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THE  
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Containing the TITLES of all

THE STATUTES,

Passed in the SECOND Session of the TWELFTH Parliament

OF

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

6° & 7° GULIELMI IV.

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PUBLIC GENERAL ACTS.

1. AN Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-six—seven. Page 1
2. An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six—seven. *Ibid.*
3. An Act for vesting the Office of Constable of the Castle of *Saint Briavel's* in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for vesting the Office of Keeper of the Forest of *Dean* in the County of *Gloucester* in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings. 2
4. An Act to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. 3
5. 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. 4
6. An Act for carrying into effect a Treaty made between His Majesty and the Queen Regent of *Spain* for the Abolition of the Slave Trade. 12
7. 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-seven; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits, although the Persons

- whom they served shall have neglected to take out their Annual Certificates. Page 35
8. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. *Ibid.*
9. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. 40
10. An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament. 44
11. An Act for the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of His late Majesty for that Purpose. 46
12. An Act for amending an Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales.* 49
13. An Act to consolidate the Laws relating to the Constabulary Force in *Ireland.* 50
14. An Act to amend the Laws relating to Bankrupts in *Ireland.* 72
15. An Act to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to *Shetland* or *Orkney* to pay certain Sums of Money, payable under that Act to the Seamen's Fund, at *Lerwick* in *Shetland* or *Kirkwall* in *Orkney.* 117
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20. An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons. 132
21. An Act to provide that Persons in *Scotland* accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases. 135
22. An Act to enable Bastards in *Scotland* to make Testaments. 136
23. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland.* *Ibid.*
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25. An Act for granting an additional Rate of Postage on Letters between *Great Britain* and *Ireland* by way of *Milford* and *Waterford.* 139

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28. 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. 146
29. An Act for improving the Police in the District of *Dublin* Metropolis. 150
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93. 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-seven. 554
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99. An Act to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of *Ireland*. 588
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- for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries. *Page* 621
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113. An Act for raising the Sum of Fourteen millions seven thousand nine hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six. 653
114. An Act for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney. *Ibid.*
115. An Act for facilitating the Inclosure of Open and Arable Fields in *England* and *Wales*. 654
116. An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*. 681
117. An Act to amend several Acts relating to the Harbour of *Kingstown*. 760

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. **A**N Act for better lighting with Gas the Borough of *Reading* and Hamlet of *Whitley* in the County of *Berks*, by a Company to be called The *Reading* Union Gas Company. *Page* 785
- ii. An Act to amend an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing the Road from *Farnborough* to *Riverhill*, in the Parish of *Sevenoaks* in the County of *Kent*; and for making a new Line of Road to communicate therewith. *Ibid.*
- iii. An

- iii. An Act for removing the Markets held in the Town or Village of *Bridgend* in the County of *Glamorgan*, and for providing other Market Places in lieu thereof, and for regulating and maintaining the same. Page 785
- iv. An Act to establish a Company for more effectually lighting with Gas the City and County of the City of *Exeter*, and certain Parishes and Places in the County of *Devon*. 786
- v. An Act for the better supplying the Borough of *Reading* in the County of *Berks*, and the Neighbourhood thereof, with Gas. *Ibid.*
- vi. An Act for extending the Time for building a Bridge over the River *Avon* from *Clifton* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*. *Ibid.*
- vii. An Act to incorporate the Subscribers to the *Middlesex* Hospital, and for better enabling them to carry on their charitable Designs. *Ibid.*
- viii. An Act for repairing and maintaining the Road from *Rochdale* in the County Palatine of *Lancaster* to *Halifax* and *Ealand* in the West Riding of the County of *York*. *Ibid.*
- ix. An Act for repairing the Road from the Town of *Buckingham* in the County of *Buckingham* to the *West Chester* or *Holyhead* Road in the Parish of *Passenham* in the County of *Northampton*, and from the North-east End of the Town of *Stony Stratford* to *Newport Pagnell* in the said County of *Buckingham*. *Ibid.*
- x. An Act for making and maintaining a Turnpike Road and Branches leading from *Radcliffe* towards *Bolton* and *Bury*, all in the County of *Lancaster*. 787
- xi. An Act for erecting a County Hall and Courts of Justice, and for providing Accommodation for His Majesty's Justices of Assize, for the Eastern Part of the County of *Suffolk*. *Ibid.*
- xii. An Act for building new Courts of Assize at *Bodmin* for the County of *Cornwall*, and for providing Judges Lodgings, and other Purposes connected therewith. *Ibid.*
- xiii. An Act for the more easy and speedy Recovery of Small Debts within the *Presbury* Division of the Hundred of *Macclesfield* in the County of *Chester*. *Ibid.*
- xiv. An Act for making a Railway from *Birmingham* to *Gloucester*, with a Branch therefrom. *Ibid.*
- xv. An Act to enable the *Bristol* and *Clifton* Oil Gas Company to produce Gas from Coal and other Materials; and to amend the Act relating to the said Company. *Ibid.*
- xvi. An Act to enlarge the Powers of several Acts for effecting Improvements in the Streets and other Places within the Town of *Manchester*. *Ibid.*
- xvii. An Act for making a Turnpike Road from *Richmond* to *Beeth* in the County of *York*. 788
- xviii. An Act for altering and amending an Act of the Fourth and Fifth Years of the Reign of His present Majesty, intitled *An Act for making and for more effectually maintaining and repairing certain Roads in the County of Lanark, and for building a Bridge over the River Clyde at Crossford in the said County*. *Ibid.*
- xix. An Act for making and maintaining a Turnpike Road from *Saint Leonard's* and *Saint Mary Magdalen* to the *Royal Oak Inn*

- Inn at *Whatlington*, and through *Sedlescombe* to *Cripp's Corner* in the Parish of *Ewhurst*, in the County of *Sussex*. Page 788
- xx. An Act to incorporate the Governors of the *Westminster Hospital* at the *Broad Sanctuary, Westminster*, and for conferring Powers the better to enable them to carry on their charitable Designs. *Ibid.*
- xxi. An Act to enable the Proprietors or Shareholders of the Family Endowment Society to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Society. 789
- xxii. An Act to alter and amend an Act passed in the First and Second Year of the Reign of His present Majesty, for better raising and securing the Fund established for making Provision for the Widows of the Writers to His Majesty's Signet in *Scotland*. *Ibid.*
- xxiii. An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Leicester* in the County of *Leicester*. *Ibid.*
- xxiv. An Act for erecting and maintaining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at *Glasgow*, and also Public Offices for the City of *Glasgow* and the Lower Ward of the County of *Lanark*; and for other Purposes therein mentioned. *Ibid.*
- xxv. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Crediton* in the County of *Devon*. *Ibid.*
- xxvi. An Act to enable *John Howard Kyan* to assign to a Company certain Letters Patent. *Ibid.*
- xxvii. An Act to alter, amend, and enlarge the Powers of an Act for lighting with Gas the City and County of the City of *Exeter*, and for lighting with Gas the several Parishes of *Alphington, Heavitree, Saint Leonard, Saint Thomas the Apostle, and Topsham*, in the County of *Devon*. *Ibid.*
- xxviii. An Act for lighting with Gas the Towns of *New Mills* and *Hayfield*, and the Neighbourhoods thereof, in the County of *Derby*. *Ibid.*
- xxix. An Act for making and maintaining a Dock or Docks at *Southampton*. 790
- xxx. An Act to enable the *Wearmouth Dock Company* to make and maintain a proper and convenient Entrance into the *Wearmouth Dock* at the Port of *Sunderland* in the County Palatine of *Durham*. *Ibid.*
- xxxi. An Act to enlarge the Powers of the several Acts passed for making and maintaining the *Saint Katharine Docks* in the County of *Middlesex*. *Ibid.*
- xxxii. An Act for making and maintaining a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh of *Arbroath* in the same County. *Ibid.*
- xxxiii. An Act for making a Railway from the Town of *Belfast* to the City of *Armagh* in the Province of *Ulster* in *Ireland*. *Ibid.*
- xxxiv. An Act for making and maintaining a Railway between the Royal Burgh of *Arbroath* in the County of *Forfar* and the Royal Burgh of *Forfar* in the same County. *Ibid.*
- xxxv. An

