out of the Profits of the Benefice which shall come to his Hands.

Stipend to be paid by Committee of Lunatic's Estate.

LXXX. And be it enacted, That it shall be lawful for the Bishop, in his Discretion, to order that there shall be Two full Services, each of such Services, if the Bishop shall so direct, to include a Sermon or Lecture, on every *Sunday* throughout the Year, or any Part thereof, in the Church or Chapel of every or any Benefice within his Diocese, whatever may be the annual Value or the Population thereof; and also in the Church or Chapel of every Parish or Chapelry, where a Benefice is composed of Two or more Parishes or Chapelries, in which there shall be a Church or Chapel, if the annual Value of the Benefice arising from that Parish or Chapelry shall amount to One hundred and fifty Pounds, and the Population of that Parish or Chapelry shall amount to Four hundred Persons: Provided always, that nothing herein contained shall be taken to repeal or affect the Provisions of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, by which the Bishop

Bishops may enforce Two Services on Sundays in certain Cases.

Not to affect the Provision of the Act 58 G. 3. c. 45. s. 65.

of any Diocese is empowered to direct the Performance of a Third or additional Service in the several Churches or Chapels within his Diocese under the Circumstances therein mentioned.

Statement of Particulars necessary to be given, and Declaration to be made, on Application for a Licence for a Curate.

LXXXI. And be it enacted, That every Bishop to whom any Application shall be made for any Licence for a Curate to serve for any Person not duly residing upon his Benefice shall, before he shall grant such Licence, require a Statement of all the Particulars by this Act required to be stated by any Person applying for a Licence for Non-residence; and in every Case in which Application shall be made to any Bishop for a Licence for any stipendiary Curate to serve in any Benefice, whether the Incumbent be resident or non-resident, such Bishop shall also require a Declaration in Writing to be made and subscribed by the Incumbent and the Curate, to the Purport and Effect that the one *bonâ fide* intends to pay, and the other *bonâ fide* intends to receive, the whole actual Stipend mentioned in such Statement, without any Abatement in respect of Rent or Consideration for the Use of the Glebe House, and without any other Deduction or Reservation whatever.

Fee for Licence.

LXXXII. And be it enacted, That every Curate obtaining such Licence as aforesaid shall pay to the Secretary or other proper Officer of the Bishop for the same the Sum of Ten Shillings, over and above any Stamp Duty which may be chargeable thereon, which Sum of Ten Shillings shall be in lieu of all Fees heretofore demandable by such Secretary or Officer for such Licence, or for any Certificate connected therewith; and that whenever any Person shall be licensed to Two Curacies within the same Diocese at the same Time, it shall be sufficient for such Person to sign a Declaration appointed to be signed by an Act, intituled *As Act of Uniformity*, once only; and it shall be sufficient for such Person to produce One Certificate only of his having so signed such Declaration.

Bishop shall appoint Stipends to Curates;

LXXXIII. And be it enacted, That it shall be lawful for the Bishop of the Diocese and he is hereby required, subject to the several Provisions and Restrictions in this Act contained, to appoint to every Curate of a non-resident Incumbent such Stipend as is specified in this Act; and every Licence to be granted to a stipendiary Curate, whether the Incumbent of the Benefice be resident or non-resident thereon, shall specify the Amount of the Stipend to be paid to the Curate; and in case any Difference shall arise between the Incumbent of any Benefice and his Curate touching such Stipend, or the Payment thereof or of the Arrears thereof, the Bishop, on Complaint to him made, may and shall summarily hear and determine the same, without Appeal; and in case of wilful Neglect or Refusal to pay such Stipend, or the Arrears thereof, he is hereby empowered to enforce Payment of such Stipend, or the Arrears thereof, by Monition, and by Sequestration of the Profits of such Benefice.

and decide Differences respecting them.

Stipends to Curates of Incumbents before 20th July 1813 not to exceed a certain Rate.

LXXXIV. And be it enacted, That it shall not be lawful for the Bishop to appoint for the Curate of any Benefice, to which the Spiritual Person holding the same was instituted, licensed, or otherwise admitted before the Twentieth Day of July One thousand eight hundred and thirteen, any Stipend exceeding Seventy-five Pounds *per Annum*, together with the Use of the House of Residence,

Residence, and the Gardens and Stables belonging thereto, or a further Sum of Fifteen Pounds in lieu of the Use of the Rectory or Vicarage House, or other House of Residence, in case there shall be no House, or it shall not appear to the Bishop convenient to assign the House to the Curate.

LXXXV. And be it enacted, That in every Case in which any Spiritual Person shall have been, since the Twentieth Day of July One thousand eight hundred and thirteen, or shall hereafter be instituted, inducted, nominated, or appointed to or otherwise become Incumbent of any Benefice, and shall not duly reside thereon, the Bishop shall appoint for the Curate licensed under the Provisions of this Act to serve such Benefice such Stipend as is herein-after next mentioned; (that is to say,) such Stipend shall in no Case be less than Eighty Pounds *per Annum*, or than the annual Value of the Benefice, if such Value shall not amount to Eighty Pounds; nor less than One hundred Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred Pounds, in any Parish or Place where the Population shall amount to Three hundred Persons; nor less than One hundred and twenty Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and twenty Pounds, in any Parish or Place where the Population shall amount to Five hundred Persons; nor less than One hundred and thirty-five Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and thirty-five Pounds, in any Parish or Place where the Population shall amount to Seven hundred and fifty Persons; nor less than One hundred and fifty Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and fifty Pounds, in any Parish or Place where the Population shall amount to One thousand Persons.

LXXXVI. And be it enacted, That where the annual Value of any such Benefice shall exceed Four hundred Pounds, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, a Stipend of One hundred Pounds, notwithstanding the Population may not amount to Three hundred Persons; and that where the annual Value of any such Benefice shall exceed Four hundred Pounds, and the Population shall amount to Five hundred Persons, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, any larger Stipend, so that the same shall not exceed by more than Fifty Pounds *per Annum* the Amount of the Stipend herein-before required to be assigned to any such Curate; and that where the Population of any such Benefice shall exceed Two thousand Persons, it shall be lawful for the Bishop to require the Incumbent thereof to nominate to him Two Persons to be licensed as Curates; and if such Spiritual Person shall neglect or omit to make such Nomination for the Space of Three Months after such Requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and license Two Curates or a Second Curate, and in all and every of such Cases to assign to each Curate so nominated or appointed such Stipend as he shall think fit, not exceeding together the highest Rate of Stipend allowed by this Act in the Case of One such Curate, except in Cases where the Incumbent shall consent to a larger

Stipends to Curates to be according to specified Scale, proportioned to the Value and Population of the Benefice.

Larger Stipends in certain Cases of larger Value and Population.

Bishop may require Two Curates.

Appeal.

stipend: Provided always, that such Incumbent may within One Month after Service upon him of such Requisition, or of Notice of any such Appointment of Two Curates or a Second Curate, appeal to the Archbishop of the Province, who shall approve or revoke such Requisition or confirm or annul such Appointment, as to him may appear just and proper.

Smaller Stipends
in certain Cases.

LXXXVII. And be it enacted, That in every Case in which the Bishop shall be satisfied that any Spiritual Person holding any Benefice within his Diocese is non-resident, or has become incapable of performing the Duties thereof from Age, Sickness, or other unavoidable Cause, and that, from these or from any other special and peculiar Circumstances, great Hardship or Inconvenience would arise if the full Stipend specified in this Act should be allowed to the Curate of such Benefice, it shall be lawful for such Bishop, with the Consent of the Archbishop of the Province, to be signified in Writing under the Hand of the said Archbishop upon the Licence to be granted to such Curate, to assign to the Curate such Stipend less than the full Amount in this Act specified as shall appear to him just and reasonable: Provided always, that in the Licence granted in every such Case it shall be stated that for special Reasons the Bishop hath not thought proper to assign to the Curate the full Stipend required by this Act: Provided also, that such special Reasons shall be entered fully in a separate Book to be kept for that Purpose, and to be deposited in the Registry of the Diocese, which Book shall be open to Inspection with the Leave of the Bishop, as in the Cases of Application for Licences for Non-residence.

Stipend of Curate engaged to serve interchangeably at different Benefices belonging to the same Incumbent.

LXXXVIII. And be it enacted, That if any Incumbent of Two Benefices, residing *bonâ fide* in different Proportions of every Year on one or other of such Benefices the full Period specified by this Act, shall employ a Curate to perform Ecclesiastical Duty interchangeably from Time to Time upon such of the Benefices from which he shall be absent during his own actual Residence upon the other thereof, it shall be lawful for the Bishop to assign to such Curate any Stipend not exceeding such Stipend as would be allowed under this Act for the larger of such Benefices, nor less than would be allowed for the smaller, as to the Bishop shall under all the Circumstances appear just and reasonable: Provided always, that if any such Incumbent shall employ a Curate or Curates for the whole Year upon each of such Benefices, such Incumbent so residing *bonâ fide* as aforesaid, in such Case it shall be lawful for the Bishop to assign to either or each of such Curates any such Stipend less than the Amount specified in this Act as he shall think fit.

How the Stipends shall be adjusted where the Curate is permitted to serve in Two adjoining Parishes.

LXXXIX. And be it enacted, That in every Case where the Bishop shall find it necessary or expedient for obtaining the proper Performance of Ecclesiastical Duties to license any Spiritual Person holding any Benefice to serve as Curate of any adjoining or other Parish or Place, it shall be lawful for such Bishop, if he shall think fit, to assign to such Person so licensed a Stipend less by a Sum not exceeding Thirty Pounds *per Annum* than the Stipend which in the several Cases in this Act specified the Bishop is required to assign; and in every Case where the Bishop shall find it necessary or expedient to license the same Person to serve as Curate

Curate for Two Parishes or Places, it shall be lawful for such Bishop, if he shall think fit, to direct that during such Time as such Curate shall serve the Churches or Chapels of such Two Parishes or Places the Stipend to be received by him for serving each of the said Churches or Chapels shall be less by a Sum not exceeding Thirty Pounds *per Annum* than the Stipend which in the several Cases herein-before specified the Bishop is required by this Act to assign.

Xc. And be it enacted, That all Agreements made or to be made between Persons holding Benefices and their Curates, in fraud or derogation of the Provisions of this Act, and all Agreements whereby any Curate shall undertake or in any Manner bind himself to accept or be content with any Stipend less than that which shall be assigned by his Licence, shall be void to all Intents and Purposes, and shall not be pleaded or given in Evidence in any Court of Law or Equity; and, notwithstanding the Payment and Acceptance, in pursuance of any such Agreement, of any Sum less than that assigned by the Licence, or any Receipt, Discharge, or Acquittance that may be given for the same, the Curate and his personal Representatives shall be and remain entitled to the full Amount of the Stipend assigned by his Licence; and the Payment of so much thereof as shall be proved to the Satisfaction of the Bishop to remain unpaid shall, together with full Costs of recovering the same as between Proctor and Client, be enforced by Monition, and by Sequestration of the Profits of the Benefice, to be issued by the Bishop for that Purpose on Application made by the Curate or his Representatives; provided that such Application shall in every such Case be made to the Bishop within Twelve Months after such Curate shall have quitted his Curacy, or have died.

Xci. And be it enacted, That in every Case in which the Bishop shall assign to any Curate a Stipend equal to the whole annual Value of the Benefice in which he is licensed to serve, such Stipend shall be subject to Deduction in respect to all such Charges and Outgoings as may legally affect the Value of such Benefice, and to any Loss or Diminution which may lessen such Value, without the wilful Default or Neglect of the Spiritual Person holding the Benefice.

Xcii. And be it enacted, That in every such Case as last aforesaid it shall be lawful for the Bishop, upon the Application of the Spiritual Person holding the Benefice, to allow such Spiritual Person to retain in each Year so much Money, not exceeding in any Case One Fourth Part of the annual Value, as shall have been actually expended during the Year in the Repair of the Chancel and of the House of Residence and Premises and Appurtenances thereto belonging, in respect of which such Spiritual Person, or his Executors or Administrators, would be liable for Dilapidations to the Successor; and it shall also be lawful for the Bishop in like Manner to allow any Spiritual Person holding any Benefice the annual Value whereof shall not exceed One hundred and fifty Pounds to deduct from the Stipend assigned to the Curate in each Year so much Money as shall have been actually expended in such Repairs above the Amount of the Surplus remaining of such Value after Payment of such Stipend; provided that the Sum

Agreements for Stipends to Curates contrary to this Act void.

Curate's Stipend, if of the Value of the Benefice, liable to all Charges.

Bishop may allow Incumbent to deduct from Curate's Stipend for Repairs to a limited Amount, in certain Cases.

so deducted, after laying out such Surplus, shall not in any Year exceed One Fourth Part of such Stipend.

Curate directed to reside in Parsonage House, in case of Non-residence of Incumbent, may have certain Portion of Glebe assigned to him by Bishop.

XCIIL. And be it enacted, That it shall be lawful for the Bishop who shall have granted any Licence to any Curate to serve in any Benefice the Incumbent whereof is not resident for Four Months in each Year, and who shall have required such Curate to reside in the House of Residence belonging to the Benefice, to assign to such Curate such House of Residence, together with the Offices, Stables, Gardens, and Appurtenances thereto belonging, or any Part or Parts thereof, without Payment of any Rent, and also to assign any Portion of Glebe Land adjacent to the House, and not exceeding Four Statute Acres, at such Rent as shall be fixed by the Archdeacon of the Archdeaconry, or by the Rural Dean, if any, of the Deanery or District within which the Benefice is situate, and One neighbouring Incumbent, and approved of by the Bishop, during the Time of such Curate's serving the Cure, or during the Non-residence of the Incumbent of such Benefice; and it shall be lawful for the Bishop making any such Assignment to any Curate to sequester the Profits of the Benefice in any Case in which Possession of the Premises so assigned shall not be given up to the Curate, and until such Possession shall be given, and to direct the Application of the Profits arising from such Sequestration as is herein-before directed in the Case of Sequestration for Non-residence, or to remit the same or any Part thereof, as the Bishop shall in his Discretion think fit.

Curates to pay Taxes of Parsonage Houses in certain Cases.

XCIV. And be it enacted, That in every Case where the Bishop shall assign to the Curate licensed to serve in any Benefice a Stipend not less than the whole Value of the same, and shall in addition to such Stipend direct that such Curate shall reside in the House of Residence belonging to such Benefice, such Curate shall be liable during the Time of his serving such Cure to the same Taxes and Parochial Rates and Assessments, in respect of such House, Premises, and Appurtenances thereto belonging, as if he had been Incumbent of the Benefice: Provided always, that in every other Case in which the Curate shall so reside by Direction of the Bishop it shall be lawful for such Bishop, if he shall think fit, to order that the Incumbent shall pay to the Curate all or any Part of such Sums as he may have been required to pay and shall have actually paid within One Year ending at *Michaelmas Day* next preceding the Date of such Order for any such Taxes, Parochial Rates, or Assessments as shall become due at any Time after the passing of this Act, and the Bishop may, if necessary, enforce Payment thereof by Monition, and Sequestration of the Profits of such Benefice.

Mode of superseding a Curate by new Incumbent.

XCIV. And be it enacted, That every Curate shall quit and give up the Cure of any Benefice which shall become vacant upon having Six Weeks Notice from the Spiritual Person admitted, collated, instituted, or licensed to such Benefice, provided such Notice shall be given within Six Months from the Time of such Admission, Collation, Institution, or Licence; and that in all other Cases it shall be lawful for the Incumbent of any Benefice, whether resident or non-resident thereon, having first obtained the Permission of the Bishop of the Diocese, to be signified by Writing under his Hand, to require any One or more of his Curates, who after

after the passing of this Act shall be licensed to any Curacy, to quit and give up his Curacy upon Six Months Notice thereof given to the Curate, who shall thereupon quit the same according to such Notice: Provided always, that any Incumbent resident on his Benefice, or not resident but desiring to reside on his Benefice, may, within One Month after Refusal of such Permission as aforesaid by the Bishop, appeal to the Archbishop of the Province, who shall either confirm such Refusal or grant such Permission as to him may seem just and proper.

Appeal.

XCVI. And be it enacted, That every Curate who shall reside in the House of Residence of any Benefice which shall become vacant shall peaceably deliver up Possession thereof, with the Appurtenances, upon having Six Weeks Notice from the Spiritual Person admitted, collated, instituted, or licensed to such Benefice, provided such Notice be given within Six Months from the Time of such Admission, Collation, Institution, or Licence; and that in all other Cases it shall be lawful for the Incumbent of any Benefice, with the Permission signified in Writing under the Hand of the Bishop of the Diocese, or for such Bishop, at any Time, upon Six Months Notice in Writing, to direct any Curate to deliver up the House of Residence, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and such Portion of the Glebe Land as shall have been assigned to such Curate, and such Curate shall thereupon peaceably deliver up the Possession of the Premises pursuant to such Notice; and if any Curate shall refuse to deliver up such Premises in any or either of the Cases aforesaid he shall pay to the Spiritual Person holding the Benefice the Sum of Forty Shillings for every Day of wrongful Possession after the Service of such Notice.

Curate peaceably to deliver up Possession of House of Residence within Six Months after Notice, or pay 40s. per Day.

XCVII. And be it enacted, That no Curate shall quit any Curacy to which he shall be licensed until after Three Months Notice of his Intention given to the Incumbent of the Benefice and to the Bishop, unless with the Consent of the Bishop, to be signified in Writing under his Hand, upon pain of paying to the Incumbent a Sum not exceeding the Amount of his Stipend for Six Months, at the Discretion of the Bishop, such Sum to be specified in Writing under the Hand of the Bishop, which Sum may in such Case be retained out of the Stipend if the same or any Part thereof shall remain unpaid, or, if the same cannot be retained out of the Stipend, may be recovered by the Spiritual Person holding the Benefice by Action of Debt.

Curate not to quit Curacy without Three Months Notice to Incumbent and Bishop, under a Penalty.

XCVIII. And be it enacted, That it shall be lawful for the Bishop to license any Curate who is or shall be actually employed by any non-resident Incumbent of any Benefice within his Diocese although no express Nomination of such Curate shall have been made to such Bishop by the Incumbent; and that the Bishop shall have Power, after having given to the Curate sufficient Opportunity of showing Reason to the contrary, to revoke, summarily and without further Process, any Licence granted to any Curate, and to remove such Curate, for any Cause which shall appear to such Bishop to be good and reasonable: Provided always, that any such Curate may, within One Month after Service upon him of such Revocation, appeal to the Archbishop of the Province, who shall confirm

Bishop may license Curates employed without Nomination, revoke any Licence, and remove the Curate, subject to Appeal to the Archbishop.

confirm or annul such Revocation as to him shall appear just and proper.

Bishop may appoint Curates to all sequestered Benefices.

XCIX. And be it enacted, That in every Case in which a Benefice shall be under Sequestration, except for the Purpose of providing a House of Residence as aforesaid, it shall be lawful to the Bishop and he is hereby required, if the Incumbent shall not perform the Duties of the said Benefice, to appoint and license a Curate or Curates thereto, and to assign to him or them a Stipend or Stipends, not exceeding, in the Case of any One such Curate, the highest Rate of Stipend allowed by this Act, nor, where more than One Curate is appointed, a Stipend exceeding One hundred Pounds to more than One such Curate, such Stipend or Stipends to be paid by the Sequestrator of such Benefice out of the Profits thereof: Provided always, that not more than One Curate shall be appointed to any such Benefice in any Case in which there is not more than One Church, or the Population does not exceed Two thousand Persons.

Stipend of Curate of sequestered Benefice to be paid by Sequestrator.

C. And be it enacted, That upon the Avoidance of any Benefice, by Death, Resignation, or otherwise, the Sequestrator appointed by the Bishop shall, out of the Profits thereof which shall come to his Hands, pay to the Curate or Curates appointed by such Bishop to perform the Ecclesiastical Duties of such Benefice during the Vacancy thereof, such Stipend or Stipends as shall be ordered to be paid to him or them by such Bishop, not exceeding the respective Stipends allowed by this Act, and in proportion only to the Time of such Vacancy.

Proviso for Payment by succeeding Incumbent where Profits during Sequestration insufficient.

CI. Provided always, and be it enacted, That if the Profits of such Benefice which shall have come to the Hands of such Sequestrator during the Vacancy thereof shall not be sufficient to pay such Stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such Curate by the succeeding Incumbent of such Benefice out of the Profits thereof; and such Bishop is hereby empowered and required, if necessary, to enforce Payment of the same by Monition, and by Sequestration of the Profits of such Benefice.

Licences to Curates, and Revocations thereof, to be entered in the Registry of the Diocese.

CII. And be it enacted, That every Bishop who shall grant or revoke any Licence to any Curate under this Act shall cause a Copy of such Licence or Revocation to be entered in the Registry of the Diocese; and an alphabetical List of such Licences and Revocations shall be made out by the Registrar of each Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of Three Shillings, and no more; and a Copy of every such Licence and Revocation shall be transmitted by the said Registrar to the Churchwardens or Chapelwardens of the Parish, Township, or Place to which the same relates, within One Month after the Grant of such Licence or Revocation thereof, to be by them deposited in the Parish Chest: Provided always, that every such Registrar shall for every such Copy transmitted to such Churchwardens or Chapelwardens as aforesaid be entitled to demand and receive from the Incumbent of such Benefice a Fee of Three Shillings, and no more: Provided also, that in case the Archbishop shall, on Appeal to him, annul the Revocation of any such Licence, the Bishop by whom such Revocation shall have been made shall, immediately on receiving Notice from the Archbishop

bishop that he had annulled the same, make such or the like Order as is herein-before directed to be made on the Revocation of a Licence for Non-residence being annulled, which Order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.

CIII. 'And whereas in many Benefices in *Wales* and in the Counties adjacent thereunto many of the Inhabitants are imperfectly or not at all instructed in the *English Language*, and it is expedient that Persons to be hereafter instituted or licensed to such Benefices should possess an adequate Knowledge of the *Welsh Language*: And whereas in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, the said Commissioners were directed to prepare and lay before His then Majesty in Council a Scheme for preventing the Appointment of any Clergyman not fully conversant with the *Welsh Language* to certain Benefices with Cure of Souls in *Wales*: And whereas it is expedient to repeal such Enactment, and instead thereof to enact other Provisions of more general and extensive Application;' be it therefore enacted, That the said Enactment shall be and the same is hereby repealed.

Repeal of Part of 6 & 7 W. 4. c. 77.

CIV. And be it enacted, That within the several Dioceses of *Saint Asaph, Bangor, Llandaff, and Saint David's* it shall and may be lawful for the Bishop, if he shall think fit, to refuse Institution or Licence to any Spiritual Person who after due Examination and Inquiry shall be found unable to preach, administer the Sacraments, perform other pastoral Duties, and converse in the *Welsh Language*: Provided always, that any such Spiritual Person may, within One Month after such Refusal, appeal to the Archbishop of *Canterbury*, who shall either confirm such Refusal or direct the Bishop to grant Institution or Licence, as shall seem to the said Archbishop just and proper: Provided also, that nothing herein-before contained shall be construed to affect or abridge any Rights which the Inhabitants of any Benefice within the said Four *Welsh* Dioceses may at present by Law possess of entering a Caveat against or objecting in due Course of Law to the Institution, Collation, or Licence of any Spiritual Person, or of proceeding to procure the Deprivation of any such Person.

Provision for Benefices in certain Welsh Dioceses.

CV. And be it enacted, That all the Provisions and Powers of this Act relating to the Appointment of Curates where the Ecclesiastical Duties are inadequately performed shall within the several Dioceses of *Saint Asaph, Bangor, Llandaff, and Saint David's* extend and apply to Cases wherein the Bishop shall see Reason to believe that the Ecclesiastical Duties of any Benefice are not satisfactorily performed by reason of the insufficient Instruction in the *Welsh Language* of the Spiritual Person serving such Benefice.

Provision for Curates in certain Welsh Dioceses.

CVI. And be it enacted, That no Spiritual Person shall serve more than Two Benefices in One Day unless in case of unforeseen and pressing Emergency, in which Case the Spiritual Person who shall

No Spiritual Person to serve more than Two Benefices in One Day.

shall so have served more than Two Benefices shall forthwith report the Circumstance to the Bishop of the Diocese.

Provisions relating to Bishops to apply to Archbishops in their own Dioceses.

CVII. And be it enacted, That all the Powers, Authorities, Provisions, Regulations, Matters, and Things in this Act contained, in relation to Bishops in their Dioceses, shall extend and be construed to extend to the Archbishops in the respective Dioceses of which they are Bishops, and also in their own peculiar Jurisdictions, as fully and effectually as if the Archbishops were named with the Bishops in every such Case.

Power of Archbishops and Bishops as to exempt or peculiar Benefices, &c.

CVIII. And be it enacted, That every Archbishop and Bishop, within the Limits of whose Province or Diocese respectively any Benefice, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the Powers and Authorities necessary for the due Execution by them respectively of the Provisions and Purposes of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop; and where any Benefice, exempt or peculiar, shall be locally situate within the Limits of more than One Province or Diocese, or where the same or any of them shall be locally situate between the Limits of the Two Provinces, or between the Limits of any Two or more Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Parish Church of the same respectively shall be nearest in local Situation shall have, use, and exercise all the Powers and Authorities which are necessary for the due Execution of the Provisions of this Act, and enforcing the same, with regard thereto respectively, as such Archbishop or Bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop respectively, and the same for all the Purposes of this Act shall be deemed and taken to be within the Limits of the Province or Diocese of such Archbishop or Bishop; provided that the Peculiars belonging to any Archbishoprick or Bishoprick, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the Purposes of this Act as for all other Purposes of Ecclesiastical Jurisdiction.

Where Jurisdiction is given to Bishop, &c. all concurrent Jurisdiction to cease.

CIX. And be it enacted, That in every Case in which Jurisdiction is given to the Bishop of the Diocese or to any Archbishop, under the Provisions of this Act, and for the Purposes thereof, and the enforcing the due Execution of the Provisions thereof, all other and concurrent Jurisdiction in respect thereof shall, except as herein otherwise provided, wholly cease, and no other Jurisdiction in relation to the Provisions of this Act shall be used, exercised, or enforced, save and except such Jurisdiction of the Bishop and Archbishop under this Act; any thing in any Act or Acts of Parliament, or Law or Laws, or Usage or Custom, to the contrary notwithstanding.

Sequestrations under this Act to have Priority.

CX. And be it enacted, That every Sequestration issued under the Provisions of this Act shall have Priority, and the Sums to be thereby recovered shall be paid and satisfied in preference to all other Sequestrations, and the Sums to be thereby recovered, except such Sequestrations as shall be founded on Judgments duly docketed

docketed before the passing of this Act, and also except such Sequestrations as shall have been issued before any Sequestration under this Act under the Provisions of an Act passed in the Seventeenth Year of the Reign of King *George* the Third, for promoting the Residence of the Parochial Clergy, and the Monies to be recovered by such excepted Sequestrations respectively.

CXI. And be it enacted, That all Appeals under the Provisions of this Act to any Archbishop shall be in Writing signed by the Party appealing; and that in order to discourage frivolous Appeals no Proceeding shall be had in any such Appeal until the Appellant shall, if required, have given Security in such Form and to such Amount as the Archbishop shall direct of Payment to the Bishop of such Costs as shall be awarded by the Archbishop if he shall decide against the Appellant; and that after such Security, if required, shall have been given, the said Archbishop shall forthwith, either by himself or by some Commissioner or Commissioners appointed under his Hand from among the other Bishops of his Province, make or cause to be made Inquiry into the Matter complained of, and shall after such Inquiry, and in the latter Case after a Report in Writing from his said Commissioner or Commissioners, give his Decision in such Appeal in Writing under his Hand; and when he shall decide the Merits of the Appeals against the Appellant he shall also award and direct whether any and what Amount of Costs shall be paid by the Appellant to the Bishop Respondent; and in like Manner when he shall decide in favour of the Appellant he shall also award and direct whether any and what Amount of Costs shall be paid by the Bishop Respondent to the Appellant.

CXII. And be it enacted, That in all Cases in which Proceedings under this Act are directed to be by Monition and Sequestration, such Monition shall issue under the Hand and Seal of the Bishop, and such Monition, and any other Instrument or Notice issued in pursuance of the Provisions of this Act, and not otherwise specially provided for, shall be served personally upon the Spiritual Person therein named or to whom it shall be directed, by showing the Original to him and leaving with him a true Copy thereof, or, in case such Spiritual Person cannot be found, by leaving a true Copy thereof at his usual or last known Place of Residence, and by affixing another Copy thereof upon the Church Door of the Parish in which such Place of Residence shall be situate, and also, in the Case of such Monition, by leaving another Copy thereof with the Officiating Minister or One of the Churchwardens of the said Parish, and also by affixing another Copy thereof on the Church Door of the Parish in which the Benefice of such Spiritual Person shall be situate; and such Monition or other Instrument, or Notice as aforesaid, shall, immediately after the Service thereof, be returned into the Consistorial Court of such Bishop, and be there filed, together with an Affidavit of the Time and Manner in which the same shall have been served; and thereupon, in case of such Monition, it shall be competent to the Party monished to show Cause, by Affidavit or otherwise, as the Case may require, why a Sequestration should not issue according to the Tenor of such Monition; and if such Spiritual Person shall not, within the Time assigned by such Monition,

show

The Mode of appealing to the Archbishop of the Province.

Regulations respecting Monitions and Sequestrations.

show sufficient Cause to the contrary, such Sequestration shall issue under the Seal of the Consistorial Court of such Bishop, and shall be served and returned into the Registry of such Court in like Manner as is herein-before directed with respect to Monitions issued under the Provisions of this Act.

Sequestration not to issue after Monition to reside, until Service of Order.

CXIII. Provided always, and be it enacted, That in any Case of Non-residence in which a Monition shall have been served upon any Spiritual Person under the Provisions of this Act, requiring such Spiritual Person to reside on his Benefice, no Sequestration shall issue until an Order requiring such Spiritual Person to proceed and reside upon such Benefice within Thirty Days, as herein-before enacted, shall have been served upon him in the same Manner as is herein-before directed as to the Service of Monitions.

Recovery of Penalties against Spiritual Persons.

CXIV. And be it enacted, That all Penalties and Forfeitures which shall be incurred under this Act by any Spiritual Person holding a Benefice shall and may be sued for and recovered in the Court of the Bishop of the Diocese in which such Benefice is situate, and by some Person duly authorized for that Purpose by such Bishop by Writing under his Hand and Seal, and in no other Court, and by or at the Instance of no other Person whatever; and that the Payment of every such Penalty or Forfeiture, together with the reasonable Expence incurred in recovering the same, shall and may be enforced by Monition and Sequestration; and that it shall and may be lawful for such Bishop, by any Order made for that Purpose in Writing under his Hand, and to be registered in the Registry of the Diocese, which the Registrar is hereby required to do, to direct that every such Penalty or Forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the Augmentation or Improvement of such Benefice or of the House of Residence thereof, or of any of the Buildings or Appurtenances thereof.

Recovery of Fees, &c.

CXV. And be it enacted, That all Fees, Charges, Costs, and Expences incurred or directed to be paid by any Spiritual Person holding any Benefice under the Provisions of this Act, which shall remain unpaid for the Period of Twenty-one Days after Demand thereof in Writing delivered to or left at the usual or last Place of Abode of such Spiritual Person, may be recovered by Monition and Sequestration: Provided always, that it shall be lawful for the Person or Persons of whom any such Fees, Costs, Charges, and Expences shall be so demanded to apply to the Bishop of the Diocese to order the Taxation thereof, and such Bishop shall thereupon order some proper Person to tax and settle the same; and the Certificate of Allowance, by the Person so to be appointed, of such Fees, Costs, Charges, and Expences so to be taxed, shall be final.

Penalty on Registrar for Neglect.

CXVI. And be it enacted, That if the Registrar of any Diocese shall refuse or neglect to make any Entry, or to do any other Matter or Thing prescribed by this Act, he shall forfeit for every such Refusal or Neglect the Sum of Five Pounds.

Recovery of Penalties against Laymen, &c.

CXVII. And be it enacted, That all Penalties and Forfeitures under this Act incurred by Persons not Spiritual, or by Spiritual Persons not holding Benefices, shall be sued for and recovered by

by any Person who will sue for the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

CXVIII. And be it enacted, That no Penalty shall be recovered against any Spiritual Person, under the Provisions of this Act, other or further than those which such Spiritual Person may have incurred subsequent to the First Day of *January* in the Year immediately preceding the Year in which such Proceedings shall be commenced. Penalties not recoverable for more than One Year.

CXIX. And be it enacted, That all Penalties recovered under the Provisions of this Act, the Application of which is not specially directed thereby, shall be paid over to the Treasurer of the Governors of the Bounty of Queen *Anne*, to be applied to the Purposes of the said Bounty. Application of Penalties.

CXX. And be it enacted, That for all the Purposes of this Act, except as herein otherwise provided, the Year shall be deemed to commence on the First Day of *January*, and be reckoned therefrom to the Thirty-first Day of *December*, both inclusive. Commencement and Conclusion of the Year.

CXXI. And be it enacted, That for all the Purposes of this Act the Months therein named shall be taken to be Calendar Months, except in any Case in which any Month or Months are to be made up of different Periods less than a Month, and in every such Case Thirty Days shall be deemed a Month. How Months to be calculated.

CXXII. And be it enacted, That in every Case where by the Provisions of this Act the Copy of any Licence is required to be filed or entered in the Registry of the Diocese, a Copy thereof, certified by the Registrar, shall be admissible as Evidence in all Courts and Places whatever. Certified Copy of Licence to be Evidence.

CXXIII. And be it enacted, That when Authority is given by this Act to any Archbishop or Bishop to require any Statement or Facts to be verified by Evidence, or to inquire or to cause Inquiry to be made into any Facts, such Archbishop or Bishop may require any such Statement or any of such Facts to be verified in such Manner as the said Archbishop or Bishop shall see fit; and that when any Oath, Affidavit, or Affirmation or solemn Declaration is or may be by or in pursuance of the Provisions of this Act required to be made, such Oath, Affidavit, or Affirmation or solemn Declaration shall and may be made either before such Archbishop or Bishop, or the Commissioner or Commissioners, or One of them, of such Archbishop or Bishop respectively, or before some Ecclesiastical Judge or his Surrogate, or before a Justice of the Peace, or before a Master or Master Extraordinary in Chancery, who are hereby authorized and empowered in all and every of the Cases aforesaid to administer such Oath, Affidavit, and Affirmation, or to take such Declaration, as the Case may be. Statements how to be verified.

CXXIV. And be it enacted, That in all Cases where the Term "Cathedral Preferment" is used in this Act, it shall be construed to comprehend (unless it shall otherwise appear from the Context) every Deanery, Archdeaconry, Prebend, Canonry, Office of Minor Canon, Priest Vicar, or Vicar Choral, having any Prebend or Endowment belonging thereto, or belonging to any Body Corporate consisting of Persons holding any such Office, and also every Precentorship, Treasurership, Sub-Deanery, Chancellorship of the Church, and other Dignity and Office in any Cathedral or Collegiate Church, and every Mastership, Wardenship, and Fellowship. Definition of the Term "Cathedral Preferment."

and "Benefice." in any Collegiate Church; and that in all Cases where "Benefice" is used in this Act, the said Term shall be taken to mean Benefice with Cure of Souls and no it shall otherwise appear from the Context,) and to comprehend all Parishes, Perpetual Curacies, Donatives, and Chapels, Parochial Chapelries, and Chapelries or Districts reputed to belong, or annexed or reputed to be an Church or Chapel, any thing in any other Act to notwithstanding.

Who to be considered Patron.

CXXV. And be it enacted, That in every Case Consent of, or the Execution of any Deed or Deed or Instruments by, the Patron of any Cathedral Prefecture, any Benefice, Sinecure Rectory, or Vicarage, or the Impropiator of any Lands, Tithes, Tenements, or House is required for carrying into effect any of the Purposes of this Act, and also in every Case in which it may be necessary to give any Notice to any such Patron for any of the said Purposes, Consent of Execution by or Notice to the Patron entitled to make Donation or present or nominate to a Benefice, or to a Preferment, Benefice, Sinecure Rectory, or Vicarage, if the same were then vacant, or the Person or Persons who are to have the actual Possession, Receipt, or Perception of the Rents, Profits, or Profits of such Lands, Tithes, Tenements, or House, shall respectively be sufficient.

How Consent of Patron to be testified, where Patronage in the Crown.

CXXVI. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required for the Exercise of any Power given by this Act, or in which any Notice shall be required by this Act to be given to the Patron of any Benefice, and the Patronage of such Benefice shall be in the Crown, the Consent of the Crown to the Exercise of such Power shall be testified and such Notice shall be given respectively in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the Queen's Books, the Instrument by which the Power shall be exercised shall be executed by and any such Notice shall be given to the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the Queen's Books, such Instrument shall be executed by and any such Notice shall be given to the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the Time being; and if such Benefice shall be within the Patronage of the Crown in right of the Duchy of Lancaster, such Instrument shall be executed by and any such Notice shall be given to the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by and any such Notice given to such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by and a sufficient Notice to the Patron of the Benefice.

How where Patron is an incapacitated Person.

CXXVII. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian or Guardians, Committee or Committees,

mittees, or Husband of such Patron (but in case of a Feme Covert with her Consent in Writing) to execute the Instrument by which such Power shall be exercised in testimony of the Consent of such Patron; and such Execution shall for the Purposes of this Act be deemed and taken to be an Execution by the Patron of the Benefice.

CXXVIII. And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, or in which any Notice shall be required by this Act to be given to the Patron of any Benefice, and the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent of the Patron of such Benefice to the Exercise of such Power shall be testified and such Notice shall be given respectively in the Manner herein-after mentioned; (that is to say,) the Instrument by which the Power shall be exercised shall be executed by and any such Notice shall be given to the Duke of *Cornwall* for the Time being, if of full Age, but if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Cornwall*, such Instrument shall be executed by and any such Notice shall be given to the same Person or Persons who is or are by this Act authorized to testify the Consent of the Crown to the Exercise of any Power given by this Act in respect of any Benefice in the Patronage of the Crown; and the Execution of such Instrument by and any such Notice given to such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by and a sufficient Notice to the Patron of the Benefice.

How where Patronage is attached to the Duchy of Cornwall.

CXXIX. And be it enacted, That the Distance between any Two Benefices for the Purposes of this Act shall be computed from the Church of the one to the Church of the other by the nearest Road or Footpath, or by an accustomed Ferry; and if on one of the said Benefices there be Two or more Churches, then the Distance shall be computed from or to the nearest of such Churches, as the Case may be; or if on one of such Benefices there be no Church, then in such Manner as shall be directed by the Bishop of the Diocese in which the Benefice proposed to be taken and held by any Spiritual Person in addition to one already held by him shall be locally situate.

Distance how to be computed.

CXXX. And be it enacted, That whenever the Population of any Place shall be required by this Act to be ascertained, the same shall be taken from the latest Returns of Population made under any Act of Parliament for that Purpose at the Time when the Question shall arise, if such Returns shall apply to the Place respecting which the Question shall be, but if such Place shall only form Part of a Parish or District named in such Returns, then such Returns shall be taken to represent truly the Population of the Parish or District named therein, and from them the Population of the Place required shall be computed, according to the best Evidence of which the Subject shall be capable.

Population how to be computed.

CXXXI. And be it enacted, That the Archbishop of *Canterbury*, the Lord High Chancellor, and the Archbishop of *York*, with the Assistance of the Vicars General of the said Two Archbishops, and of One of the Masters of the High Court of Chancery,

Tables of Fees to be taken by Officers with respect to Admissions to Be to

neffices, by whom
to be estab-
lished.

to be selected for that Purpose by the Lord High Chancellor, shall ordain and establish Tables of Fees, and shall have Power from Time to Time to amend or alter such Tables of Fees, to be taken in respect of Donation, Presentation, Nomination, Collation, Institution, Installation, Induction, or Licence, or any Instrument, Matter, or Thing connected with the Admission of any Spiritual Person to any Cathedral Preferment or any Benefice throughout *England* and *Wales*, by any Officer, Secretary, Clerk, or Minister to whom belong the Duties of preparing, sealing, transacting, or doing any of such Instruments, Matters, and Things; and before the Fees contained in such Tables or such amended Tables shall be demanded, taken, or received by any of the said Persons such Tables or amended Tables shall be submitted to Her Majesty's Privy Council, who may disallow the the same or any Part thereof; and Notice shall be given in the *London Gazette* of such Submission to the Privy Council; and if within the Space of Three Months from the Time of giving such Notice the same shall not be disallowed, such Fees, or such Parts thereof as shall not be disallowed, shall from and after the Expiration of the said Three Months be deemed and taken to be lawful Fees, and thenceforward such Fees, and none others, save only such as may be altered or subsequently ordained, as before provided, shall be demanded, taken, or received by any of such Officers, Secretaries, Clerks, or Ministers respectively, under any colour or pretence whatsoever: Provided always, that the said Persons shall not ordain or establish any Fees exceeding the Fee which for the Twenty Years next preceding the passing of this Act shall have been usually taken for or in respect of the same Instrument, Matter, or Thing in case of Admission to any Cathedral Preferment or any Benefice within the Diocese of *London*: Provided also, that the said Persons shall have Power to ordain graduated Scales of Fees in respect of Benefices below the yearly Value of Five hundred Pounds.

Act not to affect
Powers of
Bishops.

CXXXII. And be it enacted, That nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any Powers, Authorities, Rights, or Jurisdiction already vested in or belonging to any Archbishop or Bishop under or by virtue of any Statute, Canon, Usage, or otherwise howsoever.

Act not to ex-
tend to Ireland.

CXXXIII. And be it enacted, That no Provision in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

The FIRST SCHEDULE referred to in the foregoing Act.

QUESTIONS to be annually transmitted by each Bishop to every Spiritual Person holding any Benefice within his Diocese or Jurisdiction.

1. What is the Name of your Benefice?
2. In what County?
3. Name of Incumbent, and Date of Admission?
4. Is there a Glebe House belonging to your Benefice?

5. Were

5. Were you resident in the Glebe House, or, there being no Glebe House, or none fit for your Residence, were you resident in any and what House appointed by the Bishop in his Licence, during the last Year, for the Term prescribed by Law?
6. Being non-resident, were you performing the Duties of your Parish for the said Time? If so, state where you resided, and at what Distance from the Church or Chapel?
7. Were you in the last Year serving any other Church or Chapel in the Neighbourhood as Incumbent? If so, state the Name thereof, and the Distance from the above-named Church or Chapel; and when and for how long you served the same?
8. Were you serving any other Church or Chapel in the Neighbourhood as Curate? If so, state the Name thereof, and the Distance from your own Church or Chapel; and when and for how long you served the same?
9. What are the Services in your Church? Is a Sermon or Lecture given at every or which of such Services?
10. Were these Services duly performed last Year? If not, for what Reason?
11. What are the Services in your Chapel or Chapels, if any? Is a Sermon or Lecture given at every or which of such Services?
12. Were these Services duly performed last Year? If not, for what Reason?
13. Have you any Assistant Curate or Curates? If so, state his or their Names; also whether he or they is or are licensed, and the Amount of his or their Stipend or respective Stipends?
14. If you were non-resident, were you so by Licence?
15. If non-resident by Licence, state the Ground of Licence, and the Time when it will expire?
16. If non-resident without Licence, were you so by Exemption?
17. If non-resident by Exemption, state the Ground of Exemption, and whether such Exemption was claimed for the whole Year, or during what Part thereof?
18. If you were non-resident, and did not perform the Duties of your Benefice, what Ecclesiastical Duties, if any, were you performing, and where do you now reside.

OBSERVE,—The foregoing Questions are to be answered by every Incumbent, whether resident or not.

FURTHER QUESTIONS to be answered, in addition to the foregoing, in case the Incumbent be non-resident.

19. What is the Name of your Curate?
20. Does he reside in the Glebe House?
21. Does he pay any and what Rent or Consideration for the Use of the Glebe House; or is any Deduction made on account thereof from the Stipend assigned to him in his Licence?
22. If not resident in the Glebe House, does he reside in the Parish?
23. If not resident in the Parish, where does he reside, and at what Distance from your Church or Chapel?

24. Does he serve any other Church or Chapel as Incumbent? If so, state the Name thereof, and the Distance from your own Church or Chapel?
25. Does he serve any other Church or Chapel as Curate? If so, state the Name thereof, and the Distance from your own Church or Chapel?
26. Is he licensed?
27. What is his Salary from you?
28. Has he from you any other Allowances or Emoluments? State what, and the Average Value thereof respectively?
29. What is the gross and what is the net annual Value of your Benefice?

N.B.—All the Questions have reference to the Year immediately preceding that in which they are transmitted.

The SECOND SCHEDULE referred to in the foregoing Act.

FORM of the MORTGAGE.

THIS Indenture, made the _____ Day of _____ in the Year of our Lord _____ between the Right Reverend Father in God _____ Lord Bishop of _____ of the one Part, and _____ of the other Part: Whereas the said Bishop pursuant to the Directions of an Act passed in the Second Year of the Reign of Her Majesty Queen Victoria, intituled “An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy,” hath determined to levy and raise the Sum of _____ Pounds, to be laid out and expended in building, rebuilding, or repairing [as the Case shall be] the Parsonage House and other necessary Offices upon the Glebe belonging to the Rectory, Vicarage, &c. of _____ [describing it], [or, in purchasing a House and Land for the Residence and Occupation of the Incumbent of the Rectory, &c.]: And whereas the said _____ hath agreed to lend and advance the Sum of _____ Pounds, upon a Mortgage of the Glebe, Tithes, Rent-charges, Rents, and other Profits and Emoluments of the said Benefice, pursuant to the Directions and the true Intent and Meaning of the said Act. Now this Indenture witnesseth, That the said Bishop, in consideration of the Sum of _____ Pounds, paid at or before the sealing and Delivery hereof into the Hands of _____ (a Person or Persons [as the Case shall be] nominated by the said Bishop to receive the same, pursuant to the Directions of the said Act (which Nomination is hereunto annexed), and which Receipt of the said Sum of _____ Pounds the said _____ have or hath acknowledged by an Endorsement on this Deed), hath granted, bargained, sold, and demised, and by these Presents doth grant, bargain, sell, and demise, unto the said _____ his Executors, Administrators, and Assigns, all the Glebe Lands, Tithes, Rent-charges, Rents, Moduses, Compositions for Tithe, Salaries, Stipends, Fees, Gratuities, and other Profits and Emoluments whatsoever, arising, coming, growing, renewing, or payable to the Incumbent of the said Benefice in respect thereof, with all and every the Rights, Members, and Appurtenances thereunto belonging; to have, hold, receive,

receive, take, and enjoy the said Premises and their Appurtenances unto the said his Executors, Administrators, and Assigns, from henceforth for the Term of Thirty-five Years, fully to be complete and ended: Provided always, that if the Incumbent for the Time being of the said Benefice and his Successors shall, from and after the Expiration of the first Year of the said Term, yearly and every Year (such Year to be computed from the Date hereof), pay to the said his Executors, Administrators, and Assigns, One Thirtieth Part of the Sum of Pounds, until the whole thereof shall be repaid, and at the End of the first and each succeeding Year pay Interest at the Rate of per Cent. per Annum on the said Sum of

Pounds, or so much thereof as shall from Time to Time remain unpaid, according to the true Intent and Meaning of the said Act and of these Presents, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, these Presents and every thing herein contained shall be void: Provided also, that it shall be lawful for the Incumbent for the Time being of the said Benefice, and his Successors, peaceably and quietly to hold and enjoy the said Glebe Lands, Tithes, Rent-charges, Rents, Moduses, Compositions for Tithes, Stipends, Fees, Gratuities, and other Emoluments and Profits whatsoever, arising or to arise from or in respect of the said Benefice, until Default shall be made by him or them respectively in the Payment of the Interest and Principal, or some Part thereof, at the Times and in the Manner aforesaid. In witness, &c.

APPOINTMENT of the NOMINEE (to be written on Parchment).

I, the Right Reverend Father in God Lord Bishop of do hereby nominate and appoint of to receive the Money authorized to be raised by an Act passed in the Second Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy," for the Purpose of building, rebuilding, repairing, or purchasing the Parsonage House, &c. [as the Case may be] to the Rectory, Vicarage, &c. of belonging, and to pay and apply the same, and to enter into Contracts with proper Persons for such Buildings or Repairs, and to inspect and to take care of the Execution of such Contracts, and to take such Receipts and Vouchers, keep such Accounts, and do and perform all such other Matters and Things which Nominees are authorized and required to do and perform in and by the said Act, the said having given Security for the due Application thereof, according to the Directions of the said Act. Given under my Hand this Day of .

FORM of the DEED of PURCHASE of Buildings or Lands to be annexed to the Benefice.

THIS Indenture, made the Day of in the Year of our Lord between A.B. of of the one Part, the Right Reverend Father in God Lord Bishop of and E.F. of Patron of the Rectory, &c. of of the other Part: Whereas there

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is no fit Parsonage House belonging to the said Rectory, &c.: And whereas a Contract hath been made, by the Direction of the said Bishop, with the said *A.B.*, for the absolute Purchase of the House, Buildings, and Lands herein-after described, for the Price or Sum of _____ Pounds, pursuant to the Directions of an Act passed in the Second Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy." Now this Indenture witnesseth, That the said *A.B.*, in consideration of the Sum of _____ Pounds to him in hand paid for the Purchase aforesaid, the Receipt of which Sum the said *A.B.* hath admitted by an Endorsement on the Back of this Deed, hath granted, bargained, and sold, and by these Presents doth grant, bargain, and sell, unto the said *E.F.* and his Heirs, all, &c. [*here insert a full Description of the Buildings or Lands so intended to be conveyed, with their and every of their Rights, Privileges, and Appurtenances*], to hold unto the said *E.F.* and his Heirs or Successors [*as the Case may be*] in Trust for the sole Use and Benefit of the Incumbent of the said Benefice and his Successors, Rectors, Vicars, &c. [*as the Case may be*] of the said Benefice for the Time being, for ever. [*Usual Covenants for Title to be added.*] In witness, &c.

C A P. CVII.

An Act to amend and render more effectual the Church Building Acts. [15th August 1838.]

- 58 G. 3. c. 45. ' WHEREAS an Act was passed in the Fifty-eighth Year of His Majesty King George the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and render more effectual Two Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of the Reign of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend and render more effectual*

‘ *an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled “ An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes :”* And whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George the Third*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty’s Commission for building new Churches*: And whereas it is expedient to explain, amend, and render more effectual some of the Provisions of the said several recited Acts:’ Be it therefore enacted by the Queen’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 where the Population of any Parish or extra-parochial Place, according to the Returns then last made in pursuance of any Act or Acts of Parliament, shall amount to Two thousand Persons, and where the existing Church or Churches, Chapel or Chapels, situate therein, do not afford Accommodation for more than One Third of the Inhabitants of such Parish or extra-parochial Place for their Attendance upon Divine Service according to the Rites of the United Church of *England and Ireland*, or where, in any Parish or extra-parochial Place, Three hundred Persons, whatever may be the Amount of the whole Population in any such Parish or extra-parochial Place, shall be resident upwards of Two Miles from the existing Church or Chapel, and within One Mile of the Site upon which a new Chapel is built or proposed to be built and endowed under the Provisions of the said recited Act passed in the First and Second Years of His late Majesty King *William the Fourth*, or this Act, and where, in any such Case as aforesaid, any Person or Persons belonging to the Church of *England* shall have built, or shall declare his, her, or their Intention of building, a Church or Chapel, or shall have purchased or shall hereafter purchase, or shall declare his, her, or their Intention of purchasing, any Building, fit, in the Opinion of the Bishop of the Diocese, to be used as a Church or Chapel for the Performance of Divine Service as aforesaid, such Church, Chapel, or Building being in such a Situation within the said Parish or extra-parochial Place as shall, in the Opinion of the Bishop of the Diocese, be adapted to the Convenience of that Portion of the Inhabitants for whom such additional Accommodation is required, it shall and may be lawful, in any such Case as aforesaid, for such Bishop, if he shall see fit, to declare by Writing under his Hand and Seal that (after certain Conditions are or shall have been already performed with respect to Endowment and the providing a Fund for the Repairs of such Church or Chapel, and the Appropriation of Free Seats, which are in the said last-mentioned Act in such Cases more particularly specified,) the Right of nominating a Minister to such Church or Chapel, when so built or purchased, shall for ever thereafter be vested in the Person or Persons so building and endowing or purchasing and endowing the same, his, her, or their Heirs and Assigns, or in certain

2 & 3 W. 4. c. 61.

1 Vict. c. 75.

To remove
Doubts as to
Jurisdiction of
Bishops in certain
Cases with
respect to the
Patronage of
Churches and
Chapels, under
1 & 2 W. 4.
c. 38. s. 2.

tain Trustees, or in some Ecclesiastical Person or Body Corporate, and his and their Successors, in the said last-mentioned Act specified: Provided always, that nothing herein contained shall be construed to alter or repeal the Provisions in the said last-mentioned Act respecting any Church or Chapel under the said Act intended for the Accommodation of Three hundred Persons resident upwards of Two Miles from the existing Church or Chapel being built nearer than Two Miles from such existing Church or Chapel: Provided also, that it shall be left to the Bishop of the Diocese to determine whether One Third Part of the Sittings required in the said last-mentioned Act to be free in every Church or Chapel built or to be built under the Provisions of the said Act shall be free, or whether the same or any Part thereof shall be let at such low Rents as such Bishop may from Time to Time direct; any thing in the said last-mentioned Act or this Act contained to the contrary notwithstanding.

Certain Notices may be served on Patron alone if there be no Incumbent.

II. And be it further enacted, That where Notices by the said last-recited Act are required to be sent to or served upon the Patron and Incumbent a Notice to the Patron alone shall be sufficient in those Cases where, at the Time such Notices are required to be sent or served as aforesaid, there shall be no Incumbent of the Parish in which such Church or Chapel is built or proposed to be built and endowed under such last-recited Act or this Act, and where such Parish shall have remained without an Incumbent for the Space of Twelve Months.

In certain Cases an Endowment of 40*l.* per Annum from Houses, Lands, &c. to be equivalent to 1,000*l.* invested.

III. And be it further enacted, That for the Purposes of the said last-mentioned Act or this Act an Endowment of Forty Pounds *per Annum* arising out of Houses, Lands, Tithes, Rent-charges, Tenements, or other Hereditaments, or any or either of the said Securities, whether wholly or jointly, shall be considered as equivalent to the Sum of One thousand Pounds directed by the said recited Act to be secured in those Cases where the Bishop of the Diocese is authorized, if he sees fit, to grant the perpetual Right of nominating a Minister in the Manner in the said last-mentioned Act or this Act specified.

Commissioners for building new Churches may accept by way of Endowment Real and Personal Securities, wholly or jointly.

IV. And be it further enacted, That in those Cases where by the said last-mentioned Act Her Majesty's Commissioners for building new Churches are empowered, if they shall see fit, with the Consent of the Bishop of the Diocese, to declare the Right of nominating a Minister to such Church or Chapel, built or intended to be built and endowed to the Satisfaction of the said Commissioners in the Manner in the said last-mentioned Act specified, it shall and may be lawful for the said Commissioners to accept, by way of Endowment for such Church or Chapel, such Sum as they may consider satisfactory, whether the same be secured on Land, or on Money charged on Land or vested in the Funds, or on Houses, Tenements, or other Hereditaments, or any or either of the said Securities, whether wholly or jointly; and it shall be lawful for the said Commissioners, if they shall think fit, in any or either of such Modes of Endowment, to declare, with the Consent of the Bishop of the Diocese, the Right of nominating a Minister as aforesaid, in like Manner as they are empowered to do under the said last-mentioned Act, when the other Conditions therein mentioned shall have been complied with.

V. And be it further enacted, That the Powers granted by the said last-mentioned Act to the said Commissioners with respect to the granting the Right of Nomination as aforesaid, and the Provisions of such Act and of this Act relating thereto, shall extend to Cases where a Building has been or shall be purchased by any Person or Persons, fit, in the Opinion of the said Commissioners, to be used, when consecrated, as a Church or Chapel for the Performance of Divine Service as aforesaid.

Powers of Commissioners applicable to certain Buildings when the same are consecrated.

VI. And be it further enacted, That all Grants, Conveyances; and Assurances of any Site for any Church or Chapel, or any Churchyard, under the Provisions of the said last-mentioned Act or this Act, in respect of any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments, whether belonging to Her Majesty, as Part of the Duchy of *Cornwall* or of the Duchy of *Lancaster*, or otherwise, or to any Body or Persons whatever, may and shall be made according to the Form following, or in such other Form as the Case may require, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Grant or Conveyance with respect to Churches and Chapels under 1 & 2 W.4. c.38.

‘ I [or We, or the Corporate Title, if a Corporation] under the Authority of an Act passed in the First Year of the Reign of Her present Majesty, intituled “An Act to amend and render more effectual the Church Building Acts,” do hereby freely and voluntarily give to Her Majesty’s Commissioners for building new Churches [or to _____], [as the Case may require,] and by these Presents freely and voluntarily, and without any valuable Consideration, [if the Lands, et cetera, are conveyed for a valuable Consideration leave out the Words in Italics, and insert “do for and in consideration of the Sum of _____ to me, or us, or the _____ paid,”] hereby, under the Authority of the said recited Act, grant, convey, and release to the said _____ all [describing the Premises to be conveyed], and all [my, or our, or the] Right, Title, and Interest of [if a Corporation] to and in the same and every Part thereof, to hold to the said _____ and their Successors for the Purposes of the said Act, and to be devoted, when consecrated, to ecclesiastical Purposes for ever, by virtue and according to the true Intent and Meaning of the before-mentioned Act. In witness, et cetera.’
And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, Interests, and Incumbrances whatsoever.

VII. And whereas it is by the said recited Act passed in the First and Second Years of His late Majesty King *William* the Fourth, amongst other things, enacted, that in certain Parishes of large Extent, where there exist Chapels of Ease at a considerable Distance from the Parish Church, having Chapelries, Townships, or Districts belonging or supposed to belong thereto, when any Person or Persons should be willing to endow any such Chapel with such a Provision secured upon Land, Money in the Funds, Tithes, or other Hereditaments as should in the Opinion of the Bishop of the Diocese be sufficient to ensure a competent Stipend to the Minister of such Chapel, it should be lawful for the Bishop, with certain Consents therein mentioned, to declare that such Chapel, when so endowed, should thenceforth be separate

To remove Doubts as to the Meaning of the 29d Section of 1 & 2 W.4. c.38.

‘ rate from and independent of the Parish Church, and that the
 ‘ Chapelry, Township, or District belonging or supposed to belong
 ‘ thereto should be thenceforth a separate and distinct Parish for
 ‘ all spiritual Purposes ; and that it should be lawful for the Patron,
 ‘ with the Consent of the Incumbent, to make any Agreement
 ‘ with the Bishop of the Diocese touching the future Right of
 ‘ Nomination to such Chapel, such Agreement to take effect in the
 ‘ Manner therein mentioned : And whereas Doubts may arise as
 ‘ to the Extent and Meaning of such Provisions ;’ be it therefore
 enacted, That such Provisions shall extend to any Churches or
 Chapels, with Chapelries, Townships, or Districts as aforesaid,
 whether the same were or shall be erected and consecrated
 before or after the passing of the said last-mentioned Act.

Land, Parcel of
 Duchy of Cornwall, may be
 conveyed for
 Purposes of
 recited Acts.

VIII. ‘ And whereas Doubts are entertained whether since the
 ‘ Duchy of *Cornwall* became vested in Her Majesty any Lands,
 ‘ Grounds, Tenements, or Hereditaments, Parcel of the said
 ‘ Duchy, can be granted, conveyed, or enfranchised under the
 ‘ Provisions of the herein-before recited Acts for the Purposes
 ‘ thereof ;’ be it therefore enacted, That it shall be lawful for any
 Three or more of the Officers of the said Duchy, who by virtue
 of their several Offices are or shall be concerned in the general
 Superintendence and Management of the Revenue and Affairs of
 the said Duchy, and duly authorized by Her Majesty and Her
 Successors during the Time that the Duchy of *Cornwall* is not
 held separately from the Crown, by any Deed or Instrument under
 their Hands and Seals in the Form prescribed by the said recited
 Act of the Third Year of His late Majesty King *George* the Fourth,
 or as near thereto as Circumstances will permit, to grant, convey,
 or enfranchise Lands, Grounds, Tenements, or Hereditaments for
 any such Purposes of the said recited Acts or any or either of
 them as are in the said Acts or any or either of them specified
 in relation to Grants to be made by public Departments under
 the said recited Acts.

Extending
 Powers, &c.
 given by
 58 G. 3. c. 45.
 as to conveying
 Lands.

IX. And be it enacted, That all the Powers and Authorities
 given and conferred by the said Act passed in the Fifty-eighth
 Year of His Majesty King *George* the Third, intituled *An Act for
 the building and promoting the building of additional Churches in
 populous Parishes*, for enabling the Bodies Politic and Persons
 therein mentioned to convey, and the Commissioners to take, Land
 for the Sites of Churches and Chapels, shall extend to the Transfer,
 by Sale or Exchange only, of Land for a Site for a House of Resi-
 dence of any Incumbent, provided the same do not exceed Five
 Acres.

Commissioners
 may assign a
 District to
 Churches and
 Chapels in cer-
 tain Cases.

X. And be it enacted, That in all Cases where a Church or
 Chapel has been or shall be hereafter built by Subscription, and
 endowed and subsequently augmented by a Grant from Queen
Anne's Bounty, and where the Patronage of such Church or Chapel
 shall have been acquired under any of the Acts passed for regu-
 lating the Distribution of such Bounty, it shall be lawful for the
 said Commissioners, with the Consent of the said Bishop and the
 Patron and Incumbent of the Parish, District Parish, or District
 Parish in which the said Church or Chapel may be, to assign a
 District to such Church or Chapel, and make the same a District
 Parish,

and that the Patronage of such Church or Chapel shall affected thereby.

And be it further enacted, That after any Instrument de-
g the Right of Nomination to any Church or Chapel shall
e been executed by Her Majesty's said Commissioners, or by
e Bishop of the Diocese, as the Case may require, under the
Provisions of the said last-mentioned Act or this Act, and the
same shall have been registered in the Registry of the Diocese, it
shall not be necessary after Three Years from the Time at which
such Instrument has been executed and registered as aforesaid, to
prove that the Facts stated in such Instrument are correct as to
the Amount of Population or Church Accommodation in the
Parish or extra-parochial Place in which the said Church or
Chapel shall, have been built, or as to the Amount of Population
resident upwards of Two Miles from any existing Church or
Chapel, and within One Mile of the Site on which such new Church
or Chapel is erected, or as to the Cost of building or purchasing
and fitting up the same, or as to its Endowment and Repairing
Fund, or Proportion of Pews and Free Sitings, but such Facts so
stated in such Instrument as aforesaid shall after such Period as
aforesaid be admitted in all Courts as true and correct; and such
Instrument of Nomination shall be after such Period in all Courts
conclusive Evidence that the Declarations by the said last-
mentioned Act required to be made by the Person or Persons
having built, building, or intending to build, or purchase and
endow, a Church or Chapel, according to the Provisions of the said
last-mentioned Act, have been duly made, and that the several
other Conditions, Declarations, Applications, Notices, Matters, and
Things required by the said last-mentioned Act or this Act to be
respectively performed, made, given, and done previous to the
Declaration of the Right of Nomination as aforesaid being made
and given by the aforesaid Party or Parties, and by the Bishop
of the Diocese, or Her Majesty's said Commissioners, as the Case
may require, have been respectively duly complied with, performed,
made, given, and done according to the Provisions of the said recited
Act or this Act; and further, that the Patron or Patrons of the
Mother Church of such Parish hath not or have not, within Two
Calendar Months after being served with such Notice as by the said
Act is required, bound him, her, or themselves by Bond or other
sufficient Security, to Her Majesty's said Commissioners, or to the
Bishop of the Diocese, as the Case may require, that he, she, or
they should, within Two Years thereafter, build or purchase, and
completely finish and endow, an additional Church or Chapel in
such Parish, to the Satisfaction of the Bishop of the Diocese, and
that he, she, or they should also comply with and perform
all and singular the Conditions in the said Act mentioned; and
provided also, that nothing herein contained shall invalidate or be
construed to invalidate any Instruments declaring the Right of
Nomination to a Church or Chapel, under the Provisions of the
said last-mentioned Act, which have been executed by the Bishop
of any Diocese, or by Her Majesty's said Commissioners, before
the passing of this Act, but that the same, and every Matter and
Thing done in respect or in consequence thereof, in pursuance of
the Provisions of the said recited Act, shall be as valid and effectual

After Instru-
ment of Nomi-
nation to a
Church or
Chapel under
1 & 2 W. 4. c. 38.
has been exe-
cuted and regis-
tered Three
Years, the Va-
lidity thereof
not to be ques-
tioned in Courts
of Law.

as if this Act had not been passed : Provided always, that nothing in this Act contained shall be construed as giving to any Bishop, or to the said Commissioners, any Power or Authority not given to him or them by the said last-mentioned Act as to any Church or Chapel, respecting the Right of Nomination to which any Proceeding at Law or Equity shall be depending at the Time of passing this Act.

Any Parish or extra-parochial Place may be divided into distinct and District Parishes or District Chapelries at the same Time, or at separate Times.

XII. ' And whereas by the said recited Act passed in the Fifty-
' eighth Year of the Reign of His late Majesty King *George* the
' Third it was enacted, that it should be lawful for His Majesty in
' Council, if He should judge fit, on a Representation to be made
' to Him by the said Commissioners of the Expediency of the same,
' with the Consent of the Bishop of the Diocese and the Patron, to
' direct, by an Order in Council, the Division of any Parish into Two
' or more distinct and separate Parishes, for all ecclesiastical Pur-
' poses whatever: And whereas it was by the said last-recited
' Act also enacted, that it should be lawful for His Majesty
' in Council, if He should judge fit, on a Representation to be
' made to Him by the said Commissioners, with the Consent of
' the Bishop of the Diocese in like Manner, in any Case in
' which they should be of opinion that it was not expedient to
' divide any populous Parish or extra-parochial Place into such
' complete, separate, and distinct Parishes as aforesaid, by an
' Order in Council to direct the Division of the same into Eccle-
' siastical Districts: And whereas it may be found expedient to
' divide off from any Parish or extra-parochial Place any Part or
' Parts thereof, and to form the same, at once or at different
' Times, into a distinct and separate Parish or Parishes, and
' into a District Parish or District Parishes, and District Chapelry
' or Chapelries, or to make such extra-parochial Place, or any
' Part thereof, a District Parish; be it therefore enacted, That
it shall be lawful for Her Majesty in Council, where She shall
judge fit, on a Representation to be made to Her by the said
Commissioners of the Expediency of the same, to direct, by an
Order in Council, the dividing off from any original Parish or
extra-parochial Place any Part or Parts thereof, and forming the
same into a distinct and separate Parish or distinct and separate
Parishes, or into a District Parish or District Parishes, either at
the same Time or at separate Times, and to make any extra-paro-
chial Place, or any Part thereof, a District Parish or District
Chapelry, or a Part of such District Parish or District Chapelry,
and also at any Time to direct the dividing off any such separate
and distinct Parish or District Parish so formed into other distinct
and separate or District Parish or Parishes or District Chapelry or
Chapelries; provided always, that all such Divisions, and all Parishes
so divided, shall respectively be under and subject to the like
Consents and to the same Rules and Regulations as are provided
in the said recited Acts or this Act with respect to distinct and
separate Parishes and District Parishes and District Chapelries
respectively; and that the Nomination to the Chapel of a Chapelry
District so taken from any distinct and separate Parish or District
Parish as aforesaid shall belong to the Incumbent of the distinct
and separate Parish or District Parish out of which such District
Chapelry shall have been taken, and that the Sub-division of a

District Parish shall not take effect during the Time of the existing Minister of such District Church, without his Consent.

XIII. And be it further enacted, That in all District Churches and District Chapelries the Licence of the Stipendiary Curate appointed to serve the Chapel of such Chapelry shall not be rendered void by the Avoidance of the Church of the Parish or District Parish in which such Chapel is situate, unless the same shall be revoked by the Bishop of the Diocese under his Hand and Seal; but such Licence shall continue in force, unless otherwise directed as aforesaid by such Bishop, notwithstanding the Avoidance of the Church of the Parish or District Parish, any Statute, Law, Canon, or Usage to the contrary notwithstanding.

XIV. And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled "An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies,"* and for other Purposes, it is amongst other things enacted, that it should be lawful for any Rector or Vicar for the Time being of any Rectory or Vicarage, by a Deed duly executed by him, to annex to any Chapel of Ease or Parochial Chapel, or to any District Church or Chapel, or any Chapel having a District assigned thereto, whether then already built or thereafter to be built, (such Chapel of Ease or other Chapel or Church, with the District or Place to which the same belongs, being situate within the Limits or within the original Limits of the said Rectory or Vicarage,) any Part or Parts of the Tithes or other annual Revenues belonging to such Rectory or Vicarage, or to grant to the Incumbent for the Time being of any such Chapel of Ease or other Chapel or Church, and his Successors, any annual Sum of Money, and to charge the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Lands or other Hereditaments belonging to the said Rectory or Vicarage; provided that every such Grant and Annexation should be made with the Consent of the Archbishop or Bishop of the Diocese within which the Rectory or Vicarage should be situate, or if the Rectory or Vicarage should be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction should belong, and also with the Consent of the Patron or Patrons of the said Rectory or Vicarage, such Consents to be signified as in the said Act is expressed: And whereas it is expedient that the Powers of the last-recited Act should be enlarged; be it therefore further enacted, That in all Cases in which any contiguous Parts of several Parishes may have been or shall hereafter be united into a separate and distinct District for all Ecclesiastical Purposes, and such District shall have been or shall hereafter be duly constituted a consolidated Chapelry, it shall be lawful for the Rectors or Vicars for the Time being of the several Parishes Parts of which shall have been so united to have, use, and exercise respectively all the same Powers and Authorities for annexing to any such consolidated Chapelry any Part or Parts of the Tithes or other annual Revenues belonging to their

Licence of District Stipendiary Curate not void by Avoidance of Parish Church, unless revoked by the Bishop.

The Powers of the Act 1 & 2 W. 4. c. 45. extended, with respect to Endowments to Chapels of consolidated Chapelries.

their Rectories or Vicarages respectively, and for granting to the Incumbent for the Time being of any such consolidated Chapelry and his Successors any annual Sum of Money, to be payable by equal quarterly or equal half-yearly Payments, and for charging the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Land or other Hereditaments belonging to the said Rectories or Vicarages respectively, as are by the said last-recited Act given to Rectors and Vicars for the Augmentation of Chapels of Ease, and such other Chapels and Churches as are therein and herein-before specified: Provided always, that the Exercise of such Powers shall be subject to the like Consents (to be signified in the same Manner) as is required by the said Act with regard to the Exercise of the Powers of the said Act for the Augmentation of Chapels of Ease, and the other Chapels and Churches therein specified; and in every Case in which any such Tithes or other Revenues shall be annexed by virtue of this Act to any consolidated Chapelry, the Incumbent for the Time being thereof shall thenceforth have all the same Remedies for recovering and enforcing Payment of the Premises which shall be so annexed as the Rectors or Vicars for the Time being of the said Rectories or Vicarages respectively might have had if such Annexation had not been made; and in every Case in which any annual Sum of Money shall be granted by virtue of this Act to the Incumbent of a consolidated Chapelry, such Incumbent and his Successors shall have all such Remedies for Recovery and enforcing Payment thereof by Action of Debt against the Incumbent of the Rectory or Vicarage by whom any such annual Sum shall have been granted, or the Incumbent thereof for the Time being, or by Distress upon the Hereditaments to be charged therewith, or otherwise as shall in that Behalf be specified and given by the Deed by which the Grant shall be made.

Surrender of Rights of Patronage permitted for certain Purposes by Sect. 15. of 3 G. 4. c. 72. to apply to Cases whether the Surrenderance be Lay or Spiritual.

XV. And be it further enacted, That the Power of surrendering any Right of Patronage, Presentation, or Appointment to any Benefice, Donative, Perpetual Curacy, or of any Spiritual Person to any Church or Chapel, or any Endowments or Emoluments for the Use of any Church or Chapel, or the Incumbent thereof, and of making any Agreement relative thereto with the said Commissioners or the Bishop of the Diocese, which is given by the said recited Act passed in the Third Year of the Reign of His late Majesty *George* the Fourth to Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to the Persons and Parties and for the Purposes in the said Act specified, shall extend to any Surrender or Agreement for such Purposes, whether the same be made to or in favour of or entered into with or by any Lay or Spiritual Person or Persons, or Corporation Aggregate or Sole; provided that such Surrender or Agreement be sanctioned by the said Commissioners under their Common Seal, and by the Bishop of the Diocese under his Hand and Seal.

Commissioners, with Consent of Bishop, &c. may make any Church or Chapel the Parish Church of

XVI. ' And whereas it may be expedient in certain Cases that a Church or Chapel should be constituted the Parish Church of the Parish in which the same is situate, in the Stead of the ancient Parish Church, and that such ancient Parish Church should thenceforth become a District Church or Chapel of Ease in such Parish; be it therefore enacted, That it shall be lawful

for the said Commissioners, with the Consent in Writing of the Bishop of the Diocese and of the Patron of the said Parish Church, and with the Consent also of the Vestry or Persons possessing the Power of Vestry, to order and direct, by Instrument under their Common Seal, that any Church or Chapel in any Parish shall become and be and remain the Parish Church of such Parish, in the Stead of the ancient Parish Church; and the said Church or Chapel so constituted the Parish Church shall thenceforth become and be and remain, and be taken in Law to be, the Parish Church of such Parish, as fully and effectually, for all Purposes, and in relation to all Rights, Emoluments, Endowments, Dues, Privileges, and all other Matters and Things, Civil or Ecclesiastical, theretofore belonging to the Parish Church, or Patron or Lay Impropiator (if any thereof), as if the same had been always the Parish Church of such Parish; and the said Commissioners are hereby empowered to authorize and direct the Transfer of the Endowments, Emoluments, or Rights of or belonging to the old and existing Church of such Parish, or to the Incumbent for the Time being thereof, to any such Church or Chapel so made and constituted the Parish Church as aforesaid, and to the Incumbent thereof for the Time being, and his Successors; and it shall be lawful in every such Case for any Trustees of any such ancient Church as aforesaid, or of any Rights, Emoluments, and Endowments of or belonging to any such Church, or to the Incumbent thereof for the Time being, and they are hereby required (and indemnified for so doing), to transfer all such Rights, Emoluments, and Endowments, according to the Direction of the said Commissioners, to such Church or Chapel so constituted the Parish Church as aforesaid, or to the Incumbent thereof; and immediately from and after any such Transfer as aforesaid all Tithes or Commutations for Tithes, Moduses or other Compositions for Tithes, and all Emoluments, Dues, Fees, Offerings, Oblations, and other Profits and Advantages, and all Messuages, Glebe and other Lands, Tenements, or Hereditaments, Rents, Sums of Money, or Real or Personal Chattels whatsoever, and all Rights and Privileges whatsoever and wheresoever, wherewith any such ancient Church may be endowed, or to which the Minister thereof then is or at any Time theretofore was or ought to be entitled, shall severally and respectively become and be vested in the Minister for the Time being of the said Church or Chapel so made the Parish Church as aforesaid, and his Successors for ever, in as full and ample a Manner as the Minister of the ancient Church might or could have received and enjoyed the same in case such Substitution or Transfer had not been made; and every such Instrument of Substitution and Transfer shall be registered in the Registry of the Diocese, and enrolled in the High Court of Chancery; and all Acts of Parliament, Laws, and Customs relating to the publishing Banns of Marriage, and Celebration of Marriages, Christenings, Churchings, and Burials, and to all Ecclesiastical Fees, Oblations, and Offerings, shall apply to every such Church or Chapel so constituted the Parish Church as aforesaid, in like Manner in every respect as to the former Parish Church of the said Parish; and such former Parish Church shall from such Time be and be deemed to be a District Church or a Chapel

any Parish, and the Parish Church a District Church or Chapel of Ease.

with or without a District, as the said Commissioners shall in such Case direct: Provided always, that no such Instrument of Substitution or Transfer shall take effect till after the first Avoidance of such ancient Parish Church, unless with the Consent in Writing of the actual Incumbent thereof, in which Case such Incumbent shall be and is hereby declared to be to all Intents and Purposes the Rector, Vicar, or Perpetual Curate, as the Case may be, of the Church or Chapel so constituted the Parish Church, instead of Rector, Vicar, or Perpetual Curate of the former Parish Church, without any Presentation, Institution, Induction, Collation, or other Form of Law being had, observed, or required: Provided also, that the Chancel (if any) of such former Parish Church shall continue to be repaired in such Manner and by the same Person or Persons as are now by Law or Custom liable to the Repairs thereof.

Incumbent of former Parish Church to be Incumbent of the new Parish Church.

XVII. And be it further enacted, That the Incumbent of such Parish next succeeding after such Substitution and Transfer as aforesaid shall be and is hereby declared to be the Rector, Vicar, or Perpetual Curate, as the Case may be, of such Church so made the Parish Church as aforesaid; and that the Person or Persons who for the Time being would have had a Right of presenting, nominating, or appointing the Incumbent to the former Parish Church, in case such Transfer and Substitution as aforesaid had not been made, shall thenceforth, in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting, nominating, or appointing the Incumbents of the Church so made the Parish Church as aforesaid, as he, she, or they respectively would have had with respect to the former Parish Church.

Commissioners may appropriate Pew Rents.

XVIII. And be it further enacted, That it shall be lawful for Her Majesty's said Commissioners, with the Consent in Writing of the Bishop of the Diocese, to make such Provision under their Common Seal for the Maintenance of the Minister and Clerk of the respective Churches as aforesaid, out of the Pew Rents of either of such Churches, as to Her Majesty's said Commissioners shall seem expedient: Provided always, that nothing in this Act contained shall affect the Rights of Persons holding Pews free of Rent by Faculty or Prescription in any such former Parish Church.

Saving of Rights of Pew Owners.

This Act to extend only to England and Wales, Isle of Man, &c.

XIX. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

C A P. CVIII.

An Act for suspending until the First Day of *August* One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories. [15th *August* 1838.]

6 & 7 W.4. c.67. ' WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices*

' in Cathedral and Collegiate Churches, and to Sinecure Rectories :

' And whereas another Act was passed in the same Session of

' Parliament, intituled *An Act for carrying into effect the Reports*

6 & 7 W. 4. c. 77.

' of the Commissioners appointed to consider the State of the Es-

' tablished Church in England and Wales, with reference to Eccle-

' siastical Duties and Revenues, so far as they relate to Episcopal

' Dioceses, Revenues, and Patronage; in which latter Act are

' contained certain Provisions which were to continue in force

' only for One Year after the passing thereof, or, if Parliament

' should be then sitting, till the End of the Session of Parliament :

' And whereas another Act was passed in the last Session of

7 W. 4. &

' Parliament to continue the Provisions of the first-recited Act

1 Vict. c. 71.

' and the temporary Provisions of the second-recited Act until

' the First Day of August in the Year One thousand eight hundred

' and thirty-eight, and, if Parliament should be then sitting, until

' the End of the then Session of Parliament: And whereas it is

' expedient to continue the Provisions of the said recited Acts for

' a further Time: Be it therefore enacted by the Queen's most

' Excellent Majesty, by and with the Advice and Consent of the

' Lords Spiritual and Temporal, and Commons, in this present Par-

' liament assembled, and by the Authority of the same, That the

' first-recited Act and the temporary Provisions of the second-

' recited Act shall continue and be in force until the First Day of

' August in the Year One thousand eight hundred and thirty-nine,

' and, if Parliament shall be then sitting, until the End of that Ses-

' sion of Parliament.

First-recited
Act and certain
Parts of second-
recited Act fur-
ther continued.

II. And be it further enacted, That during the Vacancy of any

' Dignity, Prebend, Canonry, or Benefice without Cure of Souls,

' which is now vacant under the Provisions of the said recited Acts,

' or which shall hereafter become vacant during the Continuance

' of such Provisions by virtue of this Act, the Holder or Incum-

' bent of which respectively, if a Successor had been duly admitted

' thereto, would have been in right thereof the Patron of any Bene-

' fice with Cure of Souls, the Patron of such Dignity, Prebend,

' Canonry, or Benefice without Cure shall be considered for all

' legal Purposes to be the Patron for the Time being of any such

' Benefice with Cure of Souls.

Patron of vacant
Dignity, &c. to
be considered
Patron of any
Benefice with
Cure, of which
the Holder,
if filled up,
would have been
Patron.

III. Provided always, and be it enacted, That, notwithstanding

' any thing contained in this Act or in the first-recited Act, any

' Bishop or Archdeacon may hold Visitations of the Clergy within

' the Limits of his Diocese or Archdeaconry, and at such Visita-

' tions may admit Churchwardens, receive Presentments, and do all

' other Acts, Matters, and Things by Custom appertaining to the

' Visitation of Bishops and Archdeacons, in the Places assigned to

' his Jurisdiction and Authority under or by virtue of the Enact-

' ments of the secondly-recited Act, and any Bishop may consecrate

' a new Church or Chapel or a new Burial Ground within his Dio-

' cese, as assigned under the Provisions of the last-mentioned Act.

This Act not to
prevent Visita-
tions or Conse-
crations.

IV. Provided always, and be it further enacted, That every

' Bishop to whom any Portion of another Diocese shall have been

' transferred by any Order in Council under the Provisions of the

' last-recited Act passed in the Session held in the Sixth and Seventh

' Years of the Reign of His late Majesty shall, during the Visita-

' tion of such Portion of his Diocese so transferred, be assisted by

Bishop may, on
Visitation of
Portion of an-
other Diocese
transferred to
him by Order
in Council, be
assisted by his

own Chancellor, &c. ; and all Acts of such Chancellor to be valid.

his own Chancellor or Commissary and attended by his own Registrar ; and that during any such Visitation the Chancellor or Commissary aforesaid shall in the Name of such Bishop, and in conformity with the Usages observed in such Diocese, inhibit all inferior and concurrent Jurisdictions, receive Presentments, admit Churchwardens to their Office, issue Marriage Licences, grant Probate of Wills and Letters of Administration to the Effects of Intestates, and exercise in every respect the same Jurisdiction which the Chancellor or Commissary of any preceding Bishop has exercised in such Portion of his Diocese so transferred pending the Visitation of the Diocesan, and the Duration of any Inhibition which may have issued in consequence of such Visitation, any thing in the last-recited Act to the contrary notwithstanding ; and that all Acts which have been or shall be done by any Chancellor or Commissary so assisting such Bishop as aforesaid shall be taken to be good and valid in Law to all Intents and Purposes whatsoever.

This Act not to prevent any Appointment of the late Chaplains of the House of Commons, or the Succession of the Reverend H. Huntingford, &c.

V. Provided also, and be it enacted, That nothing contained in this Act or in the first-recited Act shall be construed to prevent the Appointment, Presentation, or Collation of the Reverend *Frederick Vernon Lockwood*, the Reverend *Edward Repton*, or the Reverend *Temple Frere* (formerly Chaplains to the House of Commons) to any Canonry, Prebend, or Dignity which is now vacant, or which shall hereafter become vacant during the Continuance of the Provisions of the recited Acts, by virtue of this Act, to which it may please Her Majesty to appoint them or any of them ; nor to prevent the Reverend *Henry Huntingford*, now Prælector or Lecturer in the Cathedral Church of *Hereford*, from succeeding to the Canonry or Residency in the said Church which has become vacant by the Death of the Reverend *John Clutton* Doctor of Divinity ; nor to prevent the Bishop of *Hereford* from disposing of the Canonry and Prebend in the Cathedral Church of *Hereford* now held by the Reverend *Henry C Hobart* M.A., should the same become vacant ; nor to prevent the Appointment of the Reverend *Henry Jenkyns*, Professor of *Greek* in the University of *Durham*, to the Canonry designed for him by the late *William* Bishop of *Durham*, and now held by *Richard Prosser* Doctor of Divinity, when the same shall become vacant.

C A P. CIX.

An Act to abolish Compositions for Tithes in *Ireland*, and to substitute Rent-charges in lieu thereof.

[15th August 1838.]

‘ WHEREAS it is expedient to abolish Compositions for Tithes in *Ireland*, and in lieu thereof to substitute Rent-charges payable by Persons having a perpetual Estate or Interest in the Lands subject thereto, a reasonable Allowance being made for the greater Facility and Security of Collection arising out of such Transfer of Liability from the Occupiers to the Owners of Lands :’ Be it therefore enacted by the Queen’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 Right of all Persons in and to all Tithes or Compositions for Tithes heretofore accrued or at any Time hereafter to accrue due in *Ireland* shall wholly cease and determine; provided that nothing herein contained shall extend to any Arrears of Compositions heretofore accrued due and payable to or by any Person entitled to the Receipt or bound to the Payment of the same by virtue of any such Certificate of Agreement as is mentioned in an Act passed in the Second and Third Year of His late Majesty's Reign, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent*; and provided further, that nothing herein contained shall extend to any Compositions for Tithes the Right whereto may be vested in Her Majesty under the Provisions herein-after following, nor to any Tithes or Composition for Tithes for the Recovery whereof any Suit, Action, or other Proceeding shall have been commenced previous to the Sixteenth Day of *July* in this present Year in any Court of Law or Equity, but that the Plaintiff may either prosecute such Action or other Proceeding, or discontinue or dismiss the same without Payment of Costs, at his Option; and if he shall think fit to discontinue or dismiss the same, and if such Tithes or Compositions for Tithes shall have accrued due for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, or One thousand eight hundred and thirty-seven, or any of them, then and in such Case he shall be entitled to the like Relief as other Persons entitled to Tithes or Compositions for Tithes for those Years may have under the Provisions of this Act.

II. 'And whereas by an Act made in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled "An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent,"* the Persons from Time to Time entitled to the Receipt of any Composition for Tithes to which the Memorialist who received any Advance under Authority of the said Act was then entitled, or which has been established in lieu of the Tithes to which such Memorialist was entitled, were made liable to the Repayment, by Five annual Instalments, of the Advances so made, and the Persons so from Time to Time liable to the Payment of such Instalments were authorized to recover, together with and in addition to the Compositions payable to them, certain Sums directed by the said Act to be added to and made payable therewith: And whereas Four of the said annual Instalments have accrued due, and the Fifth of such Instalments will fall due on the First Day of *November* in this present Year: And whereas only a small Proportion of the said Instalments so accrued due have been paid, and Proceedings

Compositions for Tithes abolished.

Not to extend to Arrears of Compositions under 2 & 3 W. 4. c. 119., nor to Compositions for Tithes the Right whereto may be vested in Her Majesty;

nor to pending Suits.

In case of Discontinuance of Suits.

Not to affect the Provisions of 3 & 4 W. 4. c. 100., except as herein contained.

‘ for the Recovery of the same have been from Time to Time
‘ suspended by the Authority of Parliament, and it is expedient
‘ that Payment of the said Instalments shall be remitted, but only
‘ under certain Circumstances, to be shown by the Parties liable to
‘ the Payment of such Instalments: And whereas by reason of the
‘ herein-before contained Enactment extinguishing the Right of
‘ all Persons to Compositions for Tithes it is necessary to make
‘ special Provision, saving the Right to such Instalments, and to
‘ the Sums so added to the said Compositions, and payable to the
‘ Persons liable to such Instalments;’ be it therefore enacted, That
the several Persons who would have been entitled to the Receipt
of the said Composition for Tithes if this Act had not been passed
shall be and remain liable to the Queen’s Majesty for the Repay-
ment by Instalments of the Advances made under Authority of
the herein-before recited Act of the Third and Fourth Year of the
Reign of His late Majesty, and that the said herein-before con-
tained Enactment extinguishing the Right to Compositions for
Tithes accrued or to accrue due shall not be taken to extend to
the Additions by the said Act made to such Compositions, but
that the several Sums directed by the said Act to be added to and
made payable, together with and in addition to the said Com-
positions, shall be payable to and recoverable by the Persons who
would have been entitled to the said Compositions by and from
the Persons who would have been liable to the Payment of such
Compositions, if this Act had not been passed, as if such Sums
had been by the said Act made separately payable and recoverable
as Compositions for Tithes; and that, save as aforesaid, all and
every the Provisions in the said Act contained in any way relating
to the Recovery of such Instalments and Sums, or enabling any
Person liable to the Payment of such Compositions to recover
against any Person any Sum whatsoever on account of such
Liability, shall, subject to the Provisions herein-after contained,
remain in full Force and Effect as if the Right to the said Com-
positions were still subsisting.

Persons liable
to Payment of
Instalments
may apply for
Remission by
Memorial to the
Lord Lieute-
nant, who may
refer the same
for Investiga-
tion, and upon
Report thereof
remit the whole
or Part thereof.

III. And be it enacted, That it shall and may be lawful for
any Person liable to the Payment of any of the said Instalments
now due and unpaid, or who may be liable to the Payment of any
Instalment which shall become due on the First Day of *November*
in this present Year, to apply by Memorial to the Lord Lieutenant
of *Ireland*, describing the Character in which he may be so liable,
and stating what, if any, of the Compositions, together with and
in addition to which any Sums were made payable in respect of
the Advances repayable by such Instalment under the said recited
Act, may at or previous to the passing of this Act, or would at the
Time of such Instalments falling due, be, if this Act had not been
made, payable by Persons being both the Owners and Occupiers
of the Lands charged with such Compositions, and also stating
what, if any, of the said Sums so added to such Compositions
have been received by the Memorialist, and praying that the
Whole or any Part of such Instalment may be remitted; and the
said Lord Lieutenant in Council shall refer each such Memorial
to such Person or Persons as he may think proper, who shall
require the Memorialist to prove before him or them the several
Matters and Things stated in such Memorial by such Evidence

as the Nature of the Case may admit, and shall investigate the Facts and Circumstances by all such Ways and Means as he or they shall think fit, subject to such Rules and Directions as the said Lord Lieutenant of *Ireland* in Council shall from Time to Time subscribe, and shall report thereon to the said Lord Lieutenant in Council, who shall thereupon have Power and Authority, as herein-after directed, to remit the Whole or any Part of such Instalment, and the Clerk of the Council shall certify the same to the Commissioners of the Treasury; and if they shall remit the whole of such Instalment, the said Commissioners of the Treasury shall direct Satisfaction thereof to be duly entered and recorded in the proper Office of the Exchequer; and if they shall remit only a Part of such Instalment, the said Commissioners of the Treasury shall direct Satisfaction of the whole to be duly entered and recorded upon Payment of the Residue of such Instalment.

IV. And be it enacted, That it shall be lawful for such Person or Persons to whom any such Memorial may be referred to examine upon Oath or Affirmation (which Oath or Affirmation he or they is or are hereby authorized to administer) any Person willing to be examined touching any Matter or Thing relating to the Subject of such Reference, and also to receive any Affidavit or Deposition in Writing upon Oath or Affirmation made before any Justice of the Peace (and which any such Justice is hereby authorized to administer).

Person to whom Memorial is referred may examine on Oath, and receive Affidavits.

V. Provided always, and be it enacted, That the said Lord Lieutenant in Council shall remit every such Instalment as aforesaid, unless the same shall be found to be due by any Lay ImproPRIATOR in respect of Advances made on account of any Tithes or Compositions for Tithes charged upon Lands the Estate and Property of such ImproPRIATOR, or unless the Person liable to such Instalment shall be found to have received the Whole or some Part of the Sums so added to the said Compositions, or unless the Whole or some Part of the Sums so added to the said Compositions shall be found to be payable by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions; and in the Two last-mentioned Cases the said Lord Lieutenant and Council shall remit so much but no more of such Instalment as shall be equivalent to the Sums so added to the said Compositions, and which shall not have been received by the Person liable to such Instalment, or shall not be payable by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions; and the Decision of the said Lord Lieutenant in Council shall be final and conclusive of the Right of any Memorialist to the Remission of the Whole or any Part of any Instalment under this Act.

Cases in which Instalments shall not be remitted.

VI. And be it enacted, That in any Case where the said Lord Lieutenant in Council shall remit the whole of any such Instalment it shall not be lawful for the Person so relieved from his Liability thereto to sue for or recover any Sum added to the said Compositions in respect of the Advances on account whereof such Instalment was made payable; and in any Case when the said Lord Lieutenant in Council shall remit a Part of any Instalment it shall not be lawful for the Person so relieved to sue for or recover any such Sum so added to the said Compositions from or against any

In case of the Remission of the Whole or Part of any Instalment, the Sums added to the Composition shall be also remitted, unless due by undertaking Landlords or

Persons liable
to Rent-charge.

Person other than a Person being both the Owner and Occupier of the Lands charged with the said Composition; and all and every other the Persons liable to the Payment of any Sum added to the said Compositions, or payable in respect of such additional Sums under the Provisions of the said recited Act of the Third and Fourth Year of His late Majesty's Reign on account of Advances thereunder, shall, in the event of the Remission of the Whole or any Part of the Instalment payable on account of such Advances, be and they are hereby exonerated and discharged from the Payment thereof, without Prejudice nevertheless to any Payment heretofore made under the Provisions of the said recited Act.

All Lands subject to the Payment of Tithe Compositions charged with an annual Sum by way of Rent-charge equal to Three Fourths of such Compositions to be payable by the Party having the first Estate of Inheritance, &c. in such Lands.

VII. And be it enacted, That every Parcel of Land charged with or in respect whereof the said Tithe Compositions or any Applotment or Assessment thereof would have been payable if this Act had not been passed shall be and become severally liable to and charged with the Payment of an annual Sum or Rent-charge equal to Three Fourths of the annual Amount of such Tithe Compositions, and that such Rent-charges shall, except as hereinafter excepted, be payable by the Party having in such Lands respectively the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest as herein-after defined, under which or derived wherefrom there shall be no such perpetual Estate or Interest, according to the Quantity of such Lands comprised in each such Estate or Interest; provided always, that any Landlord who shall have undertaken the Payment of any Composition for Tithes under the Provisions of the herein-before recited Act of the Second and Third Years of the Reign of His late Majesty shall, for and during the Continuance of his Estate and Interest in the Lands charged with the Rent-charge payable in lieu of such Composition, be liable to the Payment of such Rent-charge, provided he has an Estate not less than an Estate of Inheritance in such Lands; and that such Rent-charges shall take effect from the First Day of *November* last past, and that the first Payment of such Rent-charges shall become due on the First Day of *November* in this present Year, and be then paid by one entire Payment; and that the said Rent-charges accruing due in each succeeding Year shall be payable by Two equal half-yearly Payments, one whereof to become due on the First Day of *May*, and the other on the First Day of *November*, in each such Year: Provided always, that although such Tithe Compositions may have been separately applotted or assessed upon different Portions of such Lands, the Lands comprised in each such Estate or Interest shall be charged with the annual Payment as aforesaid of one entire Sum or Rent-charge equal to Three Fourths of the gross annual Amount of such several Applotments or Assessments: Provided also, that the Amount of such Rent-charges shall be computed on the gross Amount of such Tithe Compositions as stated in the Certificates and Applotment Books thereof respectively, without regard to the Deduction of Fifteen Pounds *per Centum* claimable by Persons undertaking the Payment of such Tithe Compositions under the Provisions of the above-recited Act of the Second and Third Years of His late Majesty's Reign: Provided always, that all Certificates and Applotment Books of such Compositions shall be deemed and taken as valid and

One entire Sum to be charged on each Estate although Lands separately applotted.

Rent-charges to be computed on the gross Amount.

Ascertaining Rent-charges.

and effectual for the Purpose of ascertaining the Rent-charges to be paid in lieu thereof, save so far as the same may be varied in pursuance of the Provisions in this Act, in which Case the Rent-charge shall be ascertained by such amended Certificate or Applotment Book.

VIII. And be it enacted, That any Estate or Interest held under any Deed or Instrument containing any Provision, Contract, or Covenant for the perpetual Renewal thereof, and any Estate or Interest held for any Term of Years, whereof at least One hundred shall be to come and unexpired on the Thirtieth Day of *October* in this present Year, and any Estate held by Lease or Demise immediately from and under any Archbishop, Bishop, or other Ecclesiastical Person, in any Lands belonging to the See or other Spiritual Promotion or Dignity of such Archbishop, Bishop, or other Ecclesiastical Person, or under the Ecclesiastical Commissioner for *Ireland*, being Parcel of the Lands vested or which may become vested in them under the Provisions of an Act made in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland*, shall be deemed and taken to be, for all Purposes relating to the said Rent-charges, equivalent to a perpetual Estate or Interest; and that each Tenant in Dower or Tenant by Courtesy, and each Person having, under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise, any Estate for Life or other particular Estate thereby created or limited, out of or in any Estate of Inheritance, or out of or in any such equivalent Estate as hereby defined, shall be, during such his Interest, liable to the Payment of such Rent-charge as fully to all Intents and Purposes as if he were seized of or entitled to the whole Estate in such Inheritance or perpetual Interest.

IX. And be it enacted, That where by the Laws now in force in *Ireland* any Person shall be entitled to hold and occupy under any Lease or Demise the Lands thereby demised free from the Payment of Tithes or Composition of Tithes, he shall not be liable to the Payment of the said Rent-charge, but the Party having in such Lands the first Estate of Inheritance or other equivalent Estate or Interest as before described, expectant or in Reversion, and who would not be entitled to a like Exemption under the Laws aforesaid, shall be liable to such Payment: Provided always, that in case of the Forfeiture, Surrender, or other Determination of any Estate or Interest, the Owner whereof may be liable to the Payment of such Rent-charge as aforesaid, the Party having the first Estate of Inheritance or other equivalent Estate or Interest as before described, in Remainder or Reversion, shall become liable to the said Payment of such Rent-charge: Provided also, that in case of any such Devolution of Interest, no more than the Amount of One Year's Arrear of Rent-charge shall be a Charge on the Lands subject to the Payment of such annual Rent-charge.

X. And be it enacted, That whenever any Person who would have been liable to the Payment of any Composition for Tithes if this Act had not been made shall hold the Lands in respect whereof such Composition for Tithes would have been so payable as Lessee or Sub-Lessee under a Person liable to the Payment of

What shall be deemed equivalent to an Estate of Inheritance or perpetual Estate.

3 & 4W.4. c.37.

Leasehold Estates now Tithe-free not liable to Rent-charge.

On Determination of any Estate chargeable with Rent-charge, the next Estate shall become chargeable.

If any Person who would have been liable to Tithe Composition hold mediately or immediately under such

the Person liable to such Rent-charge, the Amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

such Rent-charge as aforesaid in respect of the same Lands, then and in such Case an annual Sum equal to the Amount of such Rent-charge shall be from Time to Time payable to the Person so liable to the Payment of such Rent-charge by the next immediate Lessee holding under him, such Sum to become first due on the First Day of *November* in this present Year, and to be then payable by one entire Payment, and the like annual Sum thereafter in every succeeding Year, to be payable at such Times and by such quarterly or half-yearly or yearly Payments as the Rent due and payable by such Lessee may be reserved and made payable, and together therewith, and subject to all the like Incidents, in like Manner, to all Intents and Purposes, as if such Sum had been mentioned in the same Lease, Instrument, or Demise, and expressly reserved and made payable thereby; and the Person liable to such Rent-charge as aforesaid shall have such and the like Remedies to enforce Payment of such Sum by Distress, Ejectment, or Re-entry, or by Action of Debt, Covenant, or otherwise, as he may have to enforce Payment of the Rent reserved by such Lease, Instrument, (or Demise; and the said next immediate Lessee, in case he himself would not have been liable to the Payment of such Tithe Compositions as aforesaid, shall be in like Manner and by all such and the like Remedies entitled to receive and recover of and from his immediate Sub-Lessee such annual Sum from Time to Time accruing due and payable, and so on, each Lessee recovering from his Sub-Lessee downwards to the Person who would have been primarily liable to the Payment of such Tithe Compositions if this Act had not been made: Provided always, that in the Case of the Land being divided among several Lessees or Sub-Lessees, each of them shall be liable to the Payment of no greater Portion of such annual Sum than may from Time to Time become due and payable in respect of the Land which such Lessee or Sub-Lessee, or any other Person with him jointly, may hold: Provided also, that where any Person would have been liable, under the Provisions of any Law now in force in *Ireland*, to make Payment of any Composition to any Landlord or Person entitled to the Receipt of the same by virtue of any Certificate of Agreement as is mentioned in the herein-before mentioned Act of the Second and Third Year of His late Majesty's Reign, such Person liable to make Payment of such Composition to the Person entitled thereto by virtue of such Certificate shall be deemed to be within the Meaning of this Act the Person primarily liable thereto; and where the Lessee or Occupier of any Lands may be entitled to deduct out of the Rent payable by him to his Landlord the Amount of any Composition, such Landlord shall be deemed to be within the Meaning of this Act the Person primarily liable thereto.

Such Leases, &c. of Tithes as have now the Effect of suspending Compositions shall determine, and none other.

XI. And be it enacted, That in any Case where the Effect of any Composition may be by any Law now in force suspended in consequence of any Lease of Tithes, or Agreement in Writing respecting the same, every such Lease or Agreement having such Effect as aforesaid, but none other, shall from and after the passing of this Act wholly cease and determine, but without Prejudice to the Recovery of any Sum heretofore accrued due by virtue thereof; and the Lands which would, if this Act had not been made, have

have upon the Termination of such Lease or Agreement become subject to the Payment of any Composition for Tithes, shall be and become severally charged with an annual Sum or Rent-charge equal to Three Fourths of the Amount of such Composition, and an annual Sum equal in Amount to such Rent-charge shall become payable to the Persons from Time to Time liable to the Payment of such Rent-charge, and to their Lessees and Sub-Lessees, in like Manner as herein-before provided in Cases where the Effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, that if any Payment on account of this present Year shall previous to the passing of this Act have accrued due by virtue of or under such Lease or Agreement, the Amount thereof shall be deducted from the Rent-charge accruing due on the First Day of *November* in this present Year, and the Residue only shall be then payable.

XII. ' And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Establishment of Compositions for Tithes in Ireland for a limited Time*, it was enacted, that whenever under the Provisions of that Act any Composition should be made for Tithes payable in any Parish, every Person who should afterwards set, let, or demise any Land lying within such Parish at a Rack Rent should make such Lease or Demise free from the Payment of Tithes during the Continuance of such Composition; and that in such Case it should be lawful for the Lessee or Occupier of such Land, and every such Lessee or Occupier was thereby required, to pay the Amount of such Composition to the Person entitled thereto; and that it should be lawful for such Lessee or Occupier of such Land to deduct the Amount of all such Payments from Time to Time out of the Amount of Rent payable by such Lessee or Occupier of such Land to his immediate Landlord; and it was further enacted by the said recited Act, that in case such Composition should cease and determine at any Time during the Continuance of such Lease, the Rent reserved in such Lease should be reduced in Amount by a Sum equal to the Amount of such Composition: And whereas in such Cases of Land set, let, or demised at a Rack Rent in any Parish at any Time after the Establishment of a Composition for Tithes therein the Amount of such Composition has by reason of the said recited Enactments been added to and made payable together with and as Part of the Rent, and it is just and reasonable that such Rent should be reduced to the Extent of the Reduction made under this Act in converting the said Composition into a Rent-charge; be it therefore enacted, That in case of any Lease made at a Rack Rent, at any Time after the Establishment of a Composition for Tithes in any Parish, of Lands subject to the Payment of such Composition, the Rent reserved upon and made payable in and by any such Lease shall be reduced by a Sum equal to the Difference between the Amount of the Composition heretofore payable in respect of such Lands and the Amount of the Rent-charge which will under the Provisions of this Act become payable in lieu thereof, and that the Party from Time to Time liable to the Payment of such Rent shall be entitled to deduct the Amount of such

Where Leases at Rack Rent have been made after the Establishment of any Composition in pursuance of 4 G. 4. c. 99. the Rents shall be reduced in proportion to the Difference between such Composition and the Rent-charge payable under this Act.

such Difference accordingly: Provided always, that, subject to such Reduction, such Rent shall remain payable, and the Lessor, his Heirs, Executors, Administrators, and Assigns, shall have the like Remedies for the Recovery thereof as if the said Tithe Compositions were not by this Act determined.

Compositions
for Tithes made
under 2 & 3
W. 4. c. 119.
may be appealed
against.

XIII. ' And whereas in Cases where the said Compositions for
' Tithes have been established by a sole Commissioner appointed
' by the Lord Lieutenant, in pursuance of an Act passed in the
' Second and Third Years of the Reign of His late Majesty King
' *William the Fourth*, intituled *An Act to amend Three Acts*
' *passed respectively in the Fourth, Fifth, and in the Seventh and*
' *Eighth Years of the Reign of His late Majesty King George the*
' *Fourth, providing for the establishing of Compositions for Tithes*
' *in Ireland, and to make such Compositions permanent*, it is just
' and expedient, with a view to a final and satisfactory Settlement
' of the Amount of the said Compositions for Tithes, and the
' Rent-charges payable in lieu thereof, that Appeals should be
' allowed within a limited Time against the Certificates of such
' Compositions where the Amount thereof may have been unduly
' affected by Fraud or Concealment; be it therefore enacted, That
' it shall and may be lawful for any Person or Persons in any
' Parish who would have been, in case this Act had not been made,
individually or collectively liable to the Payment of more than
One Half of the Amount of the whole Composition established
in and for such Parish, whether the several Sums payable by him
or them respectively shall be or may have been payable to any
Party entitled to the Receipt of any Composition, or to any Land-
lord who may have taken upon him the Payment of such Composi-
tion, at any Time before the First Day of *October* next to appeal
to the Lord Lieutenant of *Ireland* in Council in behalf of such
Parish against the Certificate of such Composition, in like Manner
as by the said Act of the Second and Third Years of His said
late Majesty King *William the Fourth*, and the Acts therein
recited, an Appeal might have been made by Direction of the
Vestry of the Parish within the Time thereby limited, and the
Grounds of such Appeal shall be stated in Writing and signed
by such Person or Persons, and lodged with the Clerk of the
Privy Council before the said First Day of *October*, and in like
Manner it shall be lawful for any Person who would have been,
in case this Act had not been made, entitled to any Composition
for Tithes, before the said First Day of *October*, to appeal to the
said Lord Lieutenant in Council against such Certificate in like
Manner as by the said last-mentioned Acts such Appeals might
have been made within the Time thereby limited; and Notice of
every such Appeal shall be posted on the Church Door or usual
Place of posting Notices of Application of Grand Jury Present-
ments in the Barony or Half Barony in which the Parish to
which such Application may refer is situate, and once inserted by
or on behalf of the Appellant Party in some Newspaper circulating
within such Parish within Ten Days next after such Appeal shall
have been lodged with the Clerk of the Privy Council: Provided
always, that where the Effect of any Composition may have been
suspended previous to the passing of this Act by virtue of any
Lease or Agreement in Writing, the Owners and Occupiers of any

any Lands upon which collectively a Sum exceeding One Half of the Amount of such Composition may have been applotted shall be deemed and taken to be qualified within the Meaning of this Act to make such Appeal.

XIV. And be it enacted, That every such Appeal shall be heard and determined, and an Order made thereupon for confirming or for decreasing or increasing or modifying the Amount of such Composition, in like Manner as is provided by the said last-mentioned Act with respect to Appeals thereby authorized to be made against such Certificates; and all the Enactments and Provisions contained in the same Act relating to the Appeals thereby authorized to be made against such Certificates, and the Costs thereof, shall extend and be applied to Appeals authorized by this Act, and the Costs thereof, except so far as the same are repugnant to the Provisions of this Act: Provided always, that no Order shall be made on any such Appeal, otherwise than for confirming the Composition stated in the Certificate, unless it shall be proved that some Fraud, Concealment, Misrepresentation, or Circumvention was practised by or on the Part of some Party interested in such Composition, whereby the Commissioner may have been deceived, or whereby the Knowledge of any Fact or Facts which was or were essential to enable the Commissioner to make a just Decision was withheld from him, and whereby the Amount of such Composition was unduly affected: Provided also, that when an Appeal from any Certificate of Composition has before the passing of this Act been decided upon the Merits by the Lord Lieutenant in Council, or by any Judge of Assize, no further Appeal relating thereto shall be made by virtue of this Act.

XV. And be it enacted, That it shall be lawful for any Person or Persons in any Parish who would have been, in case this Act had not been made, individually or collectively liable to the Payment of more than One Fourth of the Amount of the whole Composition established in and for such Parish, whether the several Sums payable by him or them respectively shall be or may have been payable to any Party entitled to the Receipt of any Composition, or to any Landlord who may have taken upon him the Payment of such Composition, to apply to the said Lord Lieutenant in Council, praying the Amendment of the Applotment of any Composition, and such Application shall be made by Memorial, to be lodged at any Time before the First Day of *October* next with the said Clerk of the Council, and notified by public Advertisement and otherwise, in like Manner as Appeals against Certificates of Compositions; and if by any such Memorial it shall be made to appear to the Satisfaction of the said Lord Lieutenant in Council that any such Applotment of such Composition is defective or unjust, or does not with sufficient Precision ascertain the Lands and Holdings in respect whereof the said Rent-charges will be payable, it shall and may be lawful for the said Lord Lieutenant in Council to direct such Applotment to be amended, and for that Purpose to appoint some One or more skilful Person or Persons, who shall therein have and exercise the like Powers, Privileges, and Authorities, and observe the several Regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such

Appeals to be heard in the Manner provided by 2 & 3 W. 4. c. 119.; but no Order to be made, except for confirming the Composition, unless Fraud, Concealment, or Misrepresentation affecting the Amount of Composition be proved.

Lord Lieutenant may cause Applotments to be amended.

Instruc-

Power to apply for the making of an Applotment where none shall have been made.

Instructions and Directions as the said Lord Lieutenant in Council shall prescribe for the avoiding any Defect or Uncertainty to which the original Applotment may have been liable; and such amended Applotment shall be returned to the Clerk of the said Council, attested under the Hand of the Person or Persons making the same, and the original Book of Applotment shall be amended under the Direction of the said Lord Lieutenant in Council accordingly; and such amended Book of Applotment shall be in the Place and Stead of the said original Book of Applotment, and be valid and effectual to all Intents and Purposes for which the said original Book of Applotment would have been valid and effectual, but in the meantime such original Book shall be in full Force and Effect; and in every Case in which no Applotment shall hitherto have been made it shall be lawful for any such Persons as are herein-before authorized to apply for the Amendment of any Applotment to apply for the making of such Applotment, in like Manner and within the like Period as is herein-before provided with respect to Memorials for the Amendment of any Applotment; and in every such Case it shall and may be lawful for the said Lord Lieutenant in Council to appoint One or more skilful Person or Persons to make such Applotment, who shall therein have and exercise the like Powers, Privileges, and Authorities, and observe as far as may be the like Regulations, as are given and directed to be observed by the said Acts for establishing Compositions of Tithes; and the said Lord Lieutenant shall cause to be paid to the Person or Persons employed for the Purposes aforesaid such Remuneration as he shall think reasonable, and the Expences thereof shall be repaid by Grand Jury Presentment, on or off the Parish in which such Expences shall have been incurred; and a Certificate of the Amount so expended in respect of each such Parish shall be transmitted under the Hand of one of the joint or assistant Secretaries of the Commissioners of the Treasury to the Treasurer of the County in which such Parish may be situate; and such Treasurer shall insert the Sum specified in such Certificate in his Warrant for the Collection of the Money to be raised and levied off such Parish by Presentment of the Grand Jury at the Assizes next succeeding, and such Sum shall be applotted (if Need be by a separate Applotment) and raised and levied off the Lands liable to Rent-charge in such Parish in like Manner and by the like Ways and Means as if such Sum had been presented by the said Grand Jury at such Assizes to be levied off such Lands, and shall be paid over by the said Treasurer when and as by him received to such Bank or Person and in such Manner as the said Commissioners of the Treasury shall direct.

Proceedings where the Liability of Lands to Rent-charge shall be disputed.

XVI. And forasmuch as the Rent-charges made payable by this Act are charged upon the Lands heretofore subject to the Payment of Compositions for Tithes, it is expedient to make Provisions for the more cheap and convenient Determination of the Liability to such Compositions; be it therefore enacted, That where any Person having any Interest in any Lands whereon any such Composition shall have been applotted shall dispute the Liability of such Lands thereto, by reason of such Land having been Tithe-free, or not rightfully charged with or otherwise not subject to such Tithe Compositions or the Applotment thereof, it shall be

lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Petition of any such Person, in a summary Way to make such Order, allowing or disallowing such Claim of Exemption, or to direct such feigned Issue or Reference to any Master of the Court, or the Chief or Second Remembrancer, or other Proceeding as such Court shall think proper, for the Purpose of ascertaining whether such Lands would have been rightfully charged with Tithe Composition if this Act had not been made, or if such Composition had not been suspended; and if it shall appear to the Court that such Land would not have been rightfully charged with such Composition, it shall be lawful for the said Court so to declare, and to make such Order for the Amendment of the Certificate and Applotment of such Composition, and of the Entry of such Certificate in the Registry of the Diocese, as to such Court may seem fit; and such Lands shall be exonerated from Rent-charge, or such Rent-charges reduced accordingly: Provided that in any such Proceeding the Certificate or Applotment of any such Composition shall not be Evidence of the Liability of such Lands to such Composition, or the Applotment thereof.

XVII. And be it enacted, That where any Lands made subject to the Payment of any Part of a Composition (the Amount of such Composition not having been fixed by Agreement) shall, by virtue of any Decision in Law or Equity, have been or at any Time shall be declared to be exempt from the Payment of Tithes, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Petition of any Person liable to the Payment of Rent-charge in the Parish in which such Lands may be situate, to direct any Master of such Court, or the Chief or Second Remembrancer, to inquire into and ascertain, by Examination of the Commissioner or Commissioners, or Umpire, as the Case may be, by whom such Composition may have been established, or otherwise upon the best Evidence which can be procured, the Sum included in the Amount of such Composition on account of the Tithes of such Land, and the Certificate and Applotment of such Composition; and the Entry of such Certificate in the Registry of the Diocese shall be amended accordingly under the Direction of such Court, and the Rent-charges payable instead of such Composition for Tithes shall be reduced proportionably.

XVIII. And be it enacted, That all Prescriptions and Claims of or for any Modus decimandi, or of or to any Exemption from or Discharge of Tithes, shall in all Cases whatever be sustained and be deemed good and valid in Law upon Evidence showing, in Cases of a Claim of Modus decimandi, the Payment or Render of such Modus, and, in Cases of Claim to Exemption or Discharge, the Enjoyment of the Land without Payment or Render of Tithes Money, or other Matters in lieu thereof, for the full Period of Thirty Years next before the Establishment of a Composition for such Tithes under the Acts for that Purpose made, unless in the Case of a Claim of a Modus decimandi the actual Payment or Render of Tithes in Kind, or of Money or other Thing differing in Amount, Quality, or Quantity from the Modus claimed, or in case of Claim to Exemption or Discharge, unless the Render or Payment of Tithes, or of Money or other Matter in lieu thereof, shall

When Tithe-free Lands have been subjected to Composition such Composition shall be reduced.

What Prescriptions, &c. to exempt from Tithes.

be shown to have taken place at some Time prior to such Thirty Years, or it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing, and if such Proof in support of the Claim of Exemption shall be extended to the full Period of Sixty Years next before the Establishment of such Composition such Claim shall be deemed absolute and indefeasible, unless it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing; and where the Render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, or other Corporation Sole, whether Spiritual or Temporal, or by the said Ecclesiastical Commissioners, then every such Prescription or Claim shall be valid and indefeasible upon Evidence showing such Payment or Render of Modus made or Enjoyment had as is herein-before mentioned, applicable to the Nature of the Claim, for and during the whole Time that Two Persons in succession shall have held the Office or Benefice in respect whereof such Render of Tithes in Kind might have been claimed, and for not less than Three Years after the Appointment and Institution or Induction of a Third Person thereto: Provided always, that if the whole Time of the holding of such Two Persons shall be less than Sixty Years then it shall be necessary to show such Payment or Render of Modus made or such Enjoyment had, not only during the whole of such Time but also during such further Number of Years either before or after such Time, or partly before and partly after, as shall with such Time be sufficient to make up the full Period of Sixty Years, and also for and during the further Period of Three Years after the Appointment and Institution or Induction of a Third Person to the same Office or Benefice, unless it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

In what Case
Exemption
from Tithes
allowed.

XIX. And be it enacted, That no Modus, Exemption, or Discharge shall be deemed to be within the Provisions of this Act unless such Modus, Exemption, or Discharge shall be proved to have existed and been acted upon at the Time of or within One Year next before the Establishment of a Composition for the Tithes to which such Claim may relate under the said Acts for that Purpose made.

To what Cases
the herein-
before contained
Provisions shall
not extend.

XX. Provided always, and be it enacted, That the Provisions herein-before contained with respect to the Establishment of Claims of or for any Modus or Exemption from or Discharge of Tithes shall not extend to any Case where the Tithes of any Land shall have been demised by Deed for any Term of Life or Number of Years, or where any Composition for Tithes shall have been made by Deed or Writing by the Person or Body Corporate entitled to such Tithes with the Owner or Occupier of the Land for any such Term or Number of Years, and such Demise or Composition shall be subsisting at the Time of the passing of this Act, nor to any Suit for establishing a Claim to Tithes now pending.

XXI. Pro-

XXI. Provided also, and be it enacted, That where any Lands or Tenements shall have been held or occupied by any Rector, Vicar, or other Person entitled to the Tithes thereof, or by any Person compounding for Tithes with any such Rector, Vicar, or other Person, whereby the Right to the Tithes of such Lands may have been or may be during any Time in the Occupier thereof or in the Person entitled to the Rent thereof, the whole of every such Time and Times shall be excluded in the Computation of the several Periods of Time herein-before mentioned: Provided also, that the Time during which any Person otherwise capable of resisting any Claim to any such Exemption or Discharge as aforesaid shall have been an Infant, Idiot, *non compos mentis*, Feme Covert, or Lay Tenant for Life, or during which any Action or Suit shall have been pending, and which shall have been diligently prosecuted until abated by the Death of any Party or Parties thereto, shall be excluded in the Computation of the Periods herein-before mentioned, except only in Cases where the Right or Claim is hereby declared to be absolute and indefeasible.

XXII. And be it enacted, That in all Proceedings to be taken after the passing of this Act for the Purpose of determining the Exemption or Discharge of any Lands from Tithes it shall be sufficient to allege that the Modus or Exemption or Discharge claimed was actually exercised and enjoyed for such of the Periods mentioned in this Act as may be applicable to the Case; and any Provision, Exception, Incapacity, Disability, Contract, Agreement, Deed, or Writing herein mentioned, or any other Matter of Fact or Law not inconsistent with the simple Fact of the Exercise and Enjoyment of the Matter claimed, shall be specially alleged and set forth, and shall not be received in Evidence on any general Traverse or Denial of the Matter claimed.

XXIII. And be it enacted, That in the several Cases mentioned in and provided for by this Act no Presumption shall be allowed or made in favour or support of any Claim upon Proof of the Exercise or Enjoyment of the Right claimed for any less Period of Time or Number of Years than for such Period or Number mentioned in this Act, as may be applicable to the Case and to the Nature of the Claim.

XXIV. And be it enacted, That the said Rent-charges shall be payable to and amongst the several Persons who would have been, if this Act had not been made, entitled to Compositions for Tithes arising out of the several Lands charged with such Rent-charges respectively, and in the same Proportions, and vested in such Persons, for the like Estates or Interests, and subject to the like Trusts, Uses, Charges, Payments, Rents, Liens, and Incumbrances of what Kind or Nature soever.

XXV. And be it enacted, That the said Rent-charges shall be deemed and taken to be Tithes within the Meaning of an Act passed in this present Session of Parliament, intituled *An Act for the Relief of the destitute Poor in Ireland*, and that the Persons entitled to the Receipt of such Rent-charges shall be deemed and taken to be Tithe Owners within the Meaning of that Act.

XXVI. And whereas Doubts have arisen with respect to the Effect of Certificates for the Composition of Tithes in *Ireland* made under the Authority of the said Acts for establishing such

Time during which Lands shall be held by Persons entitled to the Tithes thereof, to be excluded in the Computation; as also while any Person capable of resisting any Claim shall be an Infant, &c.

What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

No presumed Claim for a less Period than herein mentioned.

Rent-charges to whom payable.

Rent-charges to be deemed Tithes under 1 & 2 Vict. c.56.

Effect of Certificates of Compositions as to Right of Par-

ties entitled thereto.

' Compositions, as respects the Rights or Titles of Persons having
' or claiming to have Estates or Interests in the Tithes or Compo-
' sitions to which such Certificates respectively relate: And
' whereas the said Rent-charges will be payable to or divided
' among the several Persons entitled thereto according to the
' Proportions of such Compositions payable to them respectively
' as in such Certificates stated; be it therefore enacted, That no
Certificate made under the said Acts or any of them, or which
may be amended under the Provisions of this Act, shall, as against
any Person claiming any Estate or Interest in Tithes or Compo-
sition for Tithes in *Ireland*, and asserting such Claim by any Pro-
ceeding at Law or in Equity, be deemed to be Evidence of the
Right or Title of any Person in such Certificate described; and
that if it shall be decided by any Court of competent Jurisdiction
that any Person other than the Person in such Certificate described,
or those deriving under such Person, would have been entitled to
such Composition, or to the Tithes to which the same shall relate,
the Person so declared entitled shall be thereupon authorized and
entitled to receive the Rent-charge or Proportion thereof accruing
due under Authority of this Act, in lieu of the Composition in
such Certificate mentioned, as if originally named therein; but
until such Decision such Certificate, and all Payments made
under the same, shall be good, valid, and effectual against all
Persons whatsoever.

Rent-charges how to be re-
covered.

XXVII. And be it enacted, That the said Rent-charges shall
have Priority over all other Charges, Liens, Mortgages, and Incum-
brances whatsoever affecting the Lands chargeable therewith, and
shall and may be recovered by the Ways and Means herein-after
mentioned; (that is to say,) by Bill in Equity, Action of Debt or
on the Case, or, if not exceeding Twenty Pounds, by Civil Bill
in the Court of the Assistant Barrister or Chairman of the Sessions
of the County wherein the Lands charged therewith may be situate,
or by Distress, subject to the Provisions herein-after contained.

Several Parties may be inclu-
ded in one Bill in Equity.

XXVIII. And be it enacted, That it shall and may be lawful to
include in the same Bill in Equity or in the same Petition all or
any Number of the Persons in any one Parish who may make
default in Payment of such Rent-charges, in like Manner as might
have been done in Suits in Equity for the Recovery of Tithes or
Tithe Compositions in lieu of which the said Rent-charges are
given, without being liable to any Objection on the Ground of
Multifariousness, but with Liberty to any of such Defendants, on
Payment of the Demand against such Defendant, and his Propor-
tion of the Costs, to have his Name struck out of the Bill or
Petition.

Where Person liable to Rent-charge shall occupy the Land the Arrear may be distrained for.

XXIX. And be it enacted, That where the Person liable to the
Payment of any Rent-charge shall occupy the Land in respect
whereof the same may be payable it shall and may be lawful to
make any Distress or Distresses for any Arrears of such Rent-charge
or Proportion thereof; and such Distress shall be subject in all
respects to the like Regulations and attended with the like Privi-
leges and Advantages as are by Law established in respect of any
Distress by any Landlord for the Recovery of Rent.

Where Rent-charge in arrear, and the Person

XXX. Provided always, and be it enacted, That in all Cases
where any Lands charged with the said Rent-charge shall be held
or

or occupied by any Person other than the Person liable under the Provisions of this Act to the Payment thereof it shall not be lawful to make any Distress upon such Lands, or upon any other Lands, Goods, or Chattels of such Person, for such Rent-charge, but in all such Cases, and also in all Cases where the Person liable to the Payment of such Rent-charge may not be known to the Party entitled to such Rent-charge, and such Rent-charge shall be in arrear and unpaid for the Space of Thirty-one Days after the same shall have become due, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon Application as herein-after mentioned, and in default of its being shown to such Court that the Person in occupation of such Land is liable to the Payment of such Rent-charge, to appoint a Receiver, or to extend any Receiver already appointed over the said Lands to the Matter of the said Petition, to receive the Rents or such Part of the Rents of the Lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all Arrears thereof, until the whole of such Arrears shall be discharged, together with such Fees as shall be appointed by such Court for such Receiver, and also the Costs out of Pocket of such Application, and that out of the Sums so received such Fees and Costs shall be ordered to be paid; and such Order shall be made upon Petition and Affidavit, after reasonable Time given to show Cause; and Notice of the Intention to make such Application shall, Ten Days previous to making the same, served upon the Person, or the known Attorney, Agent, or Steward of the Person, in receipt of or entitled to such Rents, either by delivering such Notice to the Party personally, or by leaving the same at his usual Place of Residence, or in case such Person be not known, or there be any Difficulty in effecting such Service, then by serving such Notice in such Manner as the Court may, under the Circumstances, think proper to direct; and that the said Receiver shall be empowered by the said Court to recover the said Rents, or so much thereof as may be necessary, by Distress and all such other Remedies as Receivers in any Manner appointed by Courts of Equity in *Ireland* are empowered to recover Rents according to the Rules and Practice of such Courts respectively.

XXXI. Provided always, and be it enacted, That in all Cases in which the Party liable to the Payment of any such Rent-charge, or to any such annual Sum as is herein-before made payable to the Party liable to such Rent-charge, or to any Lessee holding mediately or immediately under him, in addition to the Rent payable to such Party or Lessee, shall be of the Persuasion of the People called Quakers, then the same shall be recoverable in manner herein-after mentioned; (that is to say,) if the Person so liable shall occupy the Land in respect whereof such Rent-charge or annual Sum may be payable, then the same shall be recoverable from such Person by Distress upon the Goods and Chattels of such Person, whether situate on the Premises in respect of which the Distress is made or elsewhere, but nevertheless to the same Amount only and with the same Consequences in all respects as if made on the Premises; and the Goods and Chattels so distrained may be sold, without keeping or impounding the same; but if the Person so liable and being of such Persuasion as aforesaid shall not occupy the Land in respect whereof such Rent-charge or

liable thereto shall not be in occupation of the Lands charged therewith, or where such Person may not be known, a Court of Equity may order the Rents of such Lands it be received in liquidation of such Rent-charge, &c.

How Rent-charges, &c. to be recovered from Quakers.

5 & 6 W. 4. c. 74.

annual Sum may be payable, then the same (without Limit as to the Amount) shall be recoverable in such Manner as by an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, is expressly or by reference prescribed for the Recovery of Ecclesiastical Demands of or under the Value of Fifty Pounds from Quakers, but with a like Exception in case the actual Title to such Rent-charge or annual Sum, or the Amount thereof, or the Liability or Exemption of the Property to or from the same, shall be *bonâ fide* in question; and in any Case in which the Person so liable shall be of the Persuasion aforesaid, and any other Remedy or Proceeding than herein-before mentioned shall notwithstanding be commenced or prosecuted against him, it shall be lawful for him, or any one on his Behalf, to serve the Party so entitled as aforesaid with a Declaration or Notice in Writing, stating that he possesses such an Estate or Interest as it is by this Act provided shall make the Person having such Estate or Interest liable to such Rent-charge or annual Sum, and that he is of the Persuasion aforesaid; and such other Remedy or Proceeding shall be thereupon forthwith discontinued, and the Costs previously incurred shall be taxed, and the Party who may have taken such Proceeding shall proceed to recover such Rent-charge or annual Sum by Distress, or by such Remedy as in the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty is provided, according to the Circumstances, and shall be entitled to recover therewith, and as Part thereof, the Costs of such Proceeding so discontinued; and such Notice shall be Evidence of the Liability of the Party by whom or on whose Behalf the same may have been given, and of his being of the Persuasion aforesaid: Provided always, that if upon any such Proceeding a sufficient Distress cannot be found to satisfy the said Rent-charge or Sum and the Costs, if any, together also with the reasonable Costs of Distress, then the other Remedies provided or allowed by this Act may be resorted to in the same Manner as if the Person liable to the Payment were not of the Persuasion of the People called Quakers: Provided always, that in no Case whatever shall any Execution or Decree or Order issue or be made under this Act against the Person or Persons of any Defendant or Defendants being of the Persuasion of the People called Quakers.

Rent-charges to be variable in like Manner as Tithe Compositions.

XXXII. And whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from Time to Time with reference to the Average Price of Corn as advertized in the *Dublin Gazette* during the preceding Seven Years, and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions, and the Amount whereof is regulated thereby, should be subject to a similar Variation; be it therefore enacted, That it shall and may be lawful for any Three or more Persons in any Parish or Place, each charged with the annual Payment of Three Pounds or upwards in respect of any such Rent-charges, and for any Party entitled to the Receipt of such Rent-charges, or any Proportion thereof respectively, to make Application for the Increase or Diminution of the Composition in lieu whereof such Rent-charges may be payable, at such Periods from Time to Time and in such Manner as, if he

or

or they were liable to the Payment or entitled to the Receipt of such Composition, he or they might respectively make such Application; and the like Notice of any such Application shall be given, and all such and the like Proceedings had thereupon, as by the Provisions of the said several Acts for establishing Compositions for Tithes in *Ireland* authorized and directed in the Case of Application thereunder; and such Composition shall be increased or diminished, and the Applotment thereof amended, accordingly, and the Rent-charges payable in lieu thereof increased or diminished in like Proportion: Provided that when the Price of any particular Species of Corn shall be stated in the Certificate of such Composition the Justices to whom such Application may be made shall ascertain the Average Price of that Species of Corn from the said Gazette, and such Comparison shall be made between the Price thereof as stated in such Certificate and the Price thereof as so ascertained from the said Gazette during each Period of Seven Years; and provided further, that where the Price of Corn shall not be stated in any such Certificate of Composition the said Justices shall ascertain from the said Gazette the Average Price of Corn for the Period of Years with reference whereto such Composition may have been calculated, and deal therewith as if the same had been originally stated in such Certificate.

XXXIII. And be it enacted, That if any Lease or Demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the passing of this Act it shall and may be lawful for the Lessee in such Lease, or his Representatives, within Two Calendar Months after the passing of this Act, to surrender such Lease to his immediate Lessor, or his Representative; or it shall be lawful for such Lessee or his Representatives, instead of surrendering such Lease, to serve on such Lessor or his Representatives, within such Period of Two Months, a Notice in Writing requiring him or them to reduce the Rent reserved by such Lease in proportion to the Reduction of the Profits arising thereunder by reason of the Conversion of the Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the Provisions of this Act; and in case such Lessor or his Representatives shall omit or refuse during the Period of One Calendar Month from the Service of such Notice to agree to make the Abatement specified in such Notice, or such other Abatement as shall be satisfactory to the Person serving such Notice, the Matter of such Notice shall be referred to Three Arbitrators, one to be appointed by such Lessee or his Representative, another by such Lessor or his Representatives, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after Notice in Writing to be given by such Lessee or his Representative for that Purpose; and in case such Lessor or his Representatives shall omit or refuse within Ten Days after the Service of such Notice as last aforesaid to appoint an Arbitrator on his or their Behalf, it shall and may be lawful for such Lessee or Person serving such Notice to apply to the Court of Chancery or Exchequer in *Ireland*, by Petition, stating the Facts, whereupon such Court shall have Power and Authority to nominate and appoint an Arbitrator to act on the Part of such Lessor so omitting or refusing to act as aforesaid, and the Appointment of such Arbitrator shall be equally

Holders of Leases of Tithes, &c. may surrender the same, or compel the Lessors to reduce the Rents.

valid to all Intents and Purposes as if made by such Lessor; and in case of the Death or Incapacity, Neglect or Refusal to act of any of the said Arbitrators, another shall be appointed in his Stead by the Party by whom or in whose Behalf he was so appointed, or by the said Arbitrators appointed by the Parties, as the Case may be, within Ten Days next after Notice thereof; and the said Arbitrators, or any Two of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such Ways and Means as they shall think proper, whether any and what Abatement of the Rent reserved in any such Lease should be made to the Lessee therein named for or on account of the Deduction in the Amount of Tithe recoverable under such Lease arising from the Operation of this Act; and the said Arbitrators, or any Two of them, shall specify in their Award the Amount of the Abatement to be made in the Rent reserved in the said Lease, and the Amount so specified shall be no longer payable or recoverable under such Lease, and such Award shall be of like Force and Effect as a Release of so much of the said Rent as is thereby directed to be abated; and the said Arbitrators shall execute Two Copies of their said Award, one to be delivered to the Lessor in such Lease, or his Representatives, and the other to be deposited in the public Office for registering Memorials of Deeds, Conveyances, and Wills in *Ireland*; and such Arbitrators, or any Two of them, shall have Power and are hereby authorized to award that such Lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

The Residue of the Money applicable to the Relief of the Owners of Tithes under 3&4W.4.c.100. shall be applied, together with the Sums arising to Credit of the Account hereinafter mentioned, in Payment of the Arrears of Compositions for 1834, 1835, 1836, and 1837. 6&7W.4.c.108.

XXXIV. ' And whereas it was by the herein-before recited Act of the Third and Fourth Years of His late Majesty's Reign enacted, that Exchequer Bills to an Amount not exceeding One million Pounds in the whole should be issued and applied to the Relief of the Owners of Tithes or Compositions for Tithes in *Ireland* in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to the Amount of Six hundred and forty thousand Pounds were so issued and applied: And whereas an Act was passed in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in Ireland*, whereby, after reciting that, over and above the Sum required for the Purposes of the said first-recited Act, Exchequer Bills to the Amount of One hundred thousand Pounds, or thereabouts, had been made out and delivered to the Teller of the Exchequer in *Ireland*, it was enacted that such of the said Exchequer Bills as were then in the Possession of the said Teller, not exceeding the said Sum of One hundred thousand Pounds, should be applied to the Purposes of the said Act for the Extension and Promotion of Public Works: And whereas it is expedient to apply the Residue of the said Sum of One million Pounds now remaining unappropriated, being Two hundred and sixty thousand Pounds, together with the Sums which may have arisen or shall arise in Her Majesty's Exchequer on account of the Instalments payable to the Crown under the Provisions of the said Act of the Third and Fourth Years of His late Majesty's Reign,

‘Reign, or this Act, to the Indemnification, in certain Cases, of
 ‘Persons who may not have received Payment of Compositions
 ‘for Tithes accrued due for the Four Years last past, that is, for
 ‘any of the Years One thousand eight hundred and thirty-four,
 ‘One thousand eight hundred and thirty-five, One thousand eight
 ‘hundred and thirty-six, and One thousand eight hundred and
 ‘thirty-seven;’ be it therefore enacted, That it shall be lawful for
 the Commissioners of Her Majesty’s Treasury of the United
 Kingdom of *Great Britain and Ireland* at any Time or Times to
 cause or direct any Number of Exchequer Bills to be made out
 at the Receipt of the Exchequer at *Westminster* for any Sum or
 Sums of Money not exceeding in the whole the Sum of Two
 hundred and sixty thousand Pounds, to be applied to the Pur-
 poses of this Act, such Exchequer Bills to be made out in the same
 Manner, or like Manner, Form, and Order, and according to the
 same or like Rules and Directions, as are prescribed in an Act
 passed in the Forty-eighth Year of the Reign of His Majesty King
George the Third, intituled *An Act for regulating the Issue and
 paying off of Exchequer Bills.*

Treasury may
 raise 260,000*l.*
 by Exchequer
 Bills in like
 Manner as is
 prescribed by
 48 G. 3. c. 1.

XXXV. And be it enacted, That all and every the Clauses,
 Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures,
 and Disabilities contained in the said Act shall be applied and
 extended to the Exchequer Bills to be made out in pursuance
 of this Act, as fully and effectually to all Intents and Purposes
 as if the said several Clauses or Provisoes had been particularly
 repeated and re-enacted in the Body of this Act.

The Clauses,
 &c. in recited
 Act extended to
 this Act.

XXXVI. And be it enacted, That the Exchequer Bills to be
 made out in pursuance of this Act shall bear Date on the Days
 on which the same shall be respectively issued, and shall and
 may bear an Interest not exceeding the Rate of Three-pence Half-
 penny *per Centum per Diem* upon or in respect of the whole of the
 Monies respectively contained therein, payable out of any Aids or
 Supplies in the Receipt of Her Majesty’s Exchequer; and such
 Exchequer Bills shall be made payable at such Periods and Places
 as shall be fixed by the said Commissioners of Her Majesty’s Treas-
 ury, nevertheless so as that all such Bills shall be made payable
 within Five Years from the Date thereof.

Date of Exche-
 quer Bills.

Interest on
 them.

Payment of
 them.

XXXVII. And be it enacted, That the Principal Sum or Sums
 of Money to be contained in such Exchequer Bills shall be and
 are hereby charged and chargeable upon and shall be paid and
 discharged by and out of any Supplies which may be granted for
 the Service of the Year in which such Exchequer Bills shall
 become payable.

Bills to be pay-
 able out of Sup-
 plies of the
 Year.

XXXVIII. And be it enacted, That all and every the Exche-
 quer Bills to be made forth by virtue of this Act, or so many of
 them as shall from Time to Time remain undischarged and un-
 cancelled, shall and may, from and after the respective Days on
 which the same shall become due and payable, be received and
 taken and shall pass and be current to all and every the Receivers
 and Collectors in *Great Britain* and in *Ireland* of the Customs,
 Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already
 granted, due, or payable, or which shall or may hereafter be
 granted, due, or payable to Her Majesty, Her Heirs and Succes-
 sors, and also at the Bank of *England* and at the Bank of

Bills to be cur-
 rent at the Ex-
 chequer after
 falling due.

Ireland to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Bank of Eng-
land may ad-
vance 260,000*l.*
on the Credit of
this Act, not-
withstanding
5 & 6 W. & M.
c. 20.

XXXIX. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and for the Governor and Company of the Bank of *Ireland*, to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and sixty thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Treasury to
apply the Mo-
ney raised to
Purposes of this
Act.

XL. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to cause all such Sums of Money as shall be raised by the Exchequer Bills to be made out in pursuance of this Act, and which Sums they are hereby authorized to raise in such Manner as they shall think proper, to be paid to the Governor and Company of the said Bank of *Ireland*, to be carried and placed to a distinct and separate Account to be opened in the Books of the said Bank of *Ireland* and of Her Majesty's Exchequer, under the Name of "The Tithe Arrear Account;" and it shall be also lawful for the said Commissioners of the Treasury to cause any Monies which may have arisen or which shall arise in the said Exchequer on account of the Instalments payable under the said Act of the Third and Fourth Years of His late Majesty's Reign and this Act to be carried and placed to the same Account; and all the said Monies so arising to the Credit of the said Account shall be paid and issued thereout upon the Warrants of the said Commissioners of the Treasury, or any Three or more of them, to the Persons in such Warrants named, pursuant to the Provisions herein-after contained.

Persons who
may not have
received Pay-
ment of their
Compositions
for 1834, 1835,
1836, or 1837
shall apply for
Relief by Me-
morial.