- xxxv. An Act for making a Railway from the *London and Birmingham* Railway near *Birmingham*, to *Derby*, to be called "The *Birmingham and Derby* Junction Railway," with a Branch. *Page* 790
- xxxvi. An Act for making a Railway from *Bristol* to *Exeter*, with Branches to the Towns of *Bridgwater* in the County of *Somerset* and *Tiverton* in the County of *Devon*. *Ibid.*
- xxxvii. An Act for making a Railway from *Aylesbury* to join the *London and Birmingham* Railway near the Village of *Cheddington* in the County of *Buckingham*. *Ibid.*
- xxxviii. An Act to alter the Line of the Great Western Railway, and to amend the Act relating thereto. 791
- xxxix. An Act for building a Bridge over the River *Aire* at *Leeds*, and for making convenient Roads, Avenues, and Approaches thereto. *Ibid.*
- xl. An Act for amending and enlarging the Powers of the several Acts for building a Bridge over the River *Thames* at *Henley-upon-Thames* in the County of *Oxford*. *Ibid.*
- xli. An Act to alter and amend an Act passed in the Twentieth Year of His late Majesty King *George* the Third, intituled *An Act for repairing, enlarging, and preserving the Harbour of Aberystwyth in the County of Cardigan*. *Ibid.*
- xl.ii. An Act for improving, maintaining, and regulating the Harbour of *Teignmouth* and the Navigation of the River *Teign* in the County of *Devon*. *Ibid.*
- xl.iii. An Act for improving, enlarging, and extending the *Forth* and *Clyde* Navigation, and certain Harbours and Works belonging thereto and connected therewith; and for making and maintaining Two Branch Cuts or Canals from the said Navigation. 792
- xliv. An Act to enable the *British Alkali Company* to sue and be sued in the Name of the Secretary or of any One Member for the Time being of the said Company. *Ibid.*
- xlv. An Act for establishing a General Cemetery in the Town and County of the Town of *Nottingham*. *Ibid.*
- xlvi. An Act for making and maintaining as Turnpike a Road leading from the *Flimwell* to *Hastings* Turnpike Road at or near *Beauport* in the Parish of *Hollington* to *Hastings* in the County of *Sussex*. *Ibid.*
- xlvii. An Act for repairing and improving certain Roads in and leading to and from the Town and County of the Town of *Poole*, and for making certain new Lines of Road in the said Town and County, and leading thence towards *Wareham* and *Blandford* in the County of *Dorset*. *Ibid.*
- xlviii. An Act for more effectually repairing the Road from the *Totnes* Road at *Lady Down* in the Parish of *Ugborough* to within Four hundred Yards of the Bridge over the *Lary*, and for repairing the Road communicating therewith from *Hollowcombe Cross* to the Town of *Modbury* and *Dark Lane*, all in the County of *Devon*. *Ibid.*
- xl.lix. An Act for more effectually repairing the Roads from *Harlow Bush Common* to and into the Parish of *Woodford*, and the Road from *Epping* to *Writtle*, and other Roads therein mentioned, all in the County of *Essex*. 793

- i. An Act for the more effectually repairing, improving, and maintaining the Road from the Town of *Ashford* to the Town of *Maidstone* in the County of *Kent*. Page 793
- ii. An Act to make and maintain a Canal in the County of *Dumbar* from the *Forth* and *Clyde* Canal to the River of *Clyde*, opposite to the River of *Cart*. *Ibid.*
- iii. An Act to amend and enlarge the several Acts relating to the *Bolton* and *Leigh* Railway, and for other Purposes. *Ibid.*
- liii. An Act for repairing and improving the Road from *Wakefield* to *Sheffield* in the County of *York*. *Ibid.*
- liv. An Act for enabling the Universal Life Assurance Society to sue and be sued in the Name of the Actuary for the Time being or of any One of the Directors of the said Society. 794
- lv. An Act for granting further Powers to a Company called "The Imperial Continental Gas Association." *Ibid.*
- lvi. An Act to amend an Act to enable the *Birmingham* Coal Company to sue and be sued in the Name of their Secretary or One of the Members of the said Company; and to authorize the said Company to borrow a further Sum of Money; and for other Purposes relating to the said Company. *Ibid.*
- lvii. An Act for incorporating certain Persons for carrying into effect the Purposes of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom*; and for other Purposes. *Ibid.*
- lviii. An Act for better supplying with Water the Township of *Dukinfield* in the County Palatine of *Chester*. *Ibid.*
- lix. An Act for better paving, lighting, watching, and improving the Town of *Teignmouth* in the County of *Devon*, and for supplying the Inhabitants thereof with Water. *Ibid.*
- lx. An Act to enable the *Carlisle* Canal Company to make a Dock or Docks at *Port Carlisle* otherwise *Fishers Cross*, and for amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal. *Ibid.*
- lxi. An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of *Dundee* in the County of *Forfar*. 795
- lxii. An Act for more effectually repairing and improving the Road from the Eastern End of the Borough of *Grampound*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the *Western Taphouse Lane*, in the County of *Cornwall*; and for making and maintaining certain new Roads communicating therewith. *Ibid.*
- lxiii. An Act for making a Railway from the *London* and *Greenwich* Railway to the *Deptford* Pier, to be called "The *Deptford* Pier Junction Railway." *Ibid.*
- lxiv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bristol* to raise a Sum of Money towards discharging the Monies borrowed under the Authority of an

- Act passed in the Second Year of the Reign of His present Majesty. Page 795
- lxv. An Act to alter, amend, and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.* 796
- lxvi. An Act for regulating, preserving, and improving the Port or Harbour of *Newport* in the County of *Monmouth.* 799
- lxvii. An Act for better supplying with Water the City of *Gloucester* and Parishes and Places in the County of *Gloucester* near thereto. Ibid.
- lxviii. An Act to alter and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for incorporating the *Hungerford* Market Company. 800
- lxix. An Act to enable *Charles Herbert Earl Mansvers* to endow the Chapelry of *Perlethorpe* in the Parish of *Edwinstowe* in the County of *Nottingham*, to create the same a separate Benefice, and to vest the Nomination of the Incumbents thereof in the said Earl and his Heirs. Ibid.
- lxx. An Act to provide for the better Regulation of certain Common Pastures within the Borough of *Beverley* in the East Riding of the County of *York.* Ibid.
- lxxi. An Act to extend the Time limited by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth for the Improvement of the *Newry* Navigation. Ibid.
- lxxii. An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the *Ulster* Canal in the Counties of *Fermanagh, Monaghan, and Armagh* in *Ireland.* Ibid.
- lxxiii. An Act to enable the Commissioners of *Greenwich* Hospital to improve a certain Street called *King Street*, in the Parish of *Greenwich* in the County of *Kent*; and for other Purposes. Ibid.
- lxxiv. An Act for improving the Approach to the Town of *Newton Abbot* from the City of *Exeter*, through the Village of *Kingsteignton*, in the County of *Devon.* Ibid.
- lxxv. An Act for making a Railway from the *London and Croydon* Railway to *Dover*, to be called "The Southeastern Railway." Ibid.
- lxxvi. An Act for making and maintaining a Railway from the Town of *Newcastle-upon-Tyne* in the County of the Town of *Newcastle-upon-Tyne* to *North Shields* in the County of *Northumberland*, with a Branch thereof in the County of *Northumberland.* 801
- lxxvii. An Act for making a Railway from *Cheltenham* and from *Gloucester*, to join the Great Western Railway near *Swindon*, to be called "The *Cheltenham* and Great Western Union Railway," with a Branch to *Cirencester.* Ibid.
- lxxviii. An Act for making a Railway, with Branches, commencing at the *London and Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick*, to communicate with the Towns of *Leicester,*

- Leicester, Nottingham, and Derby*, to be called "The Midland Counties Railway." Page 801
- lxxxix. An Act for making a Railway from the Basin of the *Kensington* Canal at *Kensington* to join the *London and Birmingham* and *Great Western* Railways at or near *Holsden Green* in the County of *Middlesex*, and to be called "The *Birmingham, Bristol, and Thames Junction* Railway." *Ibid.*
- lxxx. An Act for making a Railway from *Kingston-upon-Hull* to *Selby*. *Ibid.*
- lxxx. An Act for making a Railway from the City of *York* to and into the Township of *Altofts*, with various Branches of Railway, all in the West Riding of the County of *York* or County of the said City. *Ibid.*
- lxxxii. An Act for making a Railway from *Merthyr Tydfil* to *Cardiff*, to be called "The *Taff Vale* Railway," with Branches. *Ibid.*
- lxxxiii. An Act for more effectually improving and maintaining the Turnpike Road leading from the *Cow-Causey* near the Town of *Newcastle-upon-Tyne* to the Town of *Belford*, and from thence to *Bughton Burn*, in the County of *Northumberland*. *Ibid.*
- lxxxiv. An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for more effectually repairing and improving the several Roads leading to and from the Towns of *Newton Bushell, South Bovey, and Moretonhampstead* in the County of *Devon*. 802
- lxxxv. An Act to amend an Act passed in the Ninth Year of the Reign of King *George* the Fourth, for diverting, improving, and maintaining the Roads between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. *Ibid.*
- lxxxvi. An Act for more effectually maintaining the Road from *Teignmouth* to *Dawlish*, and for making Roads from *Dawlish* to the *Exeter* Turnpike Roads, and certain Branches communicating with the same, all in the County of *Devon*; and to make and maintain other Roads communicating with the said Roads. *Ibid.*
- lxxxvii. An Act to vary and alter the Line of the *Marlborough* and *Salisbury* Road, and for making a Road from the same to *Amesbury* in the County of *Wilts*. *Ibid.*
- lxxxviii. An Act for authorizing the Trustees on the Bridges over the *Clyde* at *Glasgow* to continue, uphold, repair, and maintain the Wooden Bridge over the said River opposite to *Portland Street* of *Laurieston*; and for other Purposes therein mentioned. 803
- lxxxix. An Act for altering and extending the Powers of the Trustees upon the Road from *Livingston* by *Shotts* to the City of *Glasgow*, and placing under their Charge the Bridge across the River of *Clyde* called *Hamilton Bridge*, and the Avenues thereto, and the Road between the East and the West Ends of the Town of *Hamilton*. *Ibid.*
- xc. An Act for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*. *Ibid.*
- xc. An Act for lighting with Gas and supplying with Water the Town of *Tolcross* and Places adjacent in the County of *Lanark*. *Ibid.*



xcii. An Act for altering and amending several Acts passed for improving the Outfall of the River *Nene* and the Drainage of the Lands discharging their Waters into the *Wisbech* River.