XLI. And be it enacted, That it shall and may be lawful for any Person entitled, or who would have been entitled if this Act had not been made, to any Compositions for Tithes accrued and now remaining due and payable in *Ireland* for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, or for the Year One thousand eight hundred and thirty-seven, to make Application, at any Time within Two Calendar Months next after the passing of this Act, to the Lord Lieutenant of *Ireland* in Her Majesty's Privy Council there, praying Relief in respect of such Compositions for Tithes; and such Application shall be made by Memorial, with a Schedule thereunto annexed, to be prepared and verified in manner by the said recited Act of the

the Third and Fourth Years of His late Majesty's Reign directed in respect of Applications for Relief to be made thereunder: Provided that in case of the Death, Illness, Absence, Disability, or Incapacity of any Person entitled to Relief under this Act, it shall be lawful for the personal Representatives, Guardian, Attorney, Steward, or Agent of such Person to make such Application as aforesaid, and that in such Case the Contents of the Memorial and Schedule shall be verified upon Oath by such personal Representatives, Guardian, Attorney, Steward, or Agent, as the Case may be: Provided that it shall not be lawful to include in any such Memorial and Schedule any Compositions for Tithes, the Payment whereof may have been agreed for and undertaken by any Person under the herein-before recited Act of the Second and Third Years of His late Majesty's Reign; and provided further, that in the Schedule to be annexed to each such Memorial, the Applicant shall specify and distinguish, according to the best of his Knowledge and Belief, the Tithe Compositions to which he shall claim to be or have been so entitled, if any, payable by Persons having, when such Compositions accrued due, such like Estates or Interests in the Lands chargeable with such Compositions respectively as would, under the Provisions herein-before contained, have made the Owners thereof liable to the Payment of the Rent-charges herein-before mentioned if this Act had been in force, and such Rent-charges payable at the Time when such Compositions accrued due; and provided further, that all Compositions included in any such Memorial and Schedule shall be stated according to the original Amount thereof respectively, exclusive of any Addition to such Compositions made under the said recited Act of the Third and Fourth Years of His late Majesty's Reign on account of any Advances made thereunder; and the said Lord Lieutenant and Council shall cause each such Memorial and Schedule to be revised by such Persons and in such Manner, and the several Matters and Things stated in or appearing thereby proved upon such Evidence, as to them shall seem proper; and if they shall so think fit they shall declare the Memorialist entitled to Relief under this Act; and upon and after the Completion of the Proceedings herein-after authorized for the Recovery of the Compositions payable by Persons having such Estates or Interests as herein-before described the said Lord Lieutenant shall certify to the Commissioners of the Treasury the Sum which shall be found due to each such Memorialist, exclusive of any Sums recovered by any such Proceedings as herein-after directed and paid to him: Provided always, that if upon the Revision of any such Memorial and Schedule any Sum claimed therein should appear to have been previously paid or satisfied, or if such Memorial or Schedule should contain any false and wilful Misrepresentation, then and in such Case it shall be lawful for the said Lord Lieutenant to direct such Sum, by way of Penalty, not exceeding the Amount of such unfounded Demand or the Item in respect whereof such false and wilful Misrepresentation may have been made, as he shall think proper, to be deducted from and out of any Sum payable to the Memorialist under the Provisions herein-after contained; and he shall certify to the said Commissioners of the Treasury the Sum so to be deducted, and the same shall be deducted accordingly.

Such Relief not to extend to Compositions payable by undertaking Landlords.

Upon Application for Relief under this Act Proclamation to be issued, enjoining Payment of Arrears due by such Persons as would be liable to pay Rent-charges under this Act.

Proceedings in case of Default.

Receipt to be given to Parties making Payment, which shall be a sufficient Acquittance.

In default of Obedience to Proclamation an Application by Petition to be made to the Court of Chancery or Exchequer, or Assistant Barrister, for an Order against Defaulters for the Sum due, who shall examine into the same, and make Order thereupon.

XLII. And be it enacted, That whenever any Person making any such Application under this Act shall be declared to be entitled to Relief hereunder the Right in and to all such Compositions for Tithes included in his Memorial and Schedule as may have accrued and remain due from or by Persons having at the Time when such Compositions may have so accrued due such like Estates or Interests in the Lands chargeable therewith respectively as would, under the Provisions herein-before contained, have made the Owners thereof liable to the Payment of the Rent-charges herein-before mentioned if this Act had been in force, and such Rent-charge payable at the Time when such Compositions accrued due, shall vest in Her Majesty; and the said Lord Lieutenant shall issue a Proclamation, to be posted on conspicuous Places within the proper Parish (whereof the Publication in the *Dublin Gazette* shall be sufficient Evidence, as also of such Declaration by the Lord Lieutenant in Council), enjoining and requiring all Persons named in the Schedule annexed to each such Memorial, and having such Estates or Interests as aforesaid respectively, to pay to such Bank or Person as the said Lords Commissioners of the Treasury shall appoint to receive the same the several Sums in such Schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due, and warning all such Persons that in default of their paying the same within One Calendar Month from the Date thereof such Proceedings as are by this Act warranted will be forthwith taken for the Levy and Recovery of the Composition so remaining due and unpaid; and the Cashier of the Bank, or Person authorized to receive such Sums, shall give to every Party making any such Payment a Receipt, which shall be an Acquittance for the Monies therein expressed to have been received; and if for the full Amount in such Schedule stated, or for such lesser Amount in lieu thereof as Her Majesty's Attorney General for *Ireland* shall direct to be received, such Receipt shall be an Acquittance for all Composition for Tithe which might be claimed from such Party by the Person upon whose Application the Proclamation aforesaid may have been issued, or by the Crown in right of such Person under the Provisions of this Act.

XLIII. And be it enacted, That upon the Expiration of the Time in the said Proclamation limited, and in default of Payment as aforesaid, it shall and may be lawful for the said Attorney General to apply by Petition, either to the Court of Chancery or Exchequer in *Ireland*, or, in any Case where the Sum sought to be recovered shall not exceed Twenty Pounds, then, at the Option of the said Attorney General, to the Court of the Assistant Barrister of the County or Riding where the Person in default shall reside, or if he shall reside in the County of *Dublin*, to the Court of the Chairman of the Sessions of the Peace for the said County, praying the Order of such Court, Assistant Barrister, or Chairman against any Person in default, who shall be named and distinguished in any such Schedule as aforesaid as having such Estate or Interest as herein-before described in the Lands charged with any Composition due and in arrear; and the said Courts shall summarily examine into the Matter of every such Petition, and for that Purpose call before them and examine ~~and~~ *and* every Person

Person upon Oath, or ascertain the Truth by Interrogatories in Writing or by Affidavit, and thereupon make such Order or Orders as to such Court shall seem just; and the Costs shall be in the Discretion of the Court as if the Proceeding was between Subject and Subject; and in case any Person against whom any such Order shall be so prayed shall not, by himself or some Attorney or Counsel, attend at the Time appointed for proceeding upon such Petition, and show that he had not when such Composition accrued due such an Estate or Interest as herein-before described in the Lands chargeable with such Composition, the Liability of such Person shall be taken *pro confesso*, and an Order shall be forthwith made as against every such Person for such Amount of Composition as shall be proved to be so due and in arrear in respect of the said Lands; and the Sum expressed in any such Order, and the Costs, shall be taken to be a Debt due to Her Majesty, and recovered accordingly; provided that the like Costs shall be payable on any such Application to any Assistant Barrister or Chairman as on any Proceeding by Civil Bill.

XLIV. And be it enacted, That no Objection to any such Petition on account of the Demands thereby sought to be recovered being distinct and multifarious, nor for Want of Parties or Want of Form, shall be received; and no such Petition shall abate on account of the Death of any of the Parties; and in case of any such Death the said Attorney General may proceed against the Representatives of any Person so dying, having first served them with a Notice thereof; and upon its appearing to the Court that such Notice had been given such Court shall inquire into the Matter of such Petition as against the Representative of any Person so dying in the same Manner as against the said Person were he living, and the said Court respectively shall proceed thereon accordingly: Provided always, that at least Fourteen Days before any Proceeding shall be taken under any such Petition as aforesaid a Notice thereof shall be served upon the Person against whom any Order may be thereby prayed.

XLV. And be it enacted, That all Monies paid, received, or recovered on account of any Tithes or Compositions for Tithes vesting in Her Majesty by virtue of the herein-before contained Provision shall, after deducting the Costs and Charges attendant on the Receipt or Recovery thereof, be, in such Manner as the said Commissioners of the Treasury shall direct, paid over to the respective Parties in whose Right so transferred to the Crown the same may have been received or recovered.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, or any Three or more of them, to order and direct that such Sum or Sums of Money as may be necessary to defray the Expences attendant upon the Revision of the said Memorials and Schedules shall be paid to such Persons, at such Times and in such Manner as they shall think fit, from and out of the Monies accruing to the Credit of the said Account to be kept as herein-before provided at the said Bank of *Ireland* and Exchequer; and the Residue of the Monies arising to the Credit of the said Account shall be applied to the Relief of the several Memorialists who shall be declared to be entitled to Relief under this Act as herein-before provided; and such Residue shall

Informality of Petition.

Deaths of Parties not to abate Petition.

Notice of Proceedings.

Money recovered by these Proceedings to be paid to Parties entitled thereto.

The Expences of the Revision of Memorials and Schedules to be first defrayed out of the Fund in the Exchequer, and the Residue distributed ratably among the Memorialists.

be distributed rateably amongst them in proportion to, but not exceeding, the Amount of the several Sums found due to them respectively on account of the Arrears of Composition payable in and for the said Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, and One thousand eight hundred and thirty-seven, included in the said several Schedules, exclusive of any Sums received or recovered and paid to such Persons under the herein-before contained Provision; and the said Commissioners of the Treasury, or any Three or more of them, shall direct Payment to be made to each such Memorialist accordingly; and the Surplus (if any) shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Arrears of Instalments of certain Monies advanced by Commissioners of First Fruits, and due 1st July 1835, 1836, 1837, and 1838, not to be sued for.

XLVII. ' And whereas certain Sums of Money are now due ' and accruing due to the Ecclesiastical Commissioners for *Ireland* ' by reason of Instalments accrued due in the Year One thousand ' eight hundred and thirty-five and One thousand eight hundred ' and thirty-six and One thousand eight hundred and thirty-seven, ' and this present Year, on account of Monies lent and advanced ' by the Trustees and Commissioners of First Fruits in *Ireland* ' for the Purposes of building Mansions or Glebe Houses and ' making other Improvements, or for the Purchase of Houses for ' the Habitation and Residence of Incumbents of Benefices and ' their Successors, or for the Purchase of Glebes or Demesne ' Lands for the Erection of such Glebe Houses or Offices, and ' which Sums were vested in the said Ecclesiastical Commissioners ' by the herein-before recited Act passed in the Third and Fourth ' Years of His late Majesty's Reign: And whereas it is expedient ' to relieve the Incumbents who have been unable to pay such ' Instalments for the said Years One thousand eight hundred and ' thirty-five and One thousand eight hundred and thirty-six and ' One thousand eight hundred and thirty-seven, and this present ' Year, from immediate Liability thereto, but so nevertheless that ' such Sums shall remain charged upon their respective Benefices ' and Promotions, and upon the Incumbents having or succeeding ' to the Profits and Emoluments thereof, but that the same shall ' be repaid by Instalments computed at a reduced Rate; ' be it therefore enacted, That no Suit or Proceeding shall be taken by or on behalf of Her Majesty, or by or in the Name of the said Ecclesiastical Commissioners, or any other Person, for the Recovery of any such Instalment which may have accrued due on the First Day of *July* One thousand eight hundred and thirty-five, or on the First Day of *July* One thousand eight hundred and thirty-six, or on the First Day of *July* One thousand eight hundred and thirty-seven, or on the First Day of *July* in this present Year, on account of any Monies lent or advanced by the said Trustees and Commissioners of First Fruits for the Purposes aforesaid.

Incumbent to pay Money advanced by the Commissioners of First Fruits by yearly Instalments at a re-

XLVIII. And be it enacted, That from and after the passing of this Act the respective Sums which shall at such Time be and remain due to the said Ecclesiastical Commissioners on account of any Money lent or advanced by the said Trustees or Commissioners of First Fruits, for the Purposes aforesaid, shall to all Intents and Purposes be deemed and taken to be the Sum and Sums originally lent,

lent, and which ought to be repaid by Instalments on or before every First Day of *July* in every Year, and that every such Sum shall be repaid to the said Commissioners by annual Instalments at and after the Rate of Three Pounds for every Hundred Pounds so lent and advanced and remaining due and unpaid as aforesaid, and at and after no higher Rate, and that the first of such Instalments shall become due on the First Day of *July* One thousand eight hundred and thirty-nine, and the remaining Instalments on the First Day of *July* in each succeeding Year, until the whole Sum lent and advanced and remaining unpaid as aforesaid shall have been repaid; and that such Instalments shall be payable by the present Incumbent of each Benefice or his Successors, and recoverable by the like Means as now provided by Law for the Recovery of Instalments payable in discharge and on account of Monies lent and advanced by the said Trustees and Commissioners of First Fruits for the Purposes aforesaid, and in all respects according to the like Provisions.

XLIX. ' And whereas Doubts have arisen how far the several Acts for establishing Compositions for Tithes in *Ireland* extend to Tithes forming Part of the Hereditary Revenues and Possessions of the Crown in *Ireland*; for the Removal of which Doubts be it enacted and declared, That the said Act shall be deemed to extend to the Queen's Majesty, Her Heirs and Successors, as if named therein, and that all Compositions for Tithes belonging or which may have belonged to Her said Majesty are and shall be and be deemed to have been good, valid, and effectual to all Intents and Purposes as any Compositions established in lieu of Tithes belonging to any other Person.

L. And be it enacted, That all and every the Provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to the Queen's Majesty, and that Rent-charges shall become payable in lieu thereof, and that such Rent-charges shall be collected and recovered and in all other respects managed and dealt with according to the Provisions of the Acts in force relative to the Hereditary Possessions and Land Revenues of the Crown in *Ireland*; and that nothing herein contained shall extend in any respect to alter or repeal the Provisions of any Act or Acts now in force with respect to the Application of the annual Income arising from such Tithes or Compositions, or the Sale thereof, or the Application of the Monies arising from any such Sales, but that such last-mentioned Provisions shall extend and apply to the annual Income arising from the Rent-charges which will become payable in lieu of such Tithes or Compositions under the Provisions of this Act, and to authorize Sales thereof, and to direct the Application of the Monies arising from the Sale of such Rent-charges, according to the Nature thereof respectively, in like Manner as to the annual Income arising from such Tithes and the Monies arising from Sales thereof: Provided always, that nothing in this Act contained shall in any Manner prejudice or affect the Right of Her said Majesty in or to any Quit Rent or other Rent or Payment reserved upon or arising out of any Grant, or payable on account of any Advowsons, Rectories, Vicarages, or other Benefice or Preferment, or Office Spiritual, or Tithes.

duced Rate,
commencing
1st July 1839.

Tithe Composition Acts shall be taken to extend to Her Majesty.

The Provisions of this Act shall extend to Her Majesty.

Proviso.

LI. ' And

Clerk of the Peace to furnish a Copy or Extract of the Memorial and Schedule or Return required by 3 & 4 W. 4. c. 100. on Payment of a stated Sum.

LI. ' And whereas by the said Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth it is enacted that a certified Copy of or Extract from the Memorial and Schedule or Return attached thereto, a Duplicate of which is by that Act required to be lodged with the Clerk of the Peace, shall be sufficient Evidence to all Intents and Purposes of the several Matters and Things therein set forth; be it enacted, That every Clerk of the Peace with whom any such Duplicate, Memorial, and Schedule or Return attached thereto is lodged shall and he is hereby required to furnish a certified Copy of or Extract from the same respectively to any Person requiring the same, on Payment of a Sum not exceeding Three-pence for every Ninety Words contained in such Copy or Extract, and every Sum of Money set forth in such Copy or Extract shall be reckoned only as a single Word.

Notices how to be served.

LII. And be it enacted, That whenever any Notice required to be given by this Act cannot be delivered to the Person to whom such Notice is directed, it shall be sufficient to leave the same at the last or most usual Place of Abode of such Persons, if such Persons shall be in *Ireland*, or if such Person or Persons shall be in any other Part of the United Kingdom, or beyond the Seas, then to publish the same in the *Dublin Gazette*; and in all Cases in which any Notice shall be required to be given to or delivered by or on behalf of Her Majesty, Her Heirs or Successors, under any of the Provisions of this Act, it shall be sufficient if such Notice be given to or delivered by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Person authorized by them to receive or give such Notice on Her Majesty's Behalf.

Persons taking false Oaths, &c. guilty of Perjury.

LIII. And be it enacted, That if any Person who shall make or take any Oath, Affirmation, Affidavit, or Deposition under or in pursuance of this Act, shall therein wilfully or knowingly swear, affirm, depose, or answer falsely, every such Person, being duly convicted thereof, shall incur and suffer such Pains, Penalties, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Interpretation of Words used in this Act.

LIV. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall, in this Act, except where the Nature of the Provision or Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Words "Lord Lieutenant of *Ireland*" shall extend to any Lords Justices or other Chief Governor or Governors of *Ireland*; and the Word "Land" shall extend to Manors, Messuages, and other Hereditaments, whether corporeal or incorporeal, and whether Freehold or Copyhold, or of any other Tenure; and the Words "Persons entitled to Compositions for Tithes" or to any "Composition," shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate. Sole or Aggregate, Lay or Ecclesiastical, or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Improprators and Appropriators, and all Persons whomsoever, being the Owners of or entitled or interested in any Manner whatsoever, at Law or in Equity, whether in their own Right, or by virtue of any

Order or Process of any Court, as Trustees, Devisees, personal Representatives, Lessees, Sequestrators, Receivers, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any Lease or Agreement; and the Word "Person" shall extend to and comprise all and every Bodies Politic and Corporate, Sole and Aggregate, Lay and Ecclesiastical, and Collegiate; and the Words "Compositions for Tithes" shall extend and be applied to any Portion or Portions of a Composition, and to any Tithes or Portion of Tithes, and to any Part of a yearly Payment thereof as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town, or City and County, as well as a County at large; and the Word "Parish" shall extend and be applied to any Part of a Parish forming a distinct Benefice, and to extra-parochial Place or Places separately chargeable with any Composition for Tithes, as well as to a Parish; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

LV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

C A P. CX.

An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in *England*. [16th August 1838.]

‘ WHEREAS the present Power of Arrest upon Mesne Process is unnecessarily extensive and severe, and ought to be relaxed:’ Be it therefore enacted by the Queen’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 Time appointed for the Commencement of this Act no Person shall be arrested upon Mesne Process in any Civil Action in any Inferior Court whatsoever, or (except in the Cases and in the Manner herein-after provided for) in any Superior Court.

Arrest on Mesne Process abolished, except in certain Cases.

II. And be it enacted, That all personal Actions in Her Majesty’s Superior Courts of Law at *Westminster* shall be commenced by Writ of Summons.

How Actions to be commenced.

III. And be it enacted, That if a Plaintiff in any Action in any of Her Majesty’s Superior Courts of Law at *Westminster*, in which the Defendant is now liable to Arrest, whether upon the Order of a Judge, or without such Order, shall, by the Affidavit of himself or of some other Person, show, to the Satisfaction of a Judge of One of the said Superior Courts, that such Plaintiff has

A Judge of a Superior Court may order Defendant to be arrested in certain Cases.

a Cause

a Cause of Action against the Defendant or Defendants to the Amount of Twenty Pounds or upwards, or has sustained Damage to that Amount, and that there is probable Cause for believing that the Defendant or any One or more of the Defendants is or are about to quit *England* unless he or they be forthwith apprehended, it shall be lawful for such Judge, by a special Order, to direct that such Defendant or Defendants so about to quit *England* shall be held to Bail for such Sum as such Judge shall think fit, not exceeding the Amount of the Debt or Damages; and thereupon it shall be lawful for such Plaintiff, within the Time which shall be expressed in such Order, but not afterwards, to sue out One or more Writ or Writs of Capias into One or more different Counties, as the Case may require, against any such Defendant so directed to be held to Bail, which Writ of Capias shall be in the Form contained in the Schedule to this Act annexed, and shall bear Date on the Day on which the same shall be issued: Provided always, that the said Writ of Capias and all Writs of Execution to be issued out of the Superior Courts of Law at *Westminster* into the Counties Palatine of *Lancaster* and *Durham* shall be directed to the Chancellor of the County Palatine of *Lancaster*, or his Deputy there, or to the Chancellor of the County Palatine of *Durham*, or his Deputy there.

Sheriff may proceed to arrest Defendant.

Defendant to remain in Custody until he finds Bail, or makes a Deposit.

Order may be made at any Stage of Proceedings before final Judgment.

Defendant may apply for his Discharge forthwith.

Judge may discharge Defendant or not.

IV. And be it enacted, That the Sheriff or other Officer to whom any such Writ of Capias shall be directed shall, within One Calendar Month after the Date thereof, including the Day of such Date, but not afterwards, proceed to arrest the Defendant thereupon; and such Defendant when so arrested shall remain in Custody until he shall have given a Bail Bond to the Sheriff, or shall have made Deposit of the Sum endorsed on such Writ of Capias, together with Ten Pounds for Costs, according to the present Practice of the said Superior Courts; and all subsequent Proceedings as to the putting in and perfecting Special Bail, or of making Deposit and Payment of Money into Court instead of putting in and perfecting Special Bail, shall be according to the like Practice of the said Superior Courts, or as near thereto as the Circumstances of the Case will admit.

V. And be it enacted, That any such special Order may be made and the Defendant arrested in pursuance thereof at any Time after the Commencement of such Action, and before final Judgment shall have been obtained therein; and that a Defendant in Custody upon any such Arrest, and not previously served with a Copy of the Writ of Summons, may be lawfully served therewith.

VI. And be it enacted, That it shall be lawful for any Person arrested upon any such Writ of Capias to apply at any Time after such Arrest to a Judge of One of the Superior Courts at *Westminster*, or to the Court in which the Action shall have been commenced, for an Order or Rule on the Plaintiff in such Action to show Cause why the Person arrested should not be discharged out of Custody; and that it shall be lawful for such Judge or Court to make absolute or discharge such Order or Rule, and to direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Judge or Court shall seem fit; provided that any such Order made by a Judge

may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order.

Appeal against
Order of Judge.

VII. And be it enacted, That every Prisoner who at the Time appointed for the Commencement of this Act shall be in Custody upon Mesne Process for any Debt or Demand, and shall not have filed a Petition to be discharged under the Laws now in force for the Relief of Insolvent Debtors, shall be entitled to his Discharge upon entering a common Appearance to the Action: Provided nevertheless, that every such Prisoner shall be liable to be detained, or after such Discharge to be again arrested, by virtue of any such special Order as aforesaid, at the Suit of the Plaintiff at whose Suit he was previously arrested, or of any other Plaintiff.

Prisoners in
Custody on
Mesne Process
who have not
filed Petitions
under Insolvent
Acts entitled to
be discharged.

VIII. And be it enacted, That if any single Creditor or any Two or more Creditors being Partners, whose Debt shall amount to One hundred Pounds or upwards, or any Two Creditors whose Debt shall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whose Debts shall amount to Two hundred Pounds or upwards, of any Trader within the Meaning of the Laws now in force respecting Bankrupts, shall file an Affidavit or Affidavits in Her Majesty's Courts of Bankruptcy that such Debt or Debts is or are justly due to him or them respectively, and that such Debtor, as he or they verily believe, is such Trader as aforesaid, and shall cause him to be served personally with a Copy of such Affidavit or Affidavits, and with a Notice in Writing requiring immediate Payment of such Debt or Debts; and if such Trader shall not within Twenty-one Days after personal Service of such Affidavit or Affidavits and Notice pay such Debt or Debts, or secure or compound for the same to the Satisfaction of such Creditor or Creditors, or enter into a Bond, in such Sum and with such Two sufficient Sureties as a Commissioner of the Court of Bankruptcy shall approve of, to pay such Sum or Sums as shall be recovered in any Action or Actions which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to the Custody of the Gaoler of the Court in which such Action shall have been or may be brought according to the Practice of such Court, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day after Service of such Affidavit or Affidavits and Notice, provided a Fiat in Bankruptcy shall issue against such Trader within Two Calendar Months from the filing of such Affidavit or Affidavits, but not otherwise.

Manner of
making a Debtor
a Bankrupt.

IX. And whereas it is expedient that Provision should be made for giving every Person executing a Warrant of Attorney to confess Judgment or a Cognovit Actionem due Information of the Nature and Effect thereof; be it enacted, That from and after the Time appointed for the Commencement of this Act no Warrant of Attorney to confess Judgment in any personal Action, or Cognovit Actionem, given by any Person, shall be of any Force unless there shall be present some Attorney of One of the Superior Courts on behalf of such Person, expressly named by him and attending at his Request, to inform him of the Nature and Effect of

Warrants of
Attorney and
Cognovit Actionem
to be executed in the
Presence of an
Attorney on
behalf of the
Person.

such Warrant of Cognovit, before the same is executed; which Attorney shall subscribe his Name as a Witness to the due Execution thereof, and thereby declare himself to be Attorney for the Person executing the same, and state that he subscribes as such Attorney.

Warrant, &c.
not formally
executed
invalid.

X. And be it enacted, That a Warrant of Attorney to confess Judgment or Cognovit Actionem not executed in manner aforesaid shall not be rendered valid by Proof that the Person executing the same did in fact understand the Nature and Effect thereof, or was fully informed of the same.

Sheriff em-
powered to de-
liver Execution
of Lands, &c. to
Judgment
Creditor.

XI. ' And whereas the existing Law is defective in not providing ' adequate Means for enabling Judgment Creditors to obtain ' Satisfaction from the Property of their Debtors, and it is expedient ' to give Judgment Creditors more effectual Remedies against the ' Real and Personal Estate of their Debtors than they possess under ' the existing Law; ' be it therefore further enacted, That it shall be lawful for the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, shall be directed, at the Suit of any Person, upon any Judgment which at the Time appointed for the Commencement of this Act shall have been recovered, or shall be thereafter recovered in any Action in any of Her Majesty's Superior Courts at *Westminster*, to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold or Customary Tenure, as the Person against whom Execution is so sued, or any Person in Trust for him, shall have been seised or possessed of at the Time of entering up the said Judgment, or at any Time afterwards, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, in like Manner as the Sheriff or other Officer may now make and deliver Execution of One Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit is sued out; which Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, by force and virtue of such Execution, shall accordingly be held and enjoyed by the Party to whom such Execution shall be so made and delivered, subject to such Account in the Court out of which such Execution shall have been sued out as a Tenant by Elegit is now subject to in a Court of Equity: Provided always, that such Party suing out Execution, and to whom any Copyhold or Customary Lands shall be so delivered in Execution, shall be liable and is hereby required to make, perform, and render to the Lord of the Manor or other Person entitled all such and the like Payments and Services as the Person against whom such Execution shall be issued would have been bound to make, perform, and render in case such Execution had not issued; and that the Party so suing out such Execution, and to whom any such Copyhold or Customary Lands shall have been so delivered in Execution, shall be entitled to hold the same until the Amount of such Payments, and the Value of such Services, as well as the Amount of the Judgment, shall have been levied: Provided also, that as against Purchasers, Mortgagees, or Creditors, who shall have become such before the Time appointed for the

Proviso as to
Copyhold
Lands.

Proviso as to
Purchasers,
Mortgagees, or
Creditors.

Com-

Commencement of this Act, such Writ of Elegit shall have no greater or other Effect than a Writ of Elegit would have had in case this Act had not passed.

XII. And be it enacted, That by virtue of any Writ of Fieri facias to be sued out of any Superior or Inferior Court after the Time appointed for the Commencement of this Act, or any Precept in pursuance thereof, the Sheriff or other Officer having the Execution thereof may and shall seize and take any Money or Bank Notes, (whether of the Governor and Company of the Bank of *England*, or of any other Bank or Bankers,) and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money, belonging to the Person against whose Effects such Writ of Fieri facias shall be sued out; and may and shall pay or deliver to the Party suing out such Execution any Money or Bank Notes which shall be so seized, or a sufficient Part thereof; and may and shall hold any such Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money as a Security or Securities for the Amount by such Writ of Fieri facias directed to be levied, or so much thereof as shall not have been otherwise levied and raised; and may sue in the Name of such Sheriff or other Officer for the Recovery of the Sum or Sums secured thereby, if and when the Time of Payment thereof shall have arrived; and that the Payment to such Sheriff or other Officer by the Party liable on any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, with or without Suit, or the Recovery and levying Execution against the Party so liable, shall discharge him to the Extent of such Payment, or of such Recovery and Levy in Execution, as the Case may be, from his Liability on any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security; and such Sheriff or other Officer may and shall pay over to the Party suing out such Writ the Money so to be recovered, or such Part thereof as shall be sufficient to discharge the Amount by such Writ directed to be levied; and if, after Satisfaction of the Amount so to be levied, together with Sheriff's Poundage and Expences, any Surplus shall remain in the Hands of such Sheriff or other Officer, the same shall be paid to the Party against whom such Writ shall be so issued; provided that no such Sheriff or other Officer shall be bound to sue any Party liable upon any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, unless the Party suing out such Execution shall enter into a Bond, with Two sufficient Sureties, for indemnifying him from all Costs and Expences to be incurred in the Prosecution of such Action, or to which he may become liable in consequence thereof, the Expence of such Bond to be deducted out of any Money to be recovered in such Action.

XIII. And be it enacted, That a Judgment already entered up or to be hereafter entered up against any Person in any of Her Majesty's Superior Courts at *Westminster* shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments (including Lands and Hereditaments of Copyhold or Customary Tenure) of or to which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or

Sheriff empowered to seize Money, Bank Notes, &c.;

and to pay Money or Bank Notes to Execution Creditor;

and to sue for Amount secured by Bills of Exchange and other Securities.

Proviso as to Indemnity for Sheriff.

Judgment to operate as a Charge on Real Estate.

Interest whatever, at Law or in Equity, whether in Possession, Reversion, Remainder, or Expectancy, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, and shall be binding as against the Person against whom Judgment shall be so entered up, and against all Persons claiming under him after such Judgment, and shall also be binding as against the Issue of his Body and all other Persons whom he might without the Assent of any other Person cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments; and that every Judgment Creditor shall have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of such Judgment Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge until after the Expiration of One Year from the Time of entering up such Judgment, or in Cases of Judgments already entered up, or to be entered up before the Time appointed for the Commencement of this Act, until after the Expiration of One Year from the Time appointed for the Commencement of this Act, nor shall such Charge operate to give the Judgment Creditor any Preference in case of the Bankruptcy of the Person against whom Judgment shall have been entered up unless such Judgment shall have been entered up One Year at least before the Bankruptcy: Provided also, that as regards Purchasers, Mortgagees, or Creditors, who shall have become such before the Time appointed for the Commencement of this Act, such Judgment shall not affect Lands, Tenements, or Hereditaments, otherwise than as the same would have been affected by such Judgment if this Act had not passed: Provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity whereby Protection is given to Purchasers for valuable Consideration without Notice.

XIV. And be it enacted, That if any Person against whom any Judgment shall have been entered up in any of Her Majesty's Superior Courts at *Westminster* shall have any Government Stock, Funds, or Annuities, or any Stock or Shares of or in any Public Company in *England* (whether incorporated or not), standing in his Name in his own Right, or in the Name of any Person in Trust for him, it shall be lawful for a Judge of one of the Superior Courts, on the Application of any Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them or such Part thereof respectively as he shall think fit, shall stand charged with the Payment of the Amount for which Judgment shall have been so recovered, and Interest thereon, and such Order shall entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had been made in his Favour by the Judgment Debtor; provided that no Proceedings shall be taken

Charge not to be enforced until after the Expiration of a Year.

Proviso as to Purchasers, &c.

Stock and Shares in Public Funds and Public Companies belonging to the Debtor, and standing in his own Name, to be charged by Order of a Judge.

taken to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order.

XV. And in order to prevent any Person against whom Judgment shall have been obtained from transferring, receiving, or disposing of any Stock, Funds, Annuities, or Shares hereby authorized to be charged for the Benefit of the Judgment Creditor under an Order of a Judge, be it further enacted, That every Order of a Judge charging any Government Stock, Funds, or Annuities, or any Stock or Shares in any Public Company, under this Act, shall be made in the first instance *ex parte*, and without any Notice to the Judgment Debtor, and shall be an Order to show Cause only; and such Order, if any Government Stock, Funds, or Annuities standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is to be affected by such Order, shall restrain the Governor and Company of the Bank of *England* from permitting a Transfer of such Stock in the meantime and until such Order shall be made absolute or discharged; and if any Stock or Shares of or in any Public Company, standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is or are to be affected by any such Order, shall in like Manner restrain such Public Company from permitting a Transfer thereof; and that if, after Notice of such Order to the Person or Persons to be restrained thereby, or in case of Corporations to any authorized Agent of such Corporation, and before the same Order shall be discharged or made absolute, such Corporation or Person or Persons shall permit any such Transfer to be made, then and in such Case the Corporation or Person or Persons so permitting such Transfer shall be liable to the Judgment Creditor for the Value or Amount of the Property so charged and so transferred, or such Part thereof as may be sufficient to satisfy his Judgment; and that no Disposition of the Judgment Debtor in the meantime shall be valid or effectual as against the Judgment Creditor; and further, that unless the Judgment Debtor shall within a Time to be mentioned in such Order show to a Judge of one of the said Superior Courts sufficient Cause to the contrary, the said Order shall, after Proof of Notice thereof to the Judgment Debtor, his Attorney or Agent, be made absolute: Provided that any such Judge shall, upon the Application of the Judgment Debtor, or any Person interested, have full Power to discharge or vary such Order, and to award such Costs upon such Application as he may think fit.

XVI. And be it enacted, That if any Judgment Creditor, who under the Powers of this Act shall have obtained any Charge or be entitled to the Benefit of any Security whatsoever, shall afterwards, and before the Property so charged or secured shall have been converted into Money or realized, and the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

Order of Judge to be made in the first instance *ex parte*, and on Notice to the Bank or Company to operate as a *Distringas*.

Securities not realized to be relinquished if the Person taken in Execution.

Judgment
Debts to carry
Interest.

XVII. And be it enacted, That every Judgment Debt shall carry Interest at the Rate of Four Pounds *per Centum per Annum* from the Time of entering up the Judgment, or from the Time of the Commencement of this Act in Cases of Judgments then entered up and not carrying Interest, until the same shall be satisfied, and such Interest may be levied under a Writ of Execution on such Judgment.

Decrees and
Orders of Courts
of Equity, &c.
to have Effect
of Judgments.

XVIII. And be it enacted, That all Decrees and Orders of Courts of Equity, and all Rules of Courts of Common Law, and all Orders of the Lord Chancellor or of the Court of Review in Matters of Bankruptcy, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expences, shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expences, shall be payable, shall be deemed Judgment Creditors within the Meaning of this Act; and all Powers hereby given to the Judges of the Superior Courts of Common Law with respect to Matters depending in the same Courts shall and may be exercised by Courts of Equity with respect to Matters therein depending, and by the Lord Chancellor and the Court of Review in Matters of Bankruptcy, and by the Lord Chancellor in Matters of Lunacy; and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expences, are by such Orders or Rules respectively directed to be paid.

No Judgment,
Decree, &c., to
affect Real Estate,
otherwise
than as before
the Act, until
registered.

XIX. Provided always, and be it further enacted, That no Judgment of any of the said Superior Courts, nor any Decree or Order in any Court of Equity, nor any Rule of a Court of Common Law, nor any Order in Bankruptcy or Lunacy, shall by virtue of this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Court and the Title of the Cause or Matter in which such Judgment, Decree, Order, or Rule shall have been obtained or made, and the Date of such Judgment, Decree, Order, or Rule, and the Account of the Debt, Damages, Costs, or Monies thereby recovered or ordered to be paid, shall be left with the Senior Master of the Court of Common Pleas at *Westminster*, who shall forthwith enter the same Particulars in a Book in alphabetical Order by the Name of the Person whose Estate is intended to be affected by such Judgment, Decree, Order, or Rule; and such Officer shall be entitled for any such Entry to the Sum of Five Shillings; and all Persons shall be at liberty to search the same Book on Payment of the Sum of One Shilling.

New Writs to
be framed.

XX. And be it enacted, That such new or altered Writs shall be sued out of the Courts of Law, Equity, and Bankruptcy as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and the Execution of such Writs shall

shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit; and that any existing Writ the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

XXI. And be it enacted, That all the Remedies, Authorities, and Provisions of this Act applicable to Her Majesty's Superior Courts of Common Law at *Westminster*, and the Judgments and Proceedings therein, shall extend to and be applicable to the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County Palatine of *Durham*, within the Limits of the Jurisdiction of the same Courts respectively; and the Judgments of each of the said last-mentioned Courts shall, within the Limits of the Jurisdiction of the same Courts respectively, have the same Effect in all respects as the Judgments of any of Her Majesty's said Superior Courts at *Westminster* under and by virtue of this Act; and all Powers and Authorities hereby given to the Judges or any Judge of Her Majesty's Superior Courts at *Westminster*, with respect to Matters depending in the same Courts, shall and may be exercised by the Judges or any Judge of the said Court of Common Pleas at *Lancaster*, or the Justices or any Justice of the said Court of Pleas at *Durham*, with respect to Matters therein depending, and within the Jurisdiction of the same Courts respectively: Provided always, that no Judgment of either of the same last-mentioned Courts shall by virtue of this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name and the usual or last known Place of Abode, and Title, Trade, or Profession of the Plaintiff and Defendant, the Date when such Judgment was signed, and the Amount of the Debt, Damages, and Costs thereby recovered, shall be left with the Prothonotary or Deputy Prothonotary, or some other Officer to be appointed for that Purpose by the said Courts respectively, who shall forthwith enter the same Particulars in a Book in alphabetical Order by the Name of the Person whose Estate is to be affected thereby, and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the same Book on Payment of the Sum of One Shilling: And provided also, that no Order or other Proceeding under this Act made by any Justice or Justices of the said Court of Common Pleas of the County Palatine of *Lancaster* or the Court of Pleas in the County Palatine of *Durham* shall be valid or effectual except made in open Court on one of the Court or Return Days of the same Court, or except such Justice or Justices shall be also a Judge or Judges of one of the said Courts at *Westminster*: Provided also, that no Order directing any Person or Persons to be held to Bail under this Act, nor any Order for discharging out of Custody any Person or Persons arrested under this Act, shall be made by any Justice or Justices of the Court of Pleas in the County Palatine of *Durham* who shall not be a Judge or Judges of one of the said Courts of Common Law at *Westminster*.

Powers, &c. of this Act applicable to the Courts and Judges at *Westminster* to be applicable to Courts of *Lancaster* and *Durham*.

For Removal
of Judgments of
Inferior Courts.

XXII. And be it enacted, That in all Cases where final Judgment shall be obtained in any Action or Suit in any Inferior Court of Record in which at the Time of passing of this Act a Barrister of not less than Seven Years standing shall act as Judge Assessor or Assistant in the Trial of Causes, and also in all Cases where any Rule or Order shall be made by any such Inferior Court of Record as aforesaid whereby any Sum of Money, or any Costs, Charges, or Expences, shall be payable to any Person, it shall be lawful for the Judges of any of Her Majesty's Superior Courts of Record at *Westminster*, or if such Inferior Court be within the County Palatine of *Lancaster* for the Judges of the Court of Common Pleas at *Lancaster*, or for any Judge of any of the said Courts at Chambers, either in Term or Vacation, upon the Application of any Person who at the Time of the Commencement of this Act shall have recovered or who shall at any Time thereafter recover such Judgment, or to whom any Money, or Costs, Charges, or Expences, shall be payable by such Rule or Order as aforesaid, or upon the Application of any Person on his Behalf, and upon the Production of the Record of such Judgment, or upon the Production of such Rule or Order, such Record, or Rule or Order, as the Case may be, being respectively under the Seal of the Inferior Court and Signature of the proper Officer thereof, to order and direct the Judgment, or, as the Case may be, the Rule or Order, of such Inferior Court to be removed into the said Superior Court or into the Court of Common Pleas at *Lancaster*, as the Case may be, and immediately thereupon such Judgment, Rule, or Order shall be of the same Force, Charge, and Effect as a Judgment recovered in or a Rule or Order made by such Superior Court, and all Proceedings shall and may be immediately had and taken thereupon or by reason or in consequence thereof as if such Judgment so recovered, or Rule or Order so made, had been originally recovered in or made by the said Superior Court, or into the Court of Common Pleas at *Lancaster*, as the Case may be; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recovered in like Manner as if the same were Part of such Judgment or Rule or Order: Provided always, that no such Judgment or Rule or Order when so removed as aforesaid shall affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, any further than the same would have done if the same had remained a Judgment, Rule, or Order of such Inferior Court, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same.

Powers now
vested in the
Court for Relief
of Insolvent
Debtors continued
for the
Purposes herein
mentioned.

XXIII. ' And whereas it is expedient to continue, for the Purposes herein-after mentioned, the Laws now in force for the Relief of Insolvent Debtors in *England*, and to make further Provision for the Relief of Insolvent Debtors;' be it therefore further enacted, That from and after the passing of this Act the Powers vested in the Court now established for the Relief of Insolvent Debtors in *England* shall be and the same are hereby continued and vested in the Court to be continued by virtue of this Act, as herein-after provided, in so far as the same relate to or may be exercised in the Matters of the Petitions of any Persons who, before the Time appointed for the Commencement of this Act,

Act,

Act, shall have petitioned the said Court now established for Relief, under the Provisions of any Act or Acts for the Relief of Insolvent Debtors in *England*, or of any Persons who have obtained their Discharge by virtue of any Act for the Relief of Insolvent Debtors in *England*; and that all Things shall and may be done by all Persons relating to the Matters of all such Petitions which such Persons might have done if the Laws now in force with respect to Insolvent Debtors in *England* had been continued by this Act.

XXIV. And be it enacted, That the Court now established for the Relief of Insolvent Debtors in *England* shall be continued, and that the present Chief and other Commissioners of the said Court shall continue to be the Chief and other Commissioners of the Court so hereby continued, and to preside therein; and that it shall be lawful for Her Majesty, from Time to Time, upon any Vacancy in any of the said Offices of Chief or other Commissioner, by Death or otherwise, to appoint other fit Persons, being Barristers at Law of Ten Years standing at the least, to be such Chief or other Commissioners, and to preside in the said Court accordingly; and that the present Chief Clerk, Provisional Assignee, and other Officers of the said Court, shall continue to be the Chief Clerk, Provisional Assignee, and other Officers of the Court so hereby continued; and that it shall be lawful for the said Court, from Time to Time, upon any Vacancy in any of the said Offices, by Death or otherwise, to appoint other fit Persons to be such Chief Clerk, Provisional Assignee, and other Officers; and that the Court so hereby continued as aforesaid shall at all Times have Power to appoint such Officers as the Lord Chancellor, and the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall judge to be necessary, and in such Manner as they shall direct.

XXV. And be it enacted, That the Commissions of the said Chief Commissioner and other Commissioners of the said Court, hereby continued in their Offices or hereafter to be appointed as aforesaid, shall be continued and remain in full Force during their good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve) or of any of Her Heirs or Successors.

XXVI. Provided always, and be it enacted, That it may be lawful for Her Majesty, Her Heirs and Successors, to remove any such Chief or other Commissioner of the said Court upon the Address of both Houses of Parliament.

XXVII. And be it enacted, That the said Court for the Relief of Insolvent Debtors in *England* shall be a Court of Record for the Purposes of this Act; and shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the said Court shall at any Time direct; and that the said Court, or any Commissioner thereof, acting under the Powers of this Act, may adjourn any Sitting of the said Court or Commissioner, as may be requisite, and may administer Oaths, and examine all Parties and Witnesses upon Oath for the Purposes of this Act, and shall have such, like, and the same Powers of compelling the Attendance of Witnesses, both before the

Court now established, and Commissioners and Officers, to be continued.

Commissioners to hold their Offices during good Behaviour;

but may be removed upon Address.

Court to be a Court of Record.

Seal of the Court.

Powers of Court and Commissioners.

the said Court and before any Commissioner thereof, acting as aforesaid, and before an Officer of the Court or Examiner, as herein-after mentioned, and before such Justices as are herein-after mentioned, and of requiring and compelling the Production of Books and Writings, as are now possessed by any of the Superior Courts at *Westminster*, and to order any Prisoner whose Estate shall, by an Order to be made under this Act as herein-after mentioned, have been vested in the Provisional Assignee of the said Court, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Commissioner, or Officer or Examiner, or Justices, as often as shall be requisite; and that the said Court, or any Commissioner thereof acting as aforesaid, shall have the Power of committing all Persons guilty of any Contempt of the said Court to the Prison of the Queen's Bench, or to the Common Gaol of any County in which such Person shall be or shall usually reside; and that the said Court shall have the Power of fining in a summary Way, or removing, any of the Officers of the said Court who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct whatsoever: Provided always, that the said Court, or any Commissioner thereof, shall not have the Power of awarding Costs against any Person or Persons whomsoever, except in such Cases only where such Costs are herein-after expressly mentioned and permitted to be awarded by this Act; and that nothing herein contained shall extend to the compelling the Attendance of any Witness, unless the Party on whose Behalf such Witness shall be required to attend shall have previously tendered to such Witness such Allowance for Expences for his Attendance as in the Judgment of the said Court, or of a Commissioner thereof, shall appear to be reasonable.

Court to sit at the Court House in Portugal Street, and elsewhere, if necessary.

One Commissioner may hear Matters out of Court upon Summons.

XXVIII. And be it enacted, That all Proceedings and Matters to be heard by the said Court for the Relief of Insolvent Debtors shall be heard and determined by the said Court at the Court House of the said Court in *Portugal Street, Lincoln's Inn Fields*, unless the said Court shall at any Time see Cause to appoint its Sittings in any other Place, and shall appoint the same accordingly, which it is hereby empowered to do; and that it shall be lawful for any One Commissioner to hear and determine out of Court, upon Summons to the proper Parties, all Matters and Things relating to any Person whose Estate shall, by an Order to be made under this Act as herein-after mentioned, have been vested in the Provisional Assignee of the said Court, or to his Estate or Effects, or the Assignee or Assignees thereof, except the Hearing, Re-hearing, or any Examination of any such Person; and the Order made in any such Behalf by such Commissioner shall be of as full Force and Effect to all Intents and Purposes as if the same had been made by the said Court, unless the same shall, upon Application to the said Court at the next following Sitting thereof, be by the said Court rescinded or altered.

Court to sit Twice a Week.

Sittings during certain Periods.

XXIX. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall sit for the Despatch of Business Twice at least in every Week throughout the Year, and One or more of the said Commissioners shall attend for that Purpose: Provided nevertheless, that from and after the Expiration of Six Weeks from

from the last Day of *Trinity* Term until the First Day of *November* in every Year the said Court shall have full Power and Authority to regulate and appoint the Sittings of the said Court, at such Times as to the said Court shall appear fit and necessary for the due Administration of Justice in the said Court; and that no Adjournment of the said Court during the Period aforesaid shall be at any Time for more than Six Weeks.

XXX. And be it enacted, That Three of the said Commissioners shall from Time to Time severally make Circuits, and give their Attendance at the several Assize or other Towns or Places at which any Prisoner or Prisoners shall be ordered to appear, as herein-after provided; and that upon such Prisoner's Appearance before such Commissioner on his Circuit, it shall be lawful for such Commissioner to make all such Orders, and to give all such Directions, and to do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, and his Schedule, and his Creditors and Assignees, as the said Court for the Relief of Insolvent Debtors may make, give, or do in the Matters of Petitions heard by the said Court, according to this Act; and that in each and every Matter to be heard and inquired into by such Commissioner, according to the Provisions of this Act, such Commissioner shall have the same Power as the said Court would have therein if the same were heard and inquired into by the said Court; and that all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done in all and every the Matters aforesaid by such Commissioners, shall be transmitted to the said Court, signed by such Commissioner, to be a Record of the said Court, and to be kept as such among the Records thereof.

XXXI. And be it enacted, That the said Circuits shall be made Three Times in each Year, if requisite, and that the Time and Manner of making the same, and the Officers necessary to attend the Commissioners thereupon, shall be regulated in such Manner as shall be appointed by the Commissioners of the said Court, with the Approbation of One of Her Majesty's Principal Secretaries of State for the Time being; and that it shall be lawful for the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being to direct that such Sum or Sums shall be paid as may appear fit and necessary for the defraying the travelling Expences of such Commissioners and Officers in execution of their Duties under this Act; and that during the said Circuits One of the said Commissioners shall be attendant and presiding in the said Court: Provided always, that if on any particular Occasion the said Commissioners shall be of opinion that it would be expedient that all the said Commissioners should be absent from the said Court on Circuits in different Places at the same Time, it shall be lawful for such Commissioners to state such Opinion, together with the Grounds and Reasons thereof, in Writing, to One of Her Majesty's Principal Secretaries of State for the Time being; and thereupon, if such Secretary of State shall approve thereof, and such Approval shall be notified in Writing to such Commissioners by such Secretary of State, it shall be lawful for all the said Commissioners to be so absent from the said Court as aforesaid,

Commissioners
to make Circuits.

Power of Com-
missioner on
Circuit.

Time and Man-
ner of making
Circuits.

Travelling Ex-
pences to be
paid by the
Treasury.

One Commis-
sioner to remain
in London.

All Commis-
sioners may be
on Circuit if
necessary.

aforesaid, at the same Time, in such Places respectively as shall be so stated and approved, and for that Purpose to adjourn the said Court for such Time as shall be approved in and by such Notification.

Time of Circuits to be advertised.

Commissioner not arriving, the Court to stand adjourned.

Cause of Non-arrival to be signified to Secretary of State.

In case of Illness of a Commissioner another Person may be appointed to execute the Duties.

XXXII. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the Time and Place or Places of the Attendance of such Commissioner in each Assize or other Town or Place, according to this Act, to be given in the *London Gazette*, and in some public Journal or Newspaper circulated in the County wherein such Town or Place is situate, once in each of the Two Weeks immediately preceding the Time appointed for such Attendance: Provided always, that if on the Day appointed for such Attendance such Commissioner shall not attend at the Court House or other Place appointed for such Attendance, then and in every such Case the Court to be held by such Commissioners shall be considered as adjourned to the ensuing Day not being a *Sunday*; and if the ensuing Day should be a *Sunday*, then to the next Day, *Monday*, and so on from Day to Day until the said Commissioner shall give his Attendance; and that all Persons summoned or bound, or having Occasion to attend such Court, shall thereupon be bound to attend the same, according to every such Adjournment, in the same Manner in all respects as if the said Commissioner had regularly sat and so adjourned the said Court; and that when such Commissioner shall so give his Attendance, he shall proceed to despatch the Business of the said Court in the same Manner in all respects as if he had regularly sat, and had himself made such Adjournment or Adjournments of the same; and that he shall thereupon without Delay state in Writing the Reason or Cause which prevented his Attendance on the Day appointed for such Attendance, and shall subscribe such Statement, and shall send the same forthwith by Her Majesty's Post to One of Her Majesty's Principal Secretaries of State.

XXXIII. And be it enacted, That if the Chief or other Commissioner of the said Court for the Relief of Insolvent Debtors shall at any Time, not being the Time of his Circuit, be by Illness or other reasonable Cause for a Time disabled from performing his Duties, it shall be lawful for any fit Person, being a Barrister at Law, and appointed by One of Her Majesty's Principal Secretaries of State, to execute the Duties of such Chief or other Commissioner during such Disability; and if such Disability shall occur during the Time appointed for the Circuit of such Chief or other Commissioner it shall be lawful for any fit Person, being a Barrister at Law, and nominated by such Chief or other Commissioner, to execute the Duties of such Chief or other Commissioner on such Circuit as aforesaid during such Disability; and that all Things done according to the Provisions of this Act by such Person so nominated or appointed as aforesaid, as the Case may be, during such Disability as aforesaid, shall be good and valid to all Intents and Purposes as if the same had been done by such Chief or other Commissioner: Provided always, that such Chief or other Commissioner, if such Disability as aforesaid shall occur during the Time appointed for his Circuit, shall forthwith state the same, together with the Cause thereof, and such Nomination, in Writing, and shall subscribe such Statement, and shall send the

same forthwith by Her Majesty's Post to One of Her Majesty's Principal Secretaries of State.

XXXIV. And be it enacted, That no Fee or Gratuity shall be received or taken by the said Court for the Relief of Insolvent Debtors, or any Officer thereof, of or from any Person whomsoever, on any Pretence whatsoever, except such Fees as shall at any Time be specified in a List thereof to be signed by the Commissioners of the said Court, a Copy of which List shall always be exposed to View in the Office of the said Court.

XXXV. And be it enacted, That from and after the Time appointed for the Commencement of this Act it shall be lawful for any Person who shall be in actual Custody within the Walls of any Prison in that Part of the United Kingdom called *England*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, at any Time within the Space of Fourteen Days next after the Commencement of the actual Custody of such Prisoner, whether such Commencement shall have been in the same Prison, or in any other Prison, or the Rules or Liberties of any Prison, or afterwards, if the said Court shall in any Case think reasonable to permit the same, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent Debtors for his Discharge from such Custody, according to the Provisions of this Act; and in such Petition shall be stated the Time and Place of the First Arrest of such Prisoner in the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined; and if such Prisoner shall not have been in the same Custody from the Time of such First Arrest, then the Means and Manner by which the Change of Custody of such Prisoner has taken place, and also the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained; and such Prisoner shall in such Petition state whether such Prisoner has given Notice to the Keeper of the Gaol or Prison in which he shall be confined of his Intention to present the said Petition, which Notice the said Prisoner is hereby required to give in Writing to the Keeper of such Gaol or Prison; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Provisional Assignee for the Time being of the Estates and Effects of Insolvent Debtors in *England*, according to the Provisions of this Act, and shall pray to be discharged from Custody, and to have future Liberty of his Person, against the Demands for which such Prisoner shall be then in Custody, and against the Demands of all other Persons who shall be or claim to be Creditors of such Prisoner at the Time of presenting such Petition; which

No Fees to be taken except such as shall be established.

Persons imprisoned for Debt may apply to the Court in a summary Way for Discharge.

Time of petitioning.

What shall be stated in the Petition.

Petition to be signed and filed.

Detaining Creditors of Prisoners in Execution may apply by Petition to Insolvent Debtors Court for an Order to vest Debtor's Estate in Provisional Assignee of Court.

which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court.

XXXVI. And be it enacted, That if any Prisoner who at the Time appointed for the Commencement of this Act shall have been committed to any Prison or Gaol and charged in Execution for any Debt, Damages, or any Costs, or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs, taxed or untaxed, either ordered to be paid, or to the Payment of which such Prisoner would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after the Time appointed for the Commencement of this Act, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for the Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt; or if any Prisoner who after the Time appointed for the Commencement of this Act shall be committed to any Prison or Gaol, and charged in Execution for any Debt or Damages, or any Costs, or Sum or Sums of Money, or committed for or by reason of any such Contempt as aforesaid, shall not, within Twenty-one Days next after such Prisoner shall be so committed or charged in Execution as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt; then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent Debtors for an Order vesting the Real and Personal Estate and Effects of such Prisoner in the Provisional Assignee for the Time being of the Estates and Effects of Insolvent Debtors in *England*, according to the Provisions of this Act; and such Petition shall be signed by the Party or Parties so applying; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or charged in Execution; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the said Court shall think fit to require; and the Party or Parties presenting such Petition shall thereby state that he or they is or are desirous that such Prisoner should be ordered to file a Schedule of his Property according to the Provisions of this Act, and should thereupon be brought up before the said Court, to be dealt with according to the Provisions of this Act; and

such Petition and the Evidence in support thereof shall forthwith be filed in the said Court; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

XXXVII. And be it enacted, That upon the filing of such Petition by such Prisoner, or on the filing of such Petition by such Creditor or Creditors as aforesaid, and the Evidence in support thereof, as the Case may be, it shall be lawful for the said Court for the Relief of Insolvent Debtors, and such Court is hereby authorized and required, to order that all the Real and Personal Estate and Effects of such Prisoner, both within this Realm and abroad, except the Wearing Apparel, Bedding, and other such Necessaries of such Person and his Family, and the working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Twenty Pounds, and all the future Estate, Right, Title, Interest, and Trust of such Prisoner in or to any Real and Personal Estate and Effects within this Realm or abroad which such Prisoner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, before he shall become entitled to his final Discharge in pursuance of this Act, according to the Adjudication made in that Behalf; or in case such Prisoner shall obtain his full Discharge from Custody without any Adjudication being made by the said Court, then before such Prisoner shall be so fully discharged from Custody; and all Debts due or growing due to such Prisoner, or to be due to him or her before such Discharge as aforesaid, shall be vested in the Provisional Assignee for the Time being of the Estates and Effects of Insolvent Debtors in *England*, and such Order shall be entered of Record in the same Court, and such Notice thereof shall be published as the said Court shall direct; and such Order when so made shall, without any Conveyance or Assignment, vest all the Real and Personal Estate and Effects of such Prisoner, and all such future Real and Personal Estate and Effects as aforesaid, of every Nature and Kind whatsoever, and all such Debts as aforesaid, in the said Provisional Assignee: Provided always, that in case the Petition of any such Prisoner shall be dismissed by the said Court, such vesting Order made in pursuance of such Petition shall from and after such Dismission be null and void to all Intents and Purposes: Provided also, that in case any such vesting Order as aforesaid shall become null and void by the Dismission of the Prisoner's Petition, all the Acts theretofore done by the said Provisional Assignee, or any Person or Persons acting under his Authority, according to the Provisions of this Act, shall be good and valid; and no Action or Suit shall be commenced against such Provisional Assignee, nor against any Person duly acting under his Authority, except to recover any Property, Estate, Money, or Effects of such Prisoner, detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon: Provided also, that when such vesting Order shall have been made on the Petition of a Creditor as aforesaid, it shall be lawful for the said Court, if it shall seem just and right, but not without Proof made to the Satisfaction of the said Court of the Consent of the Petitioning Creditor,

Prisoner's Estate and Effects, except Wearing Apparel, &c. not exceeding 20*l.*, and future Estate, to be vested in Provisional Assignee by Order of the Court.

to make Order declaring such vesting Order to be null and void, and the same shall thereupon be null and void to all Intents and Purposes.

Prisoners within
the Walls only
to petition ;

except in cer-
tain Cases.

Power to Insol-
vent Debtors
Court to direct
Prisoner to be
discharged on
his finding Sure-
ties to attend at
the Time and
Place of
Hearing.

XXXVIII. And be it enacted, That no Prisoner shall upon his own Petition be entitled to the Benefit of this Act who shall not be at the Time of filing his Petition, and during all the Proceedings thereon, in actual Custody within the Walls of the Prison, without any Intermission of such Imprisonment by Leave of any Court or otherwise: Provided always, that if, after any such Prisoner shall have obtained an Order to be brought up in order to be dealt with according to the Provisions of this Act, it shall appear to the Satisfaction of the said Court, by the Oath or Affidavit of a Physician, Surgeon, or Apothecary, and such other Evidence as the said Court may require, that such Prisoner cannot continue to reside within the Walls of any such Prison without serious Injury to the Health of such Prisoner, or that, for the Sake of the Health of the Prisoners in general, it is necessary that the Number thereof within the Walls of any such Prison should be reduced, it shall be lawful for the said Court to dispense with such actual Custody of any such Prisoner within the Walls as is herein-before mentioned; provided that if any such Prisoner, having obtained such Dispensation, shall go beyond the Rules and Liberties in which he shall in pursuance thereof be confined, such Prisoner shall thereby be deprived of all Benefit of this Act: Provided also, that after any Order shall have been made under this Act directing any Insolvent to be brought up in order to be dealt with according to the Provisions of this Act, it shall be lawful for the said Court for the Relief of Insolvent Debtors, if such Court shall think fit so to do, and on such Notice to the detaining Creditor or Creditors of such Insolvent as the said Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding Two sufficient Sureties to enter into a Recognizance to the Provisional Assignee of the said Court in such Sum as the said Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed for the Hearing of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the said Court or a Commissioner thereof on his Circuit, or such Justices as herein-after mentioned, and on such other Terms (if any) as the said Court shall think fit to impose, and to issue a Warrant directed to the Gaoler ordering the Discharge of such Insolvent from Custody accordingly, and that after such Discharge such Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-after mentioned until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the said Court shall by Endorsement on such Order from Time to Time appoint: Provided always nevertheless, that in case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing of such Insolvent (not being prevented by Illness or other lawful Impediment, to be allowed of by the said Court) the Recognizance so entered into shall be forfeited, and the Amount secured thereby shall be recoverable in a summary Way by a Distress and Sale of the Goods and

and Chattels of such Sureties as the said Court shall by their Order direct ; and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent in like Manner as if the same were Part of his Estate and Effects ; and the said Court may also issue a Warrant authorizing any Person or Persons to be therein named to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Keeper in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid ; and such Gaoler or Keeper is hereby required to receive such Prisoner again into his Custody ; and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force : Provided further, that any Insolvent so discharged out of Custody as aforesaid shall on his appearing before the said Court or Commissioner or Justices be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

XXXIX. And be it enacted, That the filing of the Petition of every Person in actual Custody, who shall be subject to the Laws concerning Bankrupts, and who shall apply by Petition to the said Court for his Discharge from Custody, according to this Act, shall be accounted and adjudged an Act of Bankruptcy from the Time of filing such Petition ; and that any Fiat in Bankruptcy issuing against such Person and under which he shall be declared bankrupt before the Time appointed by the said Court, and advertised in the *London Gazette*, for such Prisoner to be brought up to be dealt with according to this Act, or at any Time within Two Calendar Months from the Time of making any such Order as aforesaid, whether upon the Petition of such Prisoner or the Petition of any such Creditor as aforesaid, shall have the Effect of divesting the said Real and Personal Estate and Effects of such Person out of the said Provisional Assignee : Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy unless such Person be so declared bankrupt before the Time so advertised as aforesaid, or within such Two Calendar Months as aforesaid ; but that every such Order as aforesaid shall be good and valid notwithstanding any Fiat in Bankruptcy under which such Person shall be declared bankrupt after the Time so advertised as aforesaid, and after the Expiration of such Two Calendar Months as aforesaid.

XL. Provided always, and be it enacted, That where the Order vesting the Estate and Effects of any such Prisoner in the Provisional Assignee of the said Court, in pursuance of the Provisions of this Act, shall be or become void by reason of such Prisoner being declared bankrupt within such Period as above mentioned, or being an uncertificated Bankrupt at the Time of such Order, the said Order shall nevertheless, together with the Petition of such Prisoner, if any, remain of Record in the said Court ; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto, as in other Cases, according to this Act ; and the said Court shall and may, at any Time when it shall seem fit, appoint other Assignee or Assignees in such Case

Filing Petition an Act of Bankruptcy, if acted upon within a certain Time ; in which Case Order avoided.

Order to be filed although avoided by Commission of Bankruptcy ;

and Court shall proceed to hear and adjudicate as in other Cases.

If Insolvent obtains his Certificate, the Rights of Assignees afterwards to be the same as in other Cases.

Not to affect Title of Assignees of Bankrupt, or Operation of Certificate.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

Provisional Assignee to take possession of Estates, &c. vested in him, and sell the same if the Court directs;

paying the Expenses, &c.

to sue in his own Name, &c.

Property vested in him to go to his Successor in Office.

in the same Manner as in other Cases; and that if, at any Time after such vesting Order shall have been made, such Prisoner shall obtain his Certificate under any such Fiat in Bankruptcy, the Rights, Powers, Title, and Interest of the Provisional Assignee and other Assignee or Assignees appointed under this Act, in, over, and respecting any Property, Real or Personal, whatsoever, remaining to such Prisoner after the obtaining of such Certificate, or thereafter in any way coming to him, and under or in pursuance of the Warrant of Attorney to be executed by such Prisoner under the Provisions of this Act, shall from and after the obtaining of such Certificate be the same as if the vesting Order made under this Act had been valid at the Time of the making thereof: Provided always, that nothing herein contained shall be construed to affect the Title, Rights, and Interests of the Assignees under any such Fiat in Bankruptcy, or to alter or diminish the Effect of any such Certificate as aforesaid, but that the Title, Rights, and Interests of such last-mentioned Assignees, and the Benefit of such Certificate to such Prisoner, shall be the same to all Intents and Purposes as if this Act had not been made.

XLI. And be it enacted, That no Prisoner whose Estate shall by an Order under this Act have been vested in the said Provisional Assignee shall, after the making of such Order, be discharged out of Custody, as to any Action, Suit, or Process for or concerning any Debt, Sum of Money, Damages, or Claim, with respect to which an Adjudication can, under the Provisions of this Act, be made by or by virtue of any Supersedeas, Judgment of Non-pros, or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, or Process proceeding therein.

XLII. And be it enacted, That it shall be lawful for the Provisional Assignee of the said Court for the Relief of Insolvent Debtors to take possession himself, or by means of a Messenger of the said Court, or other Person or Persons appointed by him, of all the Real and Personal Estate and Effects of every such Prisoner, vested in such Provisional Assignee by virtue of any such Order as aforesaid; and if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels, and Personal Estate, or any Part thereof, and of the Real Estate of such Prisoner, according to the Provisions herein-after made with regard to the Sale of such Real Estate, and out of the Proceeds of such Real and Personal Estate to defray, in the first place, all such Costs and Expenses of taking possession or of seizing and selling the same, as shall be allowed by the said Court, and to account for the Produce of such Sale or Disposition to the said Court; and it shall be lawful for the said Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovering, obtaining, and enforcing of any Estates, Debts, Effects, or Rights of any such Prisoner; and all and every the Real and Personal Estate, Money, and Effects, vested in or possessed by such Provisional Assignee by virtue of such Order as aforesaid, shall not remain in him if he shall resign or be removed from his Office, nor in his Heirs, Executors, or Administrators in case of his Death, but shall in every such Case go to and be vested in his Successor in Office appointed by the said Court as aforesaid.

XLIII. And

XLIII. And be it further enacted, That the said Court for the Relief of Insolvent Debtors may order and direct such Provisional Assignee as aforesaid, or such Assignee or Assignees as are herein-after mentioned, to pay to any such Prisoner, out of his or her Estate and Effects, such Allowance for his or her Support and Maintenance during such Prisoner's Imprisonment, and previous to the Adjudication in the Matter of his Petition, or for the Expence of making out and filing his Schedule, as to the said Court shall seem reasonable and fit.

Court may order an Allowance to Prisoner during his Confinement, or for Expence of Schedule.

XLIV. Provided always, and be it enacted, That in case any Prisoner as to whose Estate and Effects any such vesting Order as aforesaid shall have been made shall by the Consent or Default of his detaining Creditor or Creditors be discharged out of Custody without any Adjudication being made in that Behalf by the said Court for the Relief of Insolvent Debtors, all the Acts done before such Discharge by the said Provisional Assignee, or other Assignee or Assignees appointed as herein-after provided, or other Person or Persons acting under his or their Authority, according to the Provisions of this Act, shall be good and valid; and that in such Case, or in case such vesting Order as aforesaid shall be avoided by any Fiat in Bankruptcy thereafter issuing against such Prisoner, as herein-before provided, no Action or Suit shall be commenced against such Provisional Assignee, or against any Assignee or Assignees appointed under this Act, nor against any Person duly acting under his or their Authority, except to recover any Property, Estate, Money, or Effects of such Prisoner, detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon.

Where Prisoner is discharged out of Custody, Acts of Assignees to be valid.

No Action to be brought against them where Assignment is avoided.

XLV. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, at any Time after the making any such vesting Order as aforesaid as to the same Court shall seem expedient, to appoint a proper Person or Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner for the Purposes of this Act; and when such Assignee or Assignees shall have signified to the said Court his or their Acceptance of the said Appointment, the Estate, Effects, Rights, and Powers of such Prisoner vested in such Provisional Assignee as aforesaid shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment, vest in the said Assignee or Assignees, in Trust for the Benefit of the Creditors of such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and every such Appointment shall after such Acceptance thereof be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct; and every Person so appointed Assignee shall be deemed to be an Officer of the said Court, and shall be liable as such to the Control thereof: Provided always, that it shall be lawful for the said Court to direct any Fee or Remuneration for the Performance of Duties in getting in and distributing the Estate of any Insolvent Debtor, whether by any Assignee or by the Provisional Assignee, in case of such Distribution being effected without the Appointment of any other Assignee, which shall not exceed the Rate of Five *per Centum* on the Sum received as Produce of such Estate.

Power of Insolvent Debtors Court to appoint Assignees.

Certified Copy
of Order and
Appointment to
be Evidence.

Proviso for
Registry.

Sale of Estate
and Effects to
be made im-
mediately.

XLVI. And be it enacted, That a Copy of any Order under this Act vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the Estates and Effects of Insolvent Debtors, or of the Appointment, under the Provision last herein-before contained, of an Assignee or Assignees of such Estate and Effects, such Copy being made upon Parchment, and purporting to have the Certificate of the Provisional Assignee of the said Court, or his Deputy appointed for that Purpose, endorsed thereon, and to be sealed with the Seal of the said Court, shall in all Courts and Places, and without further Proof, be recognized and received as sufficient Evidence of such Order and Appointment respectively having been made, and of the Title of the Provisional Assignee, and of such other Assignee or Assignees respectively under the same: Provided always, that where, according to any Laws now in force, any Conveyance or Assignment of any Real or Personal Property of an Insolvent Debtor would be required to be registered, enrolled, or recorded in any Registry Office in *England, Wales, or Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then and in every such Case such certified Copy as herein-before is described of such Order under this Act, vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the said Insolvent Debtors Court, and a like certified Copy of the Appointment of an Assignee or Assignees under this Act (if any such Appointment shall have been made), shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect, to all Intents and Purposes, as the Registry, Enrolment, or recording of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable Consideration, without Notice of any such Order or Appointment as aforesaid, who shall have duly registered, enrolled, or recorded his Purchase Deed previously to the Registry hereby directed, shall not be invalidated by reason of such Order as aforesaid, or the Appointment of an Assignee or Assignees as aforesaid, or the vesting of such Property in him or them consequent thereupon respectively, unless a certified Copy of such Orders and a certified Copy of such Appointment, if any, shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain and Ireland*, within Two Months after the Date of such Order and Appointment respectively, and as regards all other Places within Twelve Months from the Date thereof respectively.

XLVII. And be it further enacted, That the Assignee or Assignees of the Estate and Effects of any such Prisoner shall, with all convenient Speed after his or their Appointment, use his or their best Endeavours to receive and get in the Estate and Effects of such Prisoner, and shall with all convenient Speed make Sale of all such Estate and Effects; and if such Prisoner shall be interested in or entitled to any Real Estate, either in Possession, Reversion, or Expectancy, such Real Estate, within the Space of Six Months after the Appointment of such Assignee or Assignees, or within such other Time as the said Court shall direct, shall be sold by public

public Auction, in such Manner and at such Place or Places, as shall Thirty Days before any such Sale be approved, in Writing under their Hands, by the major Part in Value of the Creditors of such Prisoner entitled to the Benefit thereof, who shall meet together on Notice of such Meeting, published Fourteen Days previous thereto in the *London Gazette* and also in some daily Newspaper printed and published in *London* or within the Bills of Mortality, if the Prisoner before his or her going to Prison resided in *London* or within the Bills of Mortality, and if such Prisoner resided elsewhere within the United Kingdom, then in some printed Newspaper which shall be generally circulated in or near the Place where such Prisoner resided at the Time aforesaid; and in case such Prisoner shall be entitled to any Copyhold or Customary Estate, a certified Copy of such vesting Order as aforesaid, and a like certified Copy of the Appointment of such Assignee or Assignees as aforesaid, shall be entered on the Court Rolls of the Manor of which such Copyhold or Customary Estate shall be holden, and thereupon it shall be lawful for such Assignee or Assignees to surrender or convey such Copyhold or Customary Estate to any Purchaser or Purchasers of the same from such Assignee or Assignees, as the said Court shall direct; and the Rents and Profits thereof shall be in the meantime received by such Assignee or Assignees for the Benefit of the Creditors of such Prisoner, without Prejudice nevertheless to the Lord or Lords of the Manor of which any such Copyhold or Customary Estate shall be holden.

XLVIII. ' And whereas Persons whose Estates may by an Order under this Act have been vested in the said Provisional Assignee may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or to Property under such Circumstances that the immediate Sale thereof for Payment of their Debts may be very prejudicial to them, and deprive them of the Means of Subsistence which they might otherwise have, after Payment of their Debts; and it may be proper in some Cases to authorize the raising of Money by way of Mortgage for Payment of the Debts or Part of the Debts of such Person, instead of selling the Property of such Person for that Purpose; be it enacted, That in all such Cases it shall be lawful for the said Court to take into consideration all Circumstances affecting the Property of any such Person; and if it shall appear to the said Court that it would be reasonable to make any special Order touching the same, it shall be lawful for the said Court so to do, and to direct that such Property as it may be expedient not to sell, or not to sell immediately, according to the Provisions of this Act, shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person, until the same can be properly sold, or until Payment of all such Creditors, according to the Provisions of this Act, shall have been made, and to make such Orders touching the Sale or Disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Person to Payment of their Demands, and the future Benefit of such Person after Payment of his Debts, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other

Creditors to meet Thirty Days before Sale of Real Estate.

Meeting to be advertised.

Assignee may surrender or convey Copyhold or Customary Estate.

Discretion in Court as to the Disposal of Property in certain Cases.

Property may be mortgaged if more beneficial.

Circumstances, as to the said Court shall seem just; and if it shall appear to the said Court that the Debts of such Person can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person in such Manner as may be most consistent with the Interest of such Person in any Surplus of his or her Effects after Payment of such Debts.

Assignees may execute Powers which the Insolvent might have executed for his own Benefit.

XLIX. And be it enacted, That all Powers vested in any such Prisoner whose Estate shall by an Order under this Act have been vested in the Provisional Assignee which such Prisoner might legally execute for his own Benefit, (except the Right of Nomination to any vacant Ecclesiastical Benefice,) shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner by virtue of this Act, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoner under this Act, in such Manner as such Prisoner might have executed the same.

Where Lease accepted by Assignees, the Insolvent not liable for the Rent.

L. And be it enacted, That in all Cases in which any such Prisoner shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, and the Benefit thereof, as Part of such Prisoner's Estate and Effects, the said Prisoner shall not be or be deemed to be liable to pay any subsequent Rent to which his Discharge, adjudicated according to this Act, may not apply, nor be in any Manner sued after such Acceptance in respect or by reason of any subsequent Non-observance or Non-performance of the Conditions, Covenants, or Agreements therein contained: Provided that in all such Cases as aforesaid it shall be lawful for the Lessor, or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the said Court, praying that he or they may either so accept the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised; and the said Court shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

Assignees not determining whether to accept the Lease, the Lessor may apply to the Court.

LI. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such Prisoner, and such Assignee or Assignees is and are hereby empowered, to sue, from Time to Time as there may be Occasion, in his or their own Name or Names, for the Recovery, obtaining, and enforcing of any Estate, Effects, or Rights of such Prisoner, but in Trust for the Benefit of the Creditors of such Prisoner, according to the Provisions of this Act, and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Prisoner as may be requisite; and to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary, and to take such reasonable Part of any such Debts as can upon such Composition be gotten in full Discharge of such Debts and Accounts;

Assignees may sue in their own Names;

may make Composition for Debts;

Accounts; and to submit to Arbitration any Difference or Dispute between such Assignee or Assignees and any Person or Persons for or on account or by reason of any Matter, Cause, or Thing relating to the Estate and Effects of such Prisoner: Provided nevertheless, that no such Composition, or Submission to Arbitration, shall be made, nor any Suit in Equity be commenced, by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice of such Meeting, to be published at least Fourteen Days before such Meeting in the *London Gazette*, and also in some Newspaper most usually circulated in the Neighbourhood of the Place where such Prisoner had his or her last usual Residence before his or her Imprisonment as aforesaid, nor without the Approbation of the said Court, or of One of the Commissioners thereof.

LII. And be it enacted, That all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised in pursuance of or in carrying into effect this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall upon Application duly made in that Behalf be examined into by the said Court, or any Commissioner thereof on his Circuit, who shall have Power to determine the same, and, if it seem fit, to refer the Examination thereof to an Officer of the said Court, or to an Examiner duly appointed in pursuance of this Act: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

LIII. And be it enacted, That whenever any such Assignee or Assignees shall die or be removed, or a new Assignee or Assignees shall be appointed in pursuance of the Provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name or Names of the surviving or new Assignee or Assignees to be substituted in the Place of the former; and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees, in the same Manner as if he or they had originally commenced the same.

LIV. And be it enacted, That if any such Prisoner shall at the Time of filing such Petition as aforesaid, whether such Petitions shall have been preferred by himself or by any such Creditor as aforesaid, or at any Time before such Prisoner shall become entitled to his final Discharge according to this Act, have any Government Stocks, Funds, or Annuities, or any of the Stock of any public Company, either in *England, Scotland, or Ireland*, standing in his own Name in his own Right, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such

may submit Differences to Arbitration.

Proviso for Consent of Creditors to Compositions and Arbitrations.

Creditors to vote according to Balance due to them on Account fairly stated.

Suits not to be abated by Death or Removal of Assignees.

Where the Prisoner is beneficially entitled to Stock, the Court may order a Transfer.

Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order.

Assignees
Power not to
extend to the
Income of a
Benefice, &c.
Sequestration
of Profit of
Benefice may
be obtained.

LV. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being a Beneficed Clergyman or Curate, to the Income of such Benefice or Curacy, for the Purposes of this Act: Provided always, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profits of any such Benefice, for the Payment of the Debts of such Prisoner; and the Order appointing an Assignee or Assignees of such Prisoner, in pursuance of this Act, shall be a sufficient Warrant for the granting of such Sequestration, without any Writ or other Proceedings to authorize the same; and such Sequestration shall accordingly be issued, as the same might have been issued upon any Writ of *Levari facias*, founded upon any Judgment against such Prisoner.

Assignees
Power not to
extend to the
Pay or Pension
of Naval, Military, or Civil
Officers.

LVI. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being or having been an Officer of the Army or Navy, or an Officer or Clerk, or otherwise employed or engaged in the Service of Her Majesty, in the Customs or Excise, or any Civil Office, or other Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk or otherwise employed or engaged in the Service of the Court of Directors of the said Company, or being otherwise in the Enjoyment of any Pension whatever under any Department of Her Majesty's Government or from the said Court of Directors, to the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, for the Purposes of this Act: Provided always, that it shall be lawful for the said Court to order such Portion of the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, as on Communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Prisoner may belong or have belonged, or under which such Pay, Half Pay, Salary, Emoluments, or Pension may be enjoyed by such Prisoner, or the said Court of Directors, he or they may respectively, under his or their Hands or under the Hand of his or their Chief Secretary, or other chief Officer for the Time being, consent to in Writing, to be paid to such Assignee or Assignees, in order that the same may be applied in Payment of the Debts of such Prisoner; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Person appointed to pay, or paying, any such Pay, Half Pay, Salary, Emoluments, or Pension, such Portion of the said Pay, Half Pay, Salary, Emoluments, or Pension as shall be specified in such Order and Consent shall be paid to the said Assignee or Assignees, until the said Court shall make Order to the contrary.

Portion of Pay
or Pension may
be obtained on
Application.

Goods in Possession of Prisoner, whereof he was reputed

LVII. And be it enacted, That if any such Prisoner shall, at the Time of his Arrest, or other Commencement of his Imprisonment, by the Consent and Permission of the true Owner thereof, have

have in his Possession, Order, or Disposition any Goods or Chattels whereof such Prisoner was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Prisoner, so as to become vested in the Provisional Assignee of the said Court by the Order made in pursuance of this Act; provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of British Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Owner, to be deemed his Property.

No Assignment of Vessels under 3 & 4 W. 4. c. 55. to be affected.

LVIII. And be it enacted, That no Distress or Distresses for Rent made and levied after the Arrest or other Commencement of the Imprisonment of any Person whose Estate shall, by any such Order as aforesaid, have been vested in the Provisional Assignee, upon the Goods or Effects of any such Person, shall be available for more than One Year's Rent accrued prior to the making of such Order, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by this Act.

Distress not to be available for more than One Year's Rent.

LIX. And be it enacted, That if any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in Trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed and is hereby declared to be fraudulent and void as against the Provisional or other Assignee or Assignees of such Prisoner appointed under this Act: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void unless made within Three Months before the Commencement of such Imprisonment, or with the View or Intention, by the Party so transferring, charging, assigning, conveying, delivering, or making over, of petitioning the said Court for his Discharge from Custody under this Act.

Voluntary Preference fraudulent and void as against Assignees.

LX. And whereas an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*: And whereas it is expedient to extend the Provisions of such Act; be it therefore enacted, That the last-mentioned Act shall extend to the Provisional or other Assignee or Assignees of every Prisoner whose Estate shall after the Expiration of Twenty-one Days next after his Execution of such Warrant of Attorney, or giving of such Cognovit Actionem as therein mentioned, be vested in the Provisional Assignee of the said Court for the Relief of Insolvent Debtors by virtue of this Act, as if the last-mentioned Act had been expressly herein enacted; and

Provisions of 3 G. 4. c. 39. extended to the Assignees of Insolvents.

and every such Warrant of Attorney, and Judgment and Execution thereon, and every such Cognovit Actionem, and Judgment entered up thereon, and Execution taken out on such Judgment, as are declared by the last-mentioned Act to be fraudulent and void against the Assignees mentioned therein, shall be deemed equally fraudulent and void against the Provisional or other Assignee or Assignees of such Prisoner, appointed under this Act, and such Provisional or other Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Prisoner, all and every the Monies levied and Effects seized under or by virtue of any such Judgment or Execution.

Warrant of Attorney and Cognovit Actionem, not to be acted upon against Goods of Insolvent after his Imprisonment.

LXI. And be it further enacted, That in all Cases where any Prisoner whose Estate shall have been vested in the said Provisional Assignee under this Act shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit Actionem, or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit Actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner, or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit Actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Assignees to file Accounts.

LXII. And be it further enacted, That the said Provisional Assignee shall keep account from Day to Day, the same to be of Record in the said Court, of all Monies received and paid, and of every thing done by him and under him in the Matter of every Estate of any such Prisoner vested in him, and shall make Oath of the Truth of every such Account as often as he shall be duly required so to do; and that every other Assignee of any such Estate at the End of Three Months at the farthest from the Time of his Appointment, or sooner if the said Court shall direct, and so from Time to Time as Occasion shall require or the said Court shall direct, shall make up an Account of such Estate, and make Oath in Writing, before any Person before whom Affidavits are by this Act directed to be sworn, that such Account contains a fair, just, and particular Account of the Estate and Effects of such Prisoner got in by or for such Assignee, and of all Payments necessarily made or deducted therefrom, and of all Expences sought to be allowed in respect thereof, up to the Time of filing such Account, or to some ulterior Time, if need be; which Account so sworn, together with a Minute concerning the probable Assets of the Estate (if any), shall be filed with the proper Officer of the said Court, and thereupon and at the Time of so filing the same Appointment shall be made for the Examination of such Accounts, and for Taxation of all Costs and Charges claimed by such Assignee; and Examination shall be had of the Proceedings of the said Provisional Assignee, or of any other Assignee or Assignees, as the Case may be, and of all the Matters of his or their Account, by the Court or a Commissioner thereof, or an Examiner

Accounts to be audited.

Examiner duly appointed, before any such Assignee shall proceed to a Dividend; and if upon such Examination there shall appear to be in the Hands of such Assignee or Assignees any Balance wherewith a Dividend may be made, Proceedings shall be had forthwith under the Direction of the said Court for making such Dividend, and also, when it shall appear necessary, for correcting and ascertaining the List of Creditors entitled to receive the same; and Notice of any Meeting ordered to be held for such ascertaining of Debts or for declaring Dividend thereupon, or for both Purposes, shall be given for such Time and Place and in such Manner as the said Court shall at any Time or in any Case direct; and in case such Dividend shall be made before Adjudication shall have been made with respect to such Prisoner as herein-after provided, the same shall be made amongst the Creditors of such Prisoner who shall prove their Debts in pursuance of any Order of the said Court to be made in that Behalf; and in case such Dividend shall be made after such Adjudication, the same shall be made amongst the Creditors of such Prisoner whose Debts shall be admitted in his or her Schedule so sworn to as herein-after directed, and amongst such other Creditors (if any) who shall prove their Debts in manner aforesaid, in proportion to the Amount of the Debts so proved, and so admitted and proved respectively, as the Case may be: Provided always, that if any such Prisoner, Creditor, or Assignee shall object in whole or in part to any Debt tendered to be so proved as aforesaid or to any Debt mentioned in the Schedule of such Prisoner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the said Court or a Commissioner thereof on his Circuit; and the said Court or Commissioner may, if it shall seem fit, refer the Examination of the same to an Officer of the said Court, or to an Examiner duly appointed in pursuance of this Act; and the said Court or Commissioner, and such Officer or Examiner to whom such Reference shall have been made, shall have full Power for the Purpose aforesaid to require and compel the Production of all Books, Papers, and Writings which may be necessary to be produced, as well by the Person claiming such Debt as by such Prisoner, or his or her Assignee or Assignees, Creditor or Creditors, and to examine all such Persons and their Witnesses upon Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Objections and Claims; and the Decision of the said Court or Commissioner thereupon shall be conclusive with respect to the Title of any such Creditor or Creditors to his, her, or their Share of such Dividend under the Provisions of such Act: Provided always, that if in any Case it shall appear expedient that the Proof of any Debt or Debts should be required to be made at any earlier or other Period than as aforesaid, it shall be lawful at any Time for the said Court, by Notice as may be directed in that Behalf, to cause all or any of the Creditors to prove their Debts in such Manner as the said Court or a Commissioner thereof shall require,

Debts to be ascertained and Dividend made.

How Dividend to be made.

Court may examine into disputed Claims.

quire, and to decide upon such Debts, and the Rights to receive Dividends thereupon, and to do all Things requisite thereto as aforesaid.

If Prisoner or Creditor or Court dissatisfied with Assignee's Account, the Court may direct Inquiry.

LXIII. And be it further enacted, That in case such Prisoner, or any of his or her Creditors, or the said Court, shall at any Time be dissatisfied with the Account of any such Assignee or Assignees so rendered upon Oath as aforesaid, and it shall appear to the said Court that the Matters of such Account require a fuller or further Examination; or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property or collect the Effects of such Prisoner, or shall in any Manner waste or mismanage the Estate or Effects of such Prisoner, or neglect to make a due Distribution thereof, it shall be lawful for the said Court to require such Assignee or Assignees to render such Account on Oath as is directed by this Act, if not before rendered, and for the said Court or any Commissioner thereof on his Circuit to examine or further examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate and Effects of such Prisoner, and, if it shall seem fit, to order that it shall be referred to an Officer of the said Court, or to an Examiner duly appointed in pursuance of this Act, to investigate the Accounts of such Assignee or Assignees so rendered as aforesaid, together with all Matters brought forward in objection thereto, and to examine into the Truth thereof, and to report thereon to the said Court or Commissioner; and it shall and may be lawful for the said Court or Commissioner, or such Officer or Examiner, upon such Reference as aforesaid, to require and compel the Production of all Books, Papers, and Writings necessary for such Purposes, and to summon all Parties before him or them, and to examine all Parties and their Witnesses on Oath, as the Case may require; and the said Court or Commissioner shall and may take all such Measures as shall be necessary for the compelling of the rendering of such Account and for the due Investigation thereof, and shall have Power to disallow any Charge or Charges in such Account which it shall appear to the said Court or Commissioner ought not in fairness to be allowed, and to ascertain the Produce of the Estate and Effects of any such Prisoner to be divided among his or her Creditors, and to direct the Distribution thereof, and to take all such Measures and make such Orders as shall be necessary for compelling the proper Disposition and Distribution thereof, and to award Costs against any of the Parties as Justice shall require; and that if it shall appear to the said Court or Commissioner upon any Examination of the Matters of Account that any such Assignee or Assignees shall have wilfully retained in his or their Hands, or otherwise employed for his or their own Benefit, any Sum or Sums of Money Part of or being the Produce of such Estate or Effects, the said Court or Commissioner shall have Power and Authority to order such Assignee or Assignees to be charged in his or their Accounts with the Estate of such Prisoner with such Sum or Sums of Money as shall be equal to the Amount of Interest, computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court or Commissioner to be so retained or employed by him or them for the Time

Court may charge Assignee with 20 per Cent. on Money wilfully retained.

or Times during which he or they shall have so retained or employed the same; and the said Court shall in pursuance of such Order charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly; and the Decisions of the said Court or Commissioner upon all such Matters shall be final and conclusive.

LXIV. And be it further enacted, That in all Cases where any Dividend or Dividends have remained in the Hands of any Assignee or Assignees for the Space of Twelve Months next following the declaring thereof, such Dividend or Dividends shall be paid by such Assignee or Assignees into the said Court, to be placed to the Credit of the proper Party or Parties in that Behalf under such Estate: Provided always, that it shall be lawful for the said Court or a Commissioner thereof at any Time, although such Twelve Months may not have expired, if it shall seem fit, to direct that all unpaid and unclaimed Dividends, together with the Balance remaining in the Hands of any Assignee or Assignees, shall be paid forthwith into the said Court to the Credit of the said Estate or of the particular Creditors thereof, as the Case may be.

Assignees to pay unclaimed Dividends into Court.

LXV. And be it further enacted, That in case any Assignee of the Estate and Effects of any such Prisoner so appointed as aforesaid shall be unwilling to act, or in case of the Death, Incapacity, Disability, Misconduct, or Absence from the Realm of any such Assignee, or other Cause of Unfitness appearing to the said Court, it shall be lawful to and for any Creditor or Creditors of such Prisoner to apply to the said Court to appoint a new Assignee or Assignees with like Powers and Authorities as are given by this Act to the Assignee or Assignees herein-before mentioned; and that the said Court shall have Power to remove such Assignees, and to appoint such new Assignee or Assignees, and to compel any Assignee who shall be removed, and the Heirs, Executors, or Administrators of any deceased Assignee, to account for and deliver up to the said Court, or as the said Court shall order, all such Estate and Effects, Books, Papers, Writings, Deeds, and other Evidences relating thereto as shall remain in his or their Hands, to be applied for the Purposes of this Act; and the Decision of the said Court in the Matters aforesaid shall be final and conclusive; and from and immediately after such Appointment of a new Assignee or Assignees, and by virtue of the Order of the said Court in that Behalf, all the Estate, Effects, Rights, and Powers of such Prisoner vested in any such former Assignee or Assignees shall become and the same are hereby vested in such new Assignee or Assignees without any Assignment or Conveyance executed in that Behalf; and every such Removal and Appointment shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall at any Time direct; and Proof of such Removal and Appointment so entered of Record as aforesaid shall be received by such certified Copy thereof as is herein-before directed to be received as Proof of such Order and Appointment as aforesaid made in pursuance of this Act.

Court may remove Assignees and appoint new Assignees.

What shall be Evidence of Removal and Appointment.

LXVI. And be it further enacted, That in case any Assignee or other Person shall disobey any Rule or Order of the said Court duly made by the said Court for enforcing the Purposes and Pro-

Court may commit for refusing to file Accounts and other Contempts.

visions of this Act, or made and entered into by the Consent of such Assignee or other Person for carrying into effect the Purposes and Provisions of this Act, it shall and may be lawful for the said Court to order the Person so offending to be arrested and committed as for a Contempt of the said Court to the Prison of the Queen's Bench, or to the Common Gaol of any County, City, or Place where he or she shall be, or where he or she shall usually reside, there to remain without Bail or Mainprize until such Person shall have fulfilled the Duty required by the said recited Acts or this Act, or until the said Court shall make Order to the contrary: Provided always, that nothing herein contained shall authorize a Commissioner of the said Court acting out of Court upon Summons to commit any Person for Disobedience of any Order of the said Court or of any Commissioner thereof.

Proviso.

Provisions concerning Assignees, Dividends, &c. to extend to Cases now of Record.

LXVII. And be it further enacted, That all Enactments and Provisions in this Act contained concerning the Appointment and Removal of Assignees, and otherwise concerning Assignees, and concerning Debts and Dividends, and the Management and Control of the Estates of Insolvent Debtors, shall be deemed to extend to all Cases which shall be of Record in the said Court for the Relief of Insolvent Debtors at the Commencement of this Act as well as to Cases arising subsequently thereto.

Court may direct Conveyance by Provisional Assignee where no Assignee is appointed.

LXVIII. ' And whereas it may often happen that some Interest ' in Lands and Tenements has or may become vested in the Pro- ' visional Assignee of the said Court for the Relief of Insolvent ' Debtors which appears to be of no Value to Creditors, but ' nevertheless it may be reasonable and expedient that the Pro- ' visional Assignee should make or join in making some Convey- ' ance or Assignment of the same, and that the same should be ' done without the Expence attending Advertisements and Meet- ' ings of Creditors, as herein-before described in certain Cases: ' Be it therefore enacted, That it shall be lawful for the said Court, at any Time after the Day gazetted for the bringing up of any Prisoner to be dealt with according to the Provisions of this Act, if no Person or Persons other than the said Provisional Assignee shall have been appointed Assignee or Assignees of his Estate and Effects, and if it shall appear fit, upon such Notice given by Advertisement or otherwise to the Creditors, or any of them, as the said Court shall in any Case direct, to order the said Provisional Assignee to make or join in making any Conveyance or Assignment of any such Interest as to the said Court may appear just and reasonable, without observing the Provisions of this Act as to the Sale of Real Property by the Provisional or other Assignees of the Estates of Insolvent Debtors.

After Order made, the Prisoner to deliver in a Schedule of Debts, Property, &c.

LXIX. And be it enacted, That every Prisoner whose Estate shall, by an Order to be made under this Act, be vested in the Provisional Assignee of the said Court for the Relief of Insolvent Debtors (whether upon his own Petition or on the Petition of any such Creditor as aforesaid), shall, within the Space of Fourteen Days next after such Order shall have been made, or next after Notice in Writing of such Order having been made shall have been given to him, in case such Order shall not have been made on his own Petition, or within such further Time as the said Court shall think reasonable, deliver in to the said Court a Schedule,

dule, containing a full and fair Description of such Prisoner, as to his Name or Names, Trade or Trades, Profession or Professions, together with the last usual Place of Abode of such Prisoner, and the Place or Places where he has resided during the Time when his Debts were contracted; and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of making such Order, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who to his Knowledge or Belief shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner; and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in Possession, Reversion, Remainder, or Expectancy; and also of all Places of Benefit or Advantage held by such Prisoner, whether the Emoluments of the same arise from fixed Salaries or from Fees or otherwise; and also of all Pensions or Allowances of the said Prisoner, in Possession or Reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage; and also of all Rights and Powers of any Nature and Kind whatsoever, which such Prisoner, or any other Person or Persons in Trust for such Prisoner, or for his Use, Benefit, or Advantage, in any Manner whatsoever, shall be seized or possessed of or interested in, or entitled unto, or which such Prisoner, or any other Person or Persons in Trust for him, or for his Benefit, shall have any Power to dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner; together with a full, true, and perfect Account of all the Debts at the Time of making such Order due or growing due to such Prisoner, or to any Person or Persons in Trust for him, or for his Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and the said Schedule shall also contain a Balance Sheet of so much of the Receipts and Expenditures of such Prisoner, and of the Items composing the same, as shall be at any Time required by the said Court in that Behalf; and also shall fully and truly describe the Wearing Apparel, Bedding, and other Necessaries of such Prisoner, and his or her Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Twenty Pounds, which may be excepted by such Prisoner from the Operation of this Act, together with the Values of such excepted Articles respectively; and the said Schedule shall be subscribed by such Prisoner, and shall forthwith be filed in the said Court, together with all Books, Papers, Deeds, and Writings in any way relating to such Prisoner's Estate or Effects, in his or her Possession, or under his or her Custody or Control.

Schedule to be filed with Books and Papers.

LXX. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall forthwith after such Schedule shall have been filed as aforesaid in the said Court by any such Prisoner, appoint a Time and Place for such Prisoner to be brought up before such Court or a Commissioner thereof on his Circuit, or

Court to appoint Time and Place for Prisoner to be brought up.

Justices

Justices of the Peace, as herein-after mentioned, to be dealt with according to the Provisions of this Act; and the Time so appointed shall in no Case be more than Four Calendar Months after the Date of such Appointment; and where such Prisoner shall be in any Gaol within the Counties of *Middlesex* or *Surrey*, or the City of *London*, or Borough of *Southwark*, the said Court shall order such Prisoner to be brought before the said Court; and where any such Prisoner shall be in any other Gaol in *England* or *Wales*, except in the Town of *Berwick-upon-Tweed*, the said Court shall order such Prisoner to be brought before One of the Commissioners of the said Court, proceeding on his Circuit at such Assize or other Town or Place within the County or County of a City or Town wherein such Gaol shall be situate, as may be directed by the Order of the said Court in that Behalf; and where any such Prisoner shall be in any Gaol within the Town of *Berwick-upon-Tweed*, the said Court shall order such Prisoner to be brought before the Justices of the Peace for the said Town, in open Court at their General or General Quarter Sessions of the Peace, or at some Adjournment thereof.

Manner of proceeding by Commissioner on Circuit.

Notice to be given to Creditors, and advertised.

LXXI. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the making every such vesting Order as aforesaid, and the filing of every such Schedule, and of the Time and Place so as aforesaid appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debts shall amount to the Sum of Five Pounds, and to be inserted in the *London Gazette*, and also, if the said Court shall think fit, in the *Edinburgh* and *Dublin Gazettes*, or either of them, and also in such other Newspaper or Newspapers as the said Court shall direct.

At the Time of hearing, the Schedule to be examined.

Creditors may oppose Prisoner's Discharge.

LXXII. And be it enacted, That upon such Prisoner being brought up as aforesaid the said Court or Commissioner or Justices shall examine into the Schedule of every such Prisoner so brought before the said Court, Commissioner, or Justices upon the Oath of such Prisoner, and of such Parties and other Witnesses as the said Court or Commissioner or Justices shall think fit to examine thereupon; and in case such Notice as the said Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful, both for the said Creditor and any other of the Creditors of such Prisoner, and notwithstanding such Creditor or Creditors may have petitioned for and obtained such vesting Order as aforesaid, to oppose such Prisoner's Discharge, and for that Purpose to put such Questions to such Prisoner, and examine such Witnesses, as the said Court or Commissioner or Justices shall think fit, touching the Matters contained in such Schedule, and touching such other Matters as the said Court or Commissioner or Justices shall be of opinion that it may be fit and proper to inquire into, in order to the due Execution of this Act; but no Creditor shall examine or oppose the Discharge of such Prisoner until he shall make Oath or Affidavit of his Debt, or otherwise give satisfactory Proof of his Right to oppose

oppose such Prisoner's Discharge, if required so to do by such Prisoner; and that in case the said Court or Commissioner or Justices shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or 'her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or it shall appear that Amendment is necessary to be made of such Schedule, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the said Court or Commissioner or Justices, it shall be lawful for the said Court or Commissioner or Justices to adjourn the Hearing and Examination of such Prisoner, and of Witnesses thereupon, to some future Sitting of the said Court or Commissioner or Justices, or to some future Circuit to be made by One of the said Commissioners, or to some future General or General Quarter or Adjourned Sessions, as the Case may be; and in every such Case such Prisoner shall upon such Adjournment remain in Custody, and shall and may be again brought up, and such Hearing and Examination be further proceeded in, as often as to the said Court or Commissioner or Justices shall seem fit: Provided always, that when any such Hearing shall be adjourned by the said Court generally, or by such Commissioner or Justices, to some future Circuit or to some future Sessions as aforesaid, the said Court shall and may, upon the Application of such Prisoner, to be made within such Time as the said Court shall direct, order the said Prisoner to be brought up for Hearing accordingly, and such Notice thereof shall be given, and to such Parties, as the said Court or Commissioner or Justices shall direct.

Hearing may
be adjourned.

LXXIII. Provided always, and be it further enacted, That where any Prisoner, whose usual Place of Abode at or lately before his or her Imprisonment was otherwise than in *Middlesex, Surrey, London, or Southwark* aforesaid, shall be so brought before the said Court for the Relief of Insolvent Debtors, it shall be lawful for the said Court to receive the Affidavits of any Creditor or Creditors or other Person or Persons not resident within *Middlesex, Surrey, London, or Southwark* aforesaid, in opposition to the Discharge of such Prisoner under this Act, and also, if such Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Court; and where any Prisoner shall be brought before any Commissioner of the said Court on his Circuit, or before any such Justices as aforesaid, at their Sessions aforesaid, and the usual Place of Abode of such Prisoner at or lately before his or her Imprisonment shall have been other than in the County or Riding where such Prisoner shall be brought up, it shall be lawful for such Commissioner or Justices to receive the Affidavits of any Creditor or Creditors, or other Person or Persons not resident within the County or Riding where such Prisoner shall be brought up, in opposition to the Discharge of such Prisoner under this Act, and also, if such Commissioner or Justices shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination

Affidavits may
be received in
opposition to
Prisoner's Dis-
charge in cer-
tain Cases.

tion of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Commissioner or Justices.

Schedule and Prisoner's Accounts may be referred to an Officer of the Court, or an Examiner, who may order Prisoner to attend.

LXXIV. Provided always, and it is hereby enacted, That at such Hearing or adjourned Hearing it shall be lawful for the said Court or Commissioner or Justices, if it shall appear fit, upon Application made by some Creditor or Creditors, and supported by Oath or Affidavit, to order that it shall be referred to an Officer of the said Court, or to an Examiner duly appointed according to the Provisions of this Act, to investigate the Accounts of such Prisoner, and to examine into the Truth of his Schedule, and to report thereon to the said Court or Commissioner or Justices; and that the said Court or Commissioner or Justices may at such Hearing proceed on the other Matters in opposition to the Discharge of such Prisoner, or may, if it shall appear just and reasonable so to do, forthwith adjourn the Hearing thereof until such Officer or Examiner shall have made his Report; and that upon such Reference being made as aforesaid it shall be lawful for such Officer or Examiner to order the Attendance of such Prisoner as often as such Officer or Examiner shall think fit, and the Prisoner mentioned in such Order shall be accordingly carried before such Officer or Examiner, for which such Order shall be a sufficient Warrant; and the Keeper of the Prison, or his Deputy, so carrying any Prisoner before such Officer or Examiner, shall receive for the same the Sum of Ten Shillings, and no more, to be paid by the Person or Persons at whose Requisition the said Reference shall have been had; and such Officer or Examiner shall and may, under such Reference, administer Oaths, and examine all Witnesses and Parties upon their Oaths, touching all Matters relating thereto: Provided always, that no Keeper of any Prison shall be required or compelled to carry any Prisoner a greater Distance than Two Miles from his Prison to or before such Officer or Examiner, except that the Keepers of Prisons in *Middlesex* and *London*, and of the Prisons of the *Queen's Bench* and *Marshalsea*, and in *Horse-monger Lane*, and of and in the Borough of *Southwark*, shall carry their Prisoners before such Officer at the said Court, or at such other Place within the Bills of Mortality as the said Court shall direct; and that in all Cases where such Reference shall have been made as aforesaid it shall be lawful for the said Court or Commissioner or Justices, if just Cause shall appear, to order all the Fees and Expences of such Reference, paid by any Creditor or Creditors, to be repaid to him, her, or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner from or by his Estate or Effects.

Officer and Examiner may administer Oaths.

Court may order Expences of Reference to be paid out of Insolvent's Estate.

Court, &c. may adjudge a Prisoner to be discharged from Custody, and entitled to the Benefit of this Act.

LXXV. And be it enacted, That after such Examination of any such Prisoner as herein-before directed it shall be lawful at such Hearing or adjourned Hearing as aforesaid for the said Court or Commissioner or Justices, upon such Prisoner's swearing to the Truth of his Schedule, and executing such Warrant of Attorney as is herein-after directed, to adjudge that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, at such Time as the said Court or Commissioner or Justices shall direct, in pursuance of the Provisions herein-after contained in that Behalf, as to the several Debts and Sums of Money due or claimed to be due at the Time of making such vesting Order as aforesaid

aforsaid from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of making such vesting Order as aforsaid, and which were not then payable, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in such Schedule so sworn to as aforsaid.

LXXVI. And be it enacted, That in all Cases where no Cause shall appear to the contrary it shall be lawful for the said Court or Commissioner or Justices, according as shall seem fit, to adjudge that such Prisoner shall be so discharged, and so entitled as aforsaid, forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Six Months in the whole, as the said Court or Commissioner or Justices shall direct, to be computed from the making of such vesting Order as aforsaid.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition.

LXXVII. And be it enacted, That in case it shall appear to the said Court or Commissioner or Justices that such Prisoner has fraudulently, with Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified, any such Books, Papers, or Writings, or that such Prisoner has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Prisoner, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the said Court or Commissioner or Justices to adjudge that such Prisoner shall be so discharged, and so entitled as aforsaid, so soon as he shall have been in Custody at the Suit of some One or more of the Persons, as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Three Years in the whole, as the said Court or Commissioner or Justices shall direct, to be computed as aforsaid.

In certain Cases Discharge, &c. to be at any Period not later than Three Years from petitioning.

LXXVIII. And be it enacted, That in case it shall appear to the said Court or Commissioner or Justices that such Prisoner shall have contracted any of his or her Debts fraudulently, or by means of a Breach of Trust, or by means of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently, or by means of false Pretences, obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expence by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such

In other Cases the Discharge, &c. to be at any Period not later than Two Years from petitioning.

Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, where it shall appear to the Satisfaction of the said Court that the Injury complained of was malicious, then it shall be lawful for such Court or Commissioner or Justices to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, so soon as he shall have been in Custody, at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for a Period or Periods not exceeding Two Years in the whole, as the said Court or Commissioner or Justices shall direct, to be computed as aforesaid.

Discharge may extend to Process for Contempt in Non-payment of Money; and to Costs incurred by Creditor, but subject to Taxation.

LXXIX. And be it enacted, That the Discharge of any Prisoner so adjudicated as aforesaid shall and may extend to all Process issuing from any Court, for any Contempt of any Court, Ecclesiastical or Civil, for Nonpayment of Money or of Costs or Expences in any Court, Ecclesiastical or Civil; and that in such Case the said Discharge shall be deemed to extend also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor before the filing of such Prisoner's Schedule, in any Action or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences as aforesaid any such Person shall be so adjudged to be discharged shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Insolvent's Estate and Effects.

Discharge may extend to Sums payable by way of Annuity, &c.

LXXX. And be it enacted, That the Discharge of any such Prisoner so adjudicated as aforesaid shall and may extend to any Sum and Sums of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Securities of any Nature whatsoever, and that every Person and Persons who would be a Creditor or Creditors of such Prisoner for such Sum or Sums of Money, if the same were presently due, shall be admissible as a Creditor or Creditors of such Prisoner for the Value of such Sum or Sums of Money so payable as aforesaid, which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time

since the Grant thereof to the Time of making such vesting Order as aforesaid; and such Creditor or Creditors shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice nevertheless to the respective Securities of such Creditor or Creditors, excepting as respects such Prisoner's Discharge under this Act.

LXXXI. And be it enacted, That in all such Cases, where it shall be adjudged that any such Prisoner shall be so discharged and so entitled as aforesaid at some future Period, it shall be lawful for the said Court or Commissioner or Justices, if it shall seem fit, to direct that such Prisoner shall be confined during any such Period within the Walls of the Prison, and not within any Rules or Liberties thereof.

LXXXII. And be it enacted, That whenever any Creditor or Creditors opposing any such Prisoner's Discharge shall prove to the Satisfaction of the said Court or Commissioner or Justices that such Prisoner has done or committed any Act for which, upon such Adjudication as aforesaid, he may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, the said Court or Commissioner or Justices shall adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to a Prisoner's Discharge being substantiated or effectual it shall be lawful for the said Court or Commissioner or Justices to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to the said Court or Commissioner or Justices that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the said Court or Commissioner or Justices to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

LXXXIII. And be it enacted, That where, upon any Prisoner being brought up before the said Court, or a Commissioner thereof on his Circuit, any such Adjudication shall have been made as aforesaid by the said Court or Commissioner, Order shall be made accordingly by the said Court or Commissioner, in pursuance of such Adjudication, and the said Court or Commissioner shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and where, upon any such Prisoner being brought up before such Justices as aforesaid, any such Adjudication as aforesaid shall have been made by such Justices, the said Justices shall forthwith certify such Adjudication to the said Court, whereupon the said Court shall order that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, according to such Adjudication, at the Period or Periods expressed therein, and shall order such Costs to be paid as shall have been adjudged by the said Justices in pursuance of the Provisions

Court, &c. may order Prisoner to be confined within the Walls of the Prison.

Court, &c. may order Costs, in certain Cases, to be paid to opposing Creditors out of Insolvent's Estate.

Where Opposition frivolous and vexatious, Costs may be awarded to Prisoner.

Court or Commissioner to make Order, pursuant to Adjudication, and issue Warrant to Gaoler.

Justices to certify their Adjudication to the Court, who shall thereupon make Order, and issue Warrant to Gaoler.

of this Act, and shall issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he shall then be confined, or which shall be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take effect as from the Day on which the Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Prisoner may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he may be adjudged to be so discharged and entitled at some future Period; provided nevertheless, that in all Cases the Detainer or Detainers, with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of the said Court or Commissioner, to be delivered to the Gaoler in that Behalf.

Specification of Debts, &c. not necessary in Order of Adjudication.

Adjudication may be conditional in certain Cases.

LXXXIV. And be it enacted, That where it shall appear to the said Court, Commissioner, or Justices at any such Hearing as aforesaid of any such Prisoner that certain Matters or Things ought to be performed by or on behalf of such Prisoner before he is intended to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing of the Case absolutely to some future Occasion, without the Opportunity of such Discharge being sooner had by doing such Things as aforesaid, it shall be lawful for the said Court, Commissioner, or Justices to pronounce Adjudication without their issuing the Order and Warrant pursuant thereto; and that such Adjudication may be directed to be conditional on the Performance of such Matters or Things as aforesaid; and that on the Non-performance thereof the Hearing of such Case shall stand adjourned, according to the Direction made in that Behalf.

Where Adjudication is a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

LXXXV. Provided always, and be it enacted, That in all Cases where it shall have been adjudged that any such Prisoner shall be so discharged, and so entitled as aforesaid, at some future Period, such Prisoner shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody at the Suit of any One or more of his or her Creditors with respect to whom it shall have been so adjudged, at any Time before such Period shall have arrived, in the same Manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Prisoner shall be entitled to the Benefit and Protection of this Act, notwithstanding that he may have been out of actual Custody during all or any Part of the Time subsequent to such Adjudication, by reason of such Prisoner not having been arrested or detained during such Time or any Part thereof.

Court may order detaining Creditor to pay

LXXXVI. And be it enacted, That in all Cases where such Prisoner shall, upon such Adjudication as aforesaid, be liable to further

further Imprisonment at the Suit of his Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the said Court, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, at such Times and in such Manner and in such Proportions as the said Court shall direct, and that on Failure of Payment thereof, as directed by the said Court, the said Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

LXXXVII. And be it enacted, That before any such Adjudication shall be made with respect to any such Prisoner the said Court or Commissioner or Justices shall require such Prisoner to execute a Warrant of Attorney to authorize the entering up of a Judgment against such Prisoner in some one of the Superior Courts at *Westminster*, in the Name of the Assignee or Assignees of such Prisoner or of such Provisional Assignee, if no other Assignee shall have been appointed and shall have accepted such Office, for the Amount of the Debts stated in the Schedule of such Prisoner so sworn to as aforesaid to be due or claimed to be due from such Prisoner, or so much thereof as shall appear at the Time of executing such Warrant of Attorney to be due and unsatisfied; and any such Warrant of Attorney is hereby declared not to be within the Meaning of the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, nor shall it be necessary that the same should be executed in the Presence of an Attorney for such Prisoner according to the Provision herein-before in that Behalf contained; and the Order of the said Court for entering up such Judgment shall be a sufficient Authority to the proper Officer for entering up the same, and such Judgment shall have the Force of a Recognizance; and if at any Time it shall appear to the Satisfaction of the said Court that such Prisoner is of Ability to pay such Debts or any Part thereof, or that he is dead, leaving Assets for that Purpose, the said Court may permit Execution to be taken out upon such Judgment, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Prisoner according to the Mode herein-before directed in the Case of a Dividend made after Adjudication; and such further Proceedings shall and may be had upon such Judgment as may seem fit to the Discretion of the said Court from Time to Time, until the whole of the Debts due to the several Persons against whom such Discharge shall have been obtained shall be fully paid and satisfied, together with such Costs as the said Court shall think fit to award; and no Scire facias shall be necessary to revive such Judgment on account of any Lapse of Time, but Execution shall at all Times issue thereon by virtue of the Order of the said Court: Provided always, that in case any such Application against any such Prisoner shall appear to the said Court to be ill-founded and vexatious, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the

Prisoner a Sum not exceeding 4s. a Week.

Before Adjudication, Prisoner shall execute Warrant of Attorney to confess Judgment for Amount of Debts in Schedule.

Court may permit Execution to be taken out thereupon, when Insolvent is of Ability to pay, or is dead, leaving Assets.

No Scire facias necessary.

If Application is ill-founded and vexatious, Court may dismiss the same, with Costs.

Party or Parties making the same as to the said Court shall appear reasonable, and the said Costs shall be paid accordingly.

Where Insolvent shall after Discharge become entitled to Property which cannot be taken in Execution, the Assignee may apply to Court for Relief.

LXXXVIII. And be it enacted, That in case any such Person shall, after he has become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become entitled to or possessed of, in his own Right, any Stock in the Public Funds of this Country, or other Property, whether the same be in *England* or elsewhere, which by Law cannot be taken into Execution under the said Judgment so to be entered up in the Names of such Assignee or Assignees as aforesaid, and such Prisoner shall have refused to convey or assign or transfer such Stock or other Property, or so much thereof as may be sufficient to satisfy the said Judgment, then and in such Case it shall be lawful for the Assignee or Assignees of such Prisoner to apply by Petition in a summary Way, setting forth the Facts of the Case, to the said Court, and to pray that the said Prisoner may be taken and committed to Custody notwithstanding any such Adjudication and Discharge as aforesaid; and thereupon, if upon Examination by the said Court, and hearing as well the said Assignee or Assignees as the said Prisoner, in case he shall appear, or the said Assignee or Assignees only, in case such Prisoner, due Notice having been given to him, shall not appear, it shall appear to the said Court that the Contents of such Petition are true, then and in such Case the said Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended, and committed to Custody within the Walls of any Prison which the said Court shall direct, and not within any Rules or Liberties thereof, until he shall convey, assign, and transfer such Stock or other Property, or so much thereof as the said Court shall direct, towards the Satisfaction of the said Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Court may order Prisoner to be remanded to Custody until he transfers such Property.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

LXXXIX. And be it enacted, That in case any Person or Persons, Body Politic or Corporate, shall, after any such Insolvent shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become or be possessed of, or have under his or their Power or Control, any Stock in the Public Funds of this Country, or any Legacy, Money due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods, and Chattels, or any other Property whatsoever belonging to such Insolvent, or held in Trust for him, or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person or Persons, Body Politic or Corporate, shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person or Persons, Body Politic or Corporate, directing him or them to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person or Persons, Body Politic or Corporate, to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Provisional or other Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent,

Insolvent,

Insolvent, entitled to claim under such Judgment entered up by Order of the said Court, as aforesaid; and such Delivery and Payment shall be made accordingly, in obedience to such Order; and such Person and Persons, Body Politic and Corporate, shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever to all Intents and Purposes.

XC. And be it enacted, That no Person who shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid shall at any Time thereafter be imprisoned by reason of the Judgment so as aforesaid entered up against him or her, according to this Act, or for or by reason of any Debt or Sum of Money, or Costs, with respect to which such Person shall have become so entitled, or for or by reason of any Judgment, Decree, or Order for Payment of the same; but that upon every Arrest or Detainer in Prison upon any such Judgment so entered up as aforesaid, or for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Process shall have issued in respect thereof, and such Judge is hereby required, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody, unless it shall appear to such Judge, upon Inquiry, that such Adjudication as aforesaid was made without due Notice, where Notice is by this Act required, being given to or acknowledged by the Plaintiff on such Process, or being by him dispensed with by the Acceptance of a Dividend under this Act, or otherwise; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out such Process, to pay such Prisoner the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner causing a Common Appearance to be entered for him in such Action or Suit.

XCI. And be it enacted, That after any Person shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, no Writ of Fieri facias or Elegit shall issue on any Judgment obtained against such Prisoner, for any Debt or Sum of Money with respect to which such Person shall have so become entitled, nor in any Action upon any new Contract or Security for Payment thereof except upon the Judgment entered up against such Prisoner according to this Act; and that if any Suit or Action shall be brought or any Scire facias be issued against any such Person, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against, or any Statute or Recognizance acknowledged by such Person for the same, except as aforesaid, it shall be lawful for such Person, his Heirs, Executors, or Administrators, to plead generally that such Person was duly discharged according to this Act by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

If arrested, to be released by Judge of the Court from which Process issued;

who may order Costs to be paid to him.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

Discharge under this Act may be pleaded generally.

the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Person was not duly discharged according to the Provisions thereof, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, the Court may order Warrant of Attorney to be cancelled, and Satisfaction to be entered on the Judgment;

XCII. Provided always, and be it enacted, That if at any Time after any such Adjudication as aforesaid shall have been made with respect to any such Prisoner in pursuance of this Act, it shall appear to the Satisfaction of the said Court for the Relief of Insolvent Debtors that all the Debts in respect of which such Adjudication was made have been discharged and satisfied, it shall be lawful for such Court, upon Application duly made, to direct the Warrant of Attorney executed by such Prisoner under this Act to be cancelled, or if Judgment shall have been entered up thereon, to order Satisfaction to be entered on such Judgment, and the Order of the said Court for entering up such Satisfaction shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the Debts of any such Prisoner shall have been so discharged and satisfied as aforesaid there shall remain in the Possession, or subject to the Control of his or her Assignee or Assignees, any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title, by virtue of the Order made in that Behalf or otherwise, by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on Application duly made, to order that all such Property so remaining as aforesaid shall be vested in the Person whose Debts shall have been so discharged and satisfied, or his Heirs, Executors, Administrators, or Assigns; and such Order shall have the Effect of vesting the same accordingly; and that any Deed of Release to be recorded in the said Court, by which any such Debt or Debts shall be released or discharged, shall not be liable to any Stamp Duty.

and a Re-assignment to be executed.

Where Error in Schedule without Fraud, this Act to operate upon the actual Amount of Debt.

XCIII. 'And whereas it may sometimes happen that a Debt of, or Claim upon, or Balance due from such Prisoner as aforesaid, may be specified in his Schedule so sworn to as aforesaid at an Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud, or evil Intention on the Part of such Prisoner;' be it enacted, That in such Case the said Prisoner shall be entitled to all and every Benefit and Protection of this Act; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act, in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

Court at Request of Creditors may remove Prisoners from the Gaols of London, Middlesex, or Surrey, if their

XCIV. And be it further enacted, That if on any Prisoner being brought before the said Court for the Relief of Insolvent Debtors it shall appear to the Satisfaction of the said Court that the usual Place of Abode of such Prisoner, lately before his Arrest, was in some County or Place within the United Kingdom other than the Counties of *Middlesex* or *Surrey*, or City of *London* or Borough of *Southwark*, it shall be lawful for the said Court, if it shall think fit,

fit, upon the Request of any Creditor or Creditors of such Prisoner, to order such Prisoner to be taken, at the Expence of such Creditor or Creditors, from the Gaol in which such Prisoner shall then be, to the Gaol of the County or Place where such Prisoner had lately, before such Arrest, his usual Place of Abode; and if such late usual Place of Abode was in *Scotland* or *Ireland*, then to the Gaol of such County or Place as to the said Court shall, under the Circumstances of the Case, appear just and reasonable; and the Order of the said Court in that Behalf, directed to the Keepers of the said Gaols respectively, shall be their sufficient Warrant, and they are hereby required, in pursuance thereof, to deliver and receive respectively the Body of such Prisoner, together with a Certificate of the Day or Days, and Cause or Causes of Detainer against such Prisoner, who shall from and after such Removal be deemed to be in Custody of the Sheriff or other responsible Officer of the County or Place wherein the Gaol shall be situate to which such Prisoner shall have been so removed; and the said Court shall order such Removal of the said Prisoner from such Gaol as aforesaid to be made on or before a Day to be named in such Order; and if such Prisoner shall not be removed accordingly on or before the said Day, or on or before a Day which the said Court shall name in any Enlargement of the said Order, (which Enlargement it is hereby empowered to make whenever it shall seem just and reasonable so to do,) then the said Court shall, upon Application duly made, appoint a Time for such Prisoner to be brought up before the said Court, and such Advertisement thereof shall be published, and such Notice given, and to such Persons as the said Court shall in any Case direct; and when any such Prisoner shall have been removed, and shall be in Custody in any Gaol in pursuance of such Order, or of any Enlargement thereof, the said Court shall appoint a Time and Place for such Prisoner to be brought up in the County or Place where such Gaol shall be situate, and such Advertisement thereof shall be published, and such Notice thereof given, and to such Persons, as the said Court shall in any Case direct: Provided always, that when any such Prisoner shall be brought up to be dealt with according to the Provisions of this Act, after such Removal or Failure of Removal of such Prisoner as aforesaid, it shall be lawful for all the Creditors of such Prisoner to oppose the Discharge of such Prisoner as in other Cases, although no such Creditor shall have opposed or given Notice to oppose the said Discharge at the Time first appointed for the bringing up of such Prisoner; and that in all Cases where any such Prisoner shall be so removed as aforesaid, the Expence incurred by such Removal by the Creditor or Creditors requesting the same shall be repaid to him or them by the Assignee or Assignees of the Estate and Effects of such Prisoner, out of such Estate and Effects, before any Dividend shall be made thereof.

XCV. Provided always, and be it further enacted, That no Prisoner shall be entitled to be discharged under this Act upon his own Petition, who having been arrested in any County or Place where he had, at or lately before such Arrest, his usual Place of Abode, other than in the Counties of *Middlesex* or *Surrey*, or the City of *London* or Borough of *Southwark*, such usual Place of Abode being distant more than Twenty Miles from the Court House

usual Residence was elsewhere, to be heard in the County to which they are removed.

After such Removal, Creditors may oppose the Discharge, as in other Cases.

Expence of Removal.

Benefit of Act not to be allowed to Prisoners removed by Habeas Corpus.

Court may permit such Prisoner to be removed back at the Expence of any Person willing to pay the same ;

and same Proceedings may be had as in other Cases.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing.

House of the said Court, shall be removed by any Writ of Habeas Corpus sued out on his Behalf, or by his Procurement or Request, from Custody in such County or Place to any other Custody: Provided nevertheless, that it shall be lawful for the said Court, if in any Case the said Court shall think fit, at any Time within Ten Days after the filing of the Petition of any such Prisoner, or within such further Time as the said Court shall allow, upon the Request of any such Prisoner, to order such Prisoner to be taken, at the Expence of any Person or Persons who will pay the same, from the Gaol in which such Prisoner shall then be to the Gaol of the County or Place where such Prisoner was arrested as aforesaid, and the Order of the said Court in that Behalf, directed to the Keepers of the said Gaols respectively, shall be their sufficient Warrant, and they are hereby required in pursuance thereof to deliver and receive respectively the Body of such Prisoner, together with a Certificate of the Day or Days, and Cause or Causes of Detainer against such Prisoner, who shall from and after such Removal be deemed to be in Custody of the Sheriff or other responsible Officer of the County or Place wherein the Gaol shall be situate to which such Prisoner shall have been so removed by such Order; and the said Court shall order such Removal of the said Prisoner from such Gaol as aforesaid to be made on or before a Day to be named in such Order, or in any Enlargement of the same, which Enlargement the said Court is hereby empowered to make whenever it shall seem just and reasonable so to do; and when any such Prisoner shall have been removed, and shall be in Custody in any Gaol in pursuance of such Order, the said Court shall and may appoint a Time and Place for such Prisoner to be brought up to be dealt with according to the Provisions of this Act, whereupon such Proceedings shall be had as if such Prisoner had been in the said last-mentioned Gaol at the Time of filing his Petition.

XCVI. And be it further enacted, That every such Adjudication as aforesaid by the said Court, Commissioner, or Justices as aforesaid, with respect to any Prisoner, and the Order thereupon, so made as aforesaid, shall be final and conclusive, and shall not be reviewed by the said Court, unless the said Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained, in which Case it shall be lawful for the said Court, upon the Application of such Prisoner, or of any Creditor of such Prisoner, to order such Prisoner, upon due Notice to be given to such Persons, and in such Manner as the said Court shall direct, to attend, or to be brought up, and the said Matter to be re-heard before the said Court, or One of the Commissioners thereof on his Circuit, or such Justices as aforesaid, as the Case may require, who shall thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the said Court or Com-

Commissioner or Justices shall and may, if necessary, remand the said Prisoner to the same Custody in which he was at the Time of the former Hearing of the Matters of his Petition, there to be subject to Imprisonment as if the former Adjudication therein had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him as if such former Adjudication had not been made; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Prisoner shall refuse or neglect to appear before the said Court or Commissioner or Justices, according to such Order for Re-hearing as aforesaid, a Copy whereof shall have been duly served on such Prisoner, it shall be lawful for the said Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the said Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the said Court or Commissioner or Justices shall seem fit: Provided always, that where upon such Re-hearing it shall appear to the said Court, Commissioner, or Justices that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions hereinbefore contained, the said Court, Commissioner, or Justices shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

XCVII. Provided always, and be it further enacted, That if in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the Adjudication made in that Behalf, it shall be lawful for the said Court, on such Error being shown to the said Court, to revoke such Order and Warrant, and to annul, suspend, or amend the same, according to such Adjudication, and if necessary to re-commit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody according to such Re-commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

XCVIII. ' And whereas the Estate, both Real and Personal, of any Person whose Discharge has been adjudicated under this Act may not be sufficiently described or discovered in his Schedule so sworn to as aforesaid, or the Assistance of such Person may be necessary to adjust, make out, recover, or manage his Estate or Effects, for the Benefit of his Creditors;' be it therefore enacted, That it shall be lawful for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, from Time to Time to apply to the said

Insolvent refusing to appear may be apprehended, &c.

In Adjudication of Discharge on Re-hearing, the Time since former Hearing not to be calculated.

Where an Order of Discharge has been issued by Mistake, the Court may revoke and amend the same.

Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee.

said Court that such Person may be further examined as to any Matters or Things relating to his Estate and Effects, either by the said Court, or a Commissioner thereof on his Circuit, or by any Justice of the Peace within the Town of *Berwick-upon-Tweed*; and if the said Court shall order any such Examination before any such Justice, such Justice shall send for or call before him such Person by such Warrant, Summons, Ways, or Means as he shall think fit; and if such Person shall appear before such Justice, such Justice shall examine him upon Oath, or otherwise, as to such Matters and Things as such Assignee or Assignees shall desire, relating to the Estate and Effects of such Person; and if any such Person, on Payment or Tender of Payment of such reasonable Charges as such Justice shall judge sufficient, shall neglect or refuse to appear before such Justice, or having come before such Justice shall refuse to be sworn, or to answer such Questions as by such Justice shall be put to him, relating to the Discovery of his Estate and Effects vested or intended to be vested in such Assignee or Assignees as aforesaid, as required by the Order of the said Court, such Justice shall certify such Default to the said Court; and thereupon, and also in case such Person shall neglect or refuse to appear before such Court or Commissioner at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn, or to answer such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court or Commissioner by Warrant to commit such Person to the Common Gaol of any County or Place, there to remain without Bail or Mainprize until such Time as he shall submit himself to the Order of the said Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same for the Purposes aforesaid.

XCIX. And be it enacted, That in case any Prisoner whose Estate shall, by an Order under this Act, have been vested in the said Provisional Assignee, shall, with Intent to defraud the Creditors or Creditor of such Prisoner, wilfully and fraudulently omit in his Schedule, so sworn to as aforesaid, any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools, and Implements, or other Necessaries, Property of greater Value than Twenty Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor, and thereupon it shall be lawful for the Court before whom such Offender shall have been so tried and convicted to sentence such Offender to be imprisoned and kept to hard Labour for any Period of Time not exceeding Three Years; and that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth the Petition, or Order vesting such Prisoner's Estate in the Provisional Assignee, Appointment of Assignee or Assignees, or Balance Sheet, Order for Hearing, Adjudication, Order of Discharge or Remand, or any Warrant, Rule, Order, or Proceeding of or in the said Court, except so much of the Schedule of such Prisoner as may be necessary for the Purpose.

C. And

Prisoner refusing to appear, or to answer Questions, may be committed.

Persons wilfully omitting any thing in the Schedule guilty of a Misdemeanor, and liable to Three Years Imprisonment.

Indictment need only set out Substance of Offence charged.

C. And be it enacted, That if any Prisoner or other Person taking an Oath under the Provisions of this Act shall wilfully forswear and perjure himself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, the Person so offending shall suffer such Punishment as may by Law be inflicted on Persons convicted of wilful and corrupt Perjury; and that in all Cases wherein by this Act an Oath is required the solemn Affirmation of any Person, being a Quaker or other Person by Law allowed to affirm, shall and may be accepted and taken in lieu thereof; and that every Person making such Affirmation who shall be convicted of wilful false Affirmation shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Persons swearing falsely under this Act liable to Punishment inflicted for Perjury.

CI. And be it enacted, That the Provisions of this Act shall extend to Married Women, being Prisoners within the Intent and Meaning of this Act, but that the Order of the said Court vesting the Estate and Effects of any such Married Woman in such Provisional Assignee as aforesaid shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee, or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Twenty Pounds, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in Possession, Remainder, or Reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner whose Estate shall under this Act be vested in the said Provisional Assignee shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such Real or Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the Superior Courts aforesaid for the Amount of the Debts remaining unpaid from which she shall be so discharged as aforesaid; and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding her Coverture, but such Judgment shall not in any Manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt, in case she shall die in the Lifetime of such Husband, to the end that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate, if any she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Curtesy; and in case such Woman shall, during the Lifetime of her Husband, become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Pro-

Provisions of Act extended to Married Women.

erty

perty by Suit in Equity, or otherwise, under the Order of the said Court, for the Purpose of obtaining Payment of so much of the Debts in respect of which such Woman shall have been discharged by the said Court as shall then remain unpaid; and in case such Woman shall survive her said Husband such Judgment may be after his Death enforced against such Woman or her Property, Real and Personal, in such and the same Manner and with the same Effect as it might have been if she had been sole and unmarried at the Time when she executed such Warrant of Attorney, and at the Time when such Judgment shall have been entered up as aforesaid: Provided always, nevertheless, that the Discharge of any Married Woman under the Authority of this Act shall not operate to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

Mode of proceeding with Prisoners of unsound Mind.

CII. And be it enacted, That if any Person who shall at any Time be a Prisoner in any such Prison as aforesaid, upon any such Process as aforesaid, shall be or become of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as he or she might have done if of sound Mind, the Gaoler or Keeper of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Riding, Division, or Place wherein such Prisoner shall be to attend at the said Prison, and inquire into the State of Mind of such Prisoner: and thereupon, and also in case any such Justice or Justices shall receive Information by other Means, that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the said Court; and thereupon it shall be lawful for the said Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be inserted in the *London Gazette*, and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the said Court shall see fit, that Application will be made to the said Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the said Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge,

Application may be made by Persons on behalf of such Prisoners.

Discharge, according to the true Intent and Meaning of this Act; and the said Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind; and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Provisional Assignee, pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the said Court for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in the other Assignee or Assignees appointed by the said Court, and named in the said Order, or in any other Order of the said Court in that Behalf, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and such Order as aforesaid had been made vesting the same in such Provisional Assignee at the Time and in the Manner in this Act provided; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner, in the same Manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment in the Manner herein-before directed, and such Order shall be a sufficient Authority to the proper Officer for entering up the same; and any Dividend to be made by such Assignee or Assignees shall be made in such Manner, and such Proceedings shall be thereupon had, as are herein-before provided in the Case of a Dividend of the Estate and Effects of any Prisoner made before Adjudication; and the Discharge of every such Prisoner of unsound Mind, so made as aforesaid, shall extend to all Debts and Sums of Money to which the same might have extended if such Prisoner had been of sound Mind, and had duly filed his Schedule, according to the Provisions of this Act: Provided always, that every such Order of Discharge, and of the Appointment of an Assignee or Assignees, in such Case, shall be entered of Record in the said Court, and Proof thereof shall be received by such Copy thereof as is herein-before directed to be received as Proof of Conveyances and Assignments made in pursuance of this Act.

CIII. And be it enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or of any Person for any Offence committed against any Act or Acts of Parliament relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless Three of the Commissioners of Her Majesty's Treasury for the Time being shall certify under their Hands their Consent to such Discharge.

CIV. And be it enacted, That it shall be lawful for any Person who may now or shall hereafter be imprisoned under or by virtue of any Writ of Capias or Extent, issued and remaining in force

Court may discharge such Prisoners;

may app. int Assignees;

may order Judgment to be entered up.

Discharge not to extend to Crown Debtors, unless Treasury give Consent.

Prisoners under Writ of Capias or Extent may apply to the

Barons of the
Exchequer to
be discharged.

at the Instance or for the Benefit and Reimbursement of any Surety or Sureties, or other Person or Persons, or the Inhabitants of any Parish, Ward, or Place, who shall or may have advanced and paid the Debt to the Crown, and by reason whereof the Commissioners of Her Majesty's Treasury may not be authorized to give their Consent as last aforesaid, to apply to the Barons of Her Majesty's Court of Exchequer in *England* or *Scotland* for his Discharge, giving One Month's previous Notice in Writing to the Surety or Sureties, or Person or Persons aforesaid, or to the Churchwardens or Overseers of the Parish, Ward, or Place at whose Instance or for whose Benefit respectively such Capias or Extent shall remain in force, of the Intention of such Person so imprisoned to make such Application, and an Enumeration and Description of all and every the Property, Debts, and Effects whatsoever of such Person, in his own Possession or Power, or in the Possession or Power of any other Person or Persons for his or her Use, and for the said Court to whom such Application shall be made to order such Person to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his Property and Effects; and if such Person shall upon such Examination make a full Disclosure of all his Property and Effects, and it shall otherwise appear to the Satisfaction of such Court reasonable and proper that such Person should be no longer imprisoned under such Writ, for such Court or Baron to order a Writ of Supersedeas quoad corpus to be issued out of the said Court for the Liberation of such Person from such Imprisonment: Provided always, that no such Liberation as aforesaid shall be held or deemed to satisfy or supersede such Extent, or any Proceedings thereon, except as to such Imprisonment as aforesaid, or the Debt or Debts seized under and by virtue thereof, and for which such Person shall be so imprisoned.

Officer of
Court to pro-
duce Proceed-
ings and give
Copies.

CV. And be it further enacted, That the proper Officer of the said Court for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Prisoner as aforesaid, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and show to such Prisoner, Creditor or Creditors, and his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, vesting Order, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had in the Matter of such Petition, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Prisoner, Creditor or Creditors, or his or their Attorney requiring the same, a Copy or Copies of any such Petition, vesting Order, Schedule, Order of Adjudication, or other Order or Proceeding, or of such Part thereof as shall be so required, receiving such Fee as the said Court shall appoint for so providing the same; and that a Copy of such Petition, vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, vesting Order, Schedule, Order of Adjudication, or other Proceeding, and purporting to be sealed with the Seal of the said Court, shall at all Times be admitted in all Courts and Places

A Copy of
such Proceed-
ings under Seal
to be admitted
as Evidence.

whatever

whatever as sufficient Evidence of the same, without any other Proof whatever given of the same.

CVI. And be it enacted, That when an Order has issued for any such Prisoner to be brought up to be dealt with according to this Act, at any Place other than in *Middlesex, Surrey, London,* and *Southwark* aforesaid, such Prisoner shall, within Ten Days after such Order issued, or on such earlier Day as shall be named in such Order, cause the Duplicate of such Petition, if any Petition shall have been presented by such Prisoner, and the Duplicate of such Schedule, and all Books, Papers, and Writings relating thereto in his or her Possession or Power, to be lodged with the Clerk of the Peace of the County, or County of a City or Town, or of the Town of *Berwick-upon-Tweed*, where he or she shall be in Custody, or with the Deputy of the said Clerk of the Peace, to be approved of by the said Court, and such Prisoner shall be subject to such Order as the said Court shall make to enforce Compliance with the Directions of this Act in this Behalf; and that the said Clerk of the Peace, or his said Deputy, shall, on the reasonable Request of such Prisoner, or of any Creditor or Creditors of such Prisoner, or of his, her, or their Attorney, produce and show to him, her, or them such Petition and Schedule, and such Books, Papers, and Writings, and permit him, her, or them to inspect and examine the same, and may and shall receive the Fee of One Shilling from each and every Creditor, or his or her Attorney, at each Time of his, her, or their so requesting and having the Production of the same or any Part thereof; and that such Clerk of the Peace, or his said Deputy, shall provide for any such Creditor or Creditors, or his, her, or their Attorney requesting the same, a Copy or Copies of such Petition and Schedule, or of such Part thereof as shall be so required; and that such Clerk of the Peace, or his said Deputy, shall be entitled to receive Four-pence for every Sheet so copied, containing Seventy-two Words, and no more, unless the same shall be the last or only Sheet, in which Case he shall be entitled to Four-pence for such last or only Sheet, although it does not contain Seventy-two Words; and that every such Duplicate as aforesaid, and all the said Books, Papers, and Writings, shall be brought to the Place of such Hearing, and produced at such Hearing by the said Clerk of the Peace or his said Deputy, who shall and is hereby required to attend at the Hearing of every such Prisoner, with proper Officers to preserve Order in the Court House or other Place of such Hearing; and where any such County shall be within the Circuit of one of the said Commissioners, then such Clerk of the Peace or his said Deputy shall and may act as Clerk to such Commissioner, to assist him in the Performance of his several Duties under this Act; and in all such Cases, both before such Commissioner and before such Justices as aforesaid, the said Clerk of the Peace, or his said Deputy, shall, in consideration and recompence of and for his Trouble in this Behalf, be entitled to receive from every such Prisoner so brought up for hearing as aforesaid the Sum of Five Shillings, which shall be paid previously to the bringing up such Prisoner for Hearing as aforesaid: Provided always, that if it shall at any Time appear to the said Court that it is expedient that the Duplicates of the Petitions and Schedules of Prisoners

Manner of proceeding when the Hearing takes place before Commissioners on Circuit or Justices in Wales.

confined in the Gaol of any City, Borough, Town, or Place at which the Commissioners of the said Court shall give Attendance on their Circuits so made as aforesaid should be lodged with the Town Clerk or other Officer of such City, Borough, Town, or Place, and that the Duties herein-before required of such Clerk of the Peace should be performed at such City, Borough, Town, or Place by such Town Clerk or other Officer of the same, it shall be lawful for the said Court in any such Case to order that the Duplicates of the Petitions and Schedules last aforesaid, and all such Books, Papers, and Writings as aforesaid, shall be lodged with such Town Clerk or other Officer, instead of such Clerk of the Peace as aforesaid, and that all Duties herein-before required of such Clerk of the Peace in respect of the same shall be performed by such Town Clerk or other Officer, instead of such Clerk of the Peace, and that the said Town Clerk or other Officer shall thereupon do and perform all the Duties aforesaid at such City, Borough, Town, or Place in the Matters of all Prisoners confined in the Gaol thereof, and shall be entitled to receive the same Fees and Payments in respect thereof as are herein directed to be paid and made to such Clerk of the Peace or his Deputy as aforesaid.

Power of Justices to compel the Attendance of Witnesses.

CVII. And it is hereby enacted, That such Justices as aforesaid shall have such and the same Powers of compelling the Attendance of Witnesses, and of requiring and compelling the Production of Books, Papers, and Writings, for the Purposes of this Act, as are herein-before given to the said Court and the Commissioners thereof, subject to such Provisoes and Limitations as the same are made subject to; and that in all Cases where the Duplicate of any Petition and Schedule shall have been so lodged as aforesaid with any such Clerk of the Peace or his Deputy as aforesaid, or with such Town Clerk or other Officer as aforesaid, such Clerk of the Peace, or his said Deputy, or such Town Clerk or other Officer, is hereby authorized to issue all Subpœnas under this Act as may be requisite, in each of which the Names of not more than Four Persons shall be inserted, and to receive for such Subpœna from the Person requiring the same the Sum of Two Shillings and Sixpence, and no more.

Clerk of the Peace may issue Subpœnas.

Examiners to be appointed for Counties.

CVIII. And be it enacted, That the said Court for the Relief of Insolvent Debtors in all Cases, or any Commissioner thereof on his Circuit, or such Justices as aforesaid in open Court at such Sessions as aforesaid respectively, may from Time to Time, as Occasion shall require, appoint as many fit Persons as shall be requisite to be Examiners for the Purposes of this Act within any County or Division thereof, or any City or Town; and that such Examiner shall and may receive for his Trouble the Sum of One Pound, and no more, for every Meeting held by him in pursuance of this Act, to be paid by the Person or Persons requiring the same.

Their Fees.

Fee to Keeper for carrying each Prisoner before the Court.