Page 803

xciii. An Act for extending and improving the Maintenance of the Fire Police in the Borough of *Liverpool*. *Ibid.*

xciv. An Act for enlarging the Embankment of a Reservoir in the Valley of *Wessenden* in the Township of *Marsden* and Parish of *Almondbury* in the West Riding of the County of *York*, and for other Purposes. *Ibid.*

xcv. An Act for providing a more abundant and regular Supply of Water in the River called the *Upper Bann*, in *Ireland*. 804

xcvi. An Act for maintaining the Public Conduits and other Waterworks belonging to the Town of *Southampton*, and for providing an additional Supply of Water for the Inhabitants of the said Town and Neighbourhood. *Ibid.*

xcvii. An Act for incorporating a Company for the Improvement of Waste Lands in *Ireland*. *Ibid.*

xcviii. An Act to alter and amend an Act of His present Majesty, for improving the Port and Harbour of *Aberavon* in the County of *Glamorgan*, to further improve the said Harbour, and to change its Name. *Ibid.*

xcix. An Act to enable the Proprietors or Shareholders of a Company called "The Bank of *British North America*" to sue and be sued in the Name of any One of the Directors or of the Secretary for the Time being of the said Company. *Ibid.*

c. An Act to authorize the City of *Dublin* Steam Packet Company to apply a Portion of certain Monies already subscribed in fulfilment of their Contracts for building Six additional Steam Vessels, and to legalize such Subscription. *Ibid.*

ci. An Act for improving the Navigation of a Portion of the River *Parrett*, and for making a Navigable Canal from the said River to *Barrington*, all in the County of *Somerset*. *Ibid.*

cii. An Act to amend the Acts for making a Railway from *Dundee* to *Newtyle* in the County of *Forfar*. *Ibid.*

ciii. An Act for making a Railway to form a Communication between *London* and *Cambridge*, with a view to its being extended hereafter to the Northern and Eastern Counties of *England*. 805

civ. An Act for making a Railway to join the *London* and *Birmingham* Railway at or near the Regent's Canal in the Parish of *Saint Pancras* in the County of *Middlesex*, and proceed from thence to *Skinner Street* in the City of *London*, to be called "The *London* Grand Junction Railway." *Ibid.*

cv. An Act for making a Railway from near the River *Tyne* to or near the River *Tees*, to be called "The Great North of *England* Railway," in the County of *Durham*. *Ibid.*

cvi. An Act for making a Railway from *London* to *Norwich* and *Yarmouth*, by *Romford*, *Chelmsford*, *Colchester*, and *Ipswich*, to be called "The Eastern Counties Railway." *Ibid.*

cvi. An Act for making a Railway from *Leeds* to *Derby*, to be called "The North Midland Railway." *Ibid.*

cvi. An Act for making a Railway from or near *Romford* in the County of *Essex* to *Shell Haven* in the same County, and for constructing

- constructing a Tide Dock at the Termination of the said Railway at *Shell Haven* aforesaid. Page 805
- cix. An Act for making a Railway from *Sheffield* to *Rotherham*, with a Branch therefrom to *Greasbrough* Canal, all in the West Riding of the County of *York*. 806
- cx. An Act to enable the *Hayle* Railway Company to make certain Alterations in the Lines of such Railway, and for other Purposes relating thereto. *Ibid.*
- cx. An Act for making a Railway from *Manchester* to *Leeds*. *Ibid.*
- cxii. An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at *Herne Bay* in the Parish of *Herne* in the County of *Kent*; and for giving additional Powers to the *Herne Bay* Pier Company. *Ibid.*
- cxiii. An Act for making and maintaining a Harbour and other Works at *Sidmouth* in the County of *Devon*. *Ibid.*
- cxiv. An Act to extend the Time limited by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*. *Ibid.*
- cxv. An Act for making and maintaining a Navigable Canal to connect the *Rochdale* Canal and the River *Irwell* in the Township of *Manchester* in the County of *Lancaster*. 807
- cxvi. An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest and the Liberties thereof*. *Ibid.*
- cxvii. An Act for regulating and improving the Town of *Galway* in the County of the same Town. *Ibid.*
- cxviii. An Act for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*. *Ibid.*
- cxix. An Act to enable the *Liverpool* Fire and Life Insurance Company to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any One of the Directors of the said Company; and for other Purposes. *Ibid.*
- cxx. An Act for the Amendment of Three several Acts passed in the Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty *George* the Third, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruxley*, and of *Little* and *Lessness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof. *Ibid.*
- cxxi. An Act to enable the *London* and *Croydon* Railway Company to provide a Station and other Works in the Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*; and to amend the Act relating to the said Railway. 808
- cxixii. An Act for making and maintaining a Railway from *Preston* to *Longridge* in the County Palatine of *Lancaster*. *Ibid.*
- cxixiii. An Act for making a Railway from the *Minories* to *Blackwall*, with Branches, to be called "The Commercial Railway." *Ibid.*
- cxixiv. An

- ccxiv. An Act for making and maintaining a Harbour and Breakwaters at *Tremoutha* Haven in the County of *Cornwall*; and for making and maintaining a Railway from thence to the Town of *Launceston* in the same County. *Page* 808
- ccv. An Act to amend an Act for more effectually maintaining and improving the Harbour of *Dovor* in the County of *Kent*. *Ibid.*
- ccvi. An Act to alter and amend several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan*, and for further improving the said Harbour. *Ibid.*
- ccvii. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*. 809
- ccviii. An Act for making and maintaining a Pier Wharf and other Works at *Greenwich* in the County of *Kent*. *Ibid.*
- ccix. An Act for establishing a Cemetery for the Interment of the Dead, Southward of the Metropolis, to be called "The South Metropolitan Cemetery." *Ibid.*
- ccx. An Act for establishing a Joint Stock Company for the Prosecution and Extension of the Fisheries off the Shores of *Ireland*, and for the Improvement of the Sea Coasts in Connexion with such Fisheries. *Ibid.*
- ccxi. An Act for making and maintaining a Railway or Railways from the City of *Edinburgh* to *Leith*, and to the Shore of the *Firth of Forth* at or near to *Newhaven* and *Trinity*, all in the County of *Edinburgh*. *Ibid.*
- ccxii. An Act for making a Railway from *Dublin* to *Drogheda*. *Ibid.*
- ccxiii. An Act for building a Foot Bridge over the River *Thames* from *Hungerford Market* in the Parish of *Saint Martin in the Fields* in the County of *Middlesex* to the opposite Shore in the Parish of *Lambeth* in the County of *Surrey*, and for making suitable Approaches thereto. *Ibid.*
- ccxiv. An Act for erecting and maintaining a Bridge across the River *Thames* from *Church Street* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to the opposite Bank of the said River near *Market Street* in the Parish of *Saint John the Evangelist* within the City and Liberty of *Westminster* in the County of *Middlesex*. 810
- ccxv. An Act to amend and render more effectual an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster*; and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster*; and to give further Power for the Recovery of Small Debts within the Borough of *Liverpool*. *Ibid.*
- ccxvi. An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The *London Cemetery Company*." *Ibid.*

- cxxxvii. An Act to repeal Two Acts of the Reign of King *George* the Second, for the Recovery of Small Debts within the City and Liberty of *Westminster*, and for granting more effectual Powers for that Purpose. Page 810
- cxxxviii. An Act for making and maintaining a Turnpike Road from *Anniesland* Toll Bar to *Saint George's* Road, and Branch Roads therewith connected, all in the County of *Lanark*. 844

## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN  
IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Hardwick* in the County of *Cambridge*. Page 845
2. An Act for inclosing Lands in the Parish of *Wootton* in the County of *Bedford*. *Ibid.*
3. An Act for inclosing Lands in the Parish of *Orwell* in the County of *Cambridge*, and for commuting the Tithes of the said Parish. *Ibid.*
4. An Act for inclosing Lands in the Parish of *North Runcton* in the County of *Norfolk*. 846
5. An Act for inclosing Lands in the Parish of *Alveston* in the County of *Gloucester*, and in the Tithing of *Tockington Upper* in the Parish of *Olveston* in the same County. *Ibid.*
6. An Act to amend an Act passed in the Fourth Year of the Reign of His present Majesty, for inclosing certain Lands within the Parish of *Alstonefield* in the County of *Stafford*. *Ibid.*
7. An Act for dividing, allotting, and inclosing Lands within the Parish and Manor of *Godmanstone* in the County of *Dorset*. *Ibid.*
8. An Act for inclosing and exonerating from Tithes Lands in the Parish of *Stepingley* in the County of *Bedford*. *Ibid.*
9. An Act for settling and securing certain Parts and Portions of the Lands and Estate of *Delvine* in the County of *Perth* to and in favour of Sir *John Muir Mackenzie* Baronet, and the Series of Heirs entitled to take by certain Deeds of Entail made by *George Muir* Esquire, and under the Conditions and Limitations contained therein; and for vesting in lieu thereof the Lands and Estate of *Cassencarie* and others lying in the Stewartry of *Kirkcudbright* and Counties of *Dumfries* and *Wigton* in the said Sir *John Muir Mackenzie*, and his Heirs and Assigns, in Fee Simple. *Ibid.*
10. An Act to authorize the Sale of One Fourth Part or Share of a certain Tenement and Farm called *Limehurst*, in the Parish of *Ashton under Line* in the County of *Lancaster*, late belonging to *John Gartside* of *Haugh* in the Parish of *Rochdale* in the said County of *Lancaster*, Yeoman, deceased, and for laying out the

the Purchase Money in the Purchase of other Estates, to be settled to the same Uses. *Page 847*

11. An Act for inclosing Lands within the Parish of *South Pether-ton* in the County of *Somerset*. *Ibid.*
12. An Act to enable *Francis* Earl of *Moray* to borrow a certain Sum of Money upon the Security of certain of his Entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. *Ibid.*
13. An Act to enable the Reverend *James White* and the Persons for the Time being entitled to certain Estates situate in the Parish of *Bonchurch* in the *Isle of Wight* in the County of *Southampton*, devised by the Will of *Charles Fitzmaurice Hill* Esquire, deceased, to grant Building Leases. *Ibid.*
14. An Act to amend an Act passed in the Third Year of the Reign of His late Majesty, for vesting the Lands and Barony of *Dryden*, and certain other Entailed Estates of Sir *Charles Macdonald Lockhart* Baronet, in Trustees, to be sold, and for laying out the Prices thereof in the Purchase of other Lands and Estates more conveniently situated, to be entailed in a similar Manner; to regulate the Manner of holding the said Estates; and to grant Powers of feuing to the Heirs of Entail. *Ibid.*
15. An Act to vest a Part of the Entailed Estate of *Milliken* in the County of *Renfrew* in Trustees, to sell the same, and apply the Price thereof, or the Securities to be granted thereon, towards satisfying the Debts affecting the said Entailed Estate, and the Debt contracted for Money laid out in the Improvement of the same. *Ibid.*
16. An Act for dividing, allotting, and laying in Severalty Lands in the Parishes of *Marsh Baldon* and *Toot Baldon* in the County of *Oxford*. 848
17. An Act to enable the Trustees of *Bowdler's* Blue Coat School in *Shrewsbury* to effect a Sale to *John Jones* Esquire of Estates called *Trefnant* and *Llanerchrockwell* in the Parish of *Guilfield* in the County of *Montgomery*. *Ibid.*
18. An Act to enable the granting of Leases of certain Parts of the Estates and Hereditaments of which the Right Honourable *Henry Nevill* Earl of *Abergavenny* is seised as Tenant in Tail Male under an Act passed in the Second and Third Years of the Reign of King *Philip* and Queen *Mary*, and under the Limitations in the Will of *George* Lord *Abergavenny* in the said Act of *Philip* and *Mary* mentioned. *Ibid.*
19. An Act for enabling *James Edward Bradshaw* Esquire and others to grant Leases of certain Estates in the County Palatine of *Lancaster*, devised by the Will of *John Bradshaw* Esquire, deceased. *Ibid.*
20. An Act for consolidating the Rectories of *Alford* and *Hornblotton* in the County of *Somerset*, and for settling the Advowson of such consolidated Rectory; and also for rectifying a Settlement made in pursuance of the Will of the late *John Thring* Esquire, under the Direction of the High Court of Chancery, of Estates in the County of *Somerset*; and for other Purposes. *Ibid.*
21. An Act for empowering the Governors and Corporation of *Etwell* Hospital and *Repton* Free School in the County of *Derby* to

- to sell certain Parts of their Estates in the same County, and to lay out the Monies arising from the Sale thereof in the Purchase of other Estates, to be conveyed to the same Uses. *Page 848*
22. An Act for authorizing the Sale of a Part of the Estates devised by the Wills of *John Walker Heneage* Esquire and *Arabella Walker Heneage*, and for investing the Produce in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*
23. An Act for enabling the Earl of *Courtoun* and the Trustees of his Marriage Settlement to grant Building Leases of Part of his Settled Estates in *Ireland*. *849*
24. An Act for confirming a certain Lease granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of King *Edward* the Sixth, called *Christ's Hospital*, and for extending the Powers to grant Building Leases given to them by an Act passed in the Sixth Year of the Reign of King *George* the Fourth. *Ibid.*
25. An Act to explain and extend the Powers of the Governors of the Hospital in *Edinburgh*, founded by *George Heriot*, Jeweller to King *James* the Sixth. *Ibid.*
26. An Act for enabling *Franz Anton Bernhardt* to assign to a Company, and for enabling them to purchase and carry into effect the Purposes of a Patent granted to him for warming and ventilating Buildings; and for other Purposes. *Ibid.*
27. An Act to vest Part of the Entailed Estate of *Skibo* and others in the County of *Sutherland* in Trustees in Fee Simple, for Sale, and to raise a further Sum of Money by Loan, for the several Purposes therein mentioned. *Ibid.*
28. An Act to enable Sir *John Ogilvy* Baronet, and the Heirs of Entail succeeding to him in the Estate of *Cairnie* and others, lying in the County of *Forfar*, to grant Feus of certain Parts thereof. *Ibid.*
29. An Act for enlarging the Powers of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for vesting the Estates devised by the Will of Hannah Pownall Widow, deceased, situate in the County of York, in Trustees, for Sale, and for investing the Purchase Money in the Purchase of other Estates to be settled to the former Uses*; and for authorizing the rebuilding of certain Mills on the said devised Estates, called *Copley Mills*, out of the Monies to arise from such Sales, and out of Monies to be raised by Mortgage of the said devised Estates remaining unsold. *Ibid.*
30. An Act for authorizing a Sale of Glebe Lands belonging to the Vicarage of *Dudley* in the County of *Worcester*, and for other Purposes. *Ibid.*
31. An Act for vesting certain detached Parts of the Lands and Estate of *Dougalston* and others, situated in the Counties of *Stirling* and *Dumbarton*, which were entailed by *John Glassford* of *Dougalston* Esquire, deceased, in Trustees, to be sold for the Purpose of paying Debts and Charges affecting the Entailed Estate and of purchasing other Lands contiguous and convenient thereto. *850*
32. An Act to authorize Grants and long Leases for Building Purposes of an Estate in the Parish of *Rochdale* in the County

- of *Lancaster*, being Part of the Settled Estates of the late *Charles Chadwick* Esquire. Page 850
33. An Act for rendering effectual an Agreement entered into by the Dean and Chapter of *Worcester* for enfranchising certain Lands and Hereditaments situate in the Parish of *Stoke Prior* in the County of *Worcester*, and Parcel of the Manor of *Stoke Prior*; and for other Purposes. *Ibid.*
34. An Act for removing Doubts from the Title of Devises under the Will of *Eusebius Horton* Esquire, deceased. *Ibid.*
35. An Act for enabling the Right Honourable *Louisa Augusta* Baroness *Langford* to release her Husband the Right Honourable *Hercules Langford* Baron *Langford*, and his Estates in the County of *Meath* in *Ireland*, from a certain Annuity or yearly Rent-charge thereon. *Ibid.*

## PRIVATE ACTS,

NOT PRINTED.