CIX. And be it enacted, That the Keepers of the several Prisons in London and *Middlesex*, and of the Prisons of the *Queen's Bench*, *Marshalsea*, *Horsemonger Lane*, and of the Borough of *Southwark*, shall be entitled to receive the Sum of Three Shillings and no more from every Prisoner in the Custody of such Keepers respectively, for carrying him before the said Court on the Hearing of such Prisoner

Prisoner as aforesaid; and that all Keepers of Prisons shall be entitled to receive the Sum of One Shilling and Sixpence, and no more, from every Prisoner in the Custody of such Keepers respectively, for carrying him before a Commissioner of the said Court on his Circuit, or before such Justices as aforesaid at their Sessions aforesaid, on the Hearing of such Prisoner; and that the Expence of conveying any Prisoner to any Assize or other Town appointed as the Place of hearing the Matters of his or her Petition as aforesaid, in every Case where the Gaol in which such Prisoner shall be confined shall not be situate within such Assize or other Town, not exceeding One Shilling a Mile, shall be paid to the Keeper or Gaoler or other Officer who shall bring such Prisoner to such Assize or other Town, in obedience to the Order of the said Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expence, and if not, then such Expence shall be paid by the Treasurer of the County, or County of a City or Town, in which such Prisoner shall be imprisoned, as the same shall be directed or ordered by the Commissioner or Justices before whom such Prisoner shall be so brought in pursuance of such Order; and in all such Cases the reasonable Expence of such Clerk of the Peace or his Deputy as aforesaid, and of such proper Officers to preserve Order as herein-before mentioned, and all other Expences necessary for making ready such Court House or other Place as aforesaid for the Despatch of Business, in pursuance of this Act, shall be paid by such Treasurer as aforesaid; and the Justices of the Peace of every such County, or County of a City or Town, are hereby empowered and required to order such Treasurer to pay the same at their General or General Quarter Sessions next ensuing the Day when such Hearing shall have taken place: Provided nevertheless, that where the Duties at any City, Borough, Town, or Place shall be performed by any Town Clerk or other Officer, in pursuance of such Order of the said Court as above mentioned in that Behalf, the reasonable Expences of such Town Clerk or other Officer, and of such proper Officers as aforesaid, and of such Court House or other Place as aforesaid, shall be defrayed by the said City, Borough, Town, or Place in the same Manner as such like Expences are defrayed therein upon other Occasions.

CX. And be it further enacted, That every Sheriff, Gaoler, Keeper, or other Officer of any Prison, who shall do any thing in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or of any Commissioner thereof, or of any Justice or Justices of the Peace, Officer of the said Court, or such Examiner as aforesaid, authorized by the said Court, by virtue of this Act, shall be and is and are hereby indemnified for whatsoever shall be done by them respectively in obedience thereto; and that if any Action of Escape, or any Suit or Action, be brought against any Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office, in pursuance of this Act, such Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment

For paying the Expence of conveying Prisoners to the Assize Towns;

and also the other Expences in pursuance of this Act

Sheriff, &c. indemnified for obeying Orders of Court.

If Action for Escape, &c. brought, the General Issue may be pleaded, and this Act given in Evidence.

shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

What shall be sufficient to be set forth in the Rules and Proceedings of the Court.

CXI. And be it enacted, That in all Rules, Orders, Warrants, and other Proceedings of the said Court, or of any Commissioner thereof, under this Act, it shall be sufficient to set forth such Rule, Order, or Warrant, or in case of a Warrant for the Apprehension or Detention of any Person for a Contempt, in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for the Appearance of such Person before the said Court, or any Commissioner thereof, or any Justice or Justices of the Peace, according to this Act, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order, and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant, or other Proceeding mentioned, has been duly discharged under this Act, or some other Act for the Relief of Insolvent Debtors, if he has been so discharged, or if he has not been so discharged, that he has applied by Petition to the said Court for his or her Discharge from Custody, according to the Provisions of this Act, without setting forth in any such Order, Rule, Warrant, or other Proceeding the Petition, Order vesting the Estate of any such Prisoner in the Provisional Assignee, Appointment of Assignee, or Assignee or Assignees, or the Schedule, Balance Sheet, Order for Hearing, Adjudication, Order for Discharge, or any other Rule, Order, or Proceeding of or in the said Court, or any Part thereof, except as aforesaid.

Before whom Affidavits are to be sworn.

CXII. And be it enacted, That all Affidavits to be used before the said Court, or any Commissioner thereof, or any Justices of the Peace, or any Officer of the said Court, or any Examiner appointed as aforesaid under this Act, shall and may be sworn before the said Court, or any Commissioner thereof, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or in *Scotland* or *Ireland* before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn.

Recovery of Costs.

CXIII. And be it enacted, That in all Cases in which the said Court, or any Commissioner thereof, or any Justices, is or are by this Act authorized to award Costs against any Person or Persons, it shall be lawful for the said Court to cause such Costs to be recovered from such Person or Persons in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered.

Court to admit Attornies to practise therein.

CXIV. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall and may admit, at their Discretion, any Number of fit Persons, being Attornies of any of the Superior Courts at *Westminster*, to practise in the said Court as Attornies on behalf of such Prisoners in such actual Custody as aforesaid, which Admissions shall in all Cases be made without the Payment of any Fee or Gratuity whatsoever, and shall be filed of Record in the said Court; and that all Persons now admitted as Attornies in the Court now established for the Relief of Insolvent Debtors shall be deemed to be effectually admitted in the said Court hereby continued as aforesaid; and that in case any Person not so admitted

on the Files of the said Court, or having after such Admission been removed from the said Files, or ceased to be an Attorney of any of the Superior Courts at *Westminster*, shall practise in the said Court as an Attorney on behalf of any Prisoner in such actual Custody as aforesaid, he shall be deemed and taken to be guilty of a Contempt of the said Court, and that every Person so guilty of any such Contempt as aforesaid shall be liable to Fine as well as Imprisonment for the same.

CXV. And be it enacted, That the Sum of Three Shillings and no more shall be paid to any Printer or Proprietor of any Newspaper for the Insertion of any Advertisement by this Act directed to be inserted in any Newspaper; and all Printers and Proprietors of Newspapers are hereby required to insert the same, on Payment of the said Sum of Three Shillings for the Insertion thereof, in such Form as the said Court or any Commissioner thereof shall from Time to Time direct.

CXVI. And be it enacted, That no Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever, before or under any Order of the said Court, or before or under any Order of any Commissioner thereof, or before any Justice or Justices of the Peace acting in the Execution of this Act, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by the Direction of the said Court, relating to Matters within the Jurisdiction of the said Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Prisoner as aforesaid for the Benefit of his or her Creditors, under this Act, shall be liable to any Auction Duty.

CXVII. And whereas it may happen that Money may remain in the said Court, produced by the Estates and Effects of Insolvent Debtors, who have taken the Benefit of this or some other Act for the Relief of Insolvent Debtors, which has not been or may not be claimed by the Assignees or Creditors of such Insolvents; be it further enacted, That it shall be lawful for the said Court to cause the same or any Part thereof to be invested in Government Securities, and to apply the Interest and Profit arising therefrom towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested until the same shall have been in the Hands of the said Court for Twelve Months at the least.

CXVIII. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, in its Discretion, to direct that the Expences of applying for and obtaining the Discharge of any Prisoner under this Act, or any Part of such Expences, may and shall be paid out of the Estate and Effects of such Prisoner which may be in the Hands of the Provisional or other Assignee or Assignees under this Act; and if the same shall not be sufficient for that Purpose, then that such Expences or any Part thereof may and shall, in Cases where the said Court shall be satisfied that the Prisoner has not the Means of defraying the same, be paid and advanced out of the Interest and Profit arising from any Government Securities, upon which any unclaimed Money produced by the Estates and Effects of Insolvent Debtors may be invested; and in every such last-mentioned Case the Estate and

Persons not duly appointed, practising as Attornies, guilty of Contempt.

What shall be paid for Insertion of Advertisements.

Proceedings not liable to Stamp Duty, nor Sales to Auction Duty.

Court may invest unclaimed Money, and apply Profit towards Expences of the Court.

Court empowered out of Profit arising from unclaimed Money to direct the Payment of Expences of Prisoner's Discharge.

Effects of such Prisoner, which may then be, or may thereafter come to the Hands and be vested in the Provisional or other Assignee or Assignees under this Act, shall be liable, in the first place, to repay the Money so advanced and paid, and the said Court is hereby authorized to make such Order or Orders as shall be necessary for the Purpose.

Prisoners for Debt, or their Creditors, not to petition any Court, for certain Purposes, under 32 G. 2. c. 28.

CXIX. And be it further enacted, That from and after the passing of this Act no Prisoner for Debt shall petition any Court for his or her Discharge under the Provisions of an Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, intituled *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of and deliver upon Oath their Estates for the Creditors Benefit*; nor shall any Creditor of any Prisoner petition any Court for the Exercise of the compulsory Powers given against Debtors under the Provisions of the Act above mentioned.

Records of the Court.

CXX. And be it enacted, That all the Records, Papers, Documents, and Money of and belonging to or received under the Authority of the said Court now established for the Relief of Insolvent Debtors, and hereby continued as aforesaid, shall, from and after the passing of this Act, remain and continue in the Custody of the Officers of the said Court now duly having the Custody of the same respectively, or of such Officer or Officers as the said Court shall at any Time direct to receive the same, and that the said Records shall be deemed and taken to be the Records of the said Court so hereby continued as aforesaid.

Construction of Act.

CXXI. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and all Powers given to or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and all Powers given to or Duties directed to be performed by the Court of Review may be performed by any One of the Judges of the same Court; and that whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that this Act shall not extend either to *Scotland* or *Ireland*, except where expressly mentioned.

Act may be altered.

CXXII. And be it enacted, That this Act may be amended, altered, or repealed during this Session of Parliament.

Commencement of Act.

CXXIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *October* One thousand eight hundred and thirty-eight.

SCHEDULE to which this Act refers.

No. 1.—*Writ of Capias.*

VICTORIA, &c.

To the Sheriff of
 or To the Constable of Dover Castle, or To the Mayor
 and Bailiffs of Berwick-upon-Tweed [*or as the Case may
 be*], Greeting.

WE command you that you omit not by reason of any Liberty
 in your Bailiwick, but that you enter the same, and take *C.D.*

if he shall be found in your Bailiwick, and him
 safely keep until he shall have given you Bail, or made Deposit
 with you according to Law in an Action on Promises [*or of Debt,
 &c.*] at the Suit of *A.B.* , or until the said *C.D.*

shall by other lawful Means be discharged from
 your Custody. And we do further command you that on Execu-
 tion hereof you do deliver a Copy hereof to the said *C.D.* And
 we hereby require the said *C.D.* to take notice that within Eight
 Days after the Execution hereof on him, inclusive of the Day of
 such Execution, he should cause Special Bail to be put in for him
 in our Court of to the said Action, and that in default
 of so doing such Proceedings may be had and taken as are men-
 tioned in the Warning written or endorsed hereon. And we do
 further command you, that immediately after the Execution hereof
 you do return this Writ to Our said Court of , together
 with the Manner in which you shall have executed the same, and
 the Day of the Execution thereof; or if the same shall remain
 unexecuted, then that you do so return the same at the Expiration
 of One Calendar Month from the Date hereof, or sooner if you
 shall be thereto required by Order of the said Court or by any
 Judge thereof. Witness at Westminster, [*or as the Case
 may be,*] the Day of .

Memorandum to be subscribed to the Writ.

This Writ is to be executed within One Calendar Month from
 the Date thereof, including the Day of such Date, and not after-
 wards.

A Warning to the Defendant.

If a Defendant, having given Bail on the Arrest, shall omit to put
 in Special Bail as required, the Plaintiff may proceed against the
 Sheriff or on the Bail Bond.

Indorsements to be made on the Writ.

Bail for Pounds by Order of [*naming the Judge making
 the Order*], dated this Day of .

This Writ was issued by *E.F.* of Attorney for the
 Plaintiff [*or Plaintiffs*] within named.

Or,

This Writ was issued in person by the Plaintiff within named,
 who resides at [*mention the City, Town, or Parish,
 and also the Name of the Hamlet, Street, and Number of the House
 of the Plaintiff's Residence, if any such there be.*]

C A P. CXL.

An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and thirty-eight, and to appropriate the Supplies granted in this Session of Parliament. [16th August 1838.]

- § I. There shall be applied, for the Service of the Year 1838, £5,570,000 out of the Consolidated Fund.
- II. The Treasury may cause £5,570,000 of Exchequer Bills to be made out in manner prescribed by 48 G.3. c.1.
- III. The Clauses, &c. in that Act extended to this Act.
- IV. Exchequer Bills to bear an Interest not exceeding $3\frac{1}{4}$ d. per Cent. per Diem.
- V. Bank may advance £5,570,000 on the Credit of this Act.
- VI. The Treasury may cause Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.
- VII. Monies raised by Exchequer Bills to be applied to Services voted in this Session.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. £151,780 7s. 6d., Surplus of Ways and Means, granted for preceding Years.
- X. Monies coming into the Exchequer by cc. 11. 21. & 33. ante,—£11,413,750 by Exchequer Bills, under c. 12. ante,—£13,000,000 by Exchequer Bills, under c. 26. ante,—£11,044,550 by Exchequer Bills, under c. 93. ante,—and also the said £5,570,000 and £151,780 7s. 6d. shall be applied as hereafter expressed.
- XI. There shall be issued and applied,
- | | | | | |
|------------|---|---|--|--------------------------|
| £4,811,990 | 0 | 0 | For Naval Services, viz. | } To
31st March 1839. |
| 1,072,497 | 0 | 0 | For Wages of 34,165 Seamen and Marines, and to the Ordinary and Yard Craft - - - | |
| 520,747 | 0 | 0 | For their Victuals - - - - | |
| 112,637 | 0 | 0 | For Salaries, &c. of Officers, and contingent Expences of the Admiralty Office - - - - | |
| 2,425 | 0 | 0 | For Salaries of Officers, and incidental Expences of the Office of Registry of Merchant Seamen - - - - | |
| 26,230 | 0 | 0 | For ditto of the Scientific Departments of the Navy - - - - | |
| 121,793 | 0 | 0 | For Salaries, &c. of Officers, and contingent Expences of Naval Establishments at Home - - - | |
| 18,884 | 0 | 0 | For ditto of Naval Establishments Abroad - - - - | |
| 450,093 | 0 | 0 | For Wages of Artificers, Labourers, and others in Naval Establishments at Home - - - - | |
| 24,850 | 0 | 0 | For ditto in Establishments Abroad - - - - | |

£554,383	0	0	For Naval Stores, &c.	-	-	} To 31st March 1839.
89,786	0	0	For new Works and Improve- ments in Yards	-	-	
17,847	0	0	For Medicines and Medical Stores	-	-	
73,681	0	0	For Naval Miscellaneous Services	-	-	
783,682	0	0	For Half Pay of Navy and Ma- rines	-	-	
525,856	0	0	For Military Pensions and Allow- ances	-	-	
200,633	0	0	For Civil ditto	-	-	
149,636	0	0	For Charge of Transports, and Conveyance and Victualling of Troops and Freight of Stores, on account of Army and Ord- nance	-	-	
66,330	0	0	For conveying Convicts to <i>New South Wales, &c.</i>	-	-	
§ XII. 6,322,098	8	1	For Army Services after mentioned, viz.	-	-	
3,252,962	0	0	For Forces in the United King- dom and Stations Abroad (ex- cept <i>India</i>)	-	-	
152,566	0	0	For General Staff Officers and Officers of Hospitals in the United Kingdom and on Foreign Stations (except <i>India</i>) and for the Garrison of the <i>Tower</i>	-	-	
57,000	0	0	For Allowances to principal Officers of Military Depart- ments in <i>Great Britain</i> , their Deputies and Clerks, and con- tingent Expences	-	-	
15,803	0	0	For Military Asylum and <i>Hiber- nian</i> Military School	-	-	
15,981	0	0	For Rewards for Military Ser- vices, and Allowances to Gar- rison Officers in the United Kingdom and Foreign Stations	-	-	
103,000	0	0	For Pay of General Officers not being Colonels of Regi- ments	-	-	
60,000	0	0	For Full Pay for reduced and retired Officers	-	-	
529,000	0	0	For Half Pay and Allowances to reduced and retired Officers	-	-	
69,500	0	0	For Half Pay and reduced Al- lowances to Officers of dis- banded Foreign Corps, Pen- sions to wounded Foreign Officers, and Allowances to Widows and Children of de- ceased Foreign Officers	-	-	
148,650	0	0	For Pensions to Widows of Officers	-	-	

£199,000	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers	}	From 1st April 1838 to 31st March 1839.
1,310,474	0	0	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals, &c.		
44,000	0	0	For Superannuations to Persons formerly belonging to Public Military Departments		
10,000	0	0	For Maintenance, &c. of Forces at the <i>Cape of Good Hope</i>		
80,280	0	0	For Volunteer Corps		
101,206	3	4	For the Commissariat Department	}	To 31st March 1839.
50,054	3	8	For Half Pay, Pensions, and Allowances in ditto		
182,622	1	1	For disembodied Militia		
§XIII. 1,546,951	0	0	For Ordnance Services for the Year 1838-9.		
60,408	0	0	For Salaries to the Master General, the Principal Officers, and Clerks of the Ordnance at the <i>Tower</i> and <i>Pall Mall</i> .		
88,487	0	0	For the Civil Departments at <i>Woolwich</i> , Home Stations, Out Stations in <i>Ireland</i> , and Foreign Stations, and Salaries to Barrack Masters in the United Kingdom and the Colonies.		
4,391	0	0	For Master Gunners in <i>Great Britain</i> , <i>Guernsey</i> , <i>Jersey</i> , and <i>Ireland</i> .		
74,222	0	0	For the Engineers and Sappers and Miners and Staff Corps.		
283,796	0	0	For the Royal Artillery.		
36,035	0	0	For Horse Artillery and Riding House Troop.		
602	0	0	For the Field Train Department.		
9,954	0	0	For the Medical Establishment for the Military Department of the Ordnance.		
291,192	0	0	For Superintendance and for Ordnance Works and Repairs, building and Repair of Barracks, and Storekeepers and Barrack Masters Expenditure, and Allowances to Barrack Masters and Serjeants in <i>Great Britain</i> , <i>Ireland</i> , and the Colonies.		
140,418	0	0	For Military, Civil, and Barrack Contingencies.		
125,000	0	0	For the Ordnance and Military Store Branch.		
3,179	0	0	For Ordnance Services not provided for by Parliament.		
166,969	0	0	For Ordnance Superannuations, retired Allowances, Pensions, &c.		
262,298	0	0	For Commissariat Supplies in <i>Great Britain</i> and the Colonies.		
XIV. 500,000	0	0	For extraordinary Army and Ordnance Services in <i>Canada</i> for 1837-8 and 1838-9.		
XV. 11,413,750	0	0	To pay off Exchequer Bills charged on the Aids of 1837 and 1838.		
XVI. 24,044,550	0	0	To pay off Exchequer Bills charged on the Aids of 1838.		

§ XVII. £2,993	6	8	For the Civil Establishment of the	} To 31st March 1839.
			<i>Bahama Islands</i> - - -	
4,449	13	4	For ditto of <i>Bermuda</i> - - -	
3,070	0	0	For ditto of <i>Prince Edward's</i>	
			<i>Island</i> - - -	
9,880	15	10	For ditto of <i>Western Africa</i> -	
11,790	18	6	For Ecclesiastical Establishment	
			in <i>North America</i> - - -	
6,149	0	6	For Settlement of <i>Western Aus-</i>	
			<i>tralia</i> - - -	
19,155	12	0	For the <i>Indian</i> Department in	
			<i>Canada</i> - - -	
963	0	10	For the Civil Establishment at	
			<i>Heligoland</i> - - -	
16,000	0	0	For ditto at <i>St. Helena</i> , and for	
			Pensions and Allowances to	
			Civil and Military Officers and	
			Soldiers of the <i>East India</i>	
			Company's late Establishments	
			in that Island - - -	
4,900	0	0	For Civil Government at <i>Nova</i>	
			<i>Scotia</i> - - -	
XVIII. 2,000,000	0	0	To discharge the like Amount of Supplies granted for	
			1837 or any preceding Year.	
33,500	0	0	For Pensions which at the Demise of the Crown were	
			charged upon the Civil List or Consolidated Fund,	
			for the Quarter ending 5th <i>April</i> 1838.	
120,000	0	0	For Civil Contingencies for the Year 1838.	
70,000	0	0	For Her Majesty's Coronation.	
74,986	0	0	For Public Buildings and Works heretofore charged	
			upon the Civil List.	
10,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour.	
4,144	0	0	For <i>Holyhead</i> and <i>Liverpool</i> Roads and <i>Holyhead</i> and	
			<i>Howth</i> Harbours.	
18,096	0	0	For new Buildings at the <i>British Museum</i> .	
4,378	0	0	For the National Gallery and Royal Academy.	
18,394	0	0	For temporary Accommodation of the Houses of Par-	
			liament.	
100,000	0	0	For erecting new Houses of Parliament.	
2,450	0	0	For Works at the Penitentiary at <i>Milbank</i> .	
14,000	0	0	For the Prison for juvenile Offenders in the <i>Isle of Wight</i> .	
8,000	0	0	For erecting a new Custom House at <i>Dundee</i> .	
72,000	0	0	For Salaries, &c. of the Officers of	
			the Houses of Parliament and	
			Allowances to retired Officers	
48,600	0	0	For Salaries and Expences of the	
			Treasury - - -	
19,307	0	0	For ditto of the Home Depart-	
			ment - - -	
63,092	0	0	For ditto of the Foreign ditto -	
16,745	0	0	For ditto of the Colonial ditto -	
25,330	0	0	For ditto of the Privy Council -	
36,784	0	0	For the Office of the Paymaster	
			General - - -	
			} To 31st March 1839.	

£14,404	0	0	For Salaries, &c. of Comptroller General of the Exchequer and Paymaster of Civil Services -	} To 31st March 1839.
2,006	0	0	For Professors in <i>Oxford</i> and <i>Cambridge</i> - - -	
12,500	0	0	For Salaries and Expences of the Insolvent Debtors Court -	
6,000	0	0	For the Penitentiary at <i>Milbank</i>	
4,213	0	0	For Expences of the State Paper Office and Record Offices at the <i>Tower</i> and <i>Westminster</i> -	
5,100	0	0	For Commissioners of Criminal Law.	
4,000	0	0	For Commissioners of Religious Worship, &c. in <i>Scotland</i> .	
4,010	0	0	For Commissioners of Inquiry into the Condition of the unemployed Hand-loom Weavers.	
2,500	0	0	For Ecclesiastical Commissioners for <i>England</i> to the 31st March 1839.	
14,700	0	0	For Commissioners for preventing Traffic in Slaves to ditto.	
107,993	0	0	For Salaries, &c. of Consuls, and Superintendents of Trade at <i>Canton</i> .	} To 31st March 1839.
9,055	0	0	For Salaries of Factory Inspectors	
6,000	0	0	For ditto of Inspectors of Prisons	
53,703	0	0	For Expences of the several Branches of the Mint - - -	
83,212	0	0	For retired Allowances to Persons formerly in Public Offices or in the Public Service -	
9,500	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers, <i>St. Domingo</i> Sufferers, <i>American</i> Loyalists, &c.	
1,850	0	0	For the Vaccine Establishment for 1838.	
3,000	0	0	For the Refuge for the Destitute for 1838.	
3,073	0	0	For confining and maintaining Criminal Lunatics - - -	
4,500	0	0	For Protestant Dissenting Ministers, <i>French</i> Refugee Clergy, Laity, &c. - - -	
35,900	0	0	For Secret Services - - -	} To 31st March 1839.
197,796	0	0	For Stationery, Printing, &c. for Public Departments and Parliament - - -	
13,000	0	0	For Law Charges - - -	
46,690	0	0	For Convicts at Home and at <i>Bermuda</i> - - -	
235,000	0	0	For Convicts in <i>New South Wales</i> and <i>Van Diemen's Land</i> -	
20,000	0	0	For Support of captured Negroes	
5,000	0	0	For cleaning, indexing, &c. Public Records - - -	
20,000	0	0	For the Erection of Schoolhouses in <i>England</i> - - -	
10,000	0	0	For ditto in <i>Scotland</i> - - -	

	£54,252	0	0	For Commissioners of Poor Laws for 1838.	
	27,000	0	0	For Revising Barristers.	
	10,800	0	0	For Expences of Sheriffs, and Deficiency of Fees in the Remembrancer's Office, &c.	
	80,000	0	0	For Charges hitherto paid out of the County Rates for 1838.	
	10,000	0	0	For distressed <i>Poles</i> .	
	600	0	0	For the Purchase of <i>Etruscan</i> Antiquities for the <i>British Museum</i> .	
	50,000	0	0	For Steam Navigation to <i>India</i> to 31st <i>March</i> 1839.	
	17,667	0	0	For Salaries of Governors, &c. in the <i>West Indies</i> to 31st <i>March</i> 1839.	
	69,950	0	0	For Salaries, &c. of Special Justices in the Colonies to ditto.	
	30,000	0	0	For educating emancipated Negroes.	
	3,871	16	3	For Salaries of Agents for Emigration.	
	8,600	0	0	For repairing, &c. the <i>Rideau</i> and <i>Ottawa</i> Canals.	
	63,200	0	0	For Miscellaneous Charges in <i>Scotland</i> to the 31st <i>March</i> 1839.	
	27,469	0	0	For the <i>British Museum</i> to Lady Day 1839.	
§ XIX.	50,000	0	0	For Education in <i>Ireland</i>	} To 31st <i>March</i> 1839.
	12,500	0	0	For the Foundling Hospital in <i>Dublin</i>	
	20,000	0	0	For the House of Industry in <i>Dublin</i> and Hospitals attached	
	150	0	0	For the <i>Hibernian</i> Marine Society	
	1,000	0	0	For the Female Orphan House in <i>Dublin</i>	
	2,500	0	0	For the <i>Westmorland</i> Lock Hospital	
	1,000	0	0	For the Lying-in Hospital	
	1,500	0	0	For Dr. <i>Steven's</i> Hospital	
	3,800	0	0	For the Fever Hospital and House of Recovery	
	500	0	0	For the Hospital for Incurables	
	8,928	0	0	For Roman Catholic College	
	300	0	0	For the Royal <i>Irish</i> Academy	
	300	0	0	For the Royal <i>Hibernian</i> Academy	
	5,300	0	0	For the Royal <i>Dublin</i> Society	
XX.	700	0	0	For Board of Charitable Bequests in <i>Ireland</i>	
	1,800	0	0	For Royal <i>Belfast</i> Academical Institution	
	13,839	0	0	For the Board of Public Works	
	22,332	0	0	For Secretaries to Lord Lieutenant, of the Privy Council Office, and Printing for Public Offices in <i>Ireland</i>	
	12,394	0	0	For Household of Lord Lieutenant and other Officers, formerly charged on the Civil List	
	3,000	0	0	For the Payment of Civil Services in <i>Ireland</i>	

£4,150	0	0	For publishing Proclamations and Statutes	} To 31st March 1839.
31,719	0	0	For Dissenting Ministers	
66,700	0	0	For Criminal Prosecutions	
31,357	0	0	For <i>Dublin</i> Police	
3,206	0	0	For Public Works	
7,000	0	0	For Townland Survey of <i>Ireland</i>	
12,700	0	0	For Railway Commission in <i>Ireland</i>	

§ XXI. Supplies to be applied only for the Purposes aforesaid.

- XXII. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent receiving Half Pay under any Act relating to the General or Local Militia, the Yeomanry, or Volunteers. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1823. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.
- XXIII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.
- XXIV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 7 *W. 4. & 1 Vict. c. 79.*, indemnified.
- XXV. Half Pay allowed to the Officers of the *Manx* Fencibles.
- XXVI. Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.
- XXVII. The Surplus of the Sum appropriated to Half Pay by 7 *W. 4. & 1 Vict. c. 79.* authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.
- XXVIII. Widows and Persons claiming Pensions to make the required Declaration.
- XXIX. Declaration to be made as specified in 5 & 6 *W. 4. c. 62.*

C A P. CXII.

An Act for indemnifying those who have issued or acted under certain Parts of a certain Ordinance made under colour of an Act passed in the present Session of Parliament, intituled *An Act to make temporary Provision for the Government of Lower Canada.* [16th August 1838.]

1 *Vict. c. 9.*

‘ WHEREAS an Act was made this present Session of
 ‘ Parliament, intituled *An Act to make temporary Pro-*
 ‘ *vision for the Government of Lower Canada:* And whereas a
 ‘ certain Law or Ordinance hath been made and published by the
 ‘ Governor of the said Province, by and with the Advice and Con-
 ‘ sent of the Special Council, bearing Date the Twenty-eighth Day
 ‘ of *June* last, intituled *An Ordinance to provide for the Security*
 ‘ *of the Province of Lower Canada,* which Ordinance cannot be
 ‘ justified by Law, but was so much intended for the Security of
 ‘ the said Province that it is expedient that all Persons advising
 ‘ or acting under or in obedience to so much of the same as relates
 ‘ to the sending of certain Persons to *Bermuda,* who are stated
 ‘ in the same to have made certain Confessions, and to the sub-
 ‘ jecting such Persons to Restraint, should be indemnified by Par-
 ‘ liament

liament in the Manner and to the Extent herein-after provided for: Be it enacted by the Queen'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 all personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be prosecuted or commenced in any Court or before any Tribunal in any Part of Her Majesty's Dominions against any Person or Persons for or by reason of any Act, Matter, or Thing advised, commanded, appointed, or done in relation to the Premises before the Proclamation of this Act in the said Province of *Lower Canada* and in the Islands of *Bermuda* respectively or elsewhere in manner herein-after provided, be, are, and shall be discharged and made void by virtue of this Act; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for any such Act, Matter, or Thing so advised, commanded, appointed, or done, he, she, or they may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs in any Action or Suit so to be prosecuted or commenced, except in that Part of *Great Britain* called *Scotland*, after the First Day of *October* next, shall become Nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their Double Costs, for which he, she, or they shall have the like Remedy as in Cases where Costs by Law are given to Defendants; and if any such Action or Suit as aforesaid shall be commenced or prosecuted after the First Day of *October* next in that Part of *Great Britain* called *Scotland* the Court before whom such Action or Suit shall be commenced or prosecuted shall allow to the Defender the Benefit of the Discharge and Indemnity hereby provided, and shall further allow to him his Double Costs of Suit in all such Cases as aforesaid.

II. And be it enacted, That this Act shall be proclaimed in the said Province of *Lower Canada* and in the said Islands of *Bermuda* by the Governor, or by the Person authorized to execute the Commission of Governor, of the said Province and of the said Islands respectively, forthwith after he shall have received a Copy of the same from one of Her Majesty's Principal Secretaries of State.

Indemnity for Persons advising or acting under an Ordinance of the Governor and Council of Lower Canada of the 28th of June last.

This Act to be proclaimed in Lower Canada and Bermuda respectively.

C A P. CXIII.

An Act to amend the Laws relating to the Customs.

[16th August 1838.]

WHEREAS several Acts were passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, for consolidating the Laws of the Customs, and it has been found necessary to make certain Alterations and Amendments therein: Be it therefore enacted by the Queen'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 passing of this Act the same shall come

1 & 2 VICT.

R r

Commencement of Act. into

Management.

Proviso for Receiver to accept odd Pence repealed.

Regulations.

Bills of Entry may be partly printed and partly written.

Goods, &c. from Guernsey, &c. to be liable to Duties of Excise.

Droits of Admiralty, when sold in the United Kingdom, to be liable to Duty.

Cutlery, &c. of Foreign Manufacture bearing Names of British Manufacturers, on Importation into U. K. or British Possessions, from and after 5th Jan. 1839, forfeited.

into and be and continue in full Force and Operation for all the Purposes mentioned therein.

II. ' And whereas by one of the said Acts, intituled *An Act for the Management of the Customs*, it is provided that it shall be lawful for the Receiver of any Duties of Customs to receive for his own Use, if freely given, so much as added to any Fraction below Sixpence shall make the same amount to Sixpence; and it is expedient to repeal the same;' be it therefore enacted, That so much of the above-recited Act shall be repealed.

III. ' And whereas by one other of the said Acts, intituled *An Act for the general Regulation of the Customs*, the Person entering any Goods Inwards or Outwards is required to deliver to the Collector and Comptroller a Bill of the Entry of such Goods, fairly written in Words at Length, expressing certain Particulars required by the said last-mentioned Act to be inserted in such Bills of Entry; and for the Convenience of Parties making such Entries it is necessary to permit such Bills of Entry and the Duplicates thereof to be printed in part;' be it therefore enacted and declared, That such Bills of Entry for Goods Inwards and Outwards, and the Duplicates thereof, may be either fairly written or fairly printed in part and fairly written in part.

IV. ' And whereas by the said Act for the Regulation of the Customs it is provided that Goods of the Manufacture of the Islands of *Guernsey, Jersey, Alderney, Sark, or Man* shall be charged with such Proportion of the Duties of Importation as shall fairly countervail any Duties of Excise payable on the like Goods in the United Kingdom: And whereas Doubts have arisen whether such Charge may be made in respect of the Materials of such Goods;' be it therefore enacted and declared, That such Goods are and shall be also chargeable to such Proportion of the said Duties of Importation as shall fairly countervail any Duty of Excise upon any of the Materials of which the Goods are manufactured.

V. ' And whereas by an Act passed in the First Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to subject to Duties of Customs Goods the Property of the Crown in case of Sale after Importation*, Goods the Property of the Crown imported and sold in the United Kingdom are made subject to Duty: And whereas Doubts have arisen whether Droits of Admiralty sold in the United Kingdom are so liable;' be it therefore enacted and declared, That upon the Sale of Droits of Admiralty in the United Kingdom the like Duties as are due on the Importation into the United Kingdom of the like Sort of Goods shall be payable thereon.

VI. ' And whereas Articles of Cutlery and Hardware of Foreign Manufacture, and Packages of such Articles, have been imported into the United Kingdom and into the *British Possessions* abroad, bearing the Names or Marks of *British* Manufacturers resident in the United Kingdom, to the great Prejudice of such Manufacturers: And whereas it is expedient that Regulations should be made for the Prevention of such Importations;' be it therefore enacted, That from and after the Fifth Day of *January* One thousand eight hundred and thirty-nine any Articles of Cutlery or Hardware of Foreign Manufacture, and any Packages of such Articles,

ticles, imported into the United Kingdom or into the *British Possessions* abroad, bearing the Names or Marks of such *British Manufacturers*, shall be forfeited, and shall and may be seized, prosecuted, and condemned, and the Proceeds thereof distributed and applied in like Manner as any Goods now are directed to be seized, prosecuted, and condemned, and their Proceeds are directed to be distributed and applied, under any Law or Laws relating to the Customs.

VII. And be it enacted, That so much of the said Act for the Regulation of the Customs as prohibits the Importation of dried or salted Fish to be warehoused shall be repealed.

VIII. ' And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, it was among other things enacted, that it should not be lawful for any Person to act as an Agent for transacting any Business at the Custom House in the Port of *London* which should relate to the Entry or Clearance of any Ship, or of any Goods or of any Baggage, unless authorized so to do by Licence of the Commissioners of His Majesty's Customs, who were empowered to require Bond to be given by every such Person to whom such Licence should be granted, with One sufficient Surety, in the Sum of One thousand Pounds, for the faithful and correct Conduct of such Person: And whereas the said Act has been repealed, and similar Provisions in lieu thereof enacted in a subsequent Act, and Doubts have arisen whether or not the said Licences granted and Bonds given in pursuance of the said first-recited Act are still valid, and may be enforced if Breach is made in the same; be it therefore enacted and declared, That all Licences heretofore granted by the Commissioners of His Majesty's Customs to any Persons to act as such Agent under the Authority of the said Act, and all Bonds taken under such Authority for the faithful and correct Conduct of such Persons, are and the same are hereby declared to be and remain in full Force and Effect as if the said Act had not been repealed.

IX. ' And whereas by one other of the said Acts, intituled *An Act for the Prevention of Smuggling*, certain Powers are vested in and may be exercised in the *Isle of Man* by any Governor or Deemster of the said *Isle of Man*, and it is expedient to vest the said Powers in Justices of the Peace in the said *Isle of Man*; be it therefore enacted, That all the Powers vested in any Governor, Deputy Governor, or Deemster in the said *Isle of Man*, by virtue of the above-recited Act, shall be vested in and may be exercised in the said *Isle of Man* by any Two Justices of the Peace in and for the said Island: Provided always, that any One of such Justices may do any Act which One Justice is authorized to do by the said Act, or any other Act relating to the Customs.

X. ' And whereas it is expedient that certain Officers in the Service of the Customs, when in the Discharge of their Public Duty, should be exempt from the Payment of Turnpike or other Tolls; be it therefore enacted, That Officers of the Coast Guard and of the Revenue Mounted Guard in the Service of the Customs, when in the Discharge of their Public Duty, and in their Uniforms, shall not be subject and liable to the Payment of any Turnpike

Regulations.

Salted or dried Fish may be imported, to be warehoused.

Licences to Agents to transact Custom House Business granted under 6 G. 4. c. 107., and the Bonds taken thereupon, declared valid.

Smuggling.

Powers of Deemsters in *Isle of Man* extended to Justices in the said Island.

Officers of Coast Guard and Revenue Mounted Guard not liable to pay Turnpike or other Tolls when on Duty.

Registry.

Commissioners of Customs may, in the Absence of Builder's Certificate, receive Proof of the Particulars required.

Owners of British Vessels to give Notice to Collectors of Customs at the Port of Registry of the Loss, &c. of such Vessels;

or if Vessels absent from the Port of Registry for Three Years, to state Cause.

Failing to give such Notices, &c. to forfeit 5*l*.

Authority of Governor, &c. of Cape of Good Hope to register Vessels, repealed.

or other Tolls, any Law or Laws to the contrary thereof notwithstanding.

XI. ' And whereas by one other of the said Acts, intituled *An Act for the registering of British Vessels*, it is among other things enacted, that every Person who shall apply for a Certificate of Registry for any Ship or Vessel shall be required to produce to the Person authorized to grant such Certificate a true and full Account, under the Hand of the Builder of such Ship or Vessel, of the proper Denomination of and of the Time when and the Place where such Ship or Vessel was built, and also an exact Account of the Tonnage of such Ship or Vessel, together with the Name of the first Purchaser thereof: And whereas it frequently occurs that by reason of the Death of such Builder or some other unavoidable Cause such Certificate cannot be produced; be it therefore enacted, That in all such Cases as aforesaid, on Proof being made to the Satisfaction of the Commissioners of Her Majesty's Customs of all the Particulars required as aforesaid, they are hereby authorized to dispense with the Account required under the Hand of the Builder, and to allow the Certificate of Registry to be granted.

XII. ' And whereas it is expedient that true Information should be had at every Port in Her Majesty's Dominions whether all the Vessels registered at such Port are actually in existence and entitled to the Privileges of *British* registered Ships, or not; be it therefore enacted, That the Person or Persons registered as Owner or Owners of any *British* Ship or Vessel which shall have been lost, or taken by the Enemy, or burnt, or broken up, or otherwise prevented from returning to the Port to which such Ship or Vessel belongs, or which shall on any Account have lost or forfeited the Privileges of a *British* Ship, shall immediately upon obtaining Knowledge of any of the Circumstances aforesaid give Notice in Writing of such Circumstances to the Collector or Controller of the Customs at the Port of Registry of such Ship or Vessel.

XIII. And be it enacted, That in all Cases where any *British* registered Ship or Vessel shall have been absent from the Port of Registry for the Space of Three Years, the Person or Persons registered as the Owner or Owners of such Ship or Vessel shall in like Manner give Notice in Writing to the Collector or Controller of the Customs at such Port, stating therein the Cause of such Absence, and that the said Vessel has not forfeited her Privileges as a *British* Ship.

XIV. And be it enacted, That every such Owner or Owners failing to give such Notice in either of the Cases aforesaid, or making any untrue Statement in respect of any such Ship or Vessel, shall forfeit the Sum of Five Pounds.

XV. ' And whereas since the passing of the said Act for the registering of Vessels a Collector of Her Majesty's Customs has been appointed at the *Cape of Good Hope*; be it therefore enacted, That so much of the said Act as authorizes or requires the Governor, Lieutenant Governor, or Commander-in-Chief of the *Cape of Good Hope* to make Registry of Vessels, and to grant Certificates of Registry at the *Cape of Good Hope*, shall be repealed.

XVI. ' And

XVI. ' And whereas one other of the said Acts was passed in the said Third and Fourth Years of the Reign of His said Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*, and it is expedient to amend the same in manner herein-after mentioned; be it therefore enacted, That instead of the Duties imposed by the said last-mentioned Act, and set forth in a Table thereunto annexed, denominated "A Table of Duties of Customs Inwards," or imposed by any other Act, the several Duties set forth in Figures in the Table herein-after contained, and denominated "A Table of New Duties, 1838," shall, in respect of such Goods as are mentioned therein, be raised, levied, collected, and paid unto Her Majesty in like Manner as if such Duties had been imposed in and by the said Act, and had been set forth in the said Table thereunto annexed; (that is to say,)

Duties.
New Table of
Duties enacted.

A TABLE OF NEW DUTIES, 1838.

	£	s.	d.
Amboyna or Kyabucca Wood - - the Ton	10	0	0
Apples (raw), for every £100 of the Value -	5	0	0
Asphaltum or Bitumen Judaicum - the Ton	0	1	0
Blackwood - - - the Ton	2	0	0
Cherries (raw), for every £100 of the Value -	5	0	0
Cochineal and Granilla, from the 5th of January 1839 - - - the Cwt.	0	1	0
Hats or Bonnets; viz.			
— Chip, or Plating of Chip - - the lb.	0	8	0
— Straw, each Hat or Bonnet not exceeding 24 Inches in Diameter - - the Dozen	3	8	0
Hides; viz., Sea Cow, Elephant, and Eland, or large Deer Hides, the Produce of and imported from the British Possessions, viz.			
— not tanned, tawed, curried, or in any way dressed, viz.			
dry - - - the Cwt.	0	2	4
wet - - - the Cwt.	0	1	2
— tawed, and not otherwise dressed - the lb.	0	0	3
— cut or trimmed - the lb.	0	0	4½
— such Hides, and Pieces of such Hides, tawed, curried, or in any way dressed - the lb.	0	0	4½
— cut or trimmed - the lb.	0	0	7
Horns; viz.			
Pieces of Horns - - the Ton	0	1	0
Iron; viz.			
Bloom Iron - - - the Ton	0	15	0
Kingwood - - - the Ton	2	0	0
Lancewood Timber or Masts - the Load	0	10	0
Mahogany, the Produce of and imported from the Bay of Honduras or the Mosquito Shore the Ton	1	10	0
Nutmegs; viz.			
Wild Nutmegs in the Shell - the lb.	0	1	0

Duties.

	£	s.	d.
Pears (raw), for every £100 of the Value - - -	5	0	0
Percussion Caps - - - - the 1,000	0	0	4
Seeds; viz.			
Poppy Seed - - - - the Quarter	0	1	0
Skins; viz.			
Goose Skins, undressed - - - the Skin	0	0	8
Spirits or strong Waters; viz.			
— for every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by Sykes Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, viz.			
— not being Spirits or strong Waters the Produce of any British Possession in America, or any British Possession within the Limits of the East India Company's Charter, and not being sweetened Spirits, or Spirits mixed with any Article so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer -	1	2	6
— Spirits or strong Waters the Produce of any British Possession in America, not being sweetened Spirits, or Spirits so mixed as aforesaid - - - -	0	9	0
— Spirits or strong Waters the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits, or Spirits so mixed as aforesaid - - - -	0	15	0
Tails; viz. Buffalo, Bull, Cow, or Ox Tails the Cwt.	0	0	6
Tulip Wood - - - - the Ton	2	0	0

Regulation respecting Bottles in which mineral or natural Water is imported.

XVII. 'And whereas by the said Act for granting Duties of Customs, Glass Bottles or Flasks in which mineral or natural Water is imported are exempted from Duty;' be it enacted and declared, That the said Exemption from Duty shall extend only to Bottles or Flasks used for the Importation of mineral or natural Water having medicinal or other Qualities distinguishing it from common Water.

East India Sugar warehoused at the Cape of Good Hope and imported from thence.

XVIII. And be it enacted, That if any Sugar or Coffee the Produce of any *British* Possession within the Limits of the *East India* Company's Charter shall have been imported into the *Cape of Good Hope* from the Place of its Production accompanied by such a Certificate of Origin as would be sufficient for its Admission in the United Kingdom at the low Rate of Duty, and shall have been warehoused at the *Cape of Good Hope* under the Regulations there in force for the warehousing of Goods, and shall have been exported from such Warehouse accompanied by a Certificate from the proper Officer of the Customs at the *Cape of Good Hope*,

setting

setting forth the Particulars of the Importation and of the warehousing and of the Exportation of the same, and also setting forth the Substance of the Certificate of Origin before mentioned, and if on the Arrival in the United Kingdom of the Ship importing such Sugar or Coffee the Master of such Ship shall deliver to the Collector or Controller at the Port of Importation such Certificate from the Officer of the Customs at the *Cape of Good Hope*, and shall make a Declaration before such Collector or Controller that such Certificate was received by him at the *Cape of Good Hope*, and that the Sugar or Coffee so imported is the same as is mentioned therein, then such Sugar or Coffee shall be admitted at such Port of Importation in the United Kingdom at the same Rate of Duty as would be payable if the same had been imported direct from the Place of its Production.

XIX. ' And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*, certain Duties of Customs and of Tonnage payable under an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal the Provisions of former Acts granting exclusive Privileges of Trade to the South Sea Company, and to indemnify the said Company for the Loss of such Privileges*, were repealed: And whereas the said Duties were specifically appropriated to the gradual Creation of the *South Sea Company Guarantee Fund* mentioned in the said last-mentioned Act: And whereas it is expedient and just to grant a Compensation for the Repeal of the said Duties, such Compensation to be applied to the same Purposes as the said Duties: And whereas the Average Amount of the Produce of such Duties for the Period of Ten Years, ending with and including the Year of our Lord One thousand eight hundred and thirty-six, is Three thousand seven hundred and twenty Pounds; be it therefore enacted, That the Commissioners of Her Majesty's Treasury are hereby authorized to direct the Payment by the Commissioners of Her Majesty's Customs out of any Money in their Hands of the annual Sum of Three thousand seven hundred and twenty Pounds in Four equal quarterly Proportions to the Commissioners for the Reduction of the National Debt, for the Purpose of being applied towards the Completion of the said Guarantee Fund in the same Manner as the Dividends available therefrom are now applicable by Law, such quarterly Payments to commence and take effect for and from the Fifth Day of *January* One thousand eight hundred and thirty-seven, and to cease when the said Fund is completed.

XX. ' And whereas by one other of the said Acts, intituled *An Act to grant certain Bounties and Allowances of Customs*, certain Deals and Timber therein described, used in the Mines of Tin, Lead, or Copper in the Counties of *Devon* or *Cornwall* or in *Ireland*, and on which the Duties of Customs have been paid, are allowed the several Drawbacks therein mentioned; and it is expedient to permit such Deals and Timber, after the Drawback has been allowed, to be sold for other Purposes than to be used in Mines, on Payment of an adequate Proportion of the said Drawback; be it therefore enacted, That any Deals and Timber which shall have been used in Mines, and the Drawback whereon shall

Duties.

Commissioners of Customs to pay Commissioners of National Debt annually 3,720*l.* Compensation for the Repeal of the South Sea Duties.
55 G. 3. c. 57.

Bounties.

Deals and Timber used in Mines, if sold after Drawback received, to pay a Duty of 20 per Cent.

Bounties.

have been allowed, may be sold for other Purposes, to be so used, under the Regulations herein-after mentioned, on Payment of a Duty of Customs of Twenty Pounds for every One hundred Pounds of the Value thereof.

Persons selling such Goods to give Notice thereof to the Officer of Customs.

XXI. And be it enacted, That before any such Deals or Timber shall be sold as aforesaid the Person or Persons about to sell the same shall give Notice thereof in Writing One Week before such Sale to the Collector or other Chief Officer of the Customs at the Port nearest to the Mines at which such Deals and Timber have been used are situated, and shall before such Deals and Timber are delivered pay to the said Collector or other Officer the said Duty hereby imposed; and any Deals or Timber sold without such Notice having been given as aforesaid, or whereon the said Duty has not been paid, shall be forfeited, and may be seized by any Officer or Officers of Customs or Excise; and any Person or Persons selling or concerned in the Sale of, or knowingly harbouring, keeping, or concealing, or permitting or suffering to be harboured, kept, and concealed, any such Deals or Timber or the Sale whereof no such Notice has been given, or whereon the said Duty has not been paid, shall forfeit Treble the Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs.

Goods sold without such Notice liable to Forfeiture, and Parties selling them to Penalties.

Possessions abroad.

Spirits may be imported into or exported from Jersey, &c. in Casks of 20 Gallons.

XXII. ' And whereas by one other of the said Acts, intituled *As Act to regulate the Trade of the British Possessions abroad, no Brandy, Geneva, or other Spirits (except Rum of the British Plantations) are to be imported into or exported from the Islands of Jersey, Guernsey, Alderney, or Sark, or either of them, or to be removed from any one to any other of the said Islands, or Coastwise from any one Part to any other Part of either of the said Islands, or to be shipped in order to be so removed or carried, or to be waterborne for the Purpose of being so shipped, in a Cask or Package of less Size or Content than Forty Gallons (except when in Bottles, and carried in a square-rigged Ship); and it is expedient to amend the said Act;* be it therefore enacted, That the said Restrictions shall not extend to any such Brandy, Geneva, or other Spirits in Casks of not less Size or Content than Twenty Gallons each.

Restrictions of Tonnage and Package on Tobacco in Guernsey, &c. repealed.

XXIII. And be it enacted, That so much of the said Act for regulating the Trade of the *British Possessions abroad as prohibits the Importation or Exportation of Tobacco or Snuff into or from the said Islands of Guernsey, Jersey, Alderney, or Sark, except in Ships of certain Tonnage and in Packages of certain Content mentioned in the said Act, shall be repealed.*

Coffee, the Produce of British Possessions within the Limits of the East India Company's Charter, may be imported into the British Possessions in the West Indies, &c.

XXIV. And be it enacted, That so much of the said Act for regulating the Trade of the *British Possessions abroad as prohibits Coffee the Production of British Possessions within the Limits of the East India Company's Charter from being imported into any of the British Possessions in the West Indies and into the Island of Mauritius shall be repealed: Provided always, that no Coffee shall be entered in any British Possession in the West Indies or in the Island of Mauritius as being the Produce of any British Possession within the Limits of the East India Company's Charter when imported from such Possessions, unless the Master of the Ship importing the same shall have delivered to the Collector or*

Controller a Certificate under the Hand and Seal of the proper Officer at the Place where such Coffee was taken on board, testifying that a Declaration in Writing had been made and signed before him (the Contents of which he had examined and believed to be true) by the Shipper of such Coffee, that the same was really and *bond fide* the Produce of some such *British Possession*, nor unless such Master shall make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the Place where such Coffee was taken on board, and that the Coffee so imported is the same as is mentioned therein.

XXV. And be it enacted, That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a Coasting Trade for the Removal of Goods generally, or for the Removal of any particular Goods, between neighbouring Ports of different Colonies similarly circumstanced in respect of Duties, in any of the *British Possessions* abroad, it shall be lawful for the said Commissioners to issue Directions for that Purpose, and from and after the Publication thereof in the Gazette, or other public Paper printed in the said Colonies to which such Coasting Trade has been extended, the same shall come into and be in full Force and Effect; and such Coasting Trade shall be subject to the like Rules, Regulations, Penalties, and Forfeitures as the said Commissioners are authorized to make for the carrying Coastwise of any Goods under the Provisions of the said Act for regulating the Trade of the *British Possessions* abroad.

XXVI. 'And whereas by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions on the Continent of North America; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom*, certain Provisions were made respecting the Carriage of Passengers from the United Kingdom, and from the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, on Voyages to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*: And whereas Doubts have arisen whether the said Provisions extend to Foreign Vessels and the Masters thereof, and it is expedient to declare that the said Provisions do extend to such Vessels and Masters;' be it therefore enacted and declared, That from and after the passing of this Act all the Provisions, Regulations, Penalties, and Forfeitures set forth in the said Act shall extend and be deemed to extend to Foreign Vessels carrying Passengers from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, and to the Masters of such Vessels, as fully and effectually and to all Intents and Purposes as if the said Foreign Vessels and Masters thereof had been specifically mentioned and named in the said Act.

XXVII. 'And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America*, and

*Possessions
abroad.*

Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade.

Passengers.

Provisions of 5 & 6 W. 4. c. 53. extended to Foreign Vessels, under certain Circumstances.

Treaties.

59 G. 3. c. 54. to apply to all Foreign Powers as well as United States and Portugal.

Treaties.

‘ and a Treaty with the Prince Regent of Portugal, divers Provisions were made respecting the Duties payable and the Bounties and Allowances to be granted upon the Importation and Exportation of Goods, Wares, and Merchandize into or from the United Kingdom in Vessels of the United States, and in *Portuguese* Vessels, and respecting the Repayment to certain Corporations, Bodies Politic and Corporate, and sundry other Persons, of the Amount of the Sums of Money of which they would be deprived by means of the said Act; and it was thereby enacted, that the said Act should continue in force so long as the Convention therein recited between His said late Majesty and the United States of *America*, and the Treaty therein recited between His said late Majesty and His Royal Highness the Prince Regent of *Portugal*, and so long as any Treaty to be made with any Foreign Power, with the similar Provision therein-before recited, should respectively continue in force: And whereas subsequently to the Enactment of the said recited Act Her Majesty and Her Royal Predecessors have made and concluded with divers Foreign Powers Treaties containing Provisions similar to those recited in the said recited Act, and Doubts have arisen, whether, according to the true Construction thereof, the said Act doth apply and extend to the Trade and Shipping of such other Foreign Powers; and it is expedient that such Doubts be removed;’ be it therefore and it is hereby enacted and declared, That from and after the Ratification of any Treaty heretofore made by Her Majesty or any of Her Royal Predecessors subsequently to the Enactment of the said Act, or of any Treaty which may hereafter be made by Her Majesty, Her Heirs and Successors, with any such Foreign Power, in which Treaty has been or shall be contained Provisions similar to those recited in the said recited Act, all and every the Provisions, Clauses, Matters, and Things in the said recited Act contained did and shall apply and extend to the Trade and Shipping of such Foreign Powers respectively, as fully and effectually to all Intents and Purposes as to the Trade and Shipping of the said United States and of the said Kingdom of *Portugal*.

Recited Act not to be construed as granting Powers beyond subsisting Treaties.

XXVIII. Provided nevertheless, and be it enacted and declared, That the said recited Act doth not extend and shall not be construed to extend to grant to or to confer upon the Trade or Shipping of the said United States or of the said Kingdom of *Portugal*, or of any other Foreign Power, or to the Subjects of such States or Kingdom, or of any such Foreign Power as aforesaid, any other or greater Advantage than such as shall have been stipulated for by and granted to the said United States, the said Kingdom of *Portugal*, or any such other Foreign Power, by the respective Treaties subsisting and in force between them respectively and Her Majesty, Her Heirs and Successors, or Her Royal Predecessors, but that the said Act shall be so construed and applied as to give full and complete Effect to such respective Treaties so long as the same shall respectively remain in force, and is to provide such and only such Indemnity as therein mentioned to such Bodies Politic and Corporate and other Persons as are therein mentioned, for such Losses as they shall respectively sustain by the Execution of such respective Treaties.

XXIX. And

XXIX. And for the Prevention of Uncertainty herein, be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Order or Orders to be by Her or Them made with the Advice of Her or Their Privy Council, and published in the *London Gazette*, from Time to Time to declare what are the Foreign Powers with which any such Treaty or Treaties as aforesaid is or are subsisting; and this present Act and the said recited Act shall apply, and shall be deemed from the Time of the Ratification of any such Treaties to have been applicable, to the Trade and Shipping of such Foreign Countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer.

XXX. 'And whereas by one other of the said first-mentioned Acts, intituled *An Act for the Encouragement of British Shipping and Navigation*, it is enacted, that Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported from *Europe* for Consumption in the United Kingdom, except in certain Cases: And whereas by the said Act it is provided that Goods the Produce of *Asia* or *Africa*, which have been brought into Places in *Europe* within the *Straits of Gibraltar* from or through Places in *Asia* or *Africa* within those Straits, and not by way of the *Atlantic Ocean*, may be imported from such Ports in *Europe* in *British Ships*: And whereas Treaties beneficial to *British Shipping* may be made with Countries having Ports within the *Straits of Gibraltar* if Her Majesty were empowered to authorize the Importation of such Goods from such Ports in the Ships of such Countries respectively; be it therefore enacted, That in case any Treaty shall be made with any such Country, stipulating that such Productions of *Asia* or *Africa* shall be imported from the Ports of such Country in the Ships of the same as well as in *British Ships*, such Goods so imported shall in virtue of such Treaty be admitted to Entry in the United Kingdom, to be used and consumed therein, any thing in the said Act of Navigation to the contrary notwithstanding.

C A P. CXIV.

An Act to amend the Law of *Scotland* in Matters relating to Personal Diligence, Arrestments, and POUNDINGS.

[16th August 1838.]

'WHEREAS it is expedient to improve the Form and to diminish the Expence of the Diligence of the Law in *Scotland* against the Persons of Debtors, and to amend the Law as to the Diligence of Arrestment and POUNDING: Be it therefore enacted by the Queen'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 Thirty-first Day of *December* One thousand eight hundred and thirty-eight, where an Extract shall be issued of a Decree or Act pronounced or to be pronounced by the Court of Session, or by the Court of Commission for Teinds, or by the Court of Justiciary, or of a Decree pronounced upon any Deed, Decree Arbitral, Bond, Protest of a Bill,

Treaties.

Her Majesty, with Advice of Privy Council, to declare the Powers with whom Treaties are subsisting.

Goods the Produce of certain Countries may be imported, and admitted to Entry in the United Kingdom.

Extracts of Court of Session, Teind Court, and Court of Justiciary Decrees to contain Warrant to arrest, Pro.

charge, and
pound.

Promissory Note, or Banker's Note, or upon any other Obligation or Document on which Execution may competently proceed, recorded in the Books of Council and Session or of the Court of Justiciary, the Extractor shall, in Terms of the Schedule (Number 1.) hereunto annexed (or as near to the Form thereof as Circumstances will permit), insert a Warrant to charge the Debtor or Obligant to pay the Debt or perform the Obligation within the Days of Charge, under the Pain of Poinding and Imprisonment, and to arrest and pound, and for that Purpose to open shut and lockfast Places; which Extract shall be subscribed and prepared in other respects as Extracts are at present subscribed and prepared, and for which Extract no higher Fees shall be exigible than those which are payable as by Law established.

Competent to
arrest.

II. And be it enacted, That it shall be lawful by virtue of such Extract to arrest in like Manner as if Letters of Arrestment on liquid Grounds of Debt or Letters of Horning containing Warrant to arrest had been issued under the Signet.

Competent to
charge.

III. And be it enacted, That it shall be lawful by virtue of such Extract to charge the Debtor or Obligant therein mentioned to pay the Sums of Money or to perform the Obligation therein specified within the Days of Charge, from and after the Date of Charge, under the Pain of Poinding and Imprisonment; and the Officer executing the same shall return an Execution in Terms of the Schedule (Number 2.) hereunto annexed, or as near to the Form thereof as Circumstances will permit.

Officer's Exe-
cution.

Competent to
pound.

IV. And be it enacted, That on the Expiration of the Days of Charge it shall be lawful by virtue of such Extract to pound the moveable Effects of the Debtor in payment of the Sums of Money therein mentioned, as if Letters of Poinding or Letters of Horning containing Warrant to pound had been issued, and for that Purpose to open shut and lockfast Places.

Execution to be
registered;

V. And be it enacted, That it shall be competent at any Time within Year and Day after a Charge has expired to present such Extract and Execution of Charge to the Keeper of the General Register of Hornings at *Edinburgh*, and the Keeper shall thereupon record the Execution in that Register, and state therein the Name and Designation of the Person by whom the Extract and Execution were presented, and also the Date of Presentation; which Registration shall have the same Effect as if the Debtor or Obligant had been denounced Rebel in virtue of Letters of Horning, and the said Letters, with the Executions of Charge and Denunciation, had been recorded according to the Forms now in use, and shall have the Effect to accumulate the Debt and Interest into a Capital Sum, whereon Interest shall thereafter become due.

and to have the
Effect of De-
nunciation, and
to accumulate
Interest.

Extract and
Execution with
Certificate of
Registration to
be presented in
the Bill Cham-
ber for Warrant
to imprison.

VI. And be it enacted, That on the Execution being so recorded the Keeper of the Register shall write upon the Extract and upon the Execution (if it be written on Paper apart) a Certificate of the Registration thereof in Terms or to the Effect of the Schedule (Number 3.) hereunto annexed, which he shall date and subscribe; and if Warrant to imprison be required, a Writer to the Signet shall endorse and subscribe on the Extract a Minute to the Effect of the Schedule (Number 4.) hereunto annexed (or as near to that Form as Circumstances will permit); and the Extract, with the Execution and Certificate of Registration and endorsed Minute,
shall

shall be presented in the Bill Chamber of the Court of Session, and the Clerk thereof shall, if there be no lawful Cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and shall date and subscribe the same; and it shall be lawful by virtue of the said Extract and Deliverance to search for, take, apprehend, and imprison the Debtor or Obligant, and, if necessary for that Purpose, to open shut and lockfast Places; and Magistrates and Keepers of Prisons are hereby authorized and required to receive into and detain in Prison the Person of the Debtor or Obligant till liberated in due Course of Law, in like Manner as if Letters of Caption had been issued under the Signet.

VII. And be it enacted, That where any Person shall acquire Right to an Extract of a Decree or Act issued as aforesaid it shall be competent to him to present in the Bill Chamber the Extract, with the Execution of Charge (if a Charge shall have been given), and Certificate of Registration (if the same shall have been registered), and a Minute endorsed thereon, in the Form of the Schedule (Number 5.) hereunto annexed (or as near thereto as Circumstances will permit), subscribed by a Writer to the Signet, with the Assignment, Confirmation, or other legal Evidence of such acquired Right, praying for Authority (as the Case may be) to arrest, charge, poind the Effects of, or (as the Case may be) to imprison, the said Debtor or Obligant, and open shut and lockfast Places; and the Clerk shall, if there be no lawful Cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and he shall date and subscribe the same, and endorse the same Date on the Documents produced, and subscribe with his Initials the Date so endorsed; and the Extract with such Deliverance shall be a Warrant to arrest, charge, poind, and open shut and lockfast Places, or (as the Case may be) to search for, take, apprehend, and imprison as aforesaid, at the Instance of such Person.

VIII. And be it enacted, That nothing herein contained shall prevent any Person from obtaining Extracts, and also Letters of Horning, Poinding, and Arrestment, or Letters of Arrestment and Letters of Caption, according to the former Law and Practice, if he shall see fit to proceed in that Way, in place of in the Manner hereby provided; but it is hereby declared, that in such Case no Part of the Expences thereof, except the Expences of the Extract, shall be exigible from the Debtor or Obligant, or his Estate, unless it be shown that it is incompetent to proceed in the Way herein provided; and where an Extract has been issued before the Commencement of this Act, it shall be competent for the Person in whose Favour such Extract has been issued, or the Person having Right thereto, to obtain an Extract in Terms of this Act, or a Warrant subjoined to the former Extract in Terms of the said Schedule (Number 1.), and to prosecute Diligence thereon agreeably to the Provisions hereof.

IX. And be it enacted, That from and after the said Thirty-first Day of *December*, where an Extract shall be issued of any Decree or Act pronounced or to be pronounced by any Sheriff, or of a Decree proceeding upon any Deed, Decree Arbitral, Bond, Protest of a Bill, Promissory Note, or Banker's Note, or upon any other Obligation or Document on which Execution may competently

Execution at the Instance of a Person acquiring Right to extract.

Letters of Horning may be issued as formerly, but no Expences exigible.

Extracts in Terms of this Act may be obtained where Extracts issued before.

Extracts of Sheriff's Decrees, &c. to contain Warrant to arrest, charge, poind, and open shut and lockfast Places.

petently proceed, recorded in the Sheriff Court Books, the Extractor shall, in Terms of the Schedule (Number 6.) hereunto annexed (or as near thereto as Circumstances will permit), insert therein a Warrant to charge the Debtor or Obligant to pay the Debt or perform the Obligation within the Days of Charge, under the Pain of Poinding and Imprisonment, and to arrest and point according to the present Practice, and, if Need be for the Purpose of Poinding, to open shut and lockfast Places; which Extract shall be subscribed and prepared in other respects as Extracts are at present subscribed and prepared, and for which Extracts no higher Fees shall be exigible than those which are payable as by Law established; and where an Extract has been issued from the Books of the Sheriff before the Commencement of this Act it shall be competent for the Person in whose Favour such Extract has been issued, or the Person having Right thereto, to obtain an Extract in Terms of this Act, or a Warrant subjoined to the former Extract in Terms of the said Schedule (Number 6.), and to prosecute Diligence thereon agreeably to the Provisions hereof.

Execution to be registered, and to accumulate Interest.

X. And be it enacted, That it shall be lawful by virtue of such Extract to charge the Debtor or Obligant therein mentioned to pay the Sums of Money or to perform the Obligation therein specified within the Days of Charge, under Pain of Poinding and Imprisonment, and the Officer executing the same shall return an Execution in Terms of the said Schedule (Number 2.), or as near to the Form thereof as Circumstances will permit; and it shall be competent at any Time within Year and Day after a Charge has expired to present the Extract and Execution of Charge to the Clerk of the Sheriff Court from which the Extract has been issued, who shall thereupon record the Execution in the Register of Hornings kept by him, and state therein the Name and Designation of the Person by whom the Extract and Execution were presented and the Date of Presentation; which Registration shall have the same Effect as if the Debtor or Obligant had been denounced Rebel in virtue of Letters of Horning, and the said Letters with the Executions of Charge and Denunciation had been recorded according to the Forms now in use, and shall have the Effect to accumulate the Debt and Interest into a Capital Sum whereon Interest shall thereafter become due.

Extract and Execution with Certificate of Registration to be presented in Sheriff Court for Warrant to imprison.

XI. And be it enacted, That on the Execution being so recorded the Sheriff Clerk shall write upon the Extract and upon the Execution (if it be written on Paper apart) a Certificate of the Registration thereof, which he shall date and subscribe, in Terms of the Schedule (Number 7.) hereunto annexed (or as near thereto as Circumstances will permit); and if Warrant to imprison be desired, the Creditor or a Procurator of Court shall endorse and subscribe on the said Extract a Minute in the Terms of the Schedule (Number 8.) hereunto annexed (or as near to that Form as Circumstances will permit); and the said Clerk shall, if there be no lawful Cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur,*" and shall date and subscribe the same; and it shall be lawful by virtue of the said Extract and Deliverance to search for, take, apprehend, imprison, and, if necessary for that Purpose, to open shut and lockfast Places as aforesaid; and Magistrates and Keepers of Prisons are hereby authorized and required

required to receive into and detain in Prison the Person of the Debtor or Obligant till liberated in due Course of Law, in like Manner as if Letters of Captation had been issued under the Signet.

XII. And be it enacted, That where any Person has acquired Right to an Extract of a Decree or Act of the Sheriff he may present to the Sheriff Clerk the Extract, with the Execution of Charge (if a Charge shall have been given), and Certificate of Registration (if the same shall have been registered), and a Minute endorsed on the Extract in the Form of the Schedule (Number 9.) hereunto annexed (or as near thereto as Circumstances will permit), subscribed by him or a Procurator of Court, with the Assigment, Confirmation, or other legal Evidence of the acquired Right, praying for Authority (as the Case may be) to arrest, charge, poind the Effects of, or (as the Case may be) to imprison, the said Debtor or Obligant, and open shut and lockfast Places; and the Clerk shall, if there be no lawful Cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and he shall date and subscribe the same, and endorse the same Date on the Documents produced, and subscribe with his Initials the Date so endorsed; and the Extract, with such Deliverance, shall be a Warrant to arrest, charge, poind, and open shut and lockfast Places, or (as the Case may be) to search for, take, apprehend, and imprison as aforesaid, at the Instance of such Person.

Execution at the Instance of a Person acquiring Right to the Extract.

XIII. And be it enacted, That where a Debtor or Obligant is or his Moveables are within the Territory of any other Sheriff than the Sheriff from whose Books such Extract shall be lawfully issued, it shall be competent to present the Extract in the Bill Chamber of the Court of Session, or in the Court of the Sheriff within whose Jurisdiction the Debtor or Obligant is or his Moveables are, with a subscribed Minute endorsed thereon in Terms of the Schedule (Number 10.) hereunto annexed (or as near thereto as Circumstances will permit), praying for the Authority and Concurrence of the Lords of Council and Session, or of the said Sheriff (as the Case may be), to arrest, charge, and poind the Moveables of the said Debtor or Obligant, and to open shut and lockfast Places, all in Terms of the Warrant in the said Extract; and if there be no lawful Cause to the contrary the Clerk in the Bill Chamber or the Sheriff Clerk (as the Case may be) shall grant Authority accordingly by writing this Deliverance, "*Fiat ut petitur*," and dating and subscribing the same; and it shall thereupon be lawful to arrest, charge, poind, and open shut and lockfast Places, in the same Manner as if the said Extract had been originally issued from the Books of the Court of Session or concurring Sheriff.

Warrant of Concurrence to charge, arrest, and poind.

XIV. And be it enacted, That where the Debtor or Obligant shall have been charged on a Warrant of Concurrence and the Execution recorded in the Books of the concurring Court, the Extract and Execution, with the Certificate of Registration, and a Minute in Terms of the said Schedule (Number 4.) hereunto annexed (or as near thereto as Circumstances will permit) endorsed thereon, may be presented either in the Bill Chamber subscribed by a Writer to the Signet, or in the Court of the concurring Sheriff subscribed

Warrant by concurring Sheriff Clerk to imprison.

subscribed by a Procurator of Court, praying for Authority to imprison as aforesaid; and if there be no lawful Cause to the contrary, the Bill Chamber Clerk or Sheriff Clerk (as the Case may be) shall grant Authority accordingly by writing thereon this Deliverance, "*Fiat ut petitur*," dating and subscribing the same; and it shall thereupon be lawful to open shut and lockfast Places, search for, take, apprehend, and imprison, in manner herein-before provided.

Concurrence to Warrant of Imprisonment granted in another Sheriff Court.

XV. And be it enacted, That where a Warrant to imprison has been granted by any Sheriff in manner herein-before provided, and where the Debtor or Obligant is within the Territory of another Sheriff, such Warrant may be presented, along with the Extract, Execution of Charge, and Certificate of Registration, either in the Bill Chamber or in such other Sheriff Court, and a Minute in Terms or to the Effect of the said Schedule (Number 10.) praying for the Authority and Concurrence of the Lords of Council and Session or of the said Sheriff Court for executing the said Warrant; and if there be no lawful Cause to the contrary the Clerk in the Bill Chamber or the Sheriff Clerk (as the Case may be) shall grant Authority accordingly by writing this Deliverance, "*Fiat ut petitur*," and dating and subscribing the same; and it shall thereupon be lawful to open shut and lockfast Places, search for, take, apprehend, and imprison, in the same Manner as if the said Warrant had been originally granted by the Court of Session or the concurring Sheriff.

Warrant to arrest may be introduced into Summonses before the Court of Session.

XVI. And be it enacted, That from and after the said Thirty-first Day of *December* it shall be lawful to insert in Summonses raised before the Lords of Council and Sessions concluding for Payment of Money a Warrant (or Will) to arrest the Moveables, Debts, and Money belonging or owing to the Defender until Caution be found, acted in the Books of Council and Session, that the same shall be made forthcoming as accords of Law; and it shall be lawful to Writers to the Signet to subscribe and to the Keeper thereof and his Deputes to affix the Signet to such Summonses without any other Authority than this Act.

Arrestment may be executed before executing the Summons, but the Summons must be executed and called within a limited Period.

XVII. And be it enacted, That by virtue of such Warrant of Arrestment, and also by virtue of Letters of Arrestment raised upon any libelled Summons according to the present Practice, it shall be competent before executing the Warrant of Citation to arrest the Moveables, Debts, and Money belonging or owing to the Defender until Caution be found as aforesaid; and such Arrestment shall be effectual, provided the Warrant of Citation shall be executed against the Defender within Twenty Days after the Date of the Execution of the Arrestment, and the Summons called in Court within Twenty Days after the Diet of Compearance, or where the Expiry of the said Period of Twenty Days after the Diet of Compearance falls within the Vacation, or previous to the first calling Day in the Session next ensuing, provided the Summons be called on the first calling Day next thereafter; and if the Warrant of Citation shall not be executed and the Summons called in manner above directed, the Arrestment shall be null, without Prejudice to the Validity of any subsequent Arrestment duly executed in virtue of the said Warrant.

XVIII. And

XVIII. And be it enacted, That from and after the said Thirty-first Day of *December* it shall not be competent to execute any Arrestment as in the Hands of a Person furth of *Scotland* by Service at the Market Cross of *Edinburgh*, and Pier and Shore of *Leith*, but such Arrestment shall be executed by Delivery of a Schedule of Arrestment at the Record Office of Citations in the Court of Session, which Delivery shall be made and the Schedule registered and published in the same Manner as Charges are directed to be registered and published by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law* in *Scotland*.

Arrestments against Persons furth of the Kingdom to be executed at the Record Office.

6 G. 4. c. 120.

XIX. And be it enacted, That from and after the said Thirty-first Day of *December* a Warrant or Precept of Arrestment granted by any Sheriff in *Scotland*, whether contained in a libelled Summons or proceeding upon a depending Action or liquid Document of Debt, may lawfully be executed within the Territory of any other Sheriff, the same being first endorsed by the Sheriff Clerk of such Sheriffdom, who is hereby required to make and date such Indorsation.

Sheriff's Precepts of Arrestment may be executed within Jurisdiction of another Sheriff.

XX. And be it enacted, That from and after the said Thirty-first Day of *December* it shall be competent to the Lord Ordinary in the Court of Session before whom any Summons containing Warrant of Arrestment shall be enrolled as Judge therein, or before whom any Action on the Dependence whereof Letters of Arrestment have been executed has been or shall be enrolled as Judge therein, and to the Lord Ordinary on the Bills in Time of Vacation, on the Application of the Debtor or Defender by Petition duly intimated to the Creditor or Pursuer, to which Answers may be ordered, to recall or to restrict such Arrestment, on Caution or without Caution, and dispose of the Question of Expences, as shall appear just; provided that his Judgment shall be subject to the Review of the Inner House by a Reclaiming Note duly lodged within Ten Days from the Date thereof.

Lord Ordinary in the Outer House may recall or restrict Arrestments, subject to Review.

XXI. And be it enacted, That from and after the said Thirty-first Day of *December* it shall be competent for any Sheriff from whose Books a Warrant of Arrestment has been issued, on the Petition of the Debtor or Defender duly intimated to the Creditor or Pursuer, to recall or to restrict such Arrestment, on Caution or without Caution, as to the Sheriff shall appear just; provided that the Sheriff shall allow Answers to be given in to the said Petition, and shall proceed with the further Disposal of the Cause in the same Manner as in summary Causes, and his Judgment shall be subject to Review in the Court of Session.

Sheriff may recall or restrict Arrestments, subject to Review.

XXII. And be it enacted, That an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, concerning Prescriptions, shall be and is hereby repealed in so far as regards the Period of Prescription of Arrestments; and all Arrestments shall hereafter prescribe in Three Years instead of Five; and Arrestments which shall be used upon a future or contingent Debt shall prescribe in Three Years from the Time when the Debt shall become due and the Contingency be purified; but saving and reserving from the Operation hereof all Arrest-

Arrestments to prescribe in Three Years.

ments already used where the Ground of Arrestment is not an Action in Dependence at the Date of passing this Act.

Compearing Creditors to be conjoined, and pointed Effects to be valued.

XXIII. And be it enacted, That from and after the said Thirty-first Day of *December*, where an Officer of the Law shall proceed to point Moveable Effects, he shall, if required, before the Pointing is completed, conjoin in the Pointing any Creditor of the Debtor who shall exhibit and deliver to him a Warrant to point; and on the Effects being pointed the Officer shall cause them to be valued by Two Valutors, and One Valuation by them shall be sufficient.

Effects to be left with and Schedule given to the Possessor.

XXIV. And be it enacted, That the Officer shall leave the pointed Effects with the Person in whose Possession they were when pointed; and he shall deliver to the Possessor a Schedule specifying the pointed Effects, and at whose Instance they were pointed, and the Value thereof.

Officer to report Pointing within Eight Days.

XXV. And be it enacted, That the Officer shall, within Eight Days after the Day on which the Pointing was executed (unless Cause shall be shown why the same could not be done within the Period of Eight Days), report the Execution thereof to the Sheriff, in which Execution he shall specify the Diligence under which the Pointing is executed, the Amount of the Debt, the Names and Designations of the Debtor and of the Creditor at whose Instance the Effects were pointed, the Effects pointed, the Value thereof, the Names and Designations of the Valutors, the Person in whose Hands they were left, and the Delivery of the Schedule as aforesaid; which Execution shall be subscribed by him and by the Two Valutors, who shall also be Witnesses to the Pointing, without the Necessity of other Witnesses.

Sale to be advertised, and Notice to the Debtor.

XXVI. And be it enacted, That on the Execution being reported the Sheriff shall, if necessary, give Orders for the Security of the Moveables, and if they be of a perishable Nature for the immediate Disposal thereof, under such Precautions as to him shall seem fit; and if not so disposed of, and if no lawful Cause be shown to the contrary, he shall, if required, grant Warrant to sell them by public Roup, at such Time and at such Place, with such public Notice of the Sale, as may appear to the Sheriff most expedient for all concerned, and at the Sight of a Judge of the Roup to be named by the Sheriff; provided that the Sale shall not take place sooner than Eight Days nor at a longer Period than Twenty Days after the Date of the Publication of the said Notice of Sale; and the Sheriff shall order a Copy of the Warrant of Sale to be served on the Debtor, and on the Possessor of the pointed Effects, if he be a different Person from the Debtor, at least Six Days before the Date of the Sale, excepting in the Case of perishable Effects.

Effects to be sold, or delivered to pointing Creditors.

XXVII. And be it enacted, That the pointed Moveables shall be offered for Sale as ordered at upset Prices not less than the appraised Values thereof; but if no Offerer appear, the Effects, or such Part thereof as, according to their appraised Value, may satisfy the Debt, Interest, and Expences due to the pointing Creditor and conjoined Creditor, shall be delivered by the Judge of the Roup to the said pointing Creditor and conjoined Creditor, or to his or their authorized Agent, subject to the Claims of other Creditors, to be ranked as by Law competent.

XXVIII. And

XXVIII. And be it enacted, That on the Moveables being sold or delivered as aforesaid, the Judge of the Roup shall within Eight Days after the Date of the Sale make a Report to the Sheriff of the said Sale or Delivery; and if the Effects shall have been sold, he shall also within the said Space of Eight Days lodge with the Sheriff Clerk the Roup Rolls, or certified Copies thereof, and an Account of the Sum arising from and of the Expences of the Sale, which Sum the Sheriff may, if he shall see Cause, order to be lodged in the Hands of the Sheriff Clerk; and the said Sum, after Deduction of lawful Charges, shall, if no Cause be shown to the contrary, be ordered by the Sheriff to be paid to the pouncing Creditor and conjoined Creditor (provided the Amount does not exceed the Amount of the Debt, Interest, and Expences), but subject to the Claims of other Creditors, to be ranked as by Law competent; and the Report and relative Documents, when lodged, shall be patent to all concerned on Payment of a Fee of One Shilling only.

Report and
Price to be
lodged.

XXIX. And be it enacted, That where any Effects are exposed to Sale as aforesaid it shall be lawful for the Poinder or any other Creditor to purchase the same.

Creditors entitled to purchase.

XXX. And be it enacted, That if any Person shall unlawfully intrmit with or carry off the poinded Effects, he shall be liable, on summary Complaint to the Sheriff of the County where the Effects were poinded or where he is domiciled, to be imprisoned until he restore the Effects or pay Double the appraised Value.

Unlawful Intro-
mitter liable to
Imprisonment,
&c.

XXXI. And be it enacted, That nothing herein contained shall affect the Landlord's Hypothec for Rents, or any Hypothec known in Law.

Act not to affect
Landlord's
Hypothec.

XXXII. And be it enacted, That Extracts, Citations, Deliverances, Schedules, and Executions may be either printed or in Writing, or partly both, and that, excepting in the Case of Poindings, more than One Witness shall not be required for Service or Execution thereof.

Citations, &c.

One Witness.

XXXIII. And be it enacted, That it shall be lawful for any Person entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act to make Application to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, claiming such Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate; and it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, to investigate such Claim, and call for such Evidence in relation thereto as he or they may think necessary; and upon such Claim being established to his or their Satisfaction, the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three of them, is and are hereby authorized and empowered to award to such Person such Compensation as he or they shall think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as he or they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Two Calendar Months after the Commencement of the Session next ensuing after making the same; and no such Award shall be final and conclusive until Two Calendar Months

Compensation.

after the same shall have been so laid before Parliament: Provided also, that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any other Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such other Office while he shall continue to hold the same.

Compensation
how to be paid.

XXXIV. And be it enacted, That the several Compensations which may be awarded under the Authority of this Act shall be payable and paid out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Judiciary, or Exchequer in *Scotland*.

Diligence under
this Act.

XXXV. Provided always, and be it enacted, That Diligence executed under the Provisions of this Act shall have the same Effect as if such Diligence had been executed by virtue of Letters of Horning or Letters of Caption, or if Arrestments and Poidings had been executed under the Forms heretofore in use.

Act may be
repealed, &c.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

No. 1.

Warrant to be subjoined to Extracts in the Court of Session, &c.

AND the said Lords grant Warrant to Messengers at Arms in Her Majesty's Name and Authority to charge the said *A.* personally, or at his Dwelling Place, if within Scotland, and if furth thereof by delivering a Copy of Charge at the Record Office of the Keeper of the Records of the Court of Session, [*state what the Party is decerned to do; if to pay Money, specify the Sum, Interest, and Expences; or if to fulfil an Obligation, specify it as in the Decree or other Document,*] and that to the said *B.* [*specify the Name of the Person in whose Favour the Decree is pronounced*] within [*insert the appropriate Days*] next after he is charged to that Effect, under the Pain of poiding and Imprisonment, [*if the Sum or any Part thereof be payable at a future Time, add here, "the Terms of Payment being always first come and bygone;"*] and also grant Warrant to arrest the said *A.*'s readiest Goods, Gear, Debts, and Sums of Money in Payment and Satisfaction of the said Sum, Interest, and Expences; and if the said *A.* fail to obey the said Charge, then to poid the said *A.*'s readiest Goods, Gear, and other Effects, and, if needful for effecting the said Poiding, grant Warrant to open all shut and lockfast Places in form as effeirs. Extracted [*specify Place and Date*].

[*Extractor's Signature.*]

No. 2.

Execution of Charge.

UPON the Day of I Messenger at Arms
[*or Officer of Court*], by virtue of [*state Nature and Date of Extract and Decree, or Document whereupon it proceeds,*] at the Instance of *B.* [*specify Name and Designation of Creditor*] against *A.*

A. [*specify Name and Designation of Debtor or Obligant*] passed and in Her Majesty's Name and Authority lawfully charged the said *A.* to [*state what the Party has been charged to do; if to pay Money, specify the Sum, Interest, and Expences; or, if to fulfil an Obligation, specify it as in the Extract*], and that to the said *B.* within Days next after the Date of my said Charge, under the Pain of Poinding and Imprisonment. This I did by [*state Mode of Execution, whether personally or otherwise,*] before and in Presence of *C.*, Witness to the Premises.

[*Officer's Signature.*]

[*Witness's Signature.*]

No. 3.]

Certificate of Registration of Execution of Charge.

PRESENTED by *A. B.* [*state Name and Designation*], and registered in the General Register of Hornings on the Day of

[*Keeper's Signature.*]

No. 4.

Minute in Bill Chamber for Warrant to imprison.

[*Place and Date.*]

THE Charge being expired and registered as per Execution and Certificate produced, Warrant is craved to search for, take, and apprehend the Person of the said *A.* [*specify Name of Debtor or Obligant*], and being so apprehended to imprison him within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge, and, if necessary for that Purpose, to open shut and lockfast Places; and Warrant also to Magistrates and Keepers of Prisons to receive and detain the said *A.* accordingly.

(Signed) *A.B.*, W. S.

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 5.

Minute by Assignee, &c.

[*Place and Date.*]

WARRANT is craved [*state what is prayed for*] at the Instance of [*specify Name and Designation of the Applicant*] as [*Assignee or otherwise, as the Case may be*], of [*specify Name and Designation of the Person at whose Instance the Extract was issued*]. Produced herewith [*Assignment or Confirmation, or other legal Evidence of the acquired Right, as the Case may be*]. Dated the Day of [*and if for Imprisonment, Execution of expired Charge and Certificate of Registration shall be produced and Warrant craved as in No. 4.*]

(Signed) *A.B.*

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 6.

Warrant to be subjoined to Sheriff Court Extracts.

AND I the said Sheriff grant Warrant to Messengers at Arms and Officers of Court to charge the said *A.* personally or at his Dwelling Place [*state what the Party is decreed to do; if to pay Money, specify the Sum, Interest, and Expences; or if to fulfil an Obligation, state the Nature of it, as in the Decree or other Document*], and that to the said *B.* [*Name of the Person in whose Favour the Decree is pronounced*], within [*insert the appropriate Days*] next after he is charged to that Effect, under the Pain of Pointing and Imprisonment, [*if the Sum or Document or any Part be payable at a future Time add here, "the Terms of Payment being first come and bygone;"*] and also grant Warrant in Satisfaction of the said Sum, Interest, and Expences to arrest the said *A.*'s readiest Goods, Debts, and Sums of Money; and if the said *A.* fail to obey the said Charge, then to apprise, point, and distrain all the said *A.*'s readiest Goods, Gear, and other Effects; and, if needful for effecting the said Pointing, grant Warrant to open all shut and lockfast Places in form as effeirs. Extracted, &c.

[*Extractor's Signature.*]

No. 7.

Certificate of Registration of Execution of Charge in Sheriff Court.

PRESENTED by *A.B.* [*Name and Designation*], and registered in the particular Register of Hornings for the Shire of
on the _____ Day of _____

[*Keeper or Clerk's Signature.*]

No. 8.

Minute in Sheriff Court for Warrant to imprison.

[*Place and Date.*]

THE Charge being expired and registered as per Execution and Certificate produced, Warrant is craved to search for, take, and apprehend the Person of the said *A.* [*Name of Debtor or Obligant*], and being so apprehended to imprison him within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge, and, if necessary for that Purpose, to open shut and lockfast Places; and Warrant also to Magistrates and Keepers of Prisons to receive and detain the said *A.* accordingly.

(Signed) *A.B.*

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 9.

Minute in Sheriff Court by Assignee, &c.

[*Place and Date.*]

WARRANT is craved [*state what is prayed for*] at the Instance of [*specify Name and Designation of the Applicant,*] as [*Assignee or otherwise, as the Case may be,*] of [*specify Name and Designation of the Person at whose Instance the Extract was issued and in whose Right the Applicant is,*] produced herewith, [*say Assignment*

or

or Confirmation, or other legal Evidence of the acquired Right, as the Case may be.] Dated the _____ Day of _____, [and if for Imprisonment, Execution of expired Charge and Certificate of Resignation shall be produced and Warrant craved to imprison as in No. 8.]

(Signed) A.B.

[The Clerk will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk.]

No. 10.

Minute for Warrant of Concurrence.

[Place and Date.]

WARRANT of Concurrence by the Lords of Council and Session is craved at the Instance of [specify Name and Designation of Applicant] for executing the within Warrant against the within-designed [specify Name of Debtor or Obligant]. A.B.

[If the Application is to a Sheriff, leave out "Lords of Council and Session," and say Sheriff of (inserting the Shire).]

[The Clerk of the Bills or the Sheriff Clerk, as the Case may be, will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk of the Bills or Sheriff Clerk, as the Case may be.]

C A P. CXV.

An Act to amend an Act of the Sixth and Seventh Years of His late Majesty, for the uniform Valuation of Lands and Tenements in *Ireland*, and for incorporating detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate. [16th August 1838.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate*: And whereas it is expedient that the Grand Jury of the County of *Dublin* should be enabled in like Manner as the Grand Juries of other Counties in *Ireland* to subdivide or unite Baronies or Portions of Baronies: Be it therefore enacted by the Queen'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 for the Grand Jury of the County of *Dublin* by Presentment to divide any Barony or Half Barony of such County into Two or more Subdivisions, each whereof shall, for all Purposes relating to the presenting, raising, and levying of Money for any Matter or Thing for which Presentment may be lawfully made by such Grand Jury, and for the Purposes of the said Survey

6 & 7W.4. c.84.

Grand Jury of County of Dublin may divide or unite any Barony or Half Barony in such County.

and Valuation, be deemed and taken to be a Barony or Half Barony as such Grand Jury shall present the same, provided such Barony shall contain Twenty-five thousand Acres, but not otherwise; and that it shall be in like Manner lawful for such Grand Jury to unite any Two Baronies of such County or any Barony or any Portion of any Barony or Baronies into One for all the Purposes aforesaid, provided the Baronies or Portions so united shall not contain more than Twenty thousand Acres.

Act may be amended or repealed.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. CXVI.

An Act to facilitate Advances out of County Monies for the Support of County Gaols and Institutions in *Ireland*.

[16th August 1838.]

‘ **W**HEREAS it is expedient to allow Advances to be made out of County Monies for the Support of County Gaols and Institutions in *Ireland*:’ Be it therefore enacted by the Queen’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 for the Treasurer of any County or County of a City or Town in *Ireland*, and every such Treasurer is hereby required, from and out of any Funds that may be in his Hands as such Treasurer, or which shall be to his Credit in the Bank with which he has his public Account, to advance from Time to Time any Sum that may be required for the Support of any Gaol or other public Institution for which a Presentment has been made at the preceding Assizes, to the Extent of any such Presentment, but no further; and every such Treasurer as aforesaid shall within One Month from the passing of this Act, and within One Month from the Termination of each Assizes to be hereafter holden for the County for which he acts, make out and transmit to the Chief Remembrancer of Her Majesty’s Exchequer in *Ireland* an Estimate of the Sums which may be required for the Support of such Gaol or Institution or for any Purpose for which he is now or may be at any Time authorized by Law to make any Advance between that Time and the ensuing Assizes; and it shall be lawful for the said Chief Remembrancer, upon examining the said Estimate, to direct that so much of any Balance that may be then standing to such Treasurer’s Credit in such Bank as aforesaid as he may deem requisite shall be applicable to the Payment of any Drafts that the said Treasurer may have occasion to draw for any of the said Purposes, and that the Residue shall be invested in Exchequer Bills pursuant to the Provisions of an Act passed in the last Session of Parliament, and intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*: Provided always, that nothing herein contained shall extend to affect the Power now vested in the said Chief Remembrancer to direct any such Exchequer Bill or Bills to be sold whenever necessary, and the Produce applied to County Purposes, pursuant to the Provisions of the said Act.

Treasurers of Counties authorized to advance Monies for Support of Gaols.

Treasurers to transmit to the Chief Remembrancer Estimates of the Sums required for that Purpose.

Chief Remembrancer may direct so much of the Treasurer’s Balance in Bank to be applicable, and the Residue to be invested pursuant to 7 W. 4. & 1 Vict. c. 54.

II. And

II. And be it enacted, That in every Case in which any such Treasurer as aforesaid has made, or within a Month from the passing of this Act shall have made, any Payment by Law authorized out of any Balance struck against him upon his last declared Account, it shall be lawful for the Chief Remembrancer to give him Credit for the same by Endorsement upon the said Account, and the Residue shall be forthwith lodged by him in such Bank as aforesaid, or such Proceedings shall be had against him as is directed in and by the said Act.

Chief Remembrancer to give Treasurer Credit for Payments made by him, &c.

C A P. CXVII.

An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

[16th August 1838.]

• **W**HEREAS it is expedient to provide for the Custody of
 • any Sums of Money paid in pursuance of any Standing
 • Order of the Lords Spiritual and Temporal in Parliament as-
 • sembled, or of the Commons in Parliament assembled, by
 • Subscribers to Works or Undertakings to be made under the
 • Authority of an Act of Parliament: Be it therefore enacted by
 the Queen'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 in all Cases in which any Sum of Money is required
 by any Standing Order of either House of Parliament, either now
 or hereafter to be in force, to be paid by the Subscribers to any
 Work or Undertaking which is to be executed under the Authority
 of an Act of Parliament, if the Director or Person or Directors or
 Persons having the Management of the Affairs of any such proposed
 Work or Undertaking, or any Five of them, shall apply to the
 Chairman of the Committees of the House of Lords with respect
 to any such Money required by any Standing Order of the Lords
 Spiritual and Temporal in Parliament assembled, or to the Speaker
 of the House of Commons with respect to any such Money re-
 quired by any Standing Order of the Commons in Parliament
 assembled, the said Chairman or the said Speaker may, by Warrant
 or Order under his Hand, direct that such Sum of Money shall
 be paid in manner herein-after mentioned; that is to say, into the
 Bank of *England* in the Name and with the Privity of the Ac-
 countant General of the Court of Exchequer in *England*, if the
 Work or Undertaking in respect of which the Sum of Money is
 required to be paid is intended to be executed in that Part of the
 United Kingdom called *England*; or into the Bank of *England* in
 the Name and with the Privity of the said Accountant General, or
 into any of the Banks in *Scotland* established by Act of Parli-
 ament or Royal Charter in the Name and with the Privity of the
 Queen's Remembrancer of the Court of Exchequer in *Scotland*, at
 the Option of the Person or Persons making such Application as
 aforesaid, in case such Work or Undertaking is intended to be
 executed in that Part of the United Kingdom called *Scotland*;

Authority to deposit.

or

or into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in case such Work or Undertaking is intended to be made or executed in that Part of the United Kingdom called *Ireland*; and every such Application as aforesaid to the said Chairman or Speaker shall be made in Writing, and be signed by the Director or Directors, or Person or Persons having the Management of the said Work or Undertaking, or by any Five of them; and therein shall be stated the Name or Description of such Work or Undertaking, and Name and Place of Abode or the Names and Places of Abode of such Director or Directors, Person or Persons, and the Sum of Money required to be paid, and the Bank and Name into and in which the same is to be paid; and such Particulars shall also be set forth in every such Warrant or Order; and such Warrant or Order shall be a sufficient Authority for the Accountant General of the said Court of Exchequer in *England*, the Queen's Remembrancer of the Court of Exchequer in *Scotland*, and the Accountant General of the Court of Chancery in *Ireland* respectively, to permit the Sum of Money directed to be paid by such Warrant or Order to be placed to an Account opened or to be opened in his Name in the Bank mentioned in such Warrant or Order.

Payment of
Deposit.

II. And be it enacted, That it shall be lawful for the Person or Persons named in such Warrant or Order, or the Survivors or Survivor of them, or any Five of them, to pay the Sum of Money mentioned in such Warrant or Order into the Bank mentioned in such Warrant or Order in the Name and with the Privity of the Officer or Person in whose Name such Sum shall be directed to be paid by such Warrant or Order, to be placed to his Account there *ex parte* the Work or Undertaking mentioned in such Warrant or Order; and every such Sum so paid in, or the Securities in or upon which the same may be invested as herein-after mentioned, shall there remain until the same or such Securities as aforesaid shall be paid out of such Bank in pursuance of the Provisions of this Act: Provided always, that every Sum paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer under the Provisions of this Act shall be paid in and placed to his Account there pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Money and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and pursuant to the General Orders of the said Court, and without Fee or Reward; and every Sum paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, under the Provisions of this Act, shall be paid in and placed to his Account pursuant to the Method prescribed by an Act made and passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery and Exchequer, by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher*

1 G. 4. c. 35.

23 & 24 G. 3.
(1.)

Voucher for the Payment or Delivery of such Money and Effects, and for other Purposes, and pursuant to the General Orders of the said Court, and without Fee or Reward.

III. And be it enacted, That if the Person or Persons named in such Warrant or Order, or the Survivor or Survivors of them, or any Five of them, desire to have invested any Sum so paid into the Bank of *England* or the Bank of *Ireland*, the Court in the Name of whose Accountant General the same may have been paid, on a Petition presented to such Court in a summary Way by him or them, may order that such Sum shall, until the same be paid out of Court in pursuance of this Act, be laid out in the Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or any Government Security or Securities.

Investment of
Deposit.

IV. And be it enacted, That on the Termination of the Session of Parliament in which the Petition or Bill for the Purpose of making or sanctioning any such Work or Undertaking shall have been introduced into Parliament, or if such Petition or Bill shall be rejected or finally withdrawn by some Proceeding in either House of Parliament, or shall not be allowed to proceed, or if an Act be passed authorizing the making of such Work or Undertaking, and if in any or either of the foregoing Cases the Person or Persons named in such Warrant or Order, or the Survivor or Survivors of them, or the Majority of such Persons, apply by Petition to the Court in the Name of whose Accountant General the Sum of Money mentioned in such Warrant or Order shall have been paid, or to the Court of Exchequer in *Scotland* in case such Sum of Money shall have been paid in the Name of the said Queen's Remembrancer, the Court in the Name of whose Accountant General or Queen's Remembrancer such Sum of Money shall have been paid shall, by Order, direct the Sum of Money paid in pursuance of such Warrant or Order, or the Stocks, Funds, or Securities in or upon which the same are invested, and the Interest or Dividends thereof, to be transferred and paid to the Party or Parties so applying, or to any other Person or Persons whom they may appoint in that Behalf; but no such Order shall be made in the Case of any such Petition or Bill being rejected, or not being allowed to proceed, or withdrawn, unless it be proved by the Certificate of the Chairman of Committees, if the said Petition or Bill was rejected or not allowed to proceed, or withdrawn in its Passage through the House of Lords, or of the said Speaker, if the said Petition or Bill was rejected or not allowed to proceed or withdrawn during its Passage through the House of Commons, that the Petition or Bill has been either so rejected, or not allowed to proceed, or so withdrawn by some Proceeding in one or other House of Parliament; which Certificate the said Chairman or Speaker shall grant on the Application in Writing of the Person or Persons or the Majority of the Persons named in such Warrant or Order, or the Survivor or Survivors of them; and every such Certificate shall be conclusive Proof of such Rejection, or not Proceeding, or Withdrawal.

Repayment of
Deposit.

C A P. CXVIII.

An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in *Scotland*, and to reduce the Fees payable in those Courts. [16th August 1838.]

50 G.3. c.112. WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for abridging the Form of extracting Decrees of the Court of Session in Scotland, and for the Regulation of certain Parts of the Proceedings of that Court*; and another Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice in that Part of the United Kingdom called Scotland, by the extending Trial by Jury to Civil Causes*; and another Act was passed in the Fifty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for better regulating the Formation and Arrangement of the Judicial and other Records of the Court of Session in Scotland*; and another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled "An Act to facilitate the Administration of Justice in that Part of the United Kingdom called Scotland, by extending Trial by Jury to Civil Causes;"* and another Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for establishing Regulations respecting certain Parts of the Proceedings in the Court of Session and in the Court of Commissioners for Teinds, and respecting the Duties, Qualifications, and Emoluments of certain Clerks and other Officers of the said Courts*; and another Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law in Scotland*; and another Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of Scotland*; and another Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Execution of the Duties performed by the Barons of Exchequer in Scotland in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in Scotland under the Commissioners for the Affairs of Taxes*: And whereas the Commissioners acting under Two several Commissions issued by His late Majesty, directing certain Persons to make Inquiry into various Matters relative to the Law and Administration of Justice in *Scotland*, have made Two Reports, which have been laid before Parliament: And whereas, in order to improve the Arrangement of Judicial Business before the Lords Ordinary of the Court of Session, and to improve the Arrangements

ments and Duties of the Clerks and other Officers of the said Court, and of the Court of Commissioners for Teinds in *Scotland*, and to diminish the Expence of the Administration of Justice, it is expedient that certain new Regulations should be adopted, and a further Reduction of the Number of the Clerks and Officers of the said Courts should be made, and that the Clerks and other Officers should derive their Remuneration from Salaries of a fixed Amount; and it is therefore necessary to alter and amend the said recited Acts and the existing Practice: Be it therefore enacted by the Queen'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 junior Lord Ordinary of the Court of Session for the Time shall act as one of the permanent Lords Ordinary in the Outer House, and shall be on the same Footing in regard to the Duties of preparing and deciding Causes in the Outer House with the other Four permanent Lords Ordinary; and that it shall accordingly be competent to enrol Causes brought into Court for the first Time before the junior Lord Ordinary in the same Manner as before any other of the Four permanent Lords Ordinary, and the junior Lord Ordinary shall thereafter proceed in and determine the same in common Form: Provided always, that (with the Exception as to Actions of Reduction and Teind Causes herein-after mentioned) the other Duties of the junior Lord Ordinary shall continue as at present: Provided also, that it shall be competent to either Division of the Court, in case of a Pressure of Business before the junior Lord Ordinary, to relieve him by remitting the summary Causes now in use to be prepared by the junior Judge to such of the other Lords Ordinary and for such Time as may appear expedient, or for the Courts from Time to Time to relieve him of the Duty of taking up a weekly Roll of new Causes for such Time as may be thought proper.

Junior Lord Ordinary to act as one of the permanent Lords Ordinary.

II. And be it enacted, That the present Practice of enrolling all recessory Actions or Actions of Reduction exclusively before the junior Lord Ordinary shall be discontinued, and it shall be competent to enrol such of the said Description of Actions as shall be brought into Court for the first Time before any of the Five Lords Ordinary in the Outer House, who shall severally proceed to prepare and dispose thereof in common Form; and upon the Occurrence of the first Vacancy in the Office of any of the present Five Lords Ordinary, either by Death, Resignation, or Removal into the Inner House, the second junior Lord Ordinary for the Time being shall thereafter be Judge in the Teind Causes and Proceedings which are at present appropriated to the junior Lord Ordinary.

Actions of Reduction to be enrolled before any Lord Ordinary.

III. And be it enacted, That the present Regulation by which each of the Four permanent Lords Ordinary is required in rotation to officiate as Ordinary for the Week in the Outer House shall be discontinued, and that it shall be competent to enrol in the weekly printed Roll Causes which shall then be brought into Court for the first Time, before any of the Lords Ordinary, without Regard to such Rotation; and it shall be competent to any Lord Ordinary to discharge the Duties of Lord Ordinary on Oaths and Witnesses.

Causes to be enrolled weekly before any Lord Ordinary.

IV. And be it enacted, That the said Lords Ordinary in the Outer House shall not be exclusively attached to either Division of the Court,

Lords Ordinary to be attached to either Division.

Court, but shall be attached equally to both Divisions thereof; and that the Partibus written upon Summonses, Letters, or Notes of Suspension, Advocation, or other Writ by which a Cause shall be originated in the Outer House, shall set forth the particular Division of the Court to which the Cause shall belong; and in the event of the Cause being afterwards removed to the Inner House by Reclaiming Note, Cases, or otherwise, it shall be carried to the particular Division so set forth, and the Division to which the Cause is to belong shall be stated in the weekly printed Rolls: Provided always, that this Regulation shall not be held to apply to Causes depending in the Outer House at the Time when the Provisions of this Act shall take effect, but that all such Causes shall continue to belong to that Division of the Inner House to which the Lords Ordinary before whom such Causes then depending shall be severally attached.

Principal Clerks
of Session.

V. And be it enacted, That instead of Four Principal Clerks of the said Court of Session, and Four Principal Clerks connected with Proceedings in Trials by Jury, being Two Issue Clerks and Two Record Clerks, the Number of Principal Clerks shall be reduced as herein-after provided to Four in all, who, in addition to the Duties heretofore discharged by the Principal Clerks of Session, shall perform all Duties belonging to the Principal Clerks connected with Trials by Jury as herein-after provided, and shall also discharge the Duties of the present Clerks of the Bills in all Bill Chamber Proceedings which may take place in the Inner House of the Court of Session.

Vacancies of
Principal Jury
Clerks not to be
filled up.

VI. And be it enacted, That, in order to carry such Reduction of the Number of Clerks into effect, the Vacancy which has occurred in the Office of the senior Record Clerk, and the Vacancies which may hereafter occur in the other Offices of the said Principal Clerks connected with Trial by Jury, shall not be filled up; and as Vacancies occur in the Offices of the said Two Issue Clerks, the Duties now falling to be performed by them shall be discharged as follows: on the first of the said Vacancies occurring, One of the Principal Clerks in each Division shall be nominated by the President of that Division, who shall be conjoined with the remaining Issue Clerk in the Performance of those Duties in their respective Divisions; and on the remaining Vacancy occurring, the Two Principal Clerks nominated as aforesaid, and their respective Successors, shall perform the said Duties, in their several Divisions of the Court respectively, in the same Manner as they have been performed by the present Issue Clerks; and the said Principal Clerks are hereby enjoined and required to consult, advise, and act with the remaining Issue Clerk, and with one another, in the Performance of the said Duties, for the Purpose of preserving Uniformity of Practice: Provided always, that one of the Principal Clerks so nominated, and his Successors, may act for and in the Absence of the other.

Distribution of
Duties of Issue
Clerks.

Distribution of
Duties of Re-
cord Clerks.

VII. ' And whereas the senior Record Clerk, now deceased, has heretofore been attached to the First Division of the said Court in Business connected with Trial by Jury, and the junior Record Clerk is attached to the Second Division of the said Court in such Business; ' be it enacted, That the Duties which have heretofore fallen to be discharged by the said senior Record Clerk in the

Inner House, and at the Register House connected with Inner House Causes, and at the Jury Trials which take place at the Sittings in *Edinburgh* in Causes belonging to the First Division, shall be performed by the Principal Clerks of Session connected with that Division; and upon the Occurrence of a Vacancy in the Office of the said junior Record Clerk the Duties falling to be discharged by him in the Inner House, and at the Register House connected with Inner House Causes, and at the Jury Trials which take place at the Sittings in *Edinburgh*, in Causes belonging to the Second Division, shall be performed by the Principal Clerks connected with that Division; provided that the Principal Clerks who shall be nominated to perform the Duty of Issue Clerks as aforesaid shall thereupon be relieved of the Duty of attending Jury Trials; and the Duties now falling to be discharged before the Lords Ordinary by the said Record Clerks and their Assistant, relative to Causes connected with Trials by Jury, shall from and after the Commencement of this Act be performed by the Depute and Assistant Clerks, each Depute and Assistant Clerk taking charge in the Outer House as aforesaid of those Causes which depended in or belong to his own Office; and the said Causes so appropriated to Trial by Jury, or ordered to be so tried, shall not be sent to the Jury Clerks Offices until the Record is ready to be closed and Issues are to be prepared: Provided always, that the Practice of remitting such Causes to the Jury Roll shall remain as at present, but, being so remitted, such Causes shall not be re-transmitted to the Court of Session Roll, but shall be dealt with in the Jury Court Roll in all respects and subject to the like Review as if they had been in the Court of Session Roll.

VIII. And be it enacted, That in case of Absence, from necessary Cause, of any Principal Clerk, his Duties may be discharged by any of the remaining Principal Clerks, or by any Person appointed by the Division of the Court to which such Principal Clerk may belong either from among the Assistant Clerks in the Inner House or the Depute Clerks in the Outer House; and all Interlocutors which have been or shall hereafter be written by any such Persons so appointed and acting under Authority of the Court, being duly signed, shall be and they are hereby declared to be valid and effectual, any Law or Practice to the contrary notwithstanding.

IX. And be it enacted, That no Payment shall be made to any Principal Depute Clerk of Session as Clerk to Queen's Processes, and the said Office of Clerk to Queen's Processes is hereby abolished, and Processes conducted on behalf of Her Majesty shall hereafter be under the Care of the Clerks of Session generally; and so much of the before-recited Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth as provides that in the event of a Principal Clerk of Session being appointed one of the Principal Clerks of the Bills, he shall receive an additional Salary of Three hundred Pounds *per Annum*, shall be and the same is hereby repealed.

X. And be it enacted, That the Assistant Clerks of Session in the Inner House shall be reduced to Four in Number in manner herein provided; and no Successors shall be appointed to the present Assistant Clerks connected with Jury Cases; and the said Assistant

Duties of Principal Clerk may be discharged in his Absence by other Clerks.

Office of Clerk of Queen's Processes abolished.

Assistant Clerks in the Inner House.

Assistant Clerks in the Inner House, instead of being paid by Fees, shall receive a Salary of Three hundred and fifty Pounds each *per Annum*.

Duties of Assistant Clerks.

XI. And be it enacted, That the Assistant Clerks in the Inner House shall, in addition to their other Duties, take charge of all Bill Chamber Cases brought into the Inner House, and shall in like Manner take charge of all Jury Cases in the Inner House, on the Death, Resignation, or Removal of the present Issue Clerks and Record Clerks; and in case both or either of the Assistants of the Issue and Record Clerks shall resign or be removed or predecease that Event, the Duties of such Jury Clerks Assistant so resigning, removed, or predeceasing shall in the meantime be discharged by the Survivor or by the other Assistant Clerks, or in such Way and Manner as the Court of Session may direct in virtue of the Powers conferred by this Act.

Depute Clerks in the Outer House, and Assistants.

XII. 'And whereas it is necessary that there should be a Depute Clerk of Session for each Lord Ordinary as herein-after provided; be it enacted, That from and after the passing of this Act there shall be Five Depute Clerks in the Outer House, who shall be appointed in the same Manner as the Depute Clerks in the Outer House now are, and shall receive Salaries of Four hundred Pounds *per Annum* each; and there shall be an Assistant appointed to each Depute Clerk; and in addition to the Duties at present performed by them, and to be performed by them before the Lords Ordinary in Jury Causes as aforesaid, the Depute and Assistant Clerks shall take charge of all Processes connected with Trial by Jury in the Outer House as Vacancies occur in the respective Offices of the Record Clerks in that Department; and the Depute Clerks shall, on the Death, Resignation, or Removal of the Record Clerks, or on being directed by the Lord President of either Division, attend in rotation the Circuits at which Jury Causes shall be tried, and shall act as Clerks of Court at such Trials, each of the said Depute Clerks so attending receiving an Allowance of Three Pounds Three Shillings *per Day* during his necessary Absence from *Edinburgh*, in full of all Expences of each Circuit: Provided always, that a Depute and Assistant Clerk shall be attached to and shall attend at the Bar of each of the Five Lords Ordinary in the Outer House as herein-after provided: And provided also, that it shall be competent to the Lord President of either Division, on Application by any Lord Ordinary, to direct that any of the ordinary Judges Clerks of either Division of the Inner House, or any Person receiving Compensation or retired Allowance under this Act, shall discharge such Duties as the Absence of any Clerk officiating before or in attendance upon any Lord Ordinary, or the State of Business depending before him, shall render necessary.

Salaries of Assistant Clerks in the Outer House.

XIII. And be it enacted, That the Remuneration of the Assistant Clerks employed in the Business of the Outer House, instead of depending, as at present, upon Fees, shall consist of a fixed Salary of Three hundred and fifty Pounds *per Annum* each; and the said Assistant Clerks both in the Inner and Outer House are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of Four-pence for each Page of One hundred and fifty Words, and Sixpence for each Page of

States or Schemes in Figures, without any further Charge for Stationery : Provided always, that where, upon Remit from the Court or Lord Ordinary, any of the said Depute or Assistant Clerks shall be directed to make Investigations, and prepare any Report, Calculation, or State, the Charges therefor shall be regulated by the Time and Labour in each particular Case, and shall be in all Cases subjected to the Review and Taxation of the Auditor of Court ; and the Emoluments arising from such Employment shall be paid into the Fee Fund.

XIV. And be it enacted, That the Offices of the whole of the present Clerks in the Bill Chamber connected with Bill Chamber Procedure shall be and the same are hereby abolished ; and it shall be lawful for Her Majesty, Her Heirs and Successors, from and after the passing of this Act, to appoint Two fit Persons to be Clerks of the Bills, and such Clerks of the Bills shall, under the Principal Clerks of Session, have the whole Charge of the Bill Chamber Department, and the said Two Clerks shall be responsible for the reputed Solvency of Cautioners and for consigned Money, in like Manner as the Bill Chamber Clerks are at present, and shall find Caution as the Court shall direct ; and the Clerks of the Bills shall receive a Salary of Two hundred and fifty Pounds each *per Annum* ; and the said Clerks are hereby prohibited from charging or receiving any Fees, except for copying Bills of Suspension or other Papers, Copies of which may be ordered or required from them, for which an Allowance shall be paid at the aforesaid Rate of Four-pence for each Page of One hundred and fifty Words, and Sixpence for each Page of States or Schemes in Figures, including Stationery ; and all Fees in the Bill Chamber, except those allowed by this Act, are hereby abolished, including the Fees on consigned Money and Interest during the Period of Consignation : Provided further, that no Successor shall be appointed to the present Keeper of the Register of Abbreviates of Adjudications, but upon the Death, Resignation, or Removal of *James Mercer*, now officiating in that Office, the said Office of Keeper of the Register of Abbreviates of Adjudications shall be abolished, and the Duties thereof performed by the Keeper of the Register of Hornings and Inhibitions in such Manner and subject to such Conditions and Regulations as Her Majesty's Principal Secretary of State for the Home Department for the Time being shall direct.

XV. And whereas by the said recited Act of the First Year of the Reign of His late Majesty it is enacted, that the Two Vacancies which should then next occur in the Office of Principal Clerk of Session, as also in the Office of Depute Clerk of Session, should not be supplied, and that in like Manner the Vacancies in the Offices of the other Clerks belonging to the Court of Session should not be supplied until a certain Event therein mentioned : And whereas in virtue of the said Act certain Vacancies which have since occurred have not been supplied, whereby the Number of Principal Clerks of Session has been already reduced from Six to Four, and the Number of Depute Clerks has been reduced from Six to Four, and the Number of Assistants to the Depute Clerks has been reduced from Six to Four : And whereas the Court of Session have, by Act of Sederunt dated the Eleventh Day of *March* One thousand eight hundred

Two Clerks of
the Bill Chamber.

Distribution of
Business of the
Court.

‘dred and thirty-seven, enacted certain Regulations for apportioning the Duties among the remaining Clerks; and it is expedient, for the Purpose of carrying into effect the said last-recited Act and this Act, in so far as required and not already carried into effect by the said Act of Sederunt, that further Regulations should be made for distributing the Business of the Court and arranging the Duties of the several Clerks;’ be it enacted, That *John Pringle* Depute Clerk, and his Assistant, shall be attached to the Business depending before Lord *Cockburn*; *Thomas Bruce* Depute Clerk, and his Assistant, to the Business depending before Lord *Fullerton*; the additional Depute Clerk to be appointed as aforesaid, and the Assistant in the Office of the late *Robert Menzies* Depute Clerk, to the Business depending before Lord *Moncrieff*; *Adam Wilson* Depute Clerk, and his Assistant, to the Business depending before Lord *Jeffrey*; *Thomas Beveridge* Depute Clerk, and his present Assistant, to the Business depending before Lord *Cuninghame*; and the said Two Clerks hereinbefore provided to the Department of the Bill Chamber; and the said Clerks and their Successors respectively shall be attached to and officiate before the said Lords Ordinary and their Successors respectively; that in Terms of these Regulations all Causes depending before the several Lords Ordinary above named shall be transmitted to the respective Offices of the Depute Clerks above named, according as they are to be severally attached to the said Judges and their Successors; that those Causes in the Inner House falling to be transmitted back to the Outer House shall be transmitted to the Office of the Depute Clerk who shall, in virtue of this Act, be attached to the Lord Ordinary to such Causes respectively; that all Causes which may come to depend in the Offices of *John Pringle* and the said deceased *Robert Menzies* Depute Clerks, and which shall be removed by Reclaiming Note or otherwise to either Division of the Inner House, in Terms of the Provisions hereinbefore contained, shall be transmitted either to the Office held by *Macvey Napier* Principal Clerk in the First Division, or to the Office held by *Thomas Thomson* Principal Clerk in the Second Division; that in like Manner all Causes removed to the Inner House from the Offices of *Thomas Bruce* and *Adam Wilson* Depute Clerks shall be transmitted either to the Office held by *George Joseph Bell* Principal Clerk in the First Division, or to the Office held by *James Fergusson* Principal Clerk in the Second Division; that all Causes depending before the junior Lord Ordinary at the Time when this Act shall take effect, which may be removed to the Inner House by Reclaiming Note or otherwise, shall be transmitted to the Office of the Principal Clerk which corresponded with the Office of the Depute Clerk in which such Causes formerly depended: Provided always, that such of the said Causes as depended in the Offices held by *William Pringle* Depute Clerk, deceased, and by *Adam Wilson* Depute Clerk, as well as all Causes which may come to depend before the junior Lord Ordinary in the Outer House, and which may be removed to the Inner House by Reclaiming Note or otherwise, shall be transmitted to the senior Principal Clerks Office of that Division of the Court to which such Causes shall belong in Terms of this Act; and the Practice as to Reclaiming Notes from the Bill Chamber being lodged with any

of the Inner House Clerks of either Division of the Court shall remain as at present; and the same Rule shall be followed with respect to the Transmission of Causes taken to report from the Bill Chamber.

XVI. And be it enacted, That the Salaries of each of the Judges Clerks and Keepers of the Inner and Outer House Rolls, to be appointed after the Death, Resignation, or Removal of the present Incumbents, shall be Four hundred Pounds to each of the Keepers of the Inner House Rolls, instead of Five hundred Pounds as at present, and to the ordinary Judges Clerks Two hundred Pounds *per Annum* each, instead of Three hundred Pounds as at present, with an Addition of Ten Pounds *per Annum* to the said Salaries of the ordinary Judges Clerks respectively for each Year of their Service until such Salaries shall amount to Three hundred Pounds *per Annum* to each ordinary Judges Clerk who shall have served as such for Ten Years; and so much of the said recited Act of the First and Second Years of His Majesty King *George* the Fourth as provides that certain Allowances shall be paid by the Collector of the Fee Fund to such Person or Persons as should be appointed by the Court of Session, for forming a Fund for the Purpose of providing eventual Life-rent Annuities to the Judges Clerks and Keepers of the Inner House Rolls, shall be and the same is hereby repealed.

Judges Clerks
and Keepers of
Inner and Outer
House Rolls.

XVII. And whereas a Fund has been accumulated under the Provisions of the said recited Acts of the First and Second Years of the Reign of His Majesty King *George* the Fourth, and the Acts of Sederunt of the Court of Session relative thereto, for the Purpose of providing eventual Life-rent Annuities to the Judges Clerks and Keepers of the Inner House Rolls; and the present Judges Clerks and Keepers of the Inner House Rolls, and certain existing Annuitants, are interested in the said Fund and in the Contributions directed to be made thereto under the Provisions of the said Act which are hereby repealed as aforesaid: And whereas it is expedient to provide for the Continuance of equivalent Life-rent Annuities to the said existing Annuitants, and also to the Judges Clerks and Keepers of the Inner House Rolls, and their Successors in Office, out of the Public Revenue; be it enacted, That the Holders of the said accumulated Fund shall be and they are hereby authorized and required to pay over and assign the said accumulated Fund to the Lord High Treasurer or Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or to such Person or Persons as they shall appoint, who is or are hereby empowered to require an Account thereof, and call for and receive the same, and discharge the Holders thereof, and which shall be applied and disposed of as the said Lord High Treasurer or Commissioners may think fit to direct; and Life-rent Annuities shall be payable and paid to the said existing Annuitants and Judges Clerks and Keepers of the Inner House Rolls, and their Successors in Office, equivalent to those which they would have had Right to receive under the Provisions of the said last-recited Act and Acts of Sederunt relative thereto, and in the Manner and under the Conditions therein contained, out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of

Annuity Fund
to Judges Clerks
and Keepers of
Inner House
Rolls.

Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, and Exchequer in *Scotland*.

Extractors.

XVIII. And be it enacted, That instead of the Duty of extracting the Acts and Decrees of the Court of Session being performed by Four Extractors and Eight Ingrossing Clerks, nominated by the Principal Clerks of Session during Pleasure, the Duty of preparing and superintending the Preparation of Extracts shall be entrusted to One Principal Extractor, to be appointed by Her Majesty, Her Heirs and Successors, and such Principal Extractor shall not practise before the Court of Session, or hold any official Situation in the said Court other than in Terms of this Act, and shall attend in and perform the Duties of the Office in Person, with the Aid of One Assistant nominated by him and holding an Appointment at Pleasure under him, and for whom he is to be responsible, and who, in the event of Absence from necessary Cause of such Principal Extractor, shall be empowered to subscribe and authenticate the Extracts; and in preparing Extracts, and Record Copies thereof, printed Forms, in manner or to the Effect required by the said Act of the Fiftieth Year of His Majesty King *George* the Third, shall be used, the Blanks in such Forms being filled up in Writing; and such Principal Extractor shall from Time to Time employ such Ingrossing Clerks as he shall think necessary for the Performance of the Business of the Office: Provided always, that in any new Appointments to be made under this Act a Preference shall be given to Persons removed from any Office under this Act who may be duly qualified to discharge the Duties thereof: Provided also, that the junior Principal Clerk of Session for the Time being shall superintend and direct the Preparation of Extracts, by giving such Directions or Instructions from Time to Time as he may think fit or be by the Court directed to give, which Directions or Instructions the Extractor is hereby required to comply with: Provided always, that in order to give due Efficiency to the foregoing Provisions the junior Clerk of Session for the Time being, from Time to Time as he may think proper, and at any rate, shall, Fourteen Days before the Termination of each Winter and Summer Session of the Court, report to the Court how far the Duties of the Principal Extractor and his Assistants and Clerks are properly discharged, with such other Matters touching the same as he shall deem fit to be so reported.

Salary of Extractors.

XIX. And be it enacted, That the Principal and Assistant Extractors shall be paid wholly by Salaries; and the Salary of the Principal Extractor shall be Five hundred Pounds *per Annum*, and the Salary of the Assistant Extractor shall be Three hundred Pounds *per Annum*; and the Ingrossing Clerks shall be paid at the aforesaid Rate of Four-pence for each Page of One hundred and fifty Words, and Sixpence for each Page of States or Schemes in Figures, without any further Charge for Printing or Stationery: the Party ordering the First Extract paying as aforesaid for each Page both of the Copy given out and of the Record Copy; and it shall be held illegal and an Act of Malversation in Office for the Principal or Assistant Extractor to participate in the Charges for copying payable to such Ingrossing Clerks.

Ingrossing Clerks.

XX. And

XX. And be it enacted, That the Office of Keeper of the Records, established by the said Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, shall be and the same is hereby abolished; and the Duties of the Office shall be performed by the Principal Extractor and his Assistant, with the Aid of a Clerk, in case it shall appear to the said Principal Extractor to be proper and necessary to appoint such Clerk, who shall receive such Salary, not exceeding One hundred Pounds *per Annum*, as shall be fixed by the said Principal Extractor; and no Fees shall hereafter be received by any Person performing the Duties of the said Office.

Keeper of the
Records.

XXI. And be it enacted, That the Offices of Keeper of the Minute Book and Keeper of the Record of Edictal Citations shall, upon the Death, Resignation, or Removal of the present Incumbents, be conjoined, and the Duties thereof performed by One Officer, who shall be appointed by Her Majesty, Her Heirs and Successors; and these Duties shall be performed by the Holder of the said Offices in Person, with the Aid of a Clerk to be appointed by him; and such Officer shall receive a fixed Salary of Three hundred Pounds *per Annum*, and his said Clerk shall receive a Salary of One hundred and thirty Pounds *per Annum*; and such Salaries shall be in lieu of all Fees or Perquisites, and of any Profits arising from the Sale of the Minute Book or otherwise: Provided always, that in order to bring the Conjunction of the said Two Offices the sooner into effect it shall be lawful to the Commissioners of Her Majesty's Treasury, or any Three of them, to make such Arrangement with the present Holders of the said Offices, and to award to either of them who shall resign his Office such Compensation, not exceeding the Amount of his present Salary and Emoluments, as to the said Commissioners shall seem proper.

Keeper of the
Minute Book
and Record of
Edictal Cita-
tions.

XXII. And be it enacted, That the Minute Book of the Court of Session and Teind Court, the Record of Edictal Citations, the weekly Calling List of Causes, and the weekly printed Roll of Outer House and Teind Causes, shall be printed by the respective Keepers thereof, and shall be sold to the Public at the lowest Rate which will defray the necessary Expence of printing the same, and such Keepers shall annually exhibit an Account thereof to the Auditor of Court, who is authorized to examine and audit the same: Provided always, that the said Court may regulate the Mode of such Sale, and by whom the same shall be made, and the Proceeds thereof accounted for; and in case such Sale shall be insufficient to defray the Expence of Printing, the Balance shall be paid out of the Fee Fund.

Minute Book
how to be
printed.

XXIII. And be it enacted, That the Salary and Emoluments of the Collector of the Fee Fund shall not exceed Four hundred Pounds *per Annum*, paid in the same Manner as the present Salary and Emoluments are paid; and upon any Vacancy hereafter occurring in the said Office, his Successor shall be appointed by Her Majesty, Her Heirs and Successors; and the Salary of the present Accountant of the Fee Fund, while he shall hold the said Office, shall be One hundred Pounds: Provided always, that the Offices of the said Collector and Accountant of the Fee Fund may be abolished by any Act to be passed during the present Session

Collector and
Accountant of
the Fee Fund.

of Parliament, or to be hereafter passed, and their Duties transferred to other Persons.

Auditor to be paid by Salary.

XXIV. And be it enacted, That the Auditor of Accounts in the said Court, instead of being paid by Fees, shall receive a fixed Salary of Seven hundred Pounds *per Annum*, with the Accommodation of Office Room, or such a reasonable Allowance for the same as the said Court shall direct.

Macers.

XXV. And be it enacted, That as Vacancies occur the Salaries allowed to each of the Macers of Court shall be limited to One hundred Pounds *per Annum*.

Teind Clerks.

XXVI. And be it enacted, That the Office of the Principal Clerk of the Commissioners for Teinds shall be and the same is hereby abolished, and the Business heretofore discharged by the Teind Clerks shall be in future discharged by the present First and Second Depute Clerks of Teinds and their Successors in Office, the said present First Clerk being hereafter to be named the Clerk of Teinds, and the said present Second Clerk being hereafter to be named the Depute Clerk of Teinds; and upon the Death, Resignation, or Removal of the said Clerk or Depute Clerk their Successors shall be appointed by Her Majesty, Her Heirs and Successors; and the Salary of the Clerk of Teinds shall be Three hundred Pounds *per Annum*, and the Salary of the Depute Clerk shall be Two hundred and fifty Pounds *per Annum*, besides the Emoluments respectively allowed to such Clerk and Depute Clerk by this Act: Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, from and after the passing of this Act to appoint a fit Person to be Keeper of the Records in the Teind Office, with an Allowance not exceeding One hundred Pounds *per Annum*, in case it shall be judged expedient to make such Appointment; and it shall be the Duty of such Keeper to arrange and index the Records and Processes in the Teind Office, so as to render them useful and accessible to the Public, and to perform such other Duties in the said Office as may be directed in his Commission, or by the Court of Session in virtue of the Powers herein given.

Teind Clerks, Extracts, Accounts, &c.

XXVII. And be it enacted, That the Provisions and Regulations for abridging the Form of extracting Decrees of the Court of Session contained in the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third and in this Act shall be and the same are hereby extended and applied to Extracts of Acts and Decrees pronounced by the Court of Commissioners for Teinds, except in Processes of Valuation of Teinds and other Cases where full Extracts may be required by the Parties; and the Provisions and Regulations which are or may be applicable to auditing of Accounts of Expences in the Court of Session by the Auditor of Court shall be and the same are hereby extended and applied to Accounts of Expences in the Court of Commissioners for Teinds, which shall be subject to be audited and taxed by the said Auditor in like Manner as Accounts of Expences in the Court of Session; and the Business of the Teind Office shall in other respects continue as at present: Provided always, that in those Cases in which the Clerk of Teinds may be appointed by Remit from the Court or Lord Ordinary, or may be employed by any Party or Parties in a Cause, to act as an Accountant, or in the

Preparation of States, Schemes, or Calculations for regulating or adjusting the Rights of Parties, the Charges to be made by the Clerk of Teinds shall be regulated according to the Time and Labour in each particular Case, but subject to the Review and Taxation of the Auditor of the Court of Session in like Manner as Accounts of Expences; and the Emoluments arising from such Remits to or Employment of and Charges by the said Clerk of Teinds shall belong to such Clerk of Teinds: Provided further, that it shall be competent to the Court or Lord Ordinary, wherever it shall appear necessary for the due Despatch of Business, to make such Remits to act as aforesaid to any other properly qualified Person, and that it shall be competent to the Parties, by mutual Agreement, to employ any Person whom they shall think proper to act as aforesaid, except in the Preparation of Schemes of Locality: Provided also, that the said Depute Clerk of Teinds shall continue to discharge the Duty of extracting Acts and Decrees pronounced by the Court of Commissioners for Teinds, and shall receive Payment for preparing the same at the Rate of Sixpence for each Page of One hundred and fifty Words, and One Shilling for each Page of States or Schemes in Figures, without any further Charge for Printing or Stationery, the Party ordering the First Extract paying as aforesaid for each Page both of the Copy given out and of the Record Copy.

XXVIII. And be it enacted, That the Fees contained in the Schedule annexed to this Act, along with the Fees presently payable upon Extracts of Deeds recorded in the Books of Council and Session, shall hereafter be paid into the Fee Fund of the Court of Session; and all other Fees, Dues, and Perquisites payable to the Clerks or Officers of Court, or of the Commissioners for Teinds, are and shall be abolished, under the Exceptions herein-before made; and the Salaries and Allowances made and provided by this Act shall be payable quarterly, free of all Deductions, out of the said Fee Fund, under the Provisions, in case of Insufficiency of the said Fund, contained in the said Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third.

The Fee Fund.

XXIX. And be it enacted, That Summonses in Admiralty Causes may be raised and pass under the Signet in like Manner as other Summonses before the Court of Session now do.

Admiralty
Summonses.

XXX. And be it enacted, That if any Clerk, Extractor, or other Officer of Court shall neglect his Duty, or shall be guilty of any Malversation in Office, or shall exact or receive any Fees or Perquisites other than those due to him in virtue of his Office or contrary to Law, it shall be competent for the Court of Session, on such Charge or Charges being proved in any summary Application by Petition and Complaint at the Instance of the Party or Parties aggrieved, or of Her Majesty's Advocate for the Time being, to pronounce such Judgment as in the Circumstances of the Case may seem just, not exceeding Deprivation of Office and Expences of the Proceedings, besides the Repayment of any such Fees or Perquisites unduly received, which shall be paid either to the Party complaining or to the Fee Fund, as the Court shall direct.

Officers of
Court may be
summarily re-
moved for Mal-
versation.

Compensation.

XXXI. And be it enacted, That it shall be lawful for any Clerk or Officer of the Court of Session, or other Person entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act, to make Application to the Lord High Treasurer or to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, claiming such Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate for *Scotland*; and it shall be lawful for the said Lord High Treasurer or Commissioners of the Treasury to investigate such Claim and call for such Evidence in relation thereto as he or they may think necessary; and upon such Claim being established to his or their Satisfaction, the said Lord High Treasurer or Commissioners, or any Three of them, is and are hereby authorized and empowered to award to such Person such Compensation as he or they shall, under all the Circumstances of the Case, and having reference to the Nature of the Appointment and the Duration of the Service, think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as he or they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Thirty Days from the Day on which the same shall be granted if Parliament shall then be sitting, and if not, then within Thirty Days after the then next Sitting of Parliament; and no such Award shall be final and conclusive until Two Calendar Months after the same shall have been so laid before Parliament: Provided also, that it shall be a Condition of every such Grant that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and Emolument thereof taken together shall not exceed the Emoluments of the Office in respect of which the Compensation has been granted.

Compensation
how to be paid.

XXXII. And be it enacted, That the several Compensations which may be awarded under the Authority of this Act shall be payable and paid out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, or Exchequer in *Scotland*.

Court of Session
to make Acts of
Sederunt.

XXXIII. And be it enacted, That the Court of Session shall be and is hereby empowered from Time to Time from and after the passing of this Act to make such further Regulations by Act of Sederunt as the said Court may deem meet for the Purpose of carrying into effect the Purposes of this Act, and of duly apportioning the Business and regulating the Duties to be performed by the several Clerks and Officers of Court, and also for the Purpose of regulating any additional Duties which the Court may think fit to require to be performed by any of the Judges Clerks, and which Regulations such Clerks and Officers shall be respectively bound to observe without any Claim to further Remuneration: and the said Court may meet for the above Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided also, that within

Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt passed under the Powers herein given.

XXXIV. And be it enacted, That all Laws, Statutes, Acts of Sederunt, and Usages shall be and the same are hereby repealed in so far as they may be in any respect inconsistent or at variance with the Provisions of this Act; and the whole Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the Thirty-first Day of *December* next after the passing of this Act.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULE of FEES or DUES (referred to in this Act) to be paid into the Fee Fund in lieu of the Fees presently payable to the Inner and Outer House Assistant Clerks, Clerks of the Teind Court, Clerks of the Bills, and Auditor.

INNER HOUSE AND COURT OF TEINDS.		s.	d.
Original Petitions, and Petitions and Complaints, or any other Writ or Step by which a Cause is originated; also Answers thereto, or other first Step for a Respondent or other Party; each Paper, printed	-	15	0
written	-	12	6
Condescendences, Answers, and revised or amended Condescendences and Answers, with or without Pleas in Law annexed, each Paper, printed	-	10	0
written	-	7	6
Cases, and revised or supplementary Cases, each, printed	-	10	0
written	-	7	6
Reclaiming Notes, with or without Appendices, also Petitions and Answers, not being first Steps, each, printed	-	10	0
written	-	7	6
Notes to the Lord President and Answers thereto, Minutes and Answers thereto, each, printed	-	5	0
written	-	2	6
Notes of additional or supplementary Pleas in Law	-	7	6
Each other Step or Pleading in the Inner House, not enumerated in this Schedule, printed	-	10	0
written	-	7	6
OUTER HOUSE.			
Summonses of every Kind, and Defences thereto; also Letters or Notes of Suspension or Advocacy, and any other Writ, Pleading, or Step whereby a Cause is originated or by which a Party first makes Appearance in any Cause, each	-	10	0

	s.	d.
Reasons, or revised or amended Reasons, of Suspension or Advocation, and Answers or revised and amended Answers thereto, with or without Notes of Pleas in Law annexed, each - - -	5	0
Condescendence and Answers, revised or amended Condescendence, and revised or amended Answers, with or without Notes of Pleas in Law annexed, each - - -	5	0
Notes of additional or supplementary Pleas in Law - - -	5	0
Inventories to satisfy Production, and Inventories of Titles in Teind Causes, each - - -	5	0
Cases, and revised or supplementary Cases - - -	7	6
Minutes and Answers thereto, Notes and Answers thereto, each - - -	2	6
Objections, revised Objections, Answers and revised Answers thereto, each - - -	2	6
Condescendence and Claims or Interests in Multiploidings, Rankings, &c., and revised ditto, where the Sum claimed is upward of 10 <i>l.</i> , each - - -	2	6
(No Charge where for 10 <i>l.</i> or under.)		
Each other Step or Pleading in the Outer House not enumerated in this Schedule - - -	7	6

BILL CHAMBER.

Bills or Notes of Suspension or Advocation, Suspension and Interdict, and Answers thereto, or other original Application or first Step, except Plack Bills, each - - -	5	0
Bills for loosing Arrestments and Answers thereto, Notes and Answers thereto, each - - -	2	6
Accounts of Expences, each (see "Miscellaneous Papers") - - -	2	6
Bonds of Caution, on being taken out - - -	2	6
Certificates or Extracts of Judgment - - -	2	6

EXTRACTS.

Decrees of Locality (instead of 4 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> presently paid to the Teind Clerks, besides other Fees) - - -	40	0
Decrees of Valuation (instead of 7 <i>l.</i> 4 <i>s.</i> 6 <i>d.</i> presently paid to the Teind Clerks, besides other Fees) - - -	40	0
All other Decrees, if in Foro - - -	15	0
Decrees in Absence, Acts, Abbreviates of Adjudication, Diligences, and Protestations, each - - -	10	6

MISCELLANEOUS PAPERS.

Certified Copy of Proceedings for Appeal to the House of Lords - - - - -	40	0
Certified Copy of Pleadings or Interlocutors by a Principal Clerk or his Assistant - - - - -	2	6
Oaths of Parties, Witnesses, or Havers, if in Presence of a Lord Ordinary or the Inner House, each - - -	2	6
if on Commission	1	0

	<i>s.</i>	<i>d.</i>
Bonds of Judicial Caution, on being taken out - -	10	0
Prepared States and Schemes, printed - -	15	0
written - -	10	0
Memorials and Abstracts - - - -	10	0
Minutes of Election of a common Agent - -	2	6
For printed additional Appendices or other Papers, boxed for the Judges of the Inner House, not being Pleadings in the Cause, each - - - -	2	6
Notes for Searches, if under Ten Years from the Date of the Order, each Search - - - -	2	6
10 Years and under 25 - -	7	6
25 Years and upwards - -	12	6
for extracted Processes in the Teind Record - - - -	5	0
Accounts of Expences - - - -	5	0
And in lieu of the Auditor's Fees at present payable, the following Rates :—		
Accounts under 10 <i>l.</i> - - - -	2	6
10 <i>l.</i> and under 20 <i>l.</i> - - - -	5	0
20 <i>l.</i> and under 50 <i>l.</i> - - - -	7	6
50 <i>l.</i> and under 100 <i>l.</i> - - - -	10	0
100 <i>l.</i> and under 150 <i>l.</i> - - - -	15	0
150 <i>l.</i> and under 200 <i>l.</i> - - - -	20	0
200 <i>l.</i> and under 300 <i>l.</i> - - - -	30	0
300 <i>l.</i> and under 500 <i>l.</i> - - - -	40	0
500 <i>l.</i> and under 600 <i>l.</i> - - - -	60	0
And for Accounts exceeding 600 <i>l.</i> the Fee to be increased at the Rate of 5 <i>s.</i> for every 100 <i>l.</i> or Part of 100 <i>l.</i>		

The Fees in the preceding Schedule to apply to all Causes and Proceedings in the Court of Session and Court of Commissioners for Teinds, and also to Jury Causes; but shall not apply to Maritime or Consistorial Causes, nor to Applicants for the Benefit of the Poor's Roll, or Persons pursuing or defending in formâ pauperis, nor to any Proceedings which are at present exempt from Fees by any Act of Parliament now in force.

C A P. CXIX.

An Act to regulate the Constitution, Jurisdiction, and Forms of Process of Sheriff Courts in *Scotland*.

[16th August 1838.]

‘ **W**HEREAS the Office of Sheriff and the Sheriff Courts in *Scotland* have been found to be of great Utility, by affording in all ordinary Cases a cheap and speedy Administration of Justice: And whereas it is expedient to regulate the Constitution and enlarge the Jurisdiction of Sheriff Courts, and to amend the Forms of Proceedings therein:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,
and

So much of the Act of 20 G. 2. as requires Residence of Sheriffs in their Counties repealed.

and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing the Heritable Jurisdictions in *Scotland*, and for certain other Purposes, as enacts that every Sheriff Depute and Stewart Depute shall be and reside personally within his County, Shire, or Stewartry during the Space of Four Months at least in the Year, and also so much of the said Act as enacts a Penalty upon being convicted of not so residing, shall be and the same is hereby repealed; and that all Laws, Statutes, Acts of Sederunt, and Usages shall be and the same are hereby repealed in so far as they are inconsistent or at variance with the Provisions of this Act: Provided always, that the same shall be in force in all other respects whatsoever.

Sheriff Depute to hold Courts in his Sheriffdom, and to attend the Court of Session.