36. AN Act for naturalizing His Excellency Admiral *Paul Tchitchagoff* and *Catherine Tchitchagoff* his Daughter.
37. An Act for naturalizing *Frederick Steiner*.
38. An Act for naturalizing *Nicholas Ring*.
39. An Act for naturalizing *John Peter Darthez* the younger.
40. An Act for naturalizing *Bernhard Michaelis*.
41. An Act for naturalizing *Julius Focke*.
42. An Act to enable *Edward Hicks* Gentleman to use and bear the Surname and Arms of *Hicks*, in compliance with the Will of the Reverend *James Hicks* deceased.
43. An Act to dissolve the Marriage of *Edward Hodges* Esquire with *Clara Rebecca* his now Wife, and to enable him to marry again; and for other Purposes.
44. An Act for inclosing and exonerating from Tithes Lands in the Parish of *Abbotsley* in the County of *Huntingdon*.  
 [Allotments to be made to Impropriator and Vicar for Glebe and Rights of Common, § 33.; and for Tithes, § 34.; and for Materials for Roads, § 38.; and to Lords of the Manors for Right of Soil, § 39. Allotment for Tithes to be fenced at the general Expence, § 43. Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing of Act, § 50.]
45. An Act for naturalizing *James Liebreich*, *Herrman Julius Marcus*, *Edward Wurtzburg*, and *Lewis Heymann*.
46. An Act for naturalizing *Peter Anthony Steinkeller*.
47. An Act for naturalizing *Edward Stopford Claremont*.
48. An Act for naturalizing *Hermann Philipp Rée*.
49. An Act for naturalizing *Leopold Reiss*.
50. An Act for naturalizing *Johann Daniel Sonchay*.
51. An Act for naturalizing *Johann Jacob Schmidt*.
52. An Act to authorize Dame *Mary* the Wife of Sir *William Pilkington* Baronet to bear the Surnames of *Milborne* and *Swinerton*

*Swinnerton* jointly with the Surname of *Pilkington*, and to be called by the Surnames of *Milborne Swinnerton Pilkington*; and for authorizing the said Sir *William Pilkington* and Dame *Mary* his Wife to bear or quarter the Arms of *Swinnerton* of *Butterton* and *Milborne*; and also for authorizing the Second Son of the said Sir *William Pilkington* and Dame *Mary* his Wife, and his Issue, to assume and bear the Surnames of *Milborne Swinnerton* in lieu of the Surname of *Pilkington*, and to bear or quarter the said Arms of *Swinnerton* of *Butterton* and *Milborne*, in compliance with a Condition contained in the Will of *Thomas Swinnerton* Esquire, deceased.

53. An Act for naturalizing *Oscar Joseph de Satge Baron de Thoren*.
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THE  
STATUTES AT LARGE.

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Anno Regni GULIELMI IV. Britanniarum Regis,  
Sexto.

‘ **A**T the Parliament begun and holden at *Westminster*, the  
‘ Nineteenth Day of *February*, *Anno Domini* 1835, in  
‘ the Fifth Year of the Reign of our Sovereign Lord  
‘ WILLIAM the Fourth, by the Grace of God, of the United  
‘ Kingdom of *Great Britain* and *Ireland*, King, Defender of the  
‘ Faith: And from thence continued, by several Prorogations, to  
‘ the Fourth Day of *February* 1836; being the Second Session of  
‘ the Twelfth Parliament of the United Kingdom of *Great Britain*  
‘ and *Ireland*.’

C A P. I.

An Act to apply certain Sums to the Service of the Year  
One thousand eight hundred and thirty-six—seven.

[4th *March* 1836.]

“ There shall be applied for the Service of the Year 1836-7,  
“ 2,000,000*l.* now in the Exchequer; also any Sums paid into the  
“ Exchequer in respect of Exchequer Bills issued for Public  
“ Works, or for the Relief of Persons who sustained Losses in the  
“ *West Indies*; also 60,000*l.* to be paid by the *East India*  
“ Company; and any Balance paid in by the Bank of *England*  
“ on or before the 5th of *April* 1837, pursuant to 56 *G. 3. c. 97.*;  
“ provided that if at any Time the Balance shall be reduced to  
“ less than 100,000*l.*, then so much of the Monies advanced by  
“ the Bank as shall be equal to the Sum by which the said  
“ Balance shall be less than 100,000*l.* shall be repaid.”

C A P. II.

An Act for raising the Sum of Fifteen Millions by Exchequer  
Bills, for the Service of the Year One thousand eight  
hundred and thirty-six—seven.

[4th *March* 1836.]

## C A P. III.

An Act for vesting the Office of Constable of the Castle of *Saint Briavel's* in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for vesting the Office of Keeper of the Forest of *Dean* in the County of *Gloucester* in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings. [4th March 1836.]

WHEREAS the Office of Constable of His Majesty's Castle of *Saint Briavel's* in His Majesty's Forest of *Dean* in the County of *Gloucester*, and also the Office of Keeper of His Majesty's Deer within the said Forest, are now respectively vacant: And whereas there has heretofore been and now is a certain Court in the Hundred of *Saint Briavel's* in the said County of *Gloucester* called "*Saint Briavel's Court*," having Jurisdiction over the whole of the said Hundred in certain Actions of Debt and Contract, and also of Trespass and on the Case, which said Court has been held in the Castle of *Saint Briavel's* before a Deputy appointed by the Constable of the said Castle for executing the Office of Constable of the said Castle, and is distinct from the Manor Court and Hundred Court of the said Hundred; and it is expedient that the said Office of Constable of the Castle of *Saint Briavel's* should be vested in the First Commissioner for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, until Provision shall be made by Parliament for abolishing or otherwise regulating the said Office and the said Court; and it is also expedient that the Office of Keeper of His Majesty's Deer within the said Forest should be vested in the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as herein-after mentioned: And whereas the said several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Office of Constable of His Majesty's Castle of *Saint Briavel's* in His Majesty's Forest of *Dean* in the County of *Gloucester* shall be and the same is hereby vested in the First Commissioner for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and from and after the passing of this Act all the Duties of the said Office shall be performed by the said First Commissioner or his sufficient Deputy or Deputies, and for that Purpose all the Powers and Authorities belonging or appertaining to the said Office shall become and be vested in such First Commissioner for the Time being; and every such First Commissioner for the Time being shall and he is hereby authorized, empowered, and required, by himself or his sufficient Deputy or Deputies, to perform all such Duties, and for that Purpose to use and exercise all such Powers and Authorities, and enforce

The Office of Constable of *St. Briavel's* vested in the First Commissioner of Woods, Forests, &c.

enforce the same by all such and the like Ways, Means, Suits, and Proceedings, and do and perform all such Acts, Matters, and Things as may be necessary in that Behalf, as fully and effectually to all Intents and Purposes as if the said First Commissioner had been duly and legally appointed to the said Office, and was, in virtue of a legal Appointment, Constable of the said Castle of *Saint Briavel's*.

II. And be it further enacted, That the Office of Keeper of His Majesty's Deer within the said Forest, and all the Powers, Authorities, Rights, and Privileges of or appertaining to the said Office, shall be and the same are vested in the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Commissioners for the Time being shall, and they are hereby authorized, empowered, and required to execute and perform all the Duties of the said Office of Keeper, and to do and perform all such Acts, Matters, and Things as may be necessary in that Behalf, as fully and effectually as any Keeper of the said Forest by virtue of any legal Appointment might or could have done before the passing of this Act.

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

The Office of Keeper of His Majesty's Deer in the Forest of Dean vested in the Commissioners of Woods, Forests, &c.

Act may be altered this Session.

#### C A P. IV.

An Act to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. [18th *March* 1836.]

‘ **WHEREAS** by an Act passed in the last Session of Parliament, intituled *An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege*, the Punishment of Death was taken away in Cases of Letter Stealing and Sacrilege; but by reason of a clerical Error in copying the same a Doubt may be entertained whether Persons guilty of such Offences are now by Law liable to any Punishment:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the same Act shall be read as if, instead of the Words “in the said Act so specified,” the Words “in the said Acts so specified” had been inserted in the said Act of the last Session; and that all Persons who may hereafter be duly convicted of any of the Offences mentioned in the said Act of the last Session shall and may be sentenced, by the Court or Judge by or before whom such Offenders may be tried, to Transportation for Life or for any Term of Years not less than Seven, or to be imprisoned for any Term not exceeding Three Years, with or without hard Labour, and for any Period of solitary Confinement during such Imprisonment, at the Discretion of such Court or Judge.

5 & 6 W. 4.  
c. 81.

How rected Act shall be read.

Persons convicted of Offences under the same to be punished at Discretion of the Judge.

## C A P. V.

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.

[18th March 1836.]

3 & 4 W. 4.  
c. 73.

‘ WHEREAS by an Act passed in the Fourth Year of the  
 ‘ Reign of His present 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*, the  
 ‘ Lords of the Treasury were empowered to raise the Sum of  
 ‘ Twenty Million Pounds Sterling in manner therein mentioned;  
 ‘ and it was enacted, that the Money so raised should be paid into  
 ‘ the Bank of *England*, to the Account of the Commissioners for  
 ‘ the Reduction of the National Debt, under the Title of “*The*  
 ‘ *West India Compensation Account*;” and certain Commissioners  
 ‘ of Arbitration were thereby appointed to divide and apportion  
 ‘ the said Money among the Owners of the Slaves to be manu-  
 ‘ mitted under the Provisions of the said Act; and it was thereby  
 ‘ enacted, that a Certificate containing a List of the Names and  
 ‘ Designation of the several Persons in whose Favour any Sum or  
 ‘ Sums of Money should be awarded by the said Commissioners  
 ‘ of Arbitration should be signed by Three or more of the said  
 ‘ Commissioners of Arbitration, who should transmit the same to  
 ‘ His Majesty’s Principal Secretary of State for the Colonies, who  
 ‘ should sign the same and transmit it to the Lords of the Treasury;  
 ‘ and the Lords of the Treasury, or any Three of them, should  
 ‘ thereupon, by Warrant under their Hands, authorize the Com-  
 ‘ missioners for the Reduction of the National Debt to pay the  
 ‘ said Sums out of the Monies standing upon their Account in  
 ‘ the Books of the said Bank, under the Title of “*The West India*  
 ‘ *Compensation Account*,” to the Persons named in such Certifi-  
 ‘ cate: And whereas by another Act passed in the Sixth Year of  
 ‘ the Reign of His present 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*, after reciting  
 ‘ that certain Claims for Compensation under the said former Act  
 ‘ might be subject to Litigation before the said Commissioners of  
 ‘ Arbitration, and also in the Courts of the Colonies, and that the  
 ‘ final Settlement of such Claim might be postponed to a distant  
 ‘ Period, it was enacted, that in all such Cases the Lords of the  
 ‘ Treasury might direct the Commissioners for the Reduction of  
 ‘ the National Debt to pay over into the Bank of *England*, in  
 ‘ the Name of the Accountant General of the Court of Chancery  
 ‘ or the Accountant General of the Court of Exchequer, in Trust  
 ‘ for the Purposes therein-after mentioned, all such Sums of Money  
 ‘ as should from Time to Time be certified by the said Commis-  
 ‘ sioners of Arbitration, according to the Provisions of the said  
 ‘ Act, to be the Subject of any Suit in any of the said Courts of  
 ‘ any

5 & 6 W. 4.  
c. 45.

any of the said Colonies respectively, or of any Claim before the said Commissioners against which any counter Claim should have been filed, and such Sums should be carried to new Accounts in the Books of the said Bank of *England*, under the Title of "The litigated *West Indian* Compensation Account of the Court of Chancery," or "The litigated *West Indian* Compensation Account of the Court of Exchequer," as the Case might be; and such Monies when so paid in should be placed to the Account of the Number of the Claim as stated and specified in the said Certificate of the said Commissioners; and such Monies, and the half-yearly Dividends arising from the Investments thereof, and also the Dividends on all future Investments, as they should arise and become due, should be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of the said Act, in Three *per Centum* Consolidated Bank Annuities, to the said respective Accounts; and the said Bank Annuities purchased with the said Compensation Monies so invested as aforesaid, and the said Accumulations, should be paid and transferred to the Person or Persons to whom the same should be directed to be paid or transferred by any Adjudication or Award of the said Commissioners of Arbitration, duly certified according to the Provisions of the said recited Act, or by the Decree, Order, or Judgment of the Court in the Colony made in the said Suit there depending, or any Court of Appeal: And whereas large Sums of Money certified by the said Commissioners of Arbitration, in pursuance of the Provisions of the last-mentioned Act, to be the Subject of Litigation before them or in the Courts of the several Colonies, have been invested by the Accountant General of the Court of Chancery in Three *per Centum* Consolidated Bank Annuities, in conformity with the Provisions of the said recited Act, and further Sums may be in like Manner invested in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and it is expedient to enlarge the Powers of the said Commissioners of Arbitration, and of the said Courts, and of the said Accountants General respectively, as to the Sums so invested: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases wherein Claims for Compensation under the Provisions of the before-recited Acts shall have been the Subject of Litigation before the said Commissioners of Arbitration, or in the Courts of the several Colonies, or in any Court of Appeal, it shall be lawful for the said Commissioners and the said Courts respectively, and they are hereby authorized, if they shall think fit, in making their Awards or Decrees in respect of such litigated Claims for Compensation, to award or decree, as the Case may be, that the Whole or any Part of the Three *per Centum* Consolidated Bank Annuities purchased or to be purchased by the said Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and standing to the Credit of the Number of the Claim as stated and specified in the Certificate of the said Commissioners, with or without all or any Part of the Accumulations arising from the

Commissioners of Arbitration, or Colonial Courts, or Court of Appeal may award or decree Compensation to be made in Money or in Stock.

Investment thereof, or such Portion or Portions of the said Bank Annuities as may be equivalent to any Sum or Sums of Money to which the Parties may be declared entitled by the Awards or Decrees aforesaid, shall and may be transferred to the Party or Parties in whose Favour any such Award or Decree may be made, or otherwise as by such Award or Decree may be directed; or it shall be lawful for the said Commissioners of Arbitration, and the Courts of the several Colonies, and the said Courts of Appeal respectively, if they shall think proper so to do, to award or decree that any Sum or Sums of Money shall and may be raised by the Sale of the said Bank Annuities or a competent Part thereof, and be paid to the Party or Parties in whose Favour any such Award or Decree may be made, or otherwise as by such Award or Decree may be directed; any thing in the said recited Acts, or in the general Rules framed by the said Commissioners of Arbitration under the said Acts, to the contrary notwithstanding.

Accountants  
General in  
Chancery and  
Exchequer to  
sell Stock and  
pay Proceeds,  
or transfer the  
Stock accord-  
ingly.

II. And be it further enacted, That it shall be lawful for the said Accountant General of the Court of Chancery and for the said Accountant General of the Court of Exchequer, in all Cases where any such Award or Decree as aforesaid shall be made directing the Payment of any Sum or Sums of Money to be raised by Sale of all or any Part of the said Bank Annuities, to sell the said Bank Annuities so standing in their Names respectively in the Books of the Bank of *England*, and appertaining to the Account of the particular Number of the Claim to which the said Award, Decree, Order, or Judgment shall apply, with or without the Accumulations thereon, as the Case may be, or such Portion or Portions thereof as it may be necessary or proper to sell for the Purpose of raising the Sum or Sums of Money so awarded or decreed as aforesaid, and to pay the net Proceeds arising from such Sale to the Party or Parties authorized to receive the same; and in Cases where such Award or Decree shall be made for the Transfer of Stock, it shall be lawful for the said Accountants General respectively to transfer the said Bank Annuities standing to the Account of the particular Number of the Claim to which such Award or Decree may apply, or any Portion or Portions thereof, with or without the Accumulations thereon, as the Case may be, to the Party or Parties legally entitled to the same, in satisfaction of any such Award or Decree so made for the Transfer of Stock as aforesaid; and in case any Award or Decree as aforesaid shall direct and require the Transfer of such Amount of the said Bank Annuities as may be equivalent to any Sum or Sums of Money specified in such Award or Decree, the Amount of the said Bank Annuities so to be transferred as equivalent to and in satisfaction of any such Sum or Sums of Money shall be calculated and ascertained by the said Accountant General respectively, according to the Average Price of the said Bank Annuities on the Day on which the said Award or Decree shall bear Date; any thing in the said recited Acts, or in the general Rules framed by the said Commissioners of Arbitration under the said Act, to the contrary notwithstanding.

Compensation  
Monies in  
spect of liti-  
gations

III. And whereas, in conformity with the before-recited Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, the Sum of One million seven hundred and thirty-four thousand

' thousand three hundred and fifty-three Pounds Twelve Shillings  
 ' and Seven-pence Capital of Reduced Annuities, bearing Interest  
 ' after the Rate of Three Pounds Ten Shillings *per Centum per*  
 ' *Annus*, has been placed to the Credit of the Commissioners for  
 ' the Reduction of the National Debt, in the Books of the Governor  
 ' and Company of the Bank of *England*, in order to provide for  
 ' the Payment of the several Sums which may be awarded to the  
 ' several Persons in the Colony of *Barbadoes* entitled to Compensa-  
 ' tion under the said recited Act of the Third and Fourth Year  
 ' of His present Majesty's Reign: And whereas the Claims for  
 ' Compensation of some of the Persons in the said Colony of  
 ' *Barbadoes* may become the Subject of counter Claim or Liti-  
 ' gation before the said Commissioners of Arbitration, or in the  
 ' Courts of the said Colony, or in any Court of Appeal; and it is  
 ' expedient that Power should be given to transfer the Amount of  
 ' such litigated Claims to the Name of the Accountant General  
 ' of the Court of Chancery or the Accountant General of the Court  
 ' of Exchequer, to abide the final Settlement of such Claims; be  
 it therefore enacted, That it shall be lawful for the Lords Com-  
 missioners of His Majesty's Treasury to direct the Commissioners  
 for the Reduction of the National Debt from Time to Time to  
 transfer or cause to be transferred into the Name of the Accountant  
 General of the Court of Chancery or the Accountant General of  
 the Court of Exchequer, at the Bank of *England*, such Portion or  
 Portions of the said Reduced Three Pounds Ten Shillings *per*  
*Centum per Annus* Annuities, standing to the Credit of the said  
 Commissioners for the Reduction of the National Debt in the  
 Books of the said Bank of *England*, under the Title of "The  
 Compensation Account of the Colony of *Barbadoes*," as shall  
 appertain to any Claims which may from Time to Time be certified  
 by the said Commissioners of Arbitration to be the Subject of any  
 counter Claim before them, or of any Suits in the Courts of the  
 said Colony of *Barbadoes*, or in any Court of Appeal, and to direct  
 the Payment, to the Account of the said Accountants General  
 respectively at the Bank of *England*, by the said Commissioners for  
 the Reduction of the National Debt, of the Amount of any Interest  
 that may have accrued and become due upon any such Claims  
 previously to the Tenth Day of *October* One thousand eight hundred  
 and thirty-five, from which Time the Interest on the said Reduced  
 Three Pounds Ten Shillings *per Centum per Annus* Reduced  
 Annuities is to commence and be payable; and it shall be lawful  
 for the said Accountants General respectively to invest the Amount  
 of any such Interest in the like Reduced Three Pounds Ten  
 Shillings *per Centum per Annus* Reduced Annuities, and also to  
 invest therein the future half-yearly Dividends arising from such  
 Reduced Annuities as the same shall arise and become due; and  
 all such Reduced Annuities so transferred to or purchased by the  
 said Accountant General of the Court of Chancery or the said  
 Accountant General of the Court of Exchequer may be held by  
 them respectively, in the Books of the said Governor and Company  
 of the Bank of *England*, in Trust for the Purposes of the said  
 recited Acts or of this Act, and shall be liable to such and the  
 like Provisions in respect to the Sale and Payment of the Proceeds  
 thereof or to the Transfer thereof by the said Accountants General  
 respectively,