II. Provided always, and be it enacted, That every Sheriff Depute shall attend personally within his Sheriffdom upon all necessary and proper Occasions, and shall, unless prevented by Indisposition or other necessary Cause of Absence arising from his official Duties, hold at least Four ordinary Courts within his Sheriffdom for the Exercise of his ordinary Civil or Criminal Jurisdiction during each Period between the First Day of *December* and the Twelfth Day of *May* ensuing, and other Four such Courts during each Period between the First Day of *June* and the Twelfth Day of *November* ensuing, except in the Sheriffdom of *Orkney* and *Zetland*, wherein the Sheriff Depute shall hold at least Eight such Courts during each Period between the First Day of *December* and the Twelfth Day of *November* ensuing, Four such Courts being held in *Orkney* and Four in *Zetland*; and each Sheriff shall, Fourteen Days previously, announce the Periods of holding such Courts by a Notice put up in the Sheriff Court Rooms, and shall within Ten Days after the Twelfth Day of *November* annually make a Return to Her Majesty's Principal Secretary of State for the Home Department of the Number of Courts held by him, and Causes disposed of as aforesaid, from the First Day of *December* preceding, stating the Cause of Absence in case he shall not have held Courts as herein provided; and every Person who shall be hereafter appointed to the Office of Sheriff Depute shall be an Advocate of Three Years standing at least, and shall have been at the Time of his Appointment in Practice before and in habitual Attendance upon the Court of Session or acting as a Sheriff Substitute; and after such Appointment every such Sheriff, with the Exception of the Sheriffs of the Counties of *Edinburgh* and *Lanark*, shall be in habitual Attendance upon the said Court of Session during the Sittings thereof; and if any such Sheriff, excepting as aforesaid, shall not hold Courts within his Sheriffdom, or shall not attend the Court of Session as before provided, it shall be competent for Her Majesty's Advocate to present a summary Petition and Complaint to the Court of Session complaining of such Sheriff not holding Courts or of such Nonattendance, and the same being thereupon duly investigated and established upon a summary Trial before the said Court, such Sheriff shall be admonished for the First Offence, and for the Second shall be deprived of his Office.

III. And

III. And be it enacted, That no Sheriff Substitute receiving Salary shall hereafter be removeable from his Office by the present or any future Sheriff unless with the Consent of the Lord President and Lord Justice Clerk for the Time being expressed in Writing.

As to the Removal of Sheriff Substitutes.

IV. And be it enacted, That on the Death, Resignation, or Removal of any Sheriff Depute his Substitute or Substitutes shall continue to hold his or their Offices, and to exercise all the Jurisdictions, Powers, and Authorities thereto belonging, without the Necessity of any new Appointment or Commission from the succeeding Sheriff: Provided always, that Appeals may be taken in Causes decided by such Sheriff Substitute to the Sheriff to be appointed, which shall be laid before such Sheriff when he shall enter upon his Office.

Sheriff Substitutes to continue to hold Office on the Death of Deputes.

V. And be it enacted, That every Person holding the Office of Sheriff Substitute and receiving Salary on that account shall reside personally within his Jurisdiction, and shall not be absent therefrom more than Six Weeks in any Year, nor for more than Two Weeks at any One Time, nor so as to interfere with the regular Sitzings of his Court, without the special Consent in Writing of the Sheriff of such County for the Time being, who shall be bound, in the event of his giving such Consent, either to attend personally during the Absence of such Substitute, or to appoint another fit Person as Substitute to act in his Stead; and it shall not hereafter be lawful for any Sheriff Substitute so receiving Salary to act as Agent either in legal, banking, or other Business, or as Conveyancer, Factor, or Chamberlain, except for the Crown, or to be appointed to any Office, except such Office as shall be by Statute attached to the Office of Sheriff Substitute.

Sheriff Substitutes to reside within their Sheriffdoms.

VI. And be it enacted, That Her Majesty, and Her Heirs and Successors, may grant an Annuity, payable in like Manner as Salaries to Sheriff Substitutes, to any Person who has held, now holds, or may hereafter hold the Office of Sheriff Substitute, according to the Proportions and with reference to the Amount of their Salaries and the Periods of their Services as herein-after mentioned, if from old Age or any permanent Infirmary such Person has been or shall hereafter be disabled from the due Exercise of his Office: Provided always, that such Annuity shall not exceed One Third of the Salary payable to such Person in case the Period of his Service shall have been not less than Ten Years, and shall not exceed Two Thirds of such Salary in case the Period of Service shall have been not less than Fifteen Years, and shall not exceed Three Fourths of such Salary in case the Period of Service shall have been not less than Twenty Years or upwards: Provided also, that no such Annuity shall be granted unless such Sheriff Substitute shall have duly fulfilled the Duties of his Office during one of the Periods before mentioned, and is from old Age or permanent Infirmary disabled from the due Exercise of his Office, which Facts shall be certified by the Lord President, the Lord Justice Clerk, and the Lord Advocate for the Time being, as having been established to their Satisfaction by proper Evidence.

Superannuation Allowances to Sheriff Substitutes.

VII. ' And whereas by the Death of *Duncan Mathieson* Esquire, ' Advocate, late Sheriff Substitute of *Leith*, the Office of Sheriff ' Substitute of *Leith* has become vacant; ' be it enacted, That the said Office of Sheriff Substitute of *Leith* as heretofore constituted shall

Office of Sheriff Substitute of *Leith* to cease.

shall cease and determine, any thing in any Act of Parliament to the contrary notwithstanding.

Summary Com-
plaint for re-
moving from
Premises let for
less than a
Year.

VIII. ' And whereas it is expedient to diminish the Expence and
' Delay with which the Process of removing from Houses and other
' Heritable Subjects, of the Rent herein-after provided, let for any
' shorter Period than a Year, in *Scotland*, is attended ;' be it enacted,
That where Houses or other Heritable Subjects in *Scotland* are let
for any shorter Period than a Year at a Rent of which the Rate
shall not exceed Thirty Pounds *per Annum*, it shall be competent
for any Person, authorized by Law to pursue a Removing there-
from, to present a summary Complaint to the Sheriff of the Terri-
tory, who shall order it to be served, and the Defender to appear
on such Day as he may in each Case think proper, in the Form
or to the Effect of Schedule (A.) annexed to this Act.

Defender may
repeone against
Decree in Ab-
sence.

IX. And be it enacted, That if the Defender shall fail to appear
after being duly cited, the Sheriff shall proceed to determine the
Cause in the same Manner as if the Defender had been personally
present: Provided always, that where the Decree shall have been
pronounced in Absence, and shall not have been carried into execu-
tion, the Defender may present a Petition to the Sheriff for a
further Hearing of the Cause, with Evidence of Intimation thereof
having been made to the opposite Party written thereon, and the
Sheriff, if he shall see Cause, and upon Payment by the Defender
to the Complainer of such Expences as the Sheriff may judge reason-
able, may recall his Decree, and proceed to hear and determine the
Cause as on the original Complaint without Delay; and provided
also, that where Decree shall be pronounced in Absence, the Sheriff
may give such Order for Preservation of the Goods and Effects of
the Defender as he may deem proper.

Warrant to cite
Witnesses, and
Provision as to
Fees.

X. And be it enacted, That the Complaint or Copy thereof served
on the Defender shall be a sufficient Warrant to any Sheriff Officer
to cite Witnesses or Havers for either Party to appear on the Day
of Trial, and give Evidence in such summary Cases of Removing;
and the Fees allowed to the Clerk or Officers of Court on such
Complaint and Proceedings shall be the same as those allowed on
Summonses and similar Proceedings in Small Debt Causes in
Sheriff Courts in *Scotland*, under an Act passed during the last
Session of Parliament, intituled *An Act for the more effectual Reco-
very of Small Debts in the Sheriff Courts, and for regulating the
Establishment of Circuit Courts for the Trial of Small Debt Causes
by the Sheriffs, in Scotland*: Provided always, that the travelling
Expences of Officers and their Assistants under the said recited Act
and this Act shall not be allowed for more than the Distance from
the Residence of the Officer employed to the Place of Execution
or Service, in case such Distance shall be less than from the Court
House to such Place, and the Sheriff shall have Power to modify
such Expences in case the Officer residing nearest to the Place of
Execution or Service shall not be employed; and provided also, that
such travelling Expences shall not be allowed against an opposite
Party for a greater Distance than Twelve Miles.

7 W. 4. &
1 Vict. c. 41.

Citation, &c. in
Removings to
be same as in
Small Debt
Causes.

XI. And be it enacted, That the Citation and farther Procedure
in such summary Removings shall, in so far as not provided for by
this Act, be the same as those established by the said recited Act
for the Trial of Small Debt Causes in Sheriff Courts; and where

Decree

Decree of Removing is pronounced it shall be in the Form or to the Effect of the said Schedule (A.), and shall have the full Force of a Decree of Removing and Warrant of Ejection; and the Judgments to be pronounced in such summary Actions of Removing shall be final, and not subject to Review either in the Circuit Court of Justiciary or in the Court of Session.

Judgments to be final.

XII. And be it enacted, That the Sheriff may, of Consent of Parties, or where the Ends of Justice require it, adjourn the further Hearing of or Procedure in any summary Process of Removing raised under the Authority of this Act, and he may likewise order written Answers to be given in to the Complaint; and all such Orders shall be final, without being subject to Appeal or Advocation: Provided always, that the Sheriff shall in all such Cases where the Defences cannot be instantly verified ordain the Defender to find Caution for violent Profits.

Sheriff may adjourn the Cause.

XIII. And be it further enacted, That in all Cases where the Defender has found Caution he shall be allowed to give in written Answers to the Complaint; and in all Cases where written Answers shall be ordered such Cases shall thereafter be conducted, as nearly as may be, according to the Forms in use in ordinary Processes of Removing, and the Judgment of the Sheriff therein shall be subject to Review in common Form.

Where Defender has found Caution he may give in written Answers to Complaint.

XIV. And be it enacted, That no Person shall be exempt from the Jurisdiction of the Sheriff in any Process of Removing raised under the Authority of this Act, on account of Privilege, or being a Member of the College of Justice, or otherwise.

Members of College of Justice not exempt.

XV. And be it enacted, That the Jurisdiction, Power, and Authority of Sheriffs of *Scotland* shall be and the same are hereby extended to all Actions or Proceedings relative to Questions of Nuisance or Damages arising from the alleged undue Exercise of the Right of Property, and also to Questions touching either the Constitution or the Exercise of real or prædial Servitudes; and all Parties against whom such Actions or Proceedings may be brought shall be amenable to the Jurisdiction of the Sheriff of the Territory within which such Property or Servitude shall be situated.

Sheriffs Jurisdiction extended to Questions of Nuisance and Servitude.

XVI. And be it enacted, That the Sheriff Clerk of every Sheriff Court shall keep a Book in which he shall enter in a tabular Form, in Columns, in the Form of Schedule (B.) hereto annexed, every Cause transmitted to the Sheriff or Sheriff Substitute in order to be advised, specifying, in separate Columns, ordinary and summary Causes, the Sheriff to whom the same has been transmitted, the Date of such Transmission, the Date of the Cause being received by the Sheriff and returned advised, and any Remarks which the Sheriff may enter or direct to be entered in such Book relative to any such Cause; and an Inventory of the Process shall be kept by the Clerk in which the borrowing and returning of Processes shall be entered; and no Process shall be given up by the Clerk without a Receipt upon such Inventory.

Transmission Book to be kept by Sheriff Clerks.

XVII. And be it enacted, That in case there shall be an Arrear of Business undisposed of by the Sheriff in any Sheriff Court it shall be the Duty of the Sheriff from Time to Time to appoint additional Court Days, whether in Time of Session or Vacation, for the Purpose of disposing of such Arrear.

Additional Court Days to be appointed.

XVIII. And

Sheriffs may re-
pone against
Decrees in
Absence.

XVIII. And be it enacted, That where Decree in Absence in any Civil Cause shall have been pronounced or extracted in any Sheriff Court, other than in Causes in the Small Debt Court, or in Processes of Removing raised under Authority of this Act, a Petition may be presented to the Sheriff Court in which such Decree was pronounced to be reponed against the said Decree, and any Letters of Horning or Charge following thereon, where the same shall not have been implemented in whole or in part, and on Consignation in the Hands of the Clerk of Court of the Expences incurred, as the same may be modified on Taxation, the said Sheriff shall repon the Defender, and revive the Action or Proceeding in which such Decree had been pronounced as if Decree had not been pronounced or extracted, and shall have Power to award to the Pursuer such Part of the Expences consigned as he may judge reasonable; and the Sheriff shall pronounce such Order for Intimation to and Appearance of the opposite Party as may be just; and such Order may be executed against a Person in any other County as well as in the County where such Order is issued, the same being previously indorsed by the Sheriff Clerk of such other County, who is hereby required to make and date such Indorsation; and such Order being so made and executed, all further Orders and Interlocutors in the Cause shall be sufficient and effectual.

Suspensions
competent in
Sheriff Courts
of Charges for
Sums under 25l.

XIX. And be it enacted, That where a Charge shall be given on a Decree of Registration proceeding on a Bond, Bill, Contract, or other Form of Obligation, registered in any Sheriff Court Books, or in the Books of Council and Session, or any others competent, or on Letters of Horning following on such Decree, for Payment of any Sum of Money not exceeding the Sum of Twenty-five Pounds of Principal, exclusive of Interest and Expences, any Person so charged may apply by Petition to the Sheriff Court of his Domicile for Suspension of the said Charge and Diligence, on Caution; and on sufficient Caution being found in the Hands of the Clerk of Court for the Sum charged for, and Interest and Expences to be incurred in the Sheriff Court, the Sheriff shall have Power to sist Execution against the Petitioner, and to order Intimation of the Petition of Suspension, and Answers to be given in thereto, and thereafter to proceed with the further Disposal and Decision of the Cause in like Manner as in summary Causes in such Court, and to suspend the Charge and Diligence so far as regards the Petitioner; provided that the said Order for Intimation and Answers as aforesaid may be made and carried into execution against any Person in any other County as well as in the County where such Order is issued, in manner and to the Effect hereinbefore provided.

Sheriffs Judg-
ment on pre-
liminary Objec-
tion to Suspend-
ion final.

XX. And be it enacted, That if any Petition of Suspension as aforesaid shall be presented in any Sheriff Court, and a preliminary Objection be made to the Competency of such Petition, or to the Regularity thereof, an Appeal against the Judgment of the Sheriff Substitute repelling or sustaining such Objection may be taken in common Form to the Sheriff, whose Judgment thereon shall be final, and not subject to Review either in the Circuit Court of Justiciary or in the Court of Session.

XXI. ' And

XXI. ' And whereas by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of Scotland*, it is enacted, that the Sheriffs of *Scotland* shall within their respective Sherifdoms, including the Navigable Rivers, Ports, Harbours, Creeks, Shores, and Anchoring Grounds in or adjoining such Sherifdoms, hold and exercise original Jurisdiction in all Maritime Causes and Proceedings, Civil and Criminal, including such as may apply to Persons residing furth of *Scotland*, of the same Nature as that heretofore held and exercised by the High Court of Admiralty: And whereas Doubts have arisen regarding the Extent of such Jurisdiction, and it is expedient that such Doubts should be removed; be it therefore enacted and declared, That the said recited Act shall be construed and held to mean that the Powers and Jurisdictions formerly competent to the High Court of Admiralty of *Scotland* in all Maritime Causes and Proceedings, Civil and Criminal, shall be competent to the said Sheriffs and their Substitutes, provided the Defender shall, upon any legal Ground of Jurisdiction, be amenable to the Jurisdiction of the Sheriff before whom such Cause or Proceeding may be raised; and provided also, that it shall not be competent to the Sheriff to try any Crime committed on the Seas which it would not be competent for that Judge to try if the Crime had been committed on Land.

Sheriffs Jurisdiction in Maritime Causes under 1 W. 4 c. 69. explained.

XXII. And be it enacted, That in Maritime Causes or Proceedings raised or brought before any Sheriff Court in *Scotland* Caution Judicatum solvi or De damnis et impensis shall not be required in any such Cause or Proceeding from any Party who shall be domiciled in *Scotland*, any Law or Practice to the contrary notwithstanding, unless the Judge shall require it on special Grounds, to be stated in the Interlocutor requiring the same, or a Note annexed thereto.

Caution Judicatum solvi not required in Maritime Causes in Sheriff Courts.

XXIII. And be it enacted, That Summonses, Petitions, Complaints, Charges, Arrestments, and other Proceedings in Sheriff Courts, excepting Poidings, shall be deemed to be duly served and executed provided the same shall be served or executed by the usual Officer of the Law in such Courts in Presence of One Person, who shall witness such Service or Execution, and both of whom shall attest the Execution of the same by their Subscriptions in common Form.

Summonses, &c. in Sheriff Courts to be served in Presence of One Witness.

XXIV. ' And whereas it is expedient to authorize Citation to Sheriff Courts of Persons in *Scotland* without the Necessity of having recourse to Letters of Supplement from the Court of Session; be it enacted, That it shall be competent to cite all Persons within *Scotland* as Parties in any Civil or Criminal Action or Proceeding in any Sheriff Court who may be amenable to the Jurisdiction of such Court in respect of such Action or Proceeding by the Warrant of such Sheriff Court; and it shall also be competent to cite Witnesses and Havers within *Scotland* in any Civil or Criminal Action or Proceeding in any such Courts by the Warrant of such Courts; and all such Warrants shall have the same Force and Effect in any other Sherifdom as in that in which they were

Citation of Parties, Witnesses, and Havers.

originally issued, the same being first endorsed by the Sheriff Clerk of such other Sheriffdom, who is hereby required to make and date such Endorsation; and such Citation duly made shall be deemed to be due and regular Citation; and if any Witness or Haver duly cited shall fail to appear, it shall be competent to any Party for whom such Witness or Haver is cited to apply for a new Warrant to compel his Attendance at such Court, at such reasonable Time as may be fixed, which Warrant shall require such Witness or Haver to attend as aforesaid under a Penalty not exceeding Forty Shillings, unless a reasonable Excuse be offered and sustained; and every such Penalty shall be paid to the Party applying for the new Warrant as aforesaid, and shall be recovered in the same Manner as Penalties under the before-recited Act for the more effectual Recovery of Small Debts in the Sheriff Courts, or under any Act by which the same shall have been or may be repealed, altered, or amended, without Prejudice always to Letters of Second Diligence for compelling Witnesses and Havers to attend as at present competent; and it shall be competent to execute and carry into effect such Letters of Second Diligence in any other Sheriffdom, the same being endorsed by the Sheriff Clerk of that Sheriffdom, as before provided: Provided always, that nothing in this Act contained shall affect the Competency of applying for and obtaining Letters of Supplement in common Form for the Purpose of citing such Parties, Witnesses, or Havers; and provided also, that it shall be no Objection to any Witness or Haver that he has appeared without Citation.

Sheriff's Criminal Warrants may be executed out of the County.

XXV. And be it enacted, That any Criminal Warrant granted by any Sheriff against any Person charged with having committed a Crime or Offence within the Jurisdiction of the said Sheriff, and also any Warrant granted by a Sheriff against a Person as being *in meditatione fugæ*, shall be sufficient for the Apprehension of the said Person within any other County, and for conveying and disposing of the said Person in Terms of the Warrant, without the Necessity of its being backed or endorsed by any other Magistrate: Provided always, that the said Warrant shall be executed against the Person mentioned therein either by a Messenger at Arms or by an Officer of the Court where the same was issued.

Sheriff of Two Counties may hold Commissary Court in either.

XXVI. 'And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled '*An Act for the Regulation of the Court of the Commissaries of Edinburgh, and for altering and regulating the Jurisdiction of inferior Commissaries in Scotland*, it is provided, that where Two Counties shall be under the Jurisdiction of One Sheriff such Two Counties shall constitute One Commissariat;' be it enacted and declared, That when Two Counties shall be under the Jurisdiction of One Sheriff as aforesaid it shall nevertheless be lawful for such Sheriff, if he shall think proper, to hold Commissary Courts in both of such Counties in manner and to the effect provided by the said recited Act.

Sheriff's Juries may be summoned from List of Jurors residing within certain Distance

XXVII. 'And whereas it is expedient to remedy the Inconvenience of summoning Jurors to attend in Sheriff Courts from distant Parts of the County;' be it enacted, That, except in the Counties of *Haddington, Linlithgow, Peebles, Selkirk, Kinross, Clackmanan, Nairn, and Cromarty*, it shall no longer be necessary

to summon Persons to attend at any Sheriff Court to serve as Jurors in any Criminal Cause who shall reside beyond such Distances from the Court House at which the Jurors shall be summoned to attend as may from Time to Time be fixed by the several Sheriffs of the several Counties, with the Approbation of Her Majesty's Principal Secretary of State for the Home Department; and upon such Limits being fixed, the Sheriff Clerks of the several Counties, except as aforesaid, shall make up and correct in manner provided by Law Lists of Persons qualified to serve as Jurors resident within such Limits from each Court House at which the Sheriff or his Substitute holds Courts, which Jurors are or may be summoned to attend: Provided always, that in *Orkney* and *Zetland* the Jurors shall be summoned from the Main Land of each District respectively, and that the Attendance of Jurors at Sheriff Courts shall not exempt them from Attendance at Circuit Courts of Jusiciary in their ordinary Course of Rotation as heretofore; and provided also, that Magistrates of Royal Burghs and Towns entitled to return or to contribute in returning Members to serve in Parliament, and Keepers of Lighthouses and their Assistants, shall be freed and exempted from being returned and from serving upon Juries.

of Court to which they are summoned.

XXVIII. 'And whereas it is expedient that the Office of Sheriff Clerk should be regulated, and that a uniform Rate of Fees should be established in the several Sheriff Courts in *Scotland*;' be it enacted, That the Table of Fees contained in Schedule (C.) hereto annexed, and to be contained in any additional Table which may be framed in Terms hereof, and no others, shall be exacted and received by all Sheriff Clerks to be hereafter appointed, subject to such Addition thereto or Alteration thereof as may be made by the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or by the Commissioners of Her Majesty's Treasury, or any Three of them, a Copy of such Alteration being always notified Two Months in the *Edinburgh Gazette* before being made effectual, and being also laid before both Houses of Parliament within One Month after the making thereof, or, if Parliament shall not be then sitting, within Fourteen Days after the next Meeting thereof; and the said Lord High Treasurer or Commissioners shall fix the Salary which any future Sheriff Clerk shall receive, and which shall be payable and paid by or out of the Fees and Emoluments in Civil and Criminal Proceedings exigible, and received by such Sheriff Clerks respectively; and any Surplus of such Fees and Emoluments, after satisfying such Salaries, shall be applied towards defraying the Expences attending the Establishment of the Sheriff Court and Sheriff Small Debt Circuit Courts within the County in which such Fees and Emoluments shall be collected, in such Manner and subject to such Regulations for ascertaining the Amount of such Surplus and accounting for the same as the said Lord High Treasurer or Commissioners, or any Three of them, shall direct; and where in any of the smaller Counties the Fees and Emoluments which shall hereafter be received under the Provisions of this Act may be insufficient for the Maintenance of a Person duly qualified to execute the Duties of a Sheriff Clerk, it shall be lawful to the said Lord High Treasurer or Commissioners, or any Three of them, to direct that a Salary shall be payable

Emoluments of future Sheriff Clerks to be regulated.

to such Sheriff Clerk, in addition to the said Fees, of such Amount as they shall think necessary; and no Person who shall hereafter be appointed to the Office of Sheriff Clerk, or who shall acquire Right to any Fees or Emoluments in any Sheriff Court, in virtue of the Provisions of this Act, from and after the passing of the same, shall acquire a vested Right to the Fees or Emoluments of such Office, or shall be entitled to any Compensation in consequence of the subsequent Abolition of such Office or Fees, or of any Alteration in the Constitution of such Office, or in the Amount of such Fees, or in the Mode of paying such Sheriff Clerk or Officer, either by such Fees or such Salary as may hereafter be determined: Provided always, that it shall be lawful for the said Commissioners, or any Three of them, by Agreement with any existing Sheriff Clerk, to establish the Table of Fees hereby fixed or to be fixed under the Authority of this Act in any Sheriff Courts, and to award to such Sheriff Clerk such Compensation by way of additional Salary as they may think fit; and all such Salaries to Sheriff Clerks shall be payable out of the Funds from which the Salaries of Sheriffs are payable: Provided always, that every Sheriff Clerk shall keep an Account stating in Columns the Amount of the different Fees drawn by such Clerk under this Act, and the Sources thereof, and shall annually, at the Beginning of each Year, render such Account to the said Commissioners of Her Majesty's Treasury in such Manner as they shall direct.

Existing Sheriff Clerks and Officers not to acquire vested Right to increased Fees.

XXIX. And be it enacted, That no existing Sheriff Clerk, or other Officer of any Sheriff Court, shall acquire a vested Right to any increased Amount of Fees or Emoluments which may be drawn by them from and after the passing of this Act, or shall be entitled to prefer any Claim to Compensation in consequence of being prevented from drawing or being deprived of such increased Amount of Fees or Emoluments, or of any Alteration either in the Mode of levying or disposing of the same.

Citations, &c. in Zetland.

XXX. And be it enacted, That hereafter all Proclamations, Denunciations, Edictal Citations, and other public Notices made at the Market Cross of the Burgh of *Lerwick* in *Zetland* shall be equally valid as if the same had been made as heretofore at the Gate of the Castle of *Scalloway*.

Power of Court of Session to make Regulations by Acts of Sederunt, &c. not to be affected.

XXXI. And be it enacted, That nothing herein contained shall in any way abridge or affect the Power vested in the Court of Session to make and establish Rules and Regulations by Acts of Sederunt, as authorized by an Act passed in the Sixth Year of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of the Sheriff and Stewart and Burgh Courts in Scotland*; and the said Court shall so frame such Acts of Sederunt as may be best calculated to carry into effect the Purposes of this Act, and also of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act for regulating the Process of Cessio bonorum in the Court of Session, and for extending the Jurisdiction of Sheriffs in Scotland to such Causes*; and also, if necessary, to alter or amend the Table of Fees for Practitioners in Sheriff Courts, and adapt the same to the Forms of Process; and the Court of Session shall also from Time to Time make further Orders and Regulations to amend the Forms and preserve Uniformity in the Proceedings and Fees in all Sheriff Courts,

Courts, the said Court taking into consideration the Reports laid before Parliament by the Commissioners appointed under the Sign Manual of His late Majesty King *William* the Fourth, dated the Sixth Day of *June* One thousand eight hundred and thirty-three and the Sixteenth Day of *August* One thousand eight hundred and thirty-four; and the said Court shall also by Act or Acts of Sederunt from Time to Time adapt and apply to Sheriff Courts any Alterations and Amendments which may be made in the Forms of Proceedings in the Court of Session, so as to make them uniform in as far as it may be expedient so to do; and the said Court may meet for the aforesaid Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time; and all Acts of Sederunt so passed by the Court of Session shall, in Terms of the said recited Act of His Majesty King *George* the Fourth, apply to and receive effect in the Courts of the Royal Burghs in *Scotland* as well as in the Sheriff Courts: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all such Acts of Sederunt.

XXXII. And be it enacted, That in order the better to carry into effect the Purposes of the said recited Act and of this Act, and to preserve Uniformity in the Proceedings of Sheriff Courts, the several Sheriffs of the several Sheriffdoms shall meet together in *Edinburgh* in the First Week of the First Winter Session of the said Court after the passing of this Act, and at the like Period every Three Years thereafter, and adjourn such Meetings from Time to Time as they shall see Cause; and at such Meetings they shall consider how far Uniformity of Proceedings exists in Sheriff Courts, and any Propositions which may be laid before them, or which they may deem proper to submit to the said Court for attaining that Object; and on or before the First Day of *January* next ensuing after each such Meeting the said Sheriffs shall submit to the Court any Regulations which they may propose should be enacted by Act of Sederunt, and the same shall be printed and sent to the different Sheriff Courts, to be exhibited there for the Space of Fourteen Days; and the said Sheriffs shall, on or before the Twelfth Day of *March* next ensuing, prepare and cause to be printed for the Consideration of the Court a revised Draft; and on the Meeting of the Court in the Summer Session next ensuing the Court shall take such Draft into consideration, and pass an Act of Sederunt on or before the Twelfth Day of *July* following, in such Terms as they shall think fit: Provided always, that nothing herein contained shall prevent the said Sheriffs from meeting for the Purposes aforesaid and submitting Propositions as aforesaid to the said Court at any other Times, or the said Court from passing any Act or Acts of Sederunt under the Powers herein-before given at any other Times, as such Sheriffs or such Court respectively shall think proper; and provided also, that the necessary Expences of such Meetings of Sheriffs and of preparing and printing such Propositions shall be allowed in the annual Accounts in Exchequer of such One of the said Sheriffs as may from Time to Time be appointed by them to be their

Sheriffs to meet periodically, and to submit Propositions to the Court.

Therefore Decree ought to be granted for removing and ejecting the said Defender, his Family, Sub-tenants, Cottars, and Dependents, with their Goods and Gear, furth and from the said Subjects, [*here insert the Date at which the Removal or Ejection is sought for, as the Case may be,*] that the Complainer or others in his Right may then enter to and possess the same. [*If Expences are sought, add,* and the said Defender ought to be found liable in Expence of Process and Dues of Extract.]

[*Signature of the Party or Agent.*]

No. 2.

FORM of WARRANT thereon.

THE Sheriff grants Warrant to cite the said Defender to compare personally before him at the Court House [*or elsewhere, as the Case may be,*] upon the [*insert the Day of the Month and Hour, if Need be,*], to answer the foregoing Complaint, under Certification of being held as confessed; ordains such Citation to be made at least [*state the Period which the Sheriff may fix to intervene betwixt the Citation and Diet of Compearance,*] previous to the said Diet of Compearance; and grants Warrant to cite Witnesses for both Parties to appear, Time and Place foresaid, to give Evidence in the said Matter, under the Pains of Law. Given under the Hand of the Clerk of Court at the Day of Sheriff Clerk.

No. 3.

FORM of CITATION for DEFENDER.

C.D., Defender above designed, you are hereby summoned to appear and answer before the Sheriff in the Matter complained of, and that at [*here specify Time and Place,*], under Certification of being held as confessed.

This Notice is served upon the Day of by me
Sheriff Officer.

No. 4.

FORM of EXECUTION of CITATION.

UPON the Day of I duly summoned the above-designed *C.D.*, Defender, to appear and answer before the Sheriff in the Matter, and at the Time and Place and under the Certification above set forth. This I did by delivering a Copy of the above Complaint, with a Citation thereto annexed, to the said Defender personally [*or otherwise, as the Case may be.*]
Sheriff Officer.

No. 5.

FORM of DECREE and WARRANT of EJECTION.

AT the Day of the which Day the Sheriff [in absence of the Defender, *or* having heard Parties, *as the Case may be,*] decerns and grants Warrant for removing and ejecting the said *C.D.*, Defender, and others mentioned in the Complaint, from the Subjects therein specified, such Ejection not being sooner than [*here insert the Time appointed for Removal,*

and whether after a Charge on such Induciae as may be deemed proper, or instantly] finds the said Defender liable in Expences, [or otherwise, as the Case may be,] and decerns.

[*Sheriff's Signature.*]

Note.—The whole of the above to be in the same Paper.

SCHEDULE (B.)

TRANSMISSION BOOK to be kept by SHERIFF CLERKS.

Names of Cause, [as <i>A.</i> versus <i>B.</i> , or <i>A.</i> , Petitioner, &c.]		Date of Transmission to Sheriff Substitute.	If Proof led, state whether before Sheriff or Substitute or Commis- sioner, and its Duration.	Date of Case being returned and advised.	Date of Trans- mission to Sheriff.	Date of Cause being returned and advised.	REMARKS.*
Ordinary Causes.	Summary Causes.						

* *Note.*—Where Cases have been longer than Ten Days unadvised after Transmission to the Sheriff, the Reason to be stated in this Column.

Also the Names of any Commissioners to whom Remits have been made to take Proofs.

SCHEDULE (C.)

TABLE of FEES in CIVIL BUSINESS for the SHERIFF CLERKS of SCOTLAND.

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Libel, Summons, or Claim to found an Action - When more Defenders than One are sued for a separate Debt or Prestation, the above Fees to be paid on One of the Debts or Prestations highest in Amount, and a Third of the above Fees to be paid for each of the other Debts or Prestations, according to the Amount of the Claim against each Defender or Set of Defenders.	0	0	9	0	1	3
Certifying Copy of Libel, in Terms of Act of Sede- runt for Sheriff Courts, c. 18. s. 4. - -	0	0	6	0	0	6

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Summary Petition or Complaint (except Petition of Sequestration), and Deliverance thereon -	0	1	0	0	1	6
Defence, Answer, or first Paper for each Defender or Set of Defenders, or Compeerer or Set of Compeerers, in any Action - - -	0	0	6	0	1	0
Each Paper or Pleading, for either Party, subsequent to the first Step, including Objections and Answers in a Proof when stated in separate Papers - - - - -	0	0	3	0	0	6
Appeal to the Sheriff Depute - - - - -	0	0	6	0	0	6
Receiving and marking each Set of Productions, except the Productions lodged with the first Paper for each Party, for which no Charge is to be made - - - - -	0	0	3	0	0	3
Extracting each Decreet in Absence, in the abridged Form - - - - -	0	1	0	0	1	6
When a Decreet is extracted against more Defenders than One sued for a separate Debt or Prestation, the above Fee of Extract to be paid on One of the Debts or Prestations highest in Amount, and a Third of the above Fee for Extract to be paid on each of the others, according to the Amount of the Claim against such Defender or Set of Defenders.						
Extracting each Decree in foro, in the abridged Form - - - - -	0	2	0	0	2	6
If the Decree, whether in absence or in foro, shall exceed One Sheet, for writing each succeeding Sheet - - - - -	0	0	6	0	0	6
Recording abridged Decreets, per Sheet - - -	0	0	6	0	0	6
Indorsing Decreets or Warrants, and dating and recording such Indorsation - - - - -	0	1	0	0	1	0
Protestations for not insisting - - - - -	0	0	6	0	0	9
Extract thereof - - - - -	0	0	6	0	0	9
Acts and Commissions, first Sheet - - - - -	0	0	6	0	0	9
Subsequent Sheets, each - - - - -	0	0	6	0	0	6
If the Proof be taken on the Interlocutor allowing it, without extracting an Act and Commission, there will be paid by each Party leading Proof - - - - -	0	0	6	0	0	9
Diligence or Precept for citing Parties incidentally, Witnesses or Havers - - - - -	0	0	6	0	0	9
Second Diligence - - - - -	0	0	6	0	0	9
Each Deposition or Declaration - - - - -	0	0	6	0	0	9
Writing each Sheet thereof, after the first, when the Sheriff Clerk acts as Writing Clerk - -	0	0	6	0	0	6
The Sheriff Clerk or his Depute, when acting as Commissioner in taking a Proof, Deposition of						

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Party, or Declaration, will be allowed the following Fees; viz.						
In Causes not exceeding 8 <i>l.</i> , each Hour -	0	1	3			
Above 8 <i>l.</i> and not exceeding 25 <i>l.</i> , each Hour -	0	2	0			
Above 25 <i>l.</i> each Hour -	0	2	6			
As also his Clerk's Fee for Writing, at the Rate of 4 <i>d.</i> per Sheet.						
Sequestration of a Tenant's Effects, or of joint Tenants in One Possession; viz.						
Warrant of Sequestration and Service -	0	1	3	0	1	6
Taking the Inventory, when taken by the Clerk, if the Rent to be secured be 12 <i>l.</i> or under:						
Clerk and Witnesses -	0	2	6			
When the Rent is above 12 <i>l.</i> and does not exceed 25 <i>l.</i> :						
Clerk and Witnesses -	-	-	-	0	3	9
When the Rent is above 25 <i>l.</i> and does not exceed 50 <i>l.</i> :						
Clerk and Witnesses -	-	-	-	0	5	0
When the Rent is above 50 <i>l.</i> :						
Clerk and Witnesses -	-	-	-	0	6	3
Writing out Inventory and Schedule, per Sheet of each in any of the above Cases -	-	-	-	0	0	6
If the Clerk and Witnesses are necessarily employed more than Two Hours in taking the Inventory, or travelling for that Purpose, he will be allowed, in addition to the above Fees, for every Hour after the first Two,						
Clerk and Witnesses -	0	0	9	0	0	9
But under these Charges for the Hours after the first Two the Clerk not to have in One Day for himself and Witnesses more than 5 <i>s.</i>						
Warrant of Sale -	0	0	6	0	1	0
Extract thereof, per Sheet, when required -	0	0	6	0	1	0
Intimating Sale to Tax Office -	0	0	6	0	0	6
The Clerk, when he executes any Warrant to roup, and collects the Proceeds, will be held liable for the Amount of the Roup Roll, and will be allowed for his Trouble and Risk, including Auctioneer's Fees, as follows:						
When the Amount of the Roup Roll is 8 <i>l.</i> or under, he will be allowed 3 <i>s.</i> 9 <i>d.</i>						
When the Amount of the Roup Roll is above 8 <i>l.</i> and does not exceed 100 <i>l.</i> , he will be allowed at the Rate of 2½ per Cent.						

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
When the Amount of the Roup Roll exceeds 100 <i>l.</i> but does not exceed 1,000 <i>l.</i> , he will be allowed 2½ per Cent. for the first 100 <i>l.</i> , and for every additional 100 <i>l.</i> or Part of 100 <i>l.</i> 1½ per Cent. And when the Amount exceeds 1,000 <i>l.</i> he will be allowed the above Rates for the first 1,000 <i>l.</i> , and One per Cent. for each additional 100 <i>l.</i> and Part of 100 <i>l.</i>						
The above Poundage to cover all Charges for Trouble in relation to the Sale, and for collecting the Proceeds, drawing Advertisements and Articles of Roup; but the Clerk will be allowed all his necessary Disbursements or Expences, such as advertising, paying Crier, travelling Charges, &c. He will also, when the Proceeds are above 20 <i>l.</i> , be allowed 3 <i>s.</i> 9 <i>d.</i> for an Assistant Clerk.						
If Roup be stopped after Time of Sale is fixed	0	1	3	0	1	3
Receiving the Report of Sale, and Note of the Sum arising from it, and marking the same	0	0	6	0	1	0
Allowing Inspection of the same	0	0	6	0	0	6
In. Sales under other Warrants of the Sheriffs, including Poindings, the same Fees to be paid as in Sales under Sequestrations.						
At intimating Caption to compel Return of a Process, including Dues of Caption, if issued	0	0	6	0	0	6
Enrolling a Cause, to be paid by the Party requiring Enrolment	0	0	6	0	0	6
When any Cause at Avizandum is enrolled by Order of the Sheriff, the above Fee to be paid by the Parties equally.						
At borrowing a Process, or Part of a Process, the Clerk being for this Fee bound to compare the Process, both when borrowed and returned, and to mark the Return	0	0	6	0	0	6
Attending at Judicial Inspections or Visitations, when required by the Sheriff or either of the Parties, sealing up Repositories, or executing any other Order or Warrant of the Sheriff, not otherwise provided for in this Table:						
First Hour employed	0	2	0	0	2	6
Every other	0	1	3	0	2	0
Besides necessary Outlays.						

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Auditing Accounts of Expenses when Remit made to the Clerk :						
In Decrees in Absence - - -	0	0	6	0	0	6
In litigated Cases, when the Amount of the Account rendered is under 5 <i>l.</i> - -	0	1	9	0	1	9
When 5 <i>l.</i> and under 10 <i>l.</i> - - -	0	2	6	0	2	6
When 10 <i>l.</i> and under 20 <i>l.</i> - - -	0	3	6	0	3	6
When 20 <i>l.</i> and under 40 <i>l.</i> - - -	0	5	0	0	5	0
When 40 <i>l.</i> and under 60 <i>l.</i> - - -	0	6	0	0	6	0
When 60 <i>l.</i> and under 80 <i>l.</i> - - -	0	7	6	0	7	6
When 80 <i>l.</i> and upwards - - -	0	10	6	0	10	6
Caveat - - - - -	0	0	6	0	0	6
Precepts or Warrants of Arrestment, when contained in the Summons - -	0	0	3	0	0	3
When not contained in the Summons -	0	0	9	0	1	0
At loosing an Arrestment in either Case -	0	0	9	0	1	0
Each Bond of Caution and relative Certificate - - - - -	0	2	6	0	3	9
Edict or Summons of Curatory, or for giving up Inventories - - - - -	0	1	3	0	1	3
Calling in Court, receiving and entering the Nomination of Curators - - - -	0	2	6	0	2	6
Doqueting and signing tutorial or curatorial Inventories, per Sheet of each Duplicate -	0	0	3	0	0	3
Extract Acts of Curatory, or upon Production of Inventories :						
First Sheet - - - - -	0	2	6	0	2	6
Every other Sheet - - - - -	0	1	3	0	1	3
Second Extracts, per Sheet - - - -	0	1	3	0	1	3
Production of a Bill of Advocation, and marking the same, including Trouble of transmitting the Process when necessary -	-	-	-	0	2	6
Transmitting extracted Processes, in consequence of a Warrant from the Court of Session or the Sheriff - - - -	0	0	9	0	1	3
Appeal against a Decree or Sentence of the Sheriff to the Court of Justiciary or Circuit Court, or Answers thereto - -	0	1	0	0	1	3
Searching for a Process in which no Procedure has taken place for a Year, if Search does not exceed Five Years, and no Extract ordered - - - - -	0	0	6	0	1	0
Each additional Year after the first Five in which the Search is made - - - -	0	0	3	0	0	3
For each Consignation of Money in the Clerk's Hands, if under 10 <i>l.</i> - - -	0	1	3	0	1	3
And an additional Fee for the Amount above 10 <i>l.</i> at the Rate of 5 <i>s.</i> on each 100 <i>l.</i> consigned.						

	In Cases of £12 and under.	Above £12.
	£ s. d.	£ s. d.
On the lodging of a Bank Receipt when Money ordered to be consigned is lodged in a Bank instead of being consigned -	0 1 3	0 1 3
The Fees in these Three last Articles not to be chargeable on Proceeds of Roups or Sales conducted by the Clerks.		
Each Warrant to uplift consigned Money -	0 1 3	0 1 3
Full Extract, or Second Extract, or authenticated Copy of a Process or Part of a Process, or other Procedure or Paper, when required by a Party and furnished by the Clerk, per Sheet - - -	0 0 6	0 0 9

Note.—In all Cases where the Conclusions are *Ad factum præstandum*, or not entirely pecuniary, the highest Class to be the Rate of Charge; but Fees on Papers in Summonses of Removal or Rejection to be charged according to the Rent of the Subject from which the Defender is summoned to remove or to be ejected.

	£ s. d.
Recording Hornings, Inhibitions, Interdictions, Lawburrows, with their Executions, Discharges, and other Writings recorded in the Registers of Hornings and Inhibitions, per Sheet -	0 0 10
First or subsequent Extracts thereof, when required, per Sheet - - - - -	0 0 9
Recording Bonds, Tacks, Dispositions, and other Writings in the Register of Deeds and probative Writs, per Sheet -	0 0 9
First Extracts of such Deeds or Writings, when required, per Sheet - - - - -	0 0 6
Subsequent Extracts, per Sheet - - - - -	0 0 9
Recording Protests on Bills, including Extract - - -	0 1 3
Subsequent Extracts - - - - -	0 0 9
Recording Accounts, States, and the like, per Sheet of Figures -	0 1 0
Extract thereof, per Sheet - - - - -	0 0 9
Inspection of Records of entailed Vouchers - - - - -	0 0 6
Searching the Record of Hornings or Inhibitions, including Minute Book, each Year or Part of a Year - - - - -	0 0 3
In all not exceeding - - - - -	0 3 9
Searching for Deeds recorded for the First Year, or Part of the Year specified - - - - -	0 0 6
Every additional Year - - - - -	0 0 3
Certificate of Search, if required - - - - -	0 1 3
Inspection of Records when a Party or his Agent makes the Search, each Record Book and corresponding Minute Book -	0 1 3
Examinations under the Bankrupt Act, when the Sheriff Clerk acts as Clerk to the Examination, each Diet - - -	0 3 9
Writing Declarations or Oaths therein, per Sheet - - -	0 0 6

SERVICES.

	£	s.	d.
<i>General Service :</i>			
Procuring the Brieve executed, and Intimation to Agent	0	1	9
Attending in Court at Service, framing and recording the Minutes, and Instrument Money	0	3	6
Fees of the Service	0	10	0
Engrossing the Retour	0	2	6
<i>Special Service, or Service as Heir of Provision :</i>			
Procuring the Brieve executed, and Intimation to Agent	0	1	9
Attending in Court at Service, framing the Minutes, and recording, First Sheet	0	3	0
Each other	0	1	0
Framing the Retour, First Sheet	0	7	6
Each other Sheet	0	5	0
Engrossing the Retour, each Sheet	0	1	0
Extracts from the Record of Service, when required, each Sheet	0	1	0
<i>Infestments :</i>			
Drawing Instrument of Sasine on Chancery Precepts, First Sheet	0	7	6
Each subsequent Sheet	0	5	0
Extending the same, First Sheet	0	1	6
Each subsequent Sheet	0	1	0
- Besides the stamped Vellum or Parchment.			
And that the Clerk receive for taking Infestment thereon, when the Rent of the Property does not exceed 100 <i>l.</i> per Annum	0	10	6
100 <i>l.</i> and not exceeding 200 <i>l.</i>	1	1	0
200 <i>l.</i> and not exceeding 500 <i>l.</i>	1	11	6
500 <i>l.</i> and not exceeding 1,000 <i>l.</i>	2	2	0
And for every additional 1,000 <i>l.</i>	0	10	6
But not to exceed in all	5	5	0
And if the Distance exceed Three Miles, each additional Mile, until it exceeds Ten Miles	0	2	6
But under this Charge not to receive more per Day than	1	1	0
- Besides Travelling Charges.			
Extracts of Minutes of Procedure of Freeholder Meetings, when required, per Sheet	0	1	3
Each Person taking the Oaths to Government, when the Oaths are not administered at a County Meeting	0	1	0
Certificate thereof, when required	0	1	6
Qualifying a Peer to vote at an Election	1	1	0
Extract of the Fiars, each Year	0	0	9
Receiving each Precept from the Court of Session, making up List of Jury, and instructing Officer to summon, and making Return	0	2	6
Receiving Countermand of Trial, and instructing Officer	0	2	6
Writing and booking each necessary Letter	0	1	3
Each Duplicate and Copy	0	0	6
<i>Fees for Public Business payable in Exchequer :</i>			
For the Principal Precept of Intimation of Election of a Member of Parliament, besides Expence of printing	0	10	6

	£	s.	d.
Writings relative to Elections of Members of Parliament (exclusive of the Precept), to summoning the Commissioners of Supply for laying on the Land Tax, and to other Public Business payable in the Exchequer, each Sheet - -	0	1	0
When consisting of more than One Sheet, each additional Sheet - - - -	0	1	6
Superintending the Execution of Chancery Precepts, and returning the Execution, for each Precept - - - -	0	0	6
Superintending the Publication of Royal Proclamations or Writs, each - - - -	0	5	0
Warrant to summon Jury and Witnesses for striking the Fiars and making List, and instructing Officer to summon them -	0	10	6
Attendance at striking the Fiars, and writing the Evidence and Procedure, and recording the Verdict - - - -	1	11	6
To the Sheriff Clerk for instructing the Persons employed in taking up the Lists of Jurors, receiving the Returns, and engrossing the Lists in the Jury Books, for each 100 Names, exclusive of printing - - - -	0	5	0
To the District Clerk, or other Person having local Knowledge, for attending and assisting the Sheriff at revising Lists, at the Rate of 21s. per Day, including travelling Charges and Postages.			

N.B.—The Sheet of Writings to be computed at Three hundred Words, when not otherwise specified; but if the Writing does not contain Three hundred Words, to be charged as One Sheet; and if after finding the Sheet or Sheets which any such Writing shall comprise, calculated at the Rate aforesaid, any Number of Words less than Three hundred Words shall remain, such fewer Words shall be charged as a Sheet. Although the Fees for recording Hornings, Inhibitions, Deeds, and other Writings in the Registers of Hornings and Inhibitions and of Deeds and probative Writs are to be paid for at certain Rates for every Sheet, yet it is understood that the Clerks are to frame those Records so as to contain in each Sheet the Number of Words prescribed by the Regulations of the Lord Clerk Register.

The Fees in the above Table to be paid, though the Duty be performed by the Clerk Depute or by an Assistant Clerk, and to be exclusive of Postages and Outlays.

The Fees in criminal and any other Business to be subject to the Regulation of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, from and after the passing of this Act.

C A P. CXX.

An Act for the Abolition of the Duties payable on the Coinage of Tin in the Counties of *Cornwall* and *Devon*, and for giving Compensation in lieu of such Duties, and to reduce the Duties of Customs payable on Tin.

[16th August 1838.]

‘ WHEREAS, by the Laws, Usages, and Customs of the Counties of *Cornwall* and *Devon*, all Tin dug, raised, and taken therein respectively is required to be coined, and certain Duties are payable for the Coinage thereof: And whereas by Charter made and passed in the Eleventh Year of the Reign of His Majesty King *Edward* the Third, and duly confirmed by Parliament, the said Coinage Duties, together with certain other Possessions, were thereby granted to the then Duke of *Cornwall*, and to the first-begotten Son of him and his Heirs (Kings of *England*), being Dukes of *Cornwall* and Heirs Apparent to the Kingdom of *England*, and the same were thereby annexed and united to the Duchy of *Cornwall* for ever, to remain so that from the said Duchy they should at no Time be in anywise severed, so that when the Duke of *Cornwall* for the Time being should depart this Life, and a Son to whom the said Duchy was thereby appointed should not appear, the said Duchy should revert to and be retained in the Hands of the King of *England* for the Time being, until such Son, being Heir Apparent, should appear: And whereas such Duties on the Coinage of Tin in the said Counties of *Cornwall* and *Devon* are now payable to Her Majesty in right of Her Duchy of *Cornwall*: And whereas it is expedient and for the Benefit of Trade that it should not be necessary that any Tin so dug, raised, or taken should hereafter be coined, and that all Duties so as aforesaid payable on the Coinage thereof should cease, and that Compensation in lieu thereof should be given to Her Majesty or other the Personage for the Time being entitled to the Revenues of the Duchy of *Cornwall*: Be it therefore enacted by the Queen’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 Tenth Day of *October* next ensuing the passing of this Act it shall not be necessary to coin any Tin dug, raised, or taken in the said Counties of *Cornwall* and *Devon*, or in either of them, and that the Duties which would but for this Act be payable on the Coinage of Tin after that Time shall cease and determine.

II. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty’s Treasury and they are hereby required to ascertain the Amount of the clear annual Payments during the last Ten Years in respect of such Coinage Duties in the said Counties of *Devon* and *Cornwall*, after deducting therefrom all Costs, Charges, and Expences to Officers and others during such Period incurred in and incident to the ascertaining, managing, and collecting of such Coinage Duties.

III. And be it enacted, That in lieu of such Coinage Duties an Annuity or yearly Sum equal to the Amount which shall be so ascertained to have been the Average of such Payments shall be issued

Duties on
Coinage of Tin
abolished.

Treasury to
ascertain Average
Amount of
Duty.

Annual Sum to
be paid to Her
Majesty in lieu
of Coinage
Duties.

issued out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon or payable out of the said Fund), and be payable, free and clear from all Deductions and Taxes whatsoever, quarterly on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions, and be accordingly paid to Her Majesty and other the Personage for the Time being entitled to the Revenues of the said Duchy of *Cornwall*.

IV. And be it enacted, That the Acquittances or Acquittance, Receipts or Receipt, of the Receiver General for the Time being of the said Duchy of *Cornwall*, shall be a good and sufficient Discharge for the Payment of the said Annuity.

Receipt of Receiver General sufficient.

V. And be it enacted, and it is hereby declared to be the true Intent and Meaning hereof, That Her Majesty and other the Personage for the Time being entitled to the Revenues of the said Duchy of *Cornwall* shall have such and the like, and no larger or other, Estate or Title or Power of Disposition or Alienation, or Interest, of and in the said Annuity, as Her Majesty or other the Personage for the Time being entitled to the Revenues of the said Duchy of *Cornwall* would have had in the said Coinage Duties, and that the said Annuity shall from Time to Time belong to Her Majesty and such other Personage as would have been entitled to the said Coinage Duties in case this Act had not been passed.

Her Majesty's Interest in the Annuity to be the same as in the Coinage Duties.

VI. And whereas it is only just and reasonable that Provision should be made for granting Compensation upon equitable Principles to such Officers and others as have heretofore been employed in the ascertaining, managing, and collecting such Coinage Duties, and in relation thereto, and whose Emoluments will be affected hereby; be it enacted, That the Commissioners of Her Majesty's Treasury shall ascertain, by such Ways and Means as to them shall seem proper, the net annual Receipts of each and every of such Officers and others whose Emoluments shall be affected by the Operation of this Act, and shall grant such Compensation to all such Parties, either by One Payment in gross, or by an annual Amount payable quarterly, as, having regard to the Tenure of their several Offices and Employments, and to the Duration of their Service, shall appear to the said Commissioners of Her Majesty's Treasury to be just and proper: Provided always, that all such Compensations shall be payable and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Compensation to Officers in relation to Coinage Duties.

VII. And be it enacted, That a Return of the Amount of the Compensation ascertained to be due and payable on account of the Repeal of the said Coinage Duties on Tin, together with a Statement of all such Compensations as shall be granted to the Officers and others whose Emoluments shall be affected by the Operation of this Act, and also a Return of the gross annual Payments during each of the said Ten Years in respect of such Coinage Duties, and also a Return of all the Costs, Charges, and Expences to Officers

Certain Returns to be laid before Parliament.

and others during such Period, incurred in and incident to the ascertaining, managing, and collecting of such Coinage Duties, shall be laid before both Houses of Parliament within Thirty Days after the Commencement of the next Session of Parliament.

New Duties of
Customs on Tin
and Tin Ore.

VIII. And be it enacted, That instead of the Duties of Customs now payable on Tin and on Tin Ore the following Duties shall be raised, levied, collected, and paid unto Her Majesty, in like Manner as if such Duties had been imposed by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*; (that is to say,)

			£	s.	d.
Tin, the Hundred Weight	-	-	0	15	0
Tin Ore, the Hundred Weight	-	-	0	10	0

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

- (a) *For 31 Years, &c. [i. e. to the End of the next Session] from a Day named in the Act.*
 (b) *For 31 Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; to each of which is annexed a Clause in the Form following:

“ And be it further enacted, That this Act shall be deemed
 “ and taken to be a Public Act, and shall be judicially taken
 “ notice of as such by all Judges, Justices, and others,
 “ without being specially pleaded.”

Cap. i.

An Act for making and maintaining a Harbour and other Works at *Paington* in the County of *Devon*. [30th March 1838.]

[*Vessels in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, exempted from Toll, § 80. Saving the Rights of the Trinity House, § 125.; and of the Lords of the Manor of Paington, § 126.; and of the Duchy of Cornwall, § 127; and of the Crown, § 129.*]

Cap. ii.

An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of *Milton-next-Sittingborne* in the County of *Kent*. [30th March 1838.]

[*Penalty on Persons using Forges and not preventing the Light from shining into Streets, § 66. Penalty on firing Chimnies, § 67. Saving the Rights of the Lord of the Manor of Milton, § 117.*]

Cap. iii.

An Act to alter and enlarge some of the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, for better repairing the Roads from *War-*

minster and from *Frome* to the *Bath* Road, and other Roads therein mentioned. [30th March 1838.]

[*Powers of 3 & 4 W. 4. c. lxxviii. extended to this Act, § 1.*]

Cap. iv.

An Act for extending the Time for completing the *London* and *Greenwich* Railway. [11th April 1838.]

Cap. v.

An Act for regulating the Market in the Town of *Exmouth* in the County of *Devon*. [11th April 1838.]

[*Saving the Rights of Lord Rolle, § 32.*]

Cap. vi.

An Act for repairing and improving the Road leading from *Haleworthy* in the Parish of *Davidstow* in the County of *Cornwall* to the East End of *Wadebridge*, and from the West End of *Wadebridge* into and through the Borough of *Mitchell* in the said County; and for making and maintaining certain new Roads to communicate therewith. (b) [11th April 1838.]

[6 G. 4. c. xl. repealed, § 1. Only Two Thirds of Tolls to be paid for Carriages with broad Wheels, § 18. Tolls to be paid but once a Day at same Gate, § 19. One Toll only to be taken on same Day for passing between *Haleworthy* and the Bridge at the East End of *Camelford*, and between *Camelford* and the East End of *Wadebridge*, and between the West End of *Wadebridge* and *Saint Columb*, and between *Saint Columb* and the West End of *Mitchell*, § 20. No Exemption for Agricultural Produce, Manure, &c., unless Tires of Wheels be of a certain Breadth, § 24. Tolls not to be laid out in repairing Streets, § 25. Saving of Duchy Rights, § 33.]

Cap. vii.

An Act for more effectually repairing and keeping in repair certain Roads in the County of *Kincardine*. (a) [11th April 1838.]

[*Powers of 1 & 2 W. 4. c. 43. extended to this Act, § 1. 57 G. 3. c. lii. repealed, § 2. Tolls to be taken only once in Six Miles, § 13. Tolls to be paid but once a Day at same Gate, § 14. No more Money to be laid out on any Road than is collected thereon, § 19.*]

Cap. viii.

An Act to repeal an Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, for improving the Navigation of the River *Ribble* in the County Palatine of *Lancaster*, and for the further Improvement of the Navigation of the said River. [9th May 1838.]

[46 G. 3. c. cxxi. repealed, § 1. Certain Vessels and Boats exempted from Toll, §§ 95, 99, 100, 101. Act not to extend to Vessels laden with Manure, Paving Stones, or Road Materials within the Port of *Preston*, § 103.; nor to Vessels in Her Majesty's Service, or the Employ of the Admiralty, Ordnance, Customs, Excise, or Post Office, § 106. Saving the Rights of the

the Trinity House, § 128.; and of the Liverpool Corporation, § 171.; and of the Lords and Lady of the Manor of Meols, § 173.; and of R. J. J. Norreys, Esq., § 175.]

Cap. ix.

An Act to amend the several Acts relating to the *West India Dock Company* and the *East India Dock Company*; and to consolidate the said Companies. [9th May 1838.]

[*Powers of 2 W. 4. c. lii. (except as altered) extended to this Act, § 1.*]

Cap. x.

An Act for building a Bridge over the River *Thames* from *Cookham* in the County of *Berks* to the opposite Shore in the County of *Bucks.* [9th May 1838.]

[*The Royal Family, Mails, Soldiers on March or Duty, their Arms and Baggage, Public Stores, Yeomanry or Volunteer Cavalry or Infantry, Vagrants and Prisoners, exempted from Toll, § 75.*]

Cap. xi.

An Act for establishing a Floating Bridge or Bridges over the Harbour of *Portsmouth* from or near a Place called *Gospport Beach*, in the Parish of *Alverstoke* in the County of *Southampton*, to the opposite Shore, to or near a Place called *Portsmouth Point*, in the Parish of *Portsmouth* in the said County, with proper Approaches thereto. [9th May 1838.]

[*Her Majesty's Ships not to be obstructed, § 107. Saving the Rights of the Corporation of Portsmouth, § 124.*]

Cap. xii.

An Act for providing Market Places, and for regulating the Markets, within the Borough of *Brecon* in the County of *Brecon.* [9th May 1838.]

[*Saving the Rights of the Corporation of Brecon, § 82.*]

Cap. xiii.

An Act for the Improvement of the Borough of *Tenby* in the County of *Pembroke*; and for regulating and maintaining the Harbour and Pier belonging thereto. [9th May 1838.]

[*Vessels in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, exempted from Toll, § 72.*]

Cap. xiv.

An Act to amend an Act of the Forty-eighth Year of the Reign of His Majesty King *George the Third*, relating to the Improvement of the Town of *Leominster* in the County of *Hereford.* [9th May 1838.]

[*Powers of 48 G. 3. c. cxlviii. extended to this Act, § 1.*]

Cap. xv.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Ashby-de-la-Zouch* and other Places in the Counties of *Leicester*, *Derby*, *Warwick*, and *Stafford*.

[9th May 1838.]

[See post, Cap. xci.]

Cap. xvi.

An Act for more effectually repairing and maintaining the Road from *Top of Odsall* near *Bradford* through *Wibsey Low Moor* to *Huddersfield* in the West Riding of the County of *York*. (a)

[9th May 1838.]

[11 G. 4. c. lxxxvii. repealed, § 1. No Exemption allowed in respect of Carriages having the Nails of the Tire projecting more than a Quarter of an Inch, § 12. Five full Tolls only to be taken on the same Day for passing and repassing through all the Gates on the Road, § 14. Saving the Rights of the *Manchester and Leeds Railway Company*, § 24.]

Cap. xvii.

An Act for repairing, amending, and maintaining the Road from *Shrewsbury*, through *Ellesmere* in the County of *Salop*, to *Wrexham* in the County of *Denbigh*, and other Roads branching out of the same. (a)

[9th May 1838.]

[25 G. 2. c. 22. 29 G. 2. c. 93. 28 G. 3. c. 112. and 56 G. 3. c. liii. repealed so far as they relate to the *Ellesmere District*, § 1. Tolls to be paid but once a Day at same Gate, § 8. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates between *Shrewsbury* and *Ellesmere*, or between *Ellesmere* and *Wrexham*, or between *Harmer Hill* and *Whitchurch*, and One Toll only on any of the other Roads, § 9. No more Money to be laid out on Roads than is collected thereon, § 17. Tolls not to be laid out in repairing Streets, § 18. Materials for Roads not exempted from Toll during the Winter Months, unless in hard frosty Weather, § 21.]

Cap. xviii.

An Act for making a Turnpike Road from *Combmartin* in the County of *Devon* to *Bratton Down* in the same County, and several other Roads in the Neighbourhood thereof. (b)

[9th May 1838.]

[One full Toll only to be taken on same Day for passing over the whole Line from *Combmartin* to *Blackmores*, and Two full Tolls only from *Blackmores* to *Mockham Gate*, and One full Toll only from *Easter Close* to *Arlington Bridge*, or from *Arlington Bridge* to *Sherwill Cross*, or from *Rowley Cross* to *Kentisbury Ford*, or from *Combmartin Church* to *Berry Down Cross*, § 15. Tolls to be paid but once a Day at same Gate, § 16. No more Money to be laid out on any Road than is collected thereon, § 23. Tolls not to be expended in repairing Streets, § 24.]

Cap. xix.

An Act to alter and amend the Powers and Provisions of an Act relating to the *Lower King's Ferry Roads* in the Counties of *Flint* and *Chester*, and for making a new Road to communicate therewith; and for other Purposes relating thereto.

[9th May 1838.]

[*Powers of 5 & 6 W. 4. c. lxxxviii. extended to this Act, § 1. Act to continue in force for the Term of the recited Act, § 16.*]

Cap. xx.

An Act to enable the *London and Croydon Railway Company* to enlarge their Station in the Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*, and to amend the Acts relating to the said Railway and Station.

[11th June 1838.]

[*Powers of 5 & 6 W. 4. c. x. & 7 W. 4. c. cxxi. (except as altered) extended to this Act, § 1.*]

Cap. xxi.

An Act to enable the *St. Helen's and Runcorn Gap Railway Company* to raise a further Sum of Money, and for amending the Provisions of the several Acts relating to such Railway.

[11th June 1838.]

[*Powers of 11 G. 4. c. lxi. and 4 & 5 W. 4. c. iii. (except as altered) extended to this Act, § 1.*]

Cap. xxii.

An Act to enable the *Brandling Junction Railway Company* to raise an additional Sum of Money.

[11th June 1838.]

Cap. xxiii.

An Act to authorize the *Newcastle upon Tyne and Carlisle Railway Company* to raise an additional Sum of Money for the Purposes of their Undertaking.

[11th June 1838.]

[*Powers of 10 G. 4. c. lxxii. 2 & 3 W. 4. c. xcii. and 5 & 6 W. 4. c. xxxi. extended to this Act, § 3. Saving the Rights of the Exchequer Bill Commissioners under 1 & 2 W. 4. c. 24,—§ 4.*]

Cap. xxiv.

An Act to alter the Line of the *Cheltenham* and *Great Western Union Railway*, and to amend the Act relating thereto.

[11th June 1838.]

[*Powers of 6 & 7 W. 4. c. lxxvii. (except as altered) extended to this Act, § 1. Saving the Rights of the Birmingham and Gloucester Railway Company, § 24.*]

Cap. xxv.

An Act for enabling the Company of Proprietors of the *Manchester, Bolton, and Bury Canal Navigation* and *Railway* to raise more Money; and for amending the Powers and Provisions of the several Acts relating thereto.

[11th June 1838.]

[*Powers of 1 & 2 W. 4. c. lx. 2 W. 4. c. lxix. and 5 W. 4. c. xxx. (except as altered) extended to this Act, § 1.*]

Cap. xxvi.

An Act for making several Branches in the County of *Somerset* from the Line of the *Bristol and Exeter* Railway, and for amending the Act relating to such Railway. [11th June 1838.]

[*Powers of 6 & 7 W. 4. c. xxxvi. (except as altered) extended to this Act, § 1.*]

Cap. xxvii.

An Act for making a Railway from *Penhill* in the Parish of *Fremington* in the County of *Devon* to the Town of *Barnstaple*, and for constructing a Dock in the said Parish of *Fremington*, to be called "The *Taw Vale* Railway and Dock."

[11th June 1838.]

[*Vessels in the Service of Her Majesty, or of the Admiralty, Navy, Ordnance, Customs, Excise, or Post Office, exempted from Toll, § 163. Saving the Rights of the Trinity House, § 189.*]

Cap. xxviii.

An Act for making and maintaining a Pier or Jetty and other Works at the Town and Borough of *Deal* in the Parish of *Deal* in the County of *Kent*.

[11th June 1838.]

[*Persons in Her Majesty's Service, or in the Employ of the Customs, Excise, or Ordnance, Vessels and Goods seized by Revenue Officers, Mails, Officers or Soldiers, their Arms and Baggage, exempted from Toll, § 83. Saving the Rights of the Trinity House, § 106.; and of the Crown, § 107.*]

Cap. xxix.

An Act for supplying with Water the Town of *Bury*, and the several Townships of *Walmersley-cum-Shuttleworth*, *Bury*, and *Elton*, all in the Parish of *Bury* in the County Palatine of *Lancaster*.

[11th June 1838.]

[*Saving the Rights of the Manchester, Bolton, and Bury Canal Navigation, § 112.*]

Cap. xxx.

2 & 3 W. 4.
c. xxiv.

An Act to amend an Act for making and maintaining the *Turton* and *Entwisle* Reservoir.

[11th June 1838.]

Cap. xxxi.

An Act for building a Bridge over the River *Wye* at a Place called *Boughrood Ferry*, in the Counties of *Brecon* and *Radnor*, and for making convenient Approaches thereto. [11th June 1838.]

[*Tolls to be paid but once a Day, § 74. The Royal Family, Mails, Soldiers on March or Duty, their Arms and Baggage, Public Stores, Volunteers on March or Duty, Yeomanry or Volunteer Cavalry, Vagrants and Prisoners, exempted from Toll, § 78.*]

Cap. xxxii.

An Act to amend an Act passed in the Fifth and Sixth Year of the Reign of King *William* the Fourth, regarding *Londonderry Bridge*;

Bridge; and to amend several Acts relating to the City and Port of *Londonderry*. [11th June 1838.]

[*Powers of 30 G. 3. (I.) 40 G. 3. (I.) 48 G. 3. c. cxxxvi. 54 G. 3. c. ccxxx. 5 G. 4. c. lii. 6 G. 4. c. clxxx. 2 & 3 W. 4. c. cvii. and 5 & 6 W. 4. c. lxxiv. (except as altered) extended to this Act, § 1. Saving the Rights of the Irish Society, § 20.*]

Cap. xxxiii.

An Act to amend an Act passed in the Third Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of Birkenhead in the County Palatine of Chester, and for regulating the Police thereof, and for establishing a Market within the said Township*. [11th June 1838.]

[3 W. 4. c. lxxviii. in part repealed, § 1.]

Cap. xxxiv.

An Act for making a new Street or Thoroughfare, and widening and improving certain other Streets or Thoroughfares, within the Town and Borough of *Sheffield* in the County of *York*.

[11th June 1838.]

Cap. xxxv.

An Act for establishing a general Cemetery in the Parish of *Gravesend* in the County of *Kent*.

[11th June 1838.]

Cap. xxxvi.

An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Oakham* and *Uppingham*, and other Places, in the Counties of *Rutland*, *Leicester*, and *Northampton*.

[11th June 1838.]

Cap. xxxvii.

An Act for inclosing Lands within the Townships or Divisions of *Strickland Roger*, *Whinfell*, and *Helsington* in the Parish of *Kirkby in Kendal* in the County of *Westmorland*; and for draining and improving certain Lands in the said Township of *Helsington*, and in the Townships of *Underbarrow* and *Bradley Field* and *Levens*, in the Parishes of *Kirkby in Kendal* and *Heversham* in the same County.

[11th June 1838.]

[*Allotments to be made for Watering Places and Materials for Roads, § 41.; and to Lords of Manors, §§ 42, 43.; and to Moss Owners, § 46. Saving the Rights of Lords of Manors as to Minerals, § 102.*]

Cap. xxxviii.

An Act for making, repairing, and maintaining certain Roads in Her Majesty's Forest of *Dean*, and the Waste Lands belonging to the said Forest, and in several Parishes adjoining thereto, in the County of *Gloucester*. (a)

[11th June 1838.]

[36 G. 3. c. 121. 57 G. 3. c. lxxvi. 7 & 8 G. 4. c. xii. 1 & 2 W. 4. c. xlii. 10 G. 4. c. l. and 2 & 3 W. 4. c. i. repealed, § 1. Tolls to be paid but once a Day within the Distance of Five Miles, § 22.]

Cap. xxxix.

An Act for more effectually amending and improving the Roads from *Buckstones* by *Barkisland School* to the *Rochdale* and *Elland* Turnpike Road, near the Town of *Elland*, and from *Sykehouse* to the Highway leading from *Barkisland* to *Stainland*, all in the West Riding of the County of *York*. (a)

[11th June 1838.]

[7 & 8 G. 4. c. lxx. repealed, § 1. Three Tolls only to be taken on same Day at same Gate, § 11. No Toll to be taken for re-passing once through same Gate on same Day, § 12. Tolls to be taken at Three Gates only between *Buckstones* and the *Rochdale* and *Elland* Turnpike Road, and at One Gate only from *Sykehouse* to the *Barkisland* and *Stainland* Road, § 13. Certain Exemptions not allowed, unless Wheels be of a certain Width, § 16. No more Money to be laid out on Branch Road than is collected thereon, § 18. Money not to be expended in repairing Streets, § 19.]