Barbadoes may  
 be transferred  
 to the Ac-  
 countant Gene-  
 ral in Chancery  
 or to the Ac-  
 countant  
 General in  
 Exchequer;

who may invest  
 the Interest  
 and Dividends  
 arising there-  
 from.

respectively, so far as regards the Claims to Compensation arising in the said Colony of *Barbadoes*, as the Three Pounds *per Centum* Consolidated Bank Annuities are subject and liable to in respect of litigated Claims in the several other Colonies.

Accountants  
General in the  
Courts of  
Chancery and  
Exchequer may  
act by Deputy.

IV. And be it further enacted, That it shall and may be lawful for the said Accountant General of the Court of Chancery and the Accountant General of the Court of Exchequer to appoint a fit and proper Person to do and perform all or any of the Duties imposed upon the said Accountants General respectively by this Act; and that the Acts of the said Deputy shall be as valid and effectual for all Purposes under this Act as if the same had been done by the said Accountants General themselves respectively.

Powers of  
Attorney  
already given to  
receive Pay-  
ment in Money  
from Commis-  
sioners of  
National Debt  
to be equally  
valid to receive  
Payment in  
Money or Stock  
from the  
Accountants  
General in  
Chancery and  
Exchequer, as  
well as the said  
Commissioners;

V. ' And whereas numerous Powers of Attorney have been  
' executed by Parties resident in the several Colonies who are  
' entitled to Compensation under the said recited Acts, constituting  
' the Persons named therein their lawful Attornies to receive Pay-  
' ment from the Commissioners for the Reduction of the National  
' Debt, out of the Monies standing upon their Account in the  
' Books of the Bank of *England* under the Title of "The *West*  
' *India* Compensation Account," of such Sum or Sums of Money  
' as may be awarded to them from Time to Time under the Pro-  
' visions of the said recited Act of the Third and Fourth Year of  
' the Reign of His present Majesty, and to give Receipts for  
' such Sum or Sums of Money, and to do all lawful Acts requisite  
' for effecting the Premises: And whereas by the Operation of  
' the said recited Act of the Fifth and Sixth Year of His present  
' Majesty's Reign and of this Act certain Proportions of the said  
' Compensation Monies have been and will be invested in certain  
' Bank Annuities in the Name and to the Account of the Com-  
' missioners for the Reduction of the National Debt, and of the  
' Accountant General of the Court of Chancery, and of the  
' Accountant General of the Court of Exchequer, respectively:  
' and it is expedient that any Attorney or Attornies so constituted  
' as aforesaid should be empowered to receive Transfer of such  
' Bank Annuities or Payments in Money from the said Account-  
' ants General as well as from the said Commissioners; be it  
therefore enacted, That all Powers of Attorney which shall have  
been executed in the Manner before mentioned by any Persons  
whatsoever entitled to Compensation under the said recited Act  
passed in the Third and Fourth Year of the Reign of His present  
Majesty, or which may be so executed after the passing of this  
Act, shall be and the same are hereby declared to be as valid and  
effectual to all Intents and for all Purposes in respect of the Receipt  
of any Sum or Sums of Money or of any Bank Annuities from the  
said Accountant General of the Court of Chancery or the  
Accountant General of the Court of Exchequer, and also in respect  
of the Receipt of any Bank Annuities from the Commissioners for  
the Reduction of the National Debt, as such Powers of Attorney  
have been and would be in respect of the Receipt of Money from  
the said Commissioners for the Reduction of the National Debt;  
and the said Accountant General of the Court of Chancery and  
the Accountant General of the Court of Exchequer respectively  
are hereby authorized and required to pay any Sum or Sums of  
Money or to transfer any Bank Annuities or Portions thereof, and  
the

and Account-  
ants General  
authorized to  
pay Money or  
transfer Stock



the said Commissioners for the Reduction of the National Debt are hereby authorized and required to transfer any Bank Annuities or Portions thereof, to the Person or Persons mentioned and described in the said Powers of Attorney, in satisfaction and in pursuance of any Award or Decree made under the Provisions of the said recited Acts or of this Act, in like Manner as the said Commissioners for the Reduction of the National Debt have already acted upon such Powers of Attorney in respect of the Payment of any Sum or Sums of Money awarded under the said recited Acts.

VI. ' And whereas it is expedient that Persons entitled to Compensation under the said recited Acts should be relieved from the Payment of Stamp Duty on their Letters or Powers of Attorney to receive such Compensation where the Sums to be received are of small Amount, and that all Persons who have acted or shall hereafter act upon or under the Authority contained in any such Letters or Powers of Attorney should be absolved and indemnified from and against all Penalties and Liabilities incurred by reason of such Letters or Powers of Attorney not being duly stamped;' be it therefore enacted, That all Letters or Powers of Attorney heretofore made and executed, or which shall be hereafter made and executed, for the Purpose of authorizing the Receipt of any Sum or Sums of Money as or for Compensation awarded under the said recited Acts, where the Sum or Sums received or to be received under the Authority of such Letters or Powers of Attorney respectively do not amount to Twenty Pounds, shall be and the same are hereby exempted from all Stamp Duty; and all Persons who at any Time heretofore have paid or received, or shall at any Time hereafter pay or receive, any Sum or Sums of Money not amounting to Twenty Pounds in each Case, upon or under the Authority contained in any such Letters or Powers of Attorney respectively, shall be and such Persons are hereby absolved and indemnified from and against all Penalties, Losses, and Liabilities incurred or sustained or to be incurred or sustained by reason of such Letters or Powers of Attorney not being duly stamped.

VII. And be it further enacted, That if the Comptroller General or Assistant Comptroller General, or other Officer appointed by and acting under the said Commissioners for the Reduction of the National Debt, or the Accountant General of the Court of Chancery, or the Accountant General of the Court of Exchequer, shall, for the Purpose of carrying into effect the Provisions of the said recited Acts or this Act, deem it necessary and require that some Evidence should be given of the Identity of the Party named in any Letter of Attorney, or as to the Truth of any Matter contained in or necessary for the Explanation of such Letter of Attorney, it shall and may be lawful to and for the said Comptroller General or Assistant Comptroller General, or such other Officer employed under the said Commissioners for the Reduction of the National Debt as may be especially nominated and appointed by the said Commissioners for this Purpose, or to and for the said Accountant General of the Court of Chancery or the said Accountant General of the Court of Exchequer respectively, to take and receive the Declaration of any Person or Persons competent to give such Evidence as aforesaid, and such Declaration shall be made

to the Persons mentioned in such Powers of Attorney.

Letters of Attorney for the Receipt of Compensation under 20l. exempted from Stamp Duty, and Persons indemnified for acting upon such Letters of Attorney unstamped.

Comptroller General acting under Commissioners for Reduction of the National Debt may take and receive Declarations.

5 & 6 W. 4.  
c. 62.

made in the Form and Manner prescribed by an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, 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.*

Making false  
Declarations a  
Misdemeanor.

VIII. And be it further enacted, That any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

All Acts  
already done in  
accordance with  
this Act de-  
clared valid.

IX. And whereas, in order to prevent the great Inconvenience and Loss which would have resulted to many of the Claimants for Compensation under the said recited Acts, and to other Persons interested therein, some of the Provisions herein-before contained have already been acted upon; be it therefore enacted, That all the Acts, Matters, and Things whatsoever which have been already done and performed in accordance with any of the Provisions of this Act by the said Commissioners of Arbitration, the said Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, or any or either of them, or by the several Officers acting under them respectively, shall be and the same are hereby declared to be as valid and effectual to all Intents and Purposes as if the said Acts, Matters, and Things had been done and performed expressly under the Sanction of this Act; and the said Commissioners of Arbitration, the Commissioners for the Reduction of the National Debt, the Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all Actions, Suits, and Proceedings whatsoever for or on account or in respect of all or any Acts, Matters, and Things whatsoever already done and performed by them or any of them, or by their respective Officers, in accordance with the Provisions of this Act, or for or on account or in respect of any Acts, Matters, and Things whatsoever which shall be hereafter done and performed by them or any of them in carrying into execution the Provisions of this Act, or in acting under the same; and the said Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the said Accountant General of the Court of Exchequer, shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities already made in accordance with this Act, or which shall hereafter be made under the Provisions thereof, unless the same shall have been occasioned by the wilful Negligence or Default of the said Commissioners or of the said Accountants General respectively: Provided always, that it shall and may be lawful to and for the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to make such further Regulations as they may from Time to Time think necessary and proper for the Purpose of carrying

Indemnification  
to Parties for  
any thing  
already done or  
which shall be  
done under its  
Provisions.