Cap. xl.

An Act for repairing the Road from *French Top* in the West Riding of the County of *York* to *Stayley* in the County Palatine of *Chester*. (a)

[11th June 1838.]

[33 G. 3. c. cxl. and 54 G. 3. c. lxxxi. repealed, § 1. One full Toll only to be taken on same Day for passing and re-passing once through all the Gates on the Road, § 8. Tolls to be paid but once a Day at same Gate, § 10.]

Cap. xli.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks, towards Reading, to a Place called The Seven Mile Stone, in the Parish of Beenham in the said County, and a certain other Road communicating therewith.*

7 G. 4. c. lxxiii.

[11th June 1838.]

[Additional Tolls to be taken from 1st November to 1st March, § 2. Act to continue in force for Twenty-one Years from the Third Monday after the passing thereof, § 7.]

Cap. xlii.

An Act for repairing and maintaining a Road from near *Salterhebble* in the Parish of *Halifax* to the *Huddersfield* and *New Hey* Turnpike Road in the Parish of *Huddersfield*, and to *Sowerby Bridge* in the said Parish of *Halifax*, all in the West Riding of the County of *York*, with a Bridge on the Line of the said Road. (b)

[11th June 1838.]

[5 G. 4. c. lxix. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 10. One full Toll only to be taken on same Day between the *Halifax* and *Huddersfield* Turnpike Road and *Helliwell Green*, or between *Helliwell Green* and the *Royal George*, or between the said *Halifax* and *Huddersfield* Road and *Sowerby Bridge*, § 11.]

Cap. xliii.

An Act for repairing and maintaining the Roads leading from *Wakefield* to *Halifax*, and from near *Hipperholm Bar* to near *Stump Cross*, all in the West Riding of the County of *York*. (b)
[11th June 1838.]

[9 G. 4. c. lxi. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 9. Three full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Line, § 10. No more Money to be expended on Roads than is collected thereon, § 17.]

Cap. xliv.

An Act for repairing and maintaining the Road leading from the South End of *Angel Lane* in *Brampton Bierley* to a certain public Highway in *Mezbrough*, and from *Clegg's Cottage* in *Rawmarsh* to the West End of the Village of *Hooton Roberts* in the County of *York*. (a)
[11th June 1838.]

[58 G. 3. c. xxxviii. repealed, § 1. Two full Tolls only to be taken on same Day for passing on the whole Line between the South End of *Angel Lane* and the Township of *Mezbrough*, and Two only between the South End of *Angel Lane* and the West End of *Hooton Roberts*, and Tolls to be paid but once a Day at same Gate, § 9. Stone, Dross, Ashes, &c. subject to Toll during the Winter Months, § 12. Materials for Roads, &c. not exempted from Toll if the Nails of the Tires of the Wheels project more than One Quarter of an Inch, or the Wheels be of less Breadth than Four Inches and a Half, § 13. No more Money to be laid out in Repair of Roads than is collected thereon, § 17.]

Cap. xlv.

An Act for repairing, maintaining, and improving the Road leading from *Towcester* to the Turnpike Road in *Cotton End* in the Parish of *Hardingston* in the County of *Northampton*. (b)
[11th June 1838.]

[35 G. 3. c. cliii. 57 G. 3. c. xi. and 58 G. 3. c. xiii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 10. Two full Tolls only to be taken on same Day for passing through all the Gates on the Road, i. e. one between *Towcester* and *Blisworth*, and one between *Blisworth* and *Cotton End* in the Parish of *Hardingston*, § 11. No more Money to be laid out in Repair of Roads than is collected thereon, § 17. Tolls not to be expended in repairing Streets, &c. § 18.]

Cap. xlvi.

An Act for repairing and maintaining the Road from *Aylesbury* to *Thame*, and the Roads from *Thame* to *Oxford*, *Shillingford*, *Postcomb*, and *Bicester*, in the Counties of *Buckingham* and *Oxford*. (a)
[11th June 1838.]

[3 W. 4. c. lxxxvi. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 21. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates between *Aylesbury* and *Thame*. or between *Thame* and the Termination
of

of the Road at Shillingford, and One full Toll only between Thame and the London and Oxford Road at Chilworth, and One only on the Thame and Postcomb District, and Two full Tolls only on the Thame and Bicester District, § 23. Materials for Roads exempted from Toll during the Summer Months and hard Frosts in Winter, § 25. No more Money to be laid out in repairing any District than is collected thereon, § 32. Tolls not to be applied in repairing Streets, &c., § 36. Penalty of Forty Shillings for hanging out Linen near the Road, § 38.]

Cap. xlvii.

An Act to repeal as much of an Act, intituled *An Act for making and maintaining the Road from Glasgow to Redburn Bridge and certain other Roads, in the Counties of Stirling, Dumbarton, and Lanark*, as relates to the *Balmore Road*; and to improve and make and maintain the said Road, and certain other Roads connected therewith, in the Parishes of *Campsie* and *Baldernock* and County of *Stirling* aforesaid. (b) [11th June 1838.]

[6 G. 4. c. xcxi. in part repealed, § 1. Powers of 1 & 2 W. 4. c. xliiii. (except as altered) extended to this Act, § 2. Tolls to be paid but once a Day at same Gate with same Loading, § 18.]

Cap. xlviii.

An Act for repairing and maintaining the Road from *Quebec to Homefield Lane End*, all in the Parish of *Leeds* in the West Riding of the County of *York*, with a Bridge or Bridges on the Line of such Road. (b) [4th July 1838.]

[4 & 5 W. 4. c. xxxii. repealed, § 1.]

Cap. xlix.

An Act for repairing the Road from *Maulden Wood Corner* to *Westwood Gate* in the County of *Bedford*. (b) [4th July 1838.]

[13 G. 1. c. 17. 16 G. 2. c. 23. 17 G. 2. c. 42. 15 G. 3. c. 72. 35 G. 3. c. 163. and 56 G. 3. c. lxxii. repealed, so far as the same relate to the *Bedford District of Road*, § 1. Tolls to be paid but once a Day at same Gate, § 9. Two full Tolls only to be taken on same Day for passing through all the Gates on the Road, § 12.]

Cap. l.

An Act for better lighting with Gas the Town and Township of *Blackburn* in the County Palatine of *Lancaster*. [4th July 1838.]

[Saving the Rights of the Trustees under 43 G. 3. for regulating the Markets within the Town of *Blackburn*, § 94.]

Cap. li.

An Act to enable the *Exeter Commercial Gas Light and Coke Company* to raise a further Sum of Money. [4th July 1838.]

Cap. lii.

An Act to amend an Act of King *George* the Fourth, for lighting with Gas the Borough of *Leicester* in the County of *Leicester*, and the Liberties, Precincts, and Suburbs thereof.

[4th July 1838.]

[*Powers of 2 G. 4. c. iii. (except as altered) extended to this Act, § 1.*]

Cap. liii.

An Act for lighting with Gas the Town of *Leamington Priors*, and the Neighbourhood thereof, in the County of *Warwick*.

[4th July 1838.]

[*Saving the Rights of the Commissioners of Paving, § 83.*]

Cap. liv.

An Act for the Erection of a new Church in the Parish of *Lee* in the County of *Kent*.

[4th July 1838.]

[*Saving the Rights of the Bishop of the Diocese, § 41.*]

Cap. lv.

An Act for the Erection and Endowment of a Chapelry for the District of *Lower Beeding* in the County of *Sussex*, and for other Purposes.

[4th July 1838.]

Cap. lvi.

An Act for enabling the *Bolton and Preston Railway Company* to extend and alter the Line of such Railway, and to make collateral Branches thereto, and for amending and enlarging the Powers and Provisions of the Act relating thereto.

[4th July 1838.]

[*Powers of 1 Vict. c. cxxi. (except as altered) extended to this Act, § 1. Saving the Rights of the North Union Railway Company, 2.*]

Cap. lvii.

An Act for amending and enlarging the Provisions of the Act relating to the Midland Counties Railway, and for making a Branch therefrom to the Town of *Mountsorrel* in the County of *Leicester*.

[4th July 1838.]

[*Powers of 6 & 7 W. 4. c. lxxviii. (except as altered) extended to this Act, § 1.*]

Cap. lviii.

An Act for making a Railway from *Edinburgh* to *Glasgow*, to be called "The *Edinburgh and Glasgow Railway*," with a Branch to *Falkirk*.

[4th July 1838.]

[*Saving the Rights of the Forth and Clyde Navigation, § 43; and of the Union Canal Company, § 46.; and of the Monkland and Kirkintilloch Railway Company, § 54.; and of the Magistrates of Linlithgow, § 237.*]

Cap. lix.

An Act to alter, amend, extend, and enlarge the Powers and Provisions of the several Acts relating to the Grand Junction Railway, and for other Purposes connected therewith.

[4th July 1838.]

[*Powers of 3 & 4 W. 4. c. xxxiv. 4 & 5 W. 4. c. lv. 5 & 6 W. 4. c. viii. & c. ix. (except as altered) extended to this Act, § 1.*]

Cap. lx.

An Act for altering and amending several Acts relating to the *Garnkirk* and *Glasgow* Railway; and for enabling the Company to raise a further Sum of Money.

[4th July 1838.]

[7 G. 4. c. ciii. 7 & 8 G. 4. c. lxxxviii. and 11 G. 4. c. cxxv. recited, § 1.]

Cap. lxi.

An Act to enable the *Newtyle* and *Coupar Angus* Railway Company to raise a further Sum of Money.

[4th July 1838.]

[*Powers of 5 & 6 W. 4. c. lxxxiv. (except as altered) extended to this Act, § 1.*]

Cap. lxii.

An Act for extending the Time for making a Dock or Docks at *Southampton*.

[4th July 1838.]

[*Powers of 6 & 7 W. 4. c. xxix. (except as altered) extended to this Act, § 1.*]

Cap. lxiii.

An Act to amend and enlarge the Powers and Provisions of an Act passed in the First and Second Years of the Reign of King *William* the Fourth, for erecting and maintaining a Pier and other Works for landing and embarking Passengers in the Port of the Town of *Southampton*.

[4th July 1838.]

1 & 2 W. 4. c. i.

Cap. lxiv.

An Act for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*, and for other Purposes relating thereto.

[4th July 1838.]

Cap. lxv.

An Act for building a Bridge over the River *Dove* at *Rocester* in the County of *Stafford*.

[4th July 1838.]

[*Tolls to be paid but once a Day, § 40. The Royal Family, Mails, Soldiers on March or Duty, their Arms and Baggage, Yeomanry or Volunteer Cavalry or Infantry, Vagrants and Prisoners sent by legal Passes, Agricultural Produce grown within Two Miles of the Toll Gates of the Bridge, Implements of Husbandry, Manure, &c. (except Lime), Horses, &c. going to or returning from Watering or being shod or farried, and not passing more than Two Miles, Persons going to or returning from*

from Religious Worship, Funerals, &c., Clergymen on Duty, and Materials for repairing, &c. the Works on the River and Waterfall at the Rochester Mills, exempted from Toll, § 41.]

Cap. lxxvi.

An Act for building a Bridge from the Parish of *Saint Philip and Jacob* over the Floating Harbour to the Parish of *Temple* in the City and County of *Bristol*. [4th July 1838.]

[*The Royal Family, Policemen on Duty, Mails, Soldiers on March or Duty, their Arms and Baggage, Public Stores, Yeomanry or Volunteer Cavalry or Infantry, and Vagrants and Prisoners sent by legal Warrants, exempted from Toll, § 72.*]

Cap. lxxvii.

An Act to repeal, amend, and enlarge some of the Provisions of the Act relating to the Metropolitan Suspension Bridge. [4th July 1838.]

[*Powers of 6 & 7 W. 4. c. cxxxix. (except as altered) extended to this Act, § 1.*]

Cap. lxxviii.

An Act for building a Bridge over the River *Tweed* between *Ladykirk* in the County of *Berwick* and *Norham* in the County of *Durham*, and for making Avenues and Approaches thereto. [4th July 1838.]

[*Tolls to be paid but once a Day, § 19. The Royal Family, Mails, Public Stores, Soldiers on March or Duty, their Arms and Baggage, sick, wounded, or disabled Officers or Soldiers, Yeomanry or Volunteer Cavalry or Infantry, Vagrants and Criminals sent by legal Passes, exempted from Toll, § 20.*]

Cap. lxxix.

An Act for amending the Provisions of Two Acts of Parliament relating to the City of *Hereford*; and for limiting the Duration of *St. Ethelbert's* or the Nine Days Fair held annually in the said City. [4th July 1838.]

[*Powers of 14 G. 3. c. 38. and 56 G. 3. c. cxi. (except as altered) extended to this Act, § 1.*]

Cap. lxxx.

An Act for better paving, lighting, watching, and improving the Parish of *Ramsgate* in the County of *Kent*, and for regulating the Police thereof. [4th July 1838.]

[*25 G. 3. c. 34. and 36 G. 3. c. 43. repealed, § 1. Saving the Rights of the Royal Harbour of Ramsgate, § 190.*]

Cap. lxxxi.

An Act to incorporate the Subscribers to the Institution called "The Refuge for the Destitute," and for the better enabling them to carry on their charitable Designs. [4th July 1838.]

Cap. lxxii.

An Act to incorporate the Governors and Subscribers to *St. Luke's Hospital* for Lunatics, and for better enabling them to carry on their charitable Designs. [4th July 1838.]

Cap. lxxiii.

An Act for more effectually repairing and maintaining the Road from *Borrowstounness*, by the West End of *Linlithgow*, and by *Torphichen*, *Bathgate*, and *Whitburn*, to the Confines of the County of *Linlithgow* at or near *Hollhouseburn*; the Road from *Borrowstounness* to the River *Avon*; and the Road leading Eastward from *Borrowstounness* to *Champany* by the Kirk of *Carriden* in the County of *Linlithgow*. (b) [4th July 1838.]

[56 G. 3. c. lxxv. in part repealed, § 1. Powers of 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 2. Tolls to be paid but once a Day within Six Miles, § 15. Horses having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted, § 17. Saving the Rights of the Magistrates and Town Council of *Linlithgow*, § 23.]

Cap. lxxiv.

An Act for more effectually repairing the Road from *Dundalk* to *Dunleer* in the County of *Louth*. [4th July 1838.]

[13 & 14 G. 3. (I.), 15 & 16 G. 3. (I.), 55 G. 3. c. lxxvii., and 6 & 7. W. 4. c. xl. repealed, § 1. Tolls to be paid but once a Day, § 26. The Royal Family, Persons going to or returning from public Worship between Sunrise and Sunset on Sundays, Christmas Day, and Good Friday, Stones, Brick, Lime, Timber, Materials for Roads and Bridges, Corn in the Straw, Manure, Implements of Husbandry, Horses going to or returning from being shod or farried or Work on the Lands through which the Roads pass, or going to or returning from Pasture or watering, if not passing more than Two Miles on the Road, or crossing the Road only, and not passing above One hundred Yards thereon, Soldiers on March or Duty, their Arms or Baggage, sick or disabled Officers or Soldiers, Public Stores, Yeomanry or Volunteer Cavalry or Infantry, Constables and Magistrates on Duty, Vagrants and Prisoners sent by legal Warrants, Persons going to or returning from voting at Elections for the County of *Louth*, and Mails, exempted from Toll, § 37. Act to be in force from its passing and continue for Twenty-one Years, § 80.]

Cap. lxxv.

An Act for repairing and maintaining the Road from *Lutterworth Hand* on the *Walling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. (a) [4th July 1838.]

[9 G. 4. c. lxxxviii. repealed, and 8 G. 4. c. liv. in part repealed, § 1. Tolls to be paid but once a Day at same Gate, § 7. Tolls not to be laid out in repairing Streets in *Rugby*, § 12.]

Cap. lxxvi.

An Act to repeal the *Wadsley and Langset Turnpike Road Act* so far as relates to the *Wadsley and Langset District* of the said Road in the West Riding of the County of *York*, and to make new Provisions in lieu thereof; and also for extending the said District of Road to or near to *Moorfields* in the Parish of *Sheffield*; and for other Purposes. (b) [4th July 1838.]

[4 G. 4. c. lxxvii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 21. Three full Tolls only to be taken on same Day for passing or repassing through all the Gates on the *Wadsley and Langset District*, and One Toll only in addition on the intended new Line, § 22. Lime and other Manure exempted from Toll, § 27. No Exemption allowed unless Wheels are of the Breadth of Four Inches and a Half, § 28. Tolls not to be laid out in repairing Streets, § 30. No more Money to be expended on new Line than is collected thereon, § 31.]

Cap. lxxvii.

An Act to vary and alter the Lines of the *Kirkstall, Ikley, and Shipley District* of Road, and for making a new Road from the *Otley Branch Road* in the said District to *Burley* in the Parish of *Otley*, all in the West Riding of the County of *York*. (a) [4th July 1838.]

[6 G. 4. c. cxlix. in part repealed, § 1. Tolls not to be laid out in repairing Streets, § 16. Half Toll only to be taken for Coal, § 20. Four full Tolls only to be taken on same Day between *Kirkstall and Burley*, and Two only between *Otley and Shipley*, § 22. Tolls to be paid but once a Day at same Gate, § 23. Horses, &c. passing between *Leeds and Otley* not to be liable to Toll both on the Road from *Kirkstall to Otley* and the *Leeds and Halifax Road*, § 26.]

Cap. lxxviii.

An Act for amending an Act of King *George the Third*, for draining Lands in *South Holland*, and for repairing and maintaining the Road from *Spalding High Bridge to Brother House*, all in the County of *Lincoln*. [4th July 1838.]

[12 G. 3. c. 103. 33 G. 3. c. 109. 35 G. 3. c. 166. and 57 G. 3. c. lix. in part repealed, § 1. No Toll to be taken from Occupiers of Lands in the Hamlets of *Cowbit and Peakill* for Hay, Grass, and other Agricultural Produce not sold, but passing to be laid up in Barns, Yards, &c., nor for Labourers employed in Harvest Work or Husbandry, nor for Ploughs, Harrows, or other Implements of Husbandry, nor for Gates or other Fences, or for Manure, nor for Horses, &c., in going to or returning from ploughing or harrowing, or to or from Water or Pasture or Work, or being shod or farried, nor for Road Materials within the said Hamlets; nor for Horses, &c., not going more than One hundred Yards on the Road, § 8. Tolls to be paid but once a Day at same Gate, § 9. One full Toll only to be taken on same Day for passing and repassing through all the Gates on the Road, § 10. Saving the Rights of the North Level and Nene Outfall Commissioners, § 25.]

Cap. lxxix.

An Act for altering and amending an Act of the Eleventh Year of the Reign of His Majesty King George the Fourth, intituled *An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of Caithness; and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof.*

[4th July 1838.]

[Powers of 11 Geo. 4. c. cii. and 1 & 2 W. 4. c. 48. extended to this Act, § 1. The first-recited Act and this Act to continue in force for Twenty-one Years, so far as regards the Assessments of the Lands, &c., of Proprietors and Life-renters; and for the Term of Thirty-one Years as regards the Roads and Toll Duties, and as regards the Conversion of Statute Labour, the Act to be perpetual, § 17.]

Cap. lxxx.

An Act for granting further Powers to the *Festiniog Railway Company.*

[27th July 1838.]

[Powers of 2 & 3 W. 4. c. xlviii. (except as altered) extended to this Act, § 1.]

Cap. lxxxi.

An Act to amend and enlarge the Powers and Provisions of the Act relating to the Eastern Counties Railway.

[27th July 1838.]

[Powers of 6 & 7 W. 4. c. cvi. (except as altered) extended to this Act, § 1.]

Cap. lxxxii.

An Act to alter the Line of the *Birmingham and Derby Junction Railway.*

[27th July 1838.]

[Powers of 6 & 7 W. 4. c. xxxv. (except as altered) extended to this Act, § 1.]

Cap. lxxxiii.

An Act for making a new Street from *Holborn Bridge* in the City of London towards *Clerkenwell Green.*

[27th July 1838.]

[Saving the Rights of Commissioners of Sewers, § 77.; and of the London Grand Junction Railway Company, § 78.]

Cap. lxxxiv.

An Act for maintaining the Pier and Harbour of *Newquay* in the County of Cornwall.

[27th July 1838.]

[Not to affect Vessels in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, § 5. Vessels putting back through Accident or Stress of Weather, &c. not again liable to Toll, § 6. Double Duties to be paid for Foreign Vessels, § 7. Saving the Rights of the Trinity House, § 32.]

Cap. lxxxv.

An Act to repeal an Act of the last Session of Parliament, for improving the Harbour of *Fishguard* in the County of *Pembroke*.

[27th July 1838.]

[7 W. 4. & 1 Vict. c. cxxiv. repealed, § 1.]

Cap. lxxxvi.

An Act to alter and amend, and in part repeal, the Powers of certain Acts for supplying the City of *Glasgow* and Suburbs with Water; to enable the Company of Proprietors of the *Glasgow* Waterworks to purchase the *Cranstonhill* Waterworks, and to raise a further Sum of Money; and to alter the Rates leviable by the said Company of Proprietors.

[27th July 1838.]

[46 G. 3. c. cxxxvi. and 59 G. 3. c. lxxvii. recited, and 48 G. 3. c. xlv. 52 G. 3. c. lii. and 59 G. 3. c. cxvii. in part repealed, § 1.]

Cap. lxxxvii.

An Act for draining and embanking certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry*.

[27th July 1838.]

[Saving the Rights of the Governor and Assistants, London, of the *New Plantation in Ulster*, § 92; and of the *Marquis of Donegal*, § 93; and of *Lords of Manors*, § 94; and of the *Admiralty*, § 95; and of the *Fishmongers Company*, § 96.]

Cap. lxxxviii.

An Act for establishing a Steam Communication over *Milford Haven* at or near *Pembroke Ferry* in the County of *Pembroke*.

[27th July 1838.]

Cap. lxxxix.

An Act to amend an Act for the Amendment of Four several Acts, passed in the Fifth, Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, for the Recovery of Small Debts within the Hundreds of *Blackheath*, *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruzley*, and of *Little* and *Lesness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof.

6 & 7 W. 4.
c. cxx.

[27th July 1838.]

Cap. xc.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Barnsley* and other Places in the West Riding of the County of *York*.

[27th July 1838.]

Cap. xci.

An Act to rectify a Mistake in an Act passed in the present Session of Parliament for the Recovery of Small Debts within the Town of *Ashby-de-la-Zouch* and other Places in the Counties of *Leicester*, *Derby*, *Warwick*, and *Stafford*.

1 Vict. c. xv.

[27th July 1838.]

Cap. xcii.

An Act to enable "The National Loan Fund Life Assurance Society" to sue and be sued in the Name of the Chairman or Secretary or any One Director of the said Society.

[27th July 1838.]

Cap. xciii.

An Act for repairing and maintaining the Road from the *Leeds* and *Halifax* Turnpike Road at *Stanningley* to the Bridge over the *Leeds* and *Liverpool* Canal, and making and maintaining a Continuation of the same Road to *Water Lane* in *Leeds*, and other Roads communicating therewith, all in the West Riding of the County of *York*. (a)

[27th July 1838.]

[4 & 5 W. 4. c. xxxii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 12. One full Toll only to be taken on same Day for passing through all the Gates from the *Leeds* and *Halifax* Road to *Water Lane*, and One only on the intended new Road to the *Victoria Inn*, § 15. No more Money to be expended on Roads than is collected thereon, § 17. Tolls not to be laid out in repairing Streets, § 18.]

Cap. xciv.

An Act for more effectually repairing, improving, and maintaining the *Dudley Hill* and *Killinghall* Turnpike Road, and for making a new Road therefrom to communicate with the *Leeds* and *Harrogate* Turnpike Road, all in the West Riding of the County of *York*. (a)

[27th July 1838.]

[56 G. 3. c. xlviii. repealed, § 1. No more Money to be laid out on Roads than is collected thereon, § 17. Tolls not to be laid out in repairing Streets, § 18. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the North Side of the River Wharf, and Two only between the South Side of the Bridge across the River Wharf at *Pool* and *Dudley Hill*, and One Toll only from the old Turnpike House in *Eccleshill* to *Barker End* in *Bradford*, § 23.]

Cap. xcv.

An Act for dividing, allotting, and inclosing Common and Waste Lands called *Portfield* otherwise *Poorfield*, in the County of the Town of *Haverfordwest*.

[27th July 1838.]

[Allotment to be made to Lord of Manor for Right of Soil, § 22.; and for Materials for Roads, § 23.; and for the Recreation of the Public, § 25. Saving the Rights of Commissioners under 3 & 4 W. 4. c. ciii. for supplying *Haverfordwest* with Water, § 45.]

Cap. xcvi.

An Act for enlarging and extending the Powers and altering and amending the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for lighting with Gas the Town of Oldham and the Neighbourhood thereof within the Parish of Prestwich-cum-Oldham in the County Palatine*

Palatine of Lancaster, and for the better supplying the Inhabitants of the said Town and Neighbourhood with Water.

[31st July 1838.]

[*Powers of 6 G. 4. c. clxxi. (except as altered) extended to this Act, § 1. Saving the Rights of Commissioners of Paving and others, § 82, 83.; and of the Manchester and Salford Waterworks Company, § 84.*]

Cap. xcvii.

An Act for forming and regulating a Company to be called "The India Steam Ship Company," and to enable the said Company to purchase certain Letters Patent. [31st July 1838.]

Cap. xcviij.

An Act for uniting the Medieties of the Rectory of *Liverpool* in the County Palatine of *Lancaster*, and for the better Endowment thereof, and of certain Churches in the said Town.

[10th August 1838.]

Cap. xcix.

An Act for amending certain Acts relating to the Civil Court of Record of the Borough of *Liverpool*, and improving the Proceedings thereof. [10th August 1838.]

[*Powers of 4 & 5 W. 4. c. xcii. 6 & 7 W. 4. c. cxxxv. and 1 Vict. c. xcviij. (except as altered) extended to this Act, § 1.*]

Cap. c.

An Act for improving the Site of the Royal Exchange in the City of *London*, and the Avenues adjoining thereto.

[10th August 1838.]

[*Saving the Rights of the Gresham Lecturers, § 89.; and of the Commissioners of Sewers, § 90.*]

Cap. ci.

An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties. [14th August 1838.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, and Berkshire: And whereas the Term of Seven Years, during which the Provisions contained in the said Act were thereby directed to continue in force, will expire on the Thirty-first Day of December One thousand eight hundred and thirty-eight, and it is expedient that the same should be continued, and that in the respects herein-after mentioned the said recited Act should be altered and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and*

Recited Act continued, except as hereby altered.

Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, and all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things therein contained, (except such of them or such Parts thereof respectively as are repealed, altered, or otherwise provided for,) shall be and the same is and are hereby continued for the further Term of Seven Years from the Thirty-first Day of *December* One thousand eight hundred and thirty-eight; and all the Provisions, Regulations, Clauses, Matters, and Things in the said Act contained to take effect at the End of the Term of Seven Years therein mentioned, or at any other Time or Times, shall take effect in the same Manner, to all Intents and Purposes, as if the Term of Fourteen Years had been inserted in the said Act instead of the said Term of Seven Years.

Repeal of so much of 1 & 2 W. 4. c. 76. as directs the Seller's Ticket to be sent with Coals.

II. And be it enacted, That so much of the said Act as directs that with any Quantity of Coals exceeding Five hundred and sixty Pounds, delivered from any Lighter, Ship, Barge, or other Craft, or from any Wharf, Warehouse, or other Place within the Cities of *London* and *Westminster*, or within the Distance of Twenty-five Miles from the General Post Office in the City of *London*, the Seller or Sellers thereof should deliver or cause to be delivered to the Purchaser or Purchasers thereof, or to his, her, or their Agent or Agents, Servant or Servants, immediately on the Arrival of the Cart, Waggon, or other Carriage, or Lighter, Barge, or Craft, in which such Coals should be sent, and before any of such Coals should be unloaded, a Paper or Ticket in the Form therein mentioned, and as imposes a Penalty on any such Seller or Sellers as should not deliver or cause to be delivered such Ticket as therein is mentioned, and a Penalty on the Carman, Driver of, or other Person attending any such Cart, Waggon, or other Carriage, or the Person having the Charge of the Lighter, Barge, or Craft laden with any such Coals, who should refuse or neglect to deliver such Ticket as therein is mentioned, shall, so far as relates to any Coals delivered from and after Sixty Days after the passing of this Act, be and the same is hereby repealed.

New Enactment regarding the Seller's Ticket being sent with Coals.

III. And be it enacted, That with any Quantity of Coals exceeding Five hundred and sixty Pounds, delivered, from and after Sixty Days after the passing of this Act, by any Cart, Waggon, or other Carriage, within the Cities of *London* and *Westminster*, or within the Distance of Twenty-five Miles from the Post Office aforesaid, the Seller or Sellers thereof shall deliver or cause to be delivered to the Purchaser or Purchasers thereof, or to his, her, or their Agent or Agents, or Servant or Servants, immediately on the Arrival of the Cart, Waggon, or other Carriage in which such Coals shall be sent, and before any of such Coals shall be unloaded, a Paper or Ticket, according to the Form in Schedule (A.) to this Act annexed; and in case any such Seller or Sellers do not deliver or cause to be delivered such Paper or Ticket as aforesaid to the Purchaser or Purchasers of such Coals, or to his, her, or their Agent or Agents, or Servant or Servants, before any Part of such Coals are unloaded, every such Seller shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and in case the Carman, Driver of, or other Person attending any such Cart, Waggon, or other Carriage laden with any such Coals,

to whom any such Paper or Ticket shall have been given by or by the Orders of the Seller in order to be delivered to the Purchaser, shall (having so first received the same from the Seller or any Person by the Direction of the Seller) refuse or neglect to deliver such Paper or Ticket to the Purchaser or Purchasers of such Coals, or to his, her, or their Agent or Agents, or Servant or Servants, before any Part of such Coals shall be unloaded, such Carman, Driver, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds: Provided always, that Coals delivered to any Seller or Dealer in Coals, or to any Person or Persons purchasing the same at the Coal Market, may be delivered without any such Paper or Ticket.

Exception.

IV. And be it enacted, That with any Quantity of Coals exceeding Five hundred and sixty Pounds, delivered, from and after Ten Days after the passing of this Act, by any Lighter, Vessel, Barge, or other Craft, within the Cities of *London* and *Westminster*, or within the Distance of Twenty-five Miles from the Post Office aforesaid, the Seller or Sellers thereof shall deliver or cause to be delivered to the Purchaser or Purchasers thereof, or to his, her, or their Agent or Agents, or Servant or Servants, immediately on the Arrival of the Lighter, Vessel, Barge, or other Craft in which such Coals shall be sent, and before any of such Coals shall be unloaded, a Paper or Ticket setting forth in Words at Length the Number of Tons to be delivered, and the Name of the Coals, together with the Name and Number of the Lighter, Vessel, Barge, or other Craft, and the Name of the Seller or Sellers, and also the Name of the Lighterman; and in case any such Seller or Sellers do not deliver or cause to be delivered such Paper or Ticket as aforesaid to the Purchaser or Purchasers of such Coals, or to his, her, or their Agent or Agents, or Servant or Servants, before any Part of such Coals are unloaded, every such Seller shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and in case the Person having the Charge of the Lighter, Vessel, Barge, or Craft laden with any such Coals, to whom any such Paper or Ticket shall have been given by or by the Orders of the Seller, in order to be delivered to the Purchaser, shall (having so first received the same from the Seller, or any Person by the Direction of the Seller,) refuse or neglect to deliver such Paper or Ticket to the Purchaser or Purchasers of such Coals, or to his, her, or their Agent or Agents, or Servant or Servants, before any Part of such Coals shall be unloaded, the Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds: Provided always, that Coals delivered to any Seller or Dealer in Coals, or to any Person or Persons purchasing the same at the Coal Market, may be delivered without any such Paper or Ticket.

A Paper or Ticket to be sent with Coals delivered from Lighters.

Penalty 20l.

Exception.

V. And be it enacted, That no Weighing Machine shall be deemed a perfect Weighing Machine within the Meaning of the said Act unless proper Weights shall be carried therewith, and also that any other just Balance, with an even Beam and legal Weights, shall be deemed a perfect Weighing Machine within the Meaning of the said Act, without having been marked at *Guildhall*; and if any Carman or Driver required to carry a Weighing Machine

As to the Weighing Machines required to be sent with each Cart, &c.

chine by the said Act and this Act shall have placed in, on, or under his Cart, Waggon, or other Carriage, any Beam or Scales or other Weighing Machine, or any Weights which shall be imperfect, or improper for the Purpose of denoting the Weight of Coals, then and in every such Case every such Carman or Driver, or Person delivering such Coals, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and the Seller or Sellers of, or Dealer or Dealers in, or Carrier or Carriers of such Coals shall forfeit and pay any Sum not exceeding Ten Pounds.

Repeal of the Penalty on preventing Persons, other than the Purchaser or his Servant, from examining the Weighing Machine, or weighing the Sacks of Coals.

VI. And be it enacted, That so much of the said Act as imposes a Penalty on any Carman or Driver of any Cart, Waggon, or other Carriage in which Coals shall be carried in Sacks for Delivery to the Purchaser or Purchasers thereof, for hindering, obstructing, or otherwise preventing the Purchaser or Purchasers of such Coals, or his, her, or their Servant, or any other Person or Persons whomsoever, from examining the Weighing Machine which in pursuance of the said Act shall be placed in, on, or under such his Cart, Waggon, or other Carriage, or weighing all or any of the Sack or Sacks of Coals in such his Cart, Waggon, or other Carriage, shall, so far as relates to the hindering, obstructing, or otherwise preventing as aforesaid any Person or Persons other than the Purchaser or Purchasers of such Coals, or his, her, or their Servant, be and the same is hereby repealed.

Repeal of Provision directing the suing for certain Fines, &c.

VII. And be it enacted, That so much of the said Act as directs that Fines, Penalties, or Forfeitures, not exceeding Twenty-five Pounds, shall be sued for within One Calendar Month after the Offence or Offences committed, shall be and the same is hereby repealed; and that from and after the passing of this Act all Fines, Penalties, or Forfeitures by the said Act, or by virtue of the Powers and Authorities thereof, or by this Act imposed, the Manner of levying and recovering whereof is not otherwise provided for, not exceeding Twenty-five Pounds, shall be sued for within Two Calendar Months after the Offence or Offences committed.

Such Fines, &c. to be sued for within Two Calendar Months.

Repeal of so much of 1 & 2W.4. c.76. as directs Fitter's Affidavit to be transmitted to the Clerk of the Coal Market every Three Months, and as directs an Affidavit of the Master to be made in case of Loss of Fitter's Certificate.

VIII. And be it enacted, That so much of the said Act as directs that every Fitter who should send or give any such Certificate as therein mentioned to the Clerk of the Coal Market in manner therein mentioned should, on or before the Expiration of Three Calendar Months next after the same should have been given, send, in a Letter directed to the Clerk of the Coal Market, an Affidavit according to the Form in the Schedule to the said Act annexed, sworn by him before a Justice of the Peace, and also so much of the said Act as directs that in case it should happen that such Fitter's Certificate should be accidentally lost, or in case any such Ship or Vessel should have been originally loaded or entered outwards for Exportation, and should afterwards change her Destination, and arrive or come into the Port of *London*, without any such Fitter's Certificate having been obtained or provided, each and every Master of such Ship or Vessel should deliver an Account of the Quantity and Name or Description of the Coals on board his Ship or Vessel at the Office of the Clerk of the Coal Market, together with an Affidavit to accompany such Account, and to be sworn by such Master before any Justice of the Peace, and as imposes a Penalty on any Master of any Ship or Vessel who

who should knowingly give in any false Certificate or Account as aforesaid to be registered, or who should not, when no Certificate should have been sent by Post within Twenty-four Hours after the Arrival of the Ship at her Moorings within the Port of *London*, deliver or cause to be delivered in his Certificate, or such Account and Affidavit, to be registered in manner aforesaid, shall from and after the passing of this Act be and the same is hereby repealed.

IX. And be it enacted, That every Fitter, who from and after the passing of this Act shall send or give any such Certificate as aforesaid, shall, on or before the Expiration of One Calendar Month next after the same shall have been given, send, in a Letter directed to the said Clerk of the Coal Market, and put into the General Post Office, or deliver at the Office of the said Clerk of the Coal Market, a Declaration to be made before any Justice of the Peace, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of Her Majesty's Courts at *Westminster*, according to the Form in Schedule (B.) to this Act annexed, pursuant to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths, in which Declaration such Fitter shall verify such Certificate, alone or together with any other Certificates which may have been sent or given by him in the meantime; and in case any such Fitter shall omit or refuse to send the said Declaration to the said Clerk of the Coal Market in manner aforesaid, on or before the Expiration of every Calendar Month, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds; and in case it shall happen that such Fitter's Certificate shall be accidentally lost, or in case any such Ship or Vessel shall have been originally loaded or entered outwards for Exportation, and shall afterwards change her Destination, and arrive or come into the Port of *London*, without any such Fitter's Certificate having been obtained or provided, then and in either of such last-mentioned Cases each and every Master of such Ship or Vessel shall deliver or cause to be delivered an Account of the Quantity, and Name or Names, or Description or Descriptions, of Coals on board of such his Ship or Vessel, at the Office of the Clerk of the Coal Market, together with a Declaration to accompany such Account pursuant to the said Act of the Sixth Year of the Reign of King *William* the Fourth, in which Declaration such Master shall state and verify such Circumstances, either of the accidental Loss of any such Certificate, or of any such Ship having been originally entered outwards and having afterwards changed her Destination and arrived as aforesaid without any such Certificate having been obtained or provided (as the Case may be); and in case any Master of any Ship or Vessel shall knowingly give in any false Certificate or Account as aforesaid to be registered, or shall not, when no Certificate shall have been sent by the Post within

Fitter to transmit a Declaration to the Coal Market every Month; and Master to make Declaration in case of Loss of Certificate, &c.

5 & 6 W.A. c. 62.

Twenty-

Twenty-four Hours after the Arrival of his Ship at her Moorings in the Port of *London*, deliver or cause to be delivered in his Certificate or such Account and Declaration as aforesaid to be registered in manner aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Allowance of
Drawback.

X. And be it enacted, That from and after Sixty Days after the passing of this Act there shall be allowed in the Cases hereinafter mentioned, upon the Exportation from the Port of *London* of Coals exceeding in Quantity in One Vessel Twenty Tons, which shall not have been landed, a Drawback of the full Amount of all the Rates or Duties which shall have been paid in respect of such Coals; and in every Case in which the Owner of any such Coals, or his Agent, is desirous of obtaining such Drawback, he shall give Notice to the Clerk of the Coal Market before such Coals shall have been unloaded, according to the Form Number (1.) in Schedule (C.) to this Act annexed; and in case the Clerk of the Coal Market shall not be satisfied with the Coal-weigher named in such Notice, he may refuse to grant any Certificate; but if and when the Clerk of the Coal Market shall be satisfied with the Coal-weigher named in such Notice, he shall grant to the Owner of the Coals or his Agent a Certificate according to the Form numbered (2.) in Schedule (C.) to this Act annexed; and after such Certificate shall have been granted the Coals intended to be exported shall be weighed or delivered out of one Vessel, either by Lighter or otherwise, into the other; and thereupon the Master of the Vessel out of which such Coals shall be weighed or delivered shall give a Certificate to such Coal-weigher according to the Form Number (3.) in Schedule (C.) to this Act annexed; and the Master of the Vessel into which such Coals shall be delivered shall give a Certificate to such Coal-weigher according to the Form Number (4.) in Schedule (C.) to this Act annexed; and such Coal-weigher shall deliver such Two last-mentioned Certificates to the Clerk of the Coal Market, together with another Certificate, to be signed by such Coal-weigher, according to the Form Number (5.) in Schedule (C.) to this Act annexed; and upon the Receipt of such Three Certificates as last aforesaid, and, where such Coals are exported to Foreign Parts, upon the Production of a Certificate from the proper Officer of Her Majesty's Customs, if required, that the Vessel mentioned in such Certificate into which the Coals have been delivered hath sailed from the Port of *London* for Foreign Parts with such Coals on board the same, the Clerk of the Coal Market shall give to the Owner of such Coals or his Agent an Order for the Payment of such Drawback according to the Form Number (6.) in Schedule (C.) to this Act annexed; and in every Case in which any Part of the Coals (exceeding in Quantity Twenty Tons in One Vessel), upon which all the Rates or Duties shall have been paid, shall, without having been unloaded or transhipped, be left in and exported by the same Vessel, the Clerk of the Coal Market, if he shall be satisfied that the Vessel in which such Coals have been left has sailed from the Port of *London* with such Coals on board the same, but not otherwise, shall give to the Owner of such Coals or his Agent an Order for the Payment of such Drawback according to the Form
Number

Number (7.) in Schedule (C.) to this Act annexed; and upon the Receipt and Delivery of any such Order as herein-before is mentioned for the Payment of Drawback at the Chamber of the City of *London* the Chamberlain shall pay to the Bearer of such Order the Drawback therein ordered to be paid; and if the Master of any Vessel or any Coal-weigher shall, in any Certificate to be given according to the Directions herein-before contained, state any Circumstance which is not true for the Purpose of enabling the Owner of such Coals or his Agent to obtain any such Drawback as aforesaid, or if any Lighterman or other Person employed to carry such Coals from one Vessel to another shall not deliver the whole Quantity of such Coals into the Vessel named in the Certificate, every such Master or Coal-weigher, Lighterman, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

XI. And be it enacted, That in case the Master of any Vessel laden with Coals shall, within Ten Days after the Arrival of such Vessel in the Port of *London* and being duly entered at the Office of the Clerk of the Coal Market, be desirous of departing from the said Port without discharging any Part of the Coals on board such Vessel, the Master of such Vessel shall deliver a Notice thereof to the Clerk of the Coal Market according to the Form Number (1.) in Schedule (D.) to this Act annexed; and if no Part of the Cargo of such Vessel has been delivered in the Port of *London*, the Clerk of the Coal Market shall deliver to the Master of such Vessel a Permit according to the Form Number (2.) in Schedule (D.) to this Act annexed; and upon the Receipt of such Permit from the Clerk of the Coal Market it shall be lawful for the said Vessel to sail or depart from the Port of *London* without having paid the Duties upon such Cargo, any Statute, Charter, Usage, or Custom to the contrary notwithstanding: Provided always, that in case any Part of the Cargo of such Vessel shall have been delivered in the Port of *London*, the Master of such Vessel and all other Persons concerned shall be liable to and pay the Penalties in the said Act of the First and Second Years of the Reign of King *William* the Fourth contained for breaking Bulk without Payment of Duties.

XII. And be it enacted, That every Master or Person having the Command of any Vessel laden with Coals in the Port of *London*, in which any Person or Persons, not being Part of the regular Crew of such Vessel, shall be employed in the Discharge or Delivery of Coals from such Vessel, shall pay to every such Person so employed on board such Vessel, every Day before such Person shall leave such Vessel, the Wages to be paid to such Person for or in respect of such Employment on such Day; and if any such Person shall not be paid such Wages in manner aforesaid, or shall be paid the whole or any Part thereof at any other Place than on board such Vessel, such Master or Person having the Command of such Vessel shall, for every such Neglect to pay, and every such Payment in any other Place as aforesaid, forfeit and pay any Sum not exceeding Ten Pounds.

XIII. And whereas great Inconvenience has been caused to the Navigation of the Port of *London* in consequence of the Collection of large Numbers of Vessels laden with Coals in different

Vessels laden with Coals departing without discharging their Cargo to be exempt from Payment of Duties upon obtaining a Permit.

Proviso.

Persons other than the regular Crew employed in unloading Colliers to be paid their Wages every Day.

Bye Laws for regulating Coal Vessels in the Port of London

to be made by the Corporation of London, and allowed by the Board of Trade.

10 G. 4. c. 124.

ferent Parts of the said Port: And whereas it is expedient that the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, should, in exercise of the Powers vested in them for that Purpose by an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending the Powers of an Act of the Thirtieth Year of the Reign of King George the Third, for rendering more commodious and for better regulating the Port of London*, make Bye Laws for remedying the Inconveniences aforesaid, and that such Bye Laws should be subjected to the Consideration and Supervision of the Committee of Her Majesty's Privy Council for managing the Affairs of Trade; be it therefore enacted, That within Three Calendar Months next after the passing of this Act the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled shall and they are hereby required to make such Bye Laws as shall be necessary for regulating or removing Vessels laden with Coals, and otherwise remedying the Inconveniences herein-before mentioned, and shall from Time to Time alter and vary such Bye Laws as shall be necessary: Provided always, that all Bye Laws which shall relate to the Navigation to the River *Thames* by Vessels engaged in carrying Coals or returning in Ballast from carrying Coals within the said Port of *London*, which shall from and after the passing of this Act be made, altered, or varied by the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall be submitted to the Committee of Her Majesty's Privy Council for managing the Affairs of Trade, for their Consideration and Supervision, and within One Week after such Bye Laws have been so submitted to the said Committee, a Copy thereof shall be published in the Coal Market in *London*, by being fixed on some conspicuous Place therein; and such Bye Laws shall not have legal Effect until Eight Weeks after they shall have been so submitted to the Committee aforesaid, and so published in the said Coal Market as aforesaid; and it shall be lawful for such Committee as aforesaid to approve of and sanction such Bye Laws, or to suggest such Alterations and Amendments therein, or from Time to Time to suspend or rescind the same, as to them shall seem fit; and if the said Mayor, Aldermen, and Commons, in Common Council assembled, shall concur in the said Amendments, or if the said Bye Laws shall be approved without Alteration, then and in that Case the Bye Laws so sanctioned or amended shall be forthwith made public in manner herein-after mentioned, and shall have full legal Effect at the Expiration of Four Weeks after such Publication; but no Bye Law shall have legal Effect unless in accordance with the expressed or implied Sanction of the said Committee: Provided also, that if the said Committee shall for Four Weeks after the Receipt of any such Bye Laws fail to express an Opinion on the Bye Laws so submitted to them, then and in that Case it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, at the Termination of such Four Weeks, to make public such Bye Laws in manner herein-after mentioned; and such Bye Laws shall have full legal Effect at the Termination of Four Weeks from the Time of the Publication thereof: Provided also, that before any such Bye Laws as aforesaid shall have

A Copy of such Bye Laws to be fixed on some Place in the Coal Market.

Bye Laws to be published in the Gazette and

legal Effect, the same shall be made public by the Advertisement thereof twice in the *London Gazette* in Two succeeding Weeks, and by affixing Copies thereof to some conspicuous Place or Places in the Coal Market and Custom House in the City of *London*, and in the Custom House at *Gravesend*, and in such other Manner as to the said Mayor, Aldermen, and Commons, in Common Council assembled, shall seem fit.

at the Custom Houses in London and Gravesend.

XIV. And be it enacted, That the Costs, Charges, and Expences incident to and incurred in obtaining and passing this Act shall be paid and discharged by and out of the Money received or to be received in respect of the Duty or Sum of One Penny *per* Ton, made payable by the said Act of the First and Second Years of the Reign of King *William* the Fourth.

Expences of this Act how to be paid.

XV. And be it enacted, That where in this Act the Word "Exportation" is used the same shall be understood to mean the Conveyance of Coal from the Port of *London* in any Ship or Vessel below *Gravesend* beyond the Limits of the Port of *London*, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Meaning of the Word "Exportation."

XVI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Mr. *A.B.* [*here insert the Name of the Buyer*], take notice, That you are to receive herewith [*here insert the Number*] Tons [*here insert the Name of the Coal, if any particular Sort is ordered or contracted for, and if ordered or contracted for as Wall's End, specify the Name of the Colliery*] Coals in [*here insert the Number*] Sacks, containing [*here insert the Weight*] Pounds of Coal in each Sack.

(Signed) *C.D.* [*here insert the Name or Names of the Seller or Sellers in Words at full Length.*]

E.F. [*here insert the Name of the Carman in Words at full Length.*]

It is directed that with any Quantity of Coals exceeding Five hundred and sixty Pounds, a Paper or Ticket describing the Quantity, and if any particular Sort is ordered or contracted for, the Sort of the Coals sent by the Seller, shall be delivered to the Purchaser, or his Agent or Servant, before any Part of such Coals shall be unloaded; that a Weighing Machine or proper Scales and Weights shall be carried with every Waggon, Cart, or other Carriage, and the Carman is required to weigh gratuitously any Sack or Sacks of Coals which shall be chosen by the Purchaser or his Agent or Servant; and if any Carman refuses to weigh such Sack or Sacks of Coals as aforesaid, or drives away the Waggon, Cart, or other Carriage before the Coals are weighed, or otherwise obstructs the weighing thereof, he is liable to a Penalty not exceeding Twenty Pounds; also, that a proper Machine or proper Scales and Weights for weighing Coals shall be kept at every Watch-house or Police Station, and at any other Place

Place appointed for that Purpose by Two or more of Her Majesty's Justices of the Peace.

SCHEDULE (B.)

I *A.B.* of _____ do solemnly and sincerely declare, That the Schedule hereunder written and signed by me contains a true Account and Particular of all the Coals vended and shipped by me [and *C.D.* of _____, my Partner, *as the Case may be*] for Delivery in the Port of London, from the Day of _____ to the _____ Day of _____ both inclusive; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths.

(Signed) *A.B.*

Day of the Month and Year of Lading.	Ship's Name.	Master's Name.	Quantity of Tons.	Name of Colliery.	Price paid.	Certificate sent by Post or delivered to the Master.

SCHEDULE (C.)

(No. 1.)

I HEREBY give you Notice of my Intention of transhipping from on board the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], *G.H.* Master, [*here insert*

insert the Number] Tons of [*here insert the Name*] Coals for Exportation; and that *A.B.*, Coal-weigher, is appointed to superintend such Transhipment. Dated this Day of One thousand eight hundred and

(Signed) *C.D.*

To Mr. *E.F.*,

Clerk and Registrar of the Coal Market.

(No. 2.)

Mr. *C.D.* having given me Notice that he intends to tranship from the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], *G.H.* Master, [*here insert the Number*] Tons of [*here insert the Name*] Coals for Exportation, and that you are appointed to weigh or superintend the Delivery of the same, I do hereby give you Notice, that I shall require, before I can allow the Claim for Drawback, a Certificate from you of such Transhipment [*and if the same be done by means of Barges, the Certificate must contain the Names of the Barges and Lightermen employed, and the Number of Tons put into each Barge*]. Dated this Day of One thousand eight hundred and

(Signed) *E.F.*, Clerk and Registrar of the Coal Market.

To Mr. *A.B.*, Coal-weigher.

(No. 3.)

I HEREBY certify, That [*here insert the Number of Tons, or the whole Cargo, as the Case may be*] of [*here insert the Name*] Coals have been weighed or delivered out of the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], to be transhipped [*or delivered by the Means of Barges, as the Case may be*]. Witness my Hand this Day of One thousand eight hundred and

(Signed) *G.H.*, Master of the .

To Mr. *E.F.*,

Clerk and Registrar of the Coal Market.

(No. 4.)

I HEREBY certify, That [*here insert the Number*] Tons of [*here insert the Name*] Coals have been received from the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], on board of the Ship [*here insert the Name*], of [*here insert the Name of the Place to which the Ship belongs*], for Exportation to [*here insert the Name of the Place to which the Coals are to be exported or to which the Ship is bound*]. Witness my Hand this Day of One thousand eight hundred and

(Signed) *J.K.*, Master of the .

To Mr. *E.F.*,

Clerk and Registrar of the Coal Market.

(No. 5.)

I HEREBY certify, That [*here insert the Number*] Tons of [*here insert the Name*] Coals were this Day weighed or delivered out of the Ship [*here insert the Name*] of [*here insert the Name of the Place*]

Place to which the Ship belongs], to be transhipped [*or delivered by the Means of Barges, as the Case may be*] for Exportation, and that the same were put on board the following Barges [*here insert the Names of the Barges and Lightermen employed*]. Witness my Hand this Day of One thousand eight hundred and

(Signed) A.B., Coal-weigher.

To Mr. E.F.,
Clerk and Registrar of the Coal Market.

(No 6.)

I HEREBY certify, That the Sum of Pounds Shillings and pence may be paid to C.D. for the Drawback on [*here insert the Number*] Tons of [*here insert the Name*] Coals, out of the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], shipped for Exportation on board the Ship [*here insert the Name*] for [*here insert the Name of the Place to which the Coals are to be exported or to which the Ship is bound*]. Witness my Hand this Day of One thousand eight hundred and

(Signed) E.F.,

Clerk and Registrar of the Coal Market.

To L.M.,
Chamberlain, Guildhall, London.

(No. 7.)

I HEREBY certify, That the Sum of Pounds Shillings and pence may be paid to C.D. for the Drawback on [*here insert the Number*] Tons of [*here insert the Name*] Coals remaining in the Ship [*here insert the Name*] of [*here insert the Name of the Place to which the Ship belongs*], and again exported on board such Ship. Witness my Hand this Day of One thousand eight hundred and

(Signed) E.F.,

Clerk and Registrar of the Coal Market.

To L.M.,
Chamberlain, Guildhall, London.

SCHEDULE (D.)

(No. 1.)

WHEREAS I delivered or caused to be delivered into the Office of the Clerk of the Coal Market the Certificate of [*here insert from the Certificate the Name of the Fitter, the Place and the Date of the Certificate, the Name of the Ship or Vessel and of the Place to which she belongs, and the Name of the Master, and also the Number of Tons and the Description of the Coals on board the Ship or Vessel*], with which the said Ship or Vessel arrived in the Port of London on the [*here insert the Date*]: I do hereby give you Notice that I intend to proceed with the said Ship or Vessel to [*here insert the Name of the Place to which the Ship or Vessel is to proceed*], without discharging any Part of the said Cargo in the Port of London; and I request to be relieved from the City Dues of One Shilling and

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

N. B.—*To each of these Acts is annexed a Clause in the Form following:*

“ And be it further enacted, That this Act shall be printed
“ by the several Printers to the Queen's most Excellent Majesty
“ duly authorized to print the Statutes of the United Kingdom;
“ and a Copy thereof so printed by any of them shall be admitted
“ as Evidence thereof by all Judges, Justices, and others.”

Cap. 1.

An Act for dividing, allotting, and inclosing a certain Tract of uninclosed Common or Waste Land called *Ogley Hay*, in the County of *Stafford*. [30th March 1838.]

[*Allotments to be made to the Lord of the Manor of Ogley Hay for Right of Soil and Minerals, and in lieu of Rabbit Warren, §§ 35, 36. Saving the Rights of the Wyrley and Essington Canal Navigation Company, § 48.; and of the Lord of the Manor, § 64.; and of the Executors of P. Hussey, Esquire, § 65.*]

Cap. 2.

An Act for inclosing Lands in the Parish of *Sutton* in the Isle of *Ely* and County of *Cambridge*. [11th April 1838.]

[*Allotments to be made for the Recreation of the Poor, § 39.; and to the Lord of the Manor of Sutton for Right of Soil, § 40. Saving the Rights of the Commissioners of the Bedford Level Corporation, § 76.*]

Cap. 3.

An Act for inclosing Lands in the Parish of *Quedgley* in the County of *Gloucester*. [11th April 1838.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made in lieu of Tithes, § 44.; and to the Lord of the Manor of Quedgley, § 45.; and for the Recreation of the Poor, § 46.*]

Cap. 4.

An Act for authorizing the Sale of Part of the Settled Estates of *Christopher Turnor* Esquire, and for investing the Monies arising from such Sale in the Purchase of other more convenient Estates, to be settled to the same Uses.

[11th April 1838.]

Cap. 5.

An Act for inclosing Lands in the Parish of *Bratton Fleming* in the County of *Devon*.

[9th May 1838.]

[*Allotment to be made for Materials for Roads*, § 42.; and to the *Lord of the Manor*, § 44.; and for a *Place of Exercise for Inhabitants*, § 45. *Saving the Rights of the Lord of the Manor*, § 65.]

Cap. 6.

An Act for inclosing Lands in the Parish of *Swavesey* in the County of *Cambridge*.

[9th May 1838.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act*, § 1. *Allotments to be made for Materials for Roads*, § 46.; and to *Lords of Manors for Right of Soil*, § 47.; and to the *Impropriator and Vicar in lieu of Glebe and Common Rights*, § 48.; and for the *Recreation of the Poor*, § 49.; and for the *Erection of Schools*, § 50.; and to the *Conservators of the Bedford Level*, § 51. *Impropriators and Vicar's Allotments to be fenced at the general Expence*, § 57. *Saving the Rights of the Bedford Level Corporation*, § 91.; and of the *Proprietors of the River Ouze Navigation*, § 92.]

Cap. 7.

An Act for inclosing Lands in the Parish of *Linton* in the County of *Cambridge*.

[11th June 1838.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act*, § 1. *Allotment to be made for Road Materials*, § 40.; and to *Lords of Manors for Right of Soil*, § 41.; and to the *Impropriators and Vicar in lieu of Glebe and Common Rights*, § 42.; and for the *Recreation of the Inhabitants*, § 43. *Vicar's Allotments to be fenced at the general Expence*, § 49.]

Cap. 8.

An Act for inclosing Lands in the Parish of *Witcham* in the *Isle of Ely* in the County of *Cambridge*.

[11th June 1838.]

[*Allotments to be made for the Recreation of the Poor*, § 39.; and to the *Lords of the Manor in right of Soil*, § 40. *Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act*, § 76.]

Cap. 9.

An Act for inclosing Lands in the Parishes of *Wickwar*, *Cromhall*, and *Tortworth* in the County of *Gloucester*.

[11th June 1838.]

[*Allotment to be made in lieu of Poor's Land in Cromhall*, § 26.; and to the *Lord of the Manor*, § 38.; and for *Recreation of the Poor*, § 40. *Saving the Rights of the Lord of the Manor*, § 70.]

Cap. 10.

An Act for inclosing Lands in the Parish of *Chesterton* in the County of *Cambridge*. [11th June 1838.]

[Allotments to be made for Materials for Roads, § 44.; and to Lords of Manors for Right of Soil, § 45.; and to the Impropropriators and Vicar in lieu of Glebe and Common Right, § 46.; and for the Recreation of the Inhabitants, § 47. Vicar's Allotment to be fenced at the general Expence, § 59. Saving the Rights of the Conservators of the River *Cam*, § 94.]

Cap. 11.

An Act for inclosing Lands in the Parish of *Higham Ferrers* in the County of *Northampton*. [11th June 1838.]

[Allotment to be made to Her Majesty as Lady of the Manor of *Higham Ferrers* for Right of Soil, § 37.; and to the Corporation as Lords of the Borough Manor for Right of Soil, § 38.; and to the Impropropriator and Vicar in lieu of Glebe, § 39.; and to the Impropropriator for Tithes, § 40.; and to the Public for Recreation, § 41.; and for Materials for Roads, § 44. Saving the Rights of Her Majesty and Lords of Manors, § 81.]

Cap. 12.

An Act for inclosing Lands in the Parishes of *Berden*, *Manevoden*, and *Stansted Mountfitchet* in the County of *Essex*. [11th June 1838.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotments to be made for Watering Places, § 34.; and for Materials for Roads, § 35.; and to Lords of Manors for Right of Soil, § 37.]

Cap. 13.

An Act for inclosing Lands in the Manors of *Bishop's Castle* and *Munslow* in the County of *Salop*. [11th June 1838.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotments to be made for Watering Places, § 34.; and for Materials for Roads, § 35.; and for Recreation of the Inhabitants, § 36.; and to the Lord of the Manor for Right of Soil, § 44. Rector's and Vicar's Allotments to be fenced at the general Expence, § 40. Rector or Vicar may, with Consent of Bishop and Patron, lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 50.]

Cap. 14.

An Act for authorizing the Investment of a Fund under the Will and Codicil of the Most Noble *Charles* late Duke of *Norfolk* in the Purchase of Estates in any Part of *England*. [11th June 1838.]

Cap. 15.

An Act for the Sale of the Advowson of the Vicarage of *Painswick* in the County of *Gloucester*. [11th June 1838.]

Cap. 16.

An Act for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Lands, Commons, and Commonable Places in the Parish of *Fen Drayton* in the County of *Cambridge*.

[4th July 1838.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Glebe and Common Rights, § 43.; and for Recreation of the neighbouring Inhabitants, § 44.; and for Materials for Roads, § 45.; and to the Lord of the Manor for Right of Soil, § 46.; and in lieu of Chief and Quit Rents, § 52. Saving the Rights of the Proprietors of the River Ouze Navigation, § 80.*]

Cap. 17.

An Act for inclosing Lands in the Township of *Curbridge* in the Parish of *Witney* in the County of *Oxford*. [4th July 1838.]

[*Allotments to be made for Materials for Roads, § 33.; and for the Recreation of the Inhabitants, § 34.; and to the Lords of the Manor for Right of Soil, § 35.; and to the Rector for Glebe and Common Rights, § 36. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 37. Allotment to be made to Proprietors of Land in Ducklington for Right of Common in Curbridge Meadow, § 38. Rector's Allotment to be fenced at the general Expence, § 47. Saving Manorial Rights, § 61.*]

Cap. 18.

An Act for inclosing Lands in the Parish of *Gazeley* in the County of *Suffolk*. [4th July 1838.]

[*Allotment to be made for Materials for Roads, § 42.; and to Lords of Manors for Right of Soil, § 43.; and for purchasing Fuel for poor Cottagers, § 44.; and for Recreation of the Inhabitants, § 45. Vicar's Allotment to be fenced at the general Expence, § 52.*]

Cap. 19.

An Act for inclosing Lands in the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* in the County of *Norfolk*. [4th July 1838.]

[*Allotments to be made to the Lords of the Manor for Right of Soil, § 32. Allotments to be made for Watering Places. and Sand, Gravel, &c., § 33.; and for Recreation of the neighbouring Population, § 34. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence from the Eleventh Day of October next after the Execution of the Award, § 56.*]

Cap. 20.

An Act for inclosing Lands in the Manor of *Great Warley* in the several Parishes of *Great Warley* and *Shenfield* in the County of *Essex*. [4th July 1838.]

[*Allotments to be made to the Lord of the Manor for Right of Soil*, § 36. 38. *Allotment to be made for Exercise and Recreation*, § 39. *Saving the Rights of the Lord of the Manor*, § 62.]

Cap. 21.

An Act for authorizing the granting of Leases of Part of the Estates in the County of *Carnarvon* devised by the Will of the late *Richard Parry* Esquire. [4th July 1838.]

Cap. 22.

An Act to explain and extend the Powers of the Trustees of Lady *Glenorchy's* Chapel and School in *Edinburgh*. [4th July 1838.]

Cap. 23.

An Act for authorizing the Sale, Exchange, and Partition of the Real Estate devised by the Will of *Richard Henry Alexander Bennet* Esquire, deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for authorizing the Investment in Land of the residuary Personal Estate bequeathed by the same Will; and for other Purposes. [4th July 1838.]

Cap. 24.

An Act for giving Effect to certain Powers of Appointment over Settled Estates of the Duke of *Norfolk*, so that by the Exercise of such Powers the Estates to be appointed may be discharged from the Countess of *Surrey's* Pin Money; and for discharging certain Parts of the said Settled Estates from the Portions of the Daughters and younger Sons of the Earl and Countess of *Surrey*. [4th July 1838.]

Cap. 25.

An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester* to establish a Second School, to be called "The Modern Free School in *Macclesfield* in the County of *Chester*;" and for other Purposes. [4th July 1838.]

Cap. 26.

An Act for renewing, granting, and confirming certain joint Powers of Appointment to the Honourable *John Simpson* and *Henry Bridgeman Simpson* his eldest Son, and certain sole Powers of Appointment, and of Revocation and new Appointment, to the said *Henry Bridgeman Simpson*; and for establishing and confirming certain Indentures of Settlement made on the Marriage of the said *Henry Bridgeman Simpson* respectively affecting the Estates of the said *John Simpson* and *Henry Bridgeman Simpson* in the several Counties of *Nottingham*, *Derby*, *York*, and *Warwick*. [4th July 1838.]

Cap. 27.

An Act for effecting an Exchange of Lands in the County of *Glamorgan* between *Morgan Popkin Traherne* Esquire and the Right Honourable Sir *John Nicholl* Knight. [4th July 1838.]

Cap. 28.

An Act for authorizing the Sale of Part of the Estates devised by the Will of *Samuel Smith* Esquire, deceased, and for investing the Proceeds of such Sale in the Purchase of other Estates, to be settled upon the same Trusts. [27th July 1838.]

Cap. 29.

An Act to confirm a Division already made and to enable a further Division of the residuary Personal Estate of *William Gray* deceased, and to determine the Right of Survivorship and Contingency affecting the same. [27th July 1838.]

Cap. 30.

An Act for effecting an Exchange between the Warden and Fellows of the College of *All Souls, Oxford*, and *Thomas Penrice* Esquire. [27th July 1838.]

Cap. 31.

An Act to authorize the making of Conveyances in Fee or Demises for long Terms of Years of Estates devised by or settled to the Uses of the Will of *Thomas Peter Legh* Esquire, deceased, for building on or otherwise improving the same, under yearly Rents to be reserved in the same Conveyances and Demises, and to sell certain Parts of the said Estates, and to purchase other Estates in lieu thereof, under the Control of the Court of Chancery; and for other Purposes connected with the same Estates. [27th July 1838.]

Cap. 32.

An Act for enabling the Trustees of certain Lands situate in the Parish of *Paddington* in the County of *Middlesex* to grant Building Leases of the said Lands, and for other Purposes. [27th July 1838.]

Cap. 33.

An Act for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury* in the County of *Suffolk* to release and discharge from Shackage and Commonage certain Lands within the said Borough, and for other Purposes relating to other Lands belonging to the said Borough. [27th July 1838.]

Cap. 34.

An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable *William Henry* Earl of *Rochford* deceased, and for the Application of the Produce thereof, and for authorizing the granting of Leases of the same Estate; and for other Purposes. [10th August 1838.]

Cap. 35.

An Act for enabling the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of the Parishioners of the Parish of *Saint Saviour* in *Southwark* in the County of *Surrey* to sell the old School and Schoolhouse and the Site thereof; and also for enabling the Right Reverend *Charles Richard* Lord Bishop of *Winchester* and his Lessees to grant to the said Governors another Site for the Purpose of a more convenient School and Schoolhouse and proper Offices being erected thereon. [16th *August* 1838.]

INDEX

TO THE

PUBLIC GENERAL ACTS, 1^o & 2^o VICTORIÆ.

* *Signifies that the Act relates exclusively to Ireland.*

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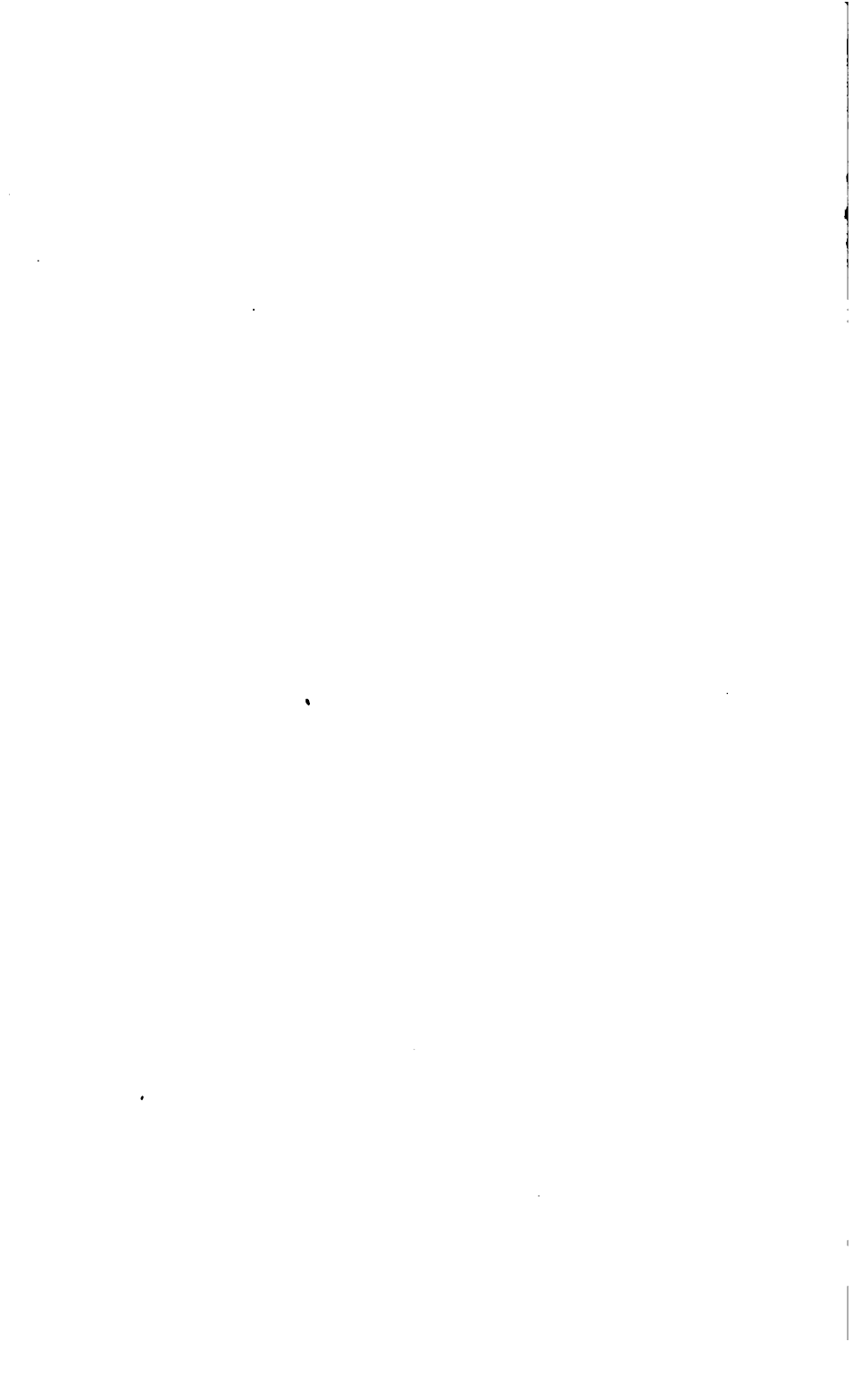
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