Treasury may  
make further  
Regulations for  
Payment of  
Compensation.

carrying the Provisions of the said recited Acts and of this Act, so far as regards the Distribution and Payment of the said Compensation Monies, into effect, and for facilitating such Distribution and Payment in the Manner therein provided for.

X. And be it further enacted, That upon every contested Claim or counter Claim heard before the said Commissioners of Arbitration, it shall and may be lawful for the said Commissioners of Arbitration to award to the Party in whose Favour their Adjudication on such Claim or counter Claim is made the Costs out of Purse incurred by such Party in the Prosecution or Defence and Hearing of such contested Claim or counter Claim, and to be paid to such Party by the several Persons who by their Claim or counter Claim may have opposed the Right, Title, or Demand established by such Adjudication, or by such of those Persons as to the said Commissioners may seem right; and the said Commissioners or any Three of them shall thereupon give to the Party in whose Favour such Award of Costs shall be made their Certificate under their Hands, certifying the Award of such Costs, and the Person or Persons to and by whom the same are to be paid; and upon the Production of such Certificate, and Proof of due Notice having been given to the Person or Persons by whom such Costs shall be awarded to be paid, the said Costs shall be taxed by a Master of the High Court of Chancery or by the Master of the Court of King's Bench, which said Certificate and Taxation shall have the Force and Effect of a Warrant of Attorney to confess Judgment in any of His Majesty's Superior Courts of Law at *Westminster*; and if the Person or Persons by whom such Costs shall be awarded to be paid or who shall be liable to pay the same shall neglect or refuse to pay the Amount so taxed as aforesaid, it shall be lawful for the Person or Persons to whom the same shall be awarded to be paid to file the said Certificate and Taxation signed by the Master, with an Affidavit verifying the same, in any of the said Courts, and the Court wherein the same shall be filed is hereby authorized, upon Motion made to the said Court, and on being satisfied of the Truth of the said Affidavit, to order Judgment to be entered up for the Sum specified in such Taxation for the Person or Persons to whom the same shall be awarded to be paid.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners of Arbitration to award Costs against any Person or Persons who shall have withdrawn his, her, or their Claim or counter Claim Twenty-eight Days before the Day appointed by the said Commissioners for hearing the Matter of such Claim or counter Claim.

XII. And be it further enacted, That in all Appeals to His Majesty in Council from any Adjudication of the said Commissioners of Arbitration, the Parties Appellant shall within Eight Days after such Appeal has been lodged with the Clerk of the Council give Security to the said Clerk of the Council, by Recognizance to be entered into to His Majesty, in the Penalty of One hundred Pounds, conditioned to pay such Costs to the Respondent appealed against as the Judicial Committee of the Privy Council shall appoint in case the Adjudication appealed from shall be affirmed; and if the Appellant or Appellants shall neglect to give

Commissioners of Arbitration may award Costs to be paid to Parties establishing Claims to Compensation by Parties opposing such Claims.

Mode of recovering such Costs.

Claimants withdrawing Claim 28 Days before the Hearing not liable to Costs.

Appellants to Judicial Committee of the Privy Council to give Security for Payment of Costs.

such Security within the Time aforesaid the Appeal from thenceforth shall be and stand dismissed.

Judicial Committee may award Costs, &c.

XIII. And be it further enacted, That the said Judicial Committee of the Privy Council shall have the like Powers to award Costs, and direct the Taxation thereof, in respect of such Appeals as aforesaid, as are given to the said Judicial Committee of the Privy Council by an Act passed in the Third and Fourth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.*

3 & 4 W. 4. c. 41.

Act may be altered this Session.

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

### C A P. VI.

An Act for carrying into effect a Treaty made between His Majesty and the Queen Regent of *Spain* for the Abolition of the Slave Trade. [30th March 1836.]

‘ **W**HEREAS a Treaty was, on the Twenty-eighth Day of *June* in the Year of our Lord One thousand eight hundred and thirty-five, concluded between His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and the Queen Regent of *Spain*, during the Minority of her Daughter Donna *Isabella* the Second, Queen of *Spain*, whereby it was agreed as follows :—

‘ **ARTICLE I.**—The Slave Trade is hereby again declared, on the Part of *Spain*, to be henceforward totally and finally abolished in all Parts of the World.

‘ **ARTICLE II.**—Her Majesty the Queen Regent of *Spain*, during the Minority of her Daughter Donna *Isabella* the Second, hereby engages, that immediately after the Exchange of the Ratifications of the present Treaty, and from Time to Time afterwards, as it may become needful, Her Majesty will take the most effectual Measures for preventing the Subjects of Her Catholic Majesty from being concerned, and her Flag from being used, in carrying on in any way the Trade in Slaves; and especially that, within Two Months after the said Exchange, she will promulgate throughout the Dominions of Her Catholic Majesty a Penal Law, inflicting a severe Punishment on all those Her Catholic Majesty's Subjects who shall, under any Pretext whatsoever, take any Part whatever in the Traffic in Slaves.

‘ **ARTICLE III.**—The Captain, Master, Pilot, and Crew of a Vessel condemned as good Prize by virtue of the Stipulations of this Treaty shall be severely punished according to the Laws of the Country of which they are Subjects, as also the Owner of the said condemned Vessel, unless he proves that he had no Participation in the Enterprize.

‘ **ARTICLE IV.**—In order more completely to prevent all Infringement of the Spirit of the present Treaty, the Two High Contracting Parties mutually consent that those Ships of their Royal Navies respectively which shall be provided  
‘ with

‘ with special Instructions for that Purpose, as herein-after  
 ‘ mentioned, may visit such Merchant Vessels of the Two  
 ‘ Nations as may upon reasonable Grounds be suspected of  
 ‘ being engaged in the Traffic in Slaves, or of having been  
 ‘ fitted out for that Purpose, or of having, during the Voyage  
 ‘ on which they are met by the said Cruizers, been engaged  
 ‘ in the Traffic in Slaves, contrary to the Provisions of this  
 ‘ Treaty; and that such Cruizers may detain and send or  
 ‘ carry away such Vessels, in order that they may be brought  
 ‘ to Trial in the Manner herein-after agreed upon.

‘ In order to fix the reciprocal Right of Search in such  
 ‘ a Manner as shall be adapted to the Attainment of the  
 ‘ Object of this Treaty, and at the same Time avoid Doubts,  
 ‘ Disputes, and Complaints, the said Right of Search shall  
 ‘ be understood in the Form and according to the Rules  
 ‘ following:—

‘ 1°. It shall never be exercised except by Vessels of  
 ‘ War authorized expressly for that Object, according to  
 ‘ the Stipulations of this Treaty.

‘ 2°. In no Case shall the Right of Search be exercised  
 ‘ with respect to a Vessel of the Royal Navy of either of  
 ‘ the Two Powers, but only as regards Merchant Vessels.

‘ 3°. Whenever a Merchant Vessel is searched by a Ship  
 ‘ of War the Commander of the said Ship shall, in the Act  
 ‘ of so doing, exhibit to the Commander of the Merchant  
 ‘ Vessel the Document by which he is duly authorized to  
 ‘ that End, and shall deliver to him a Certificate, signed  
 ‘ by him, stating his Rank in the Naval Service of his  
 ‘ Country, and the Name of the Vessel he commands; and  
 ‘ which also declares that the only Object of the Search is  
 ‘ to ascertain whether the Vessel is employed in the Slave  
 ‘ Traffic, or if it is fitted up for the said Traffic: When the  
 ‘ Search is made by an Officer of the Cruizer who is  
 ‘ not the Commander, the said Officer shall exhibit to the  
 ‘ Captain of the Merchant Vessel a Copy of the before-  
 ‘ mentioned special Orders, signed by the Commander of  
 ‘ the Cruizer, and shall in like Manner deliver a Certificate,  
 ‘ signed by him, stating his Rank in the Royal Navy, the  
 ‘ Name of the Commander by whose Orders he proceeds to  
 ‘ make the Search, that of the Cruizer in which he sails,  
 ‘ and the Object of the Search, as has been already laid  
 ‘ down: If it appears from the Search that the Papers of  
 ‘ the Vessel are in regular Order, and that it is employed  
 ‘ on licit Objects, the Officer shall enter in the Log Book  
 ‘ of the Vessel that the Search has been made in pursu-  
 ‘ ance of the aforesaid special Orders, and the Vessel  
 ‘ shall be left at liberty to pursue its Voyage. The Rank  
 ‘ of the Officer who makes the Search must not be less than  
 ‘ that of Lieutenant of the Royal Navy, unless the Com-  
 ‘ mand, either by reason of Death or other Cause, is at the  
 ‘ Time held by an Officer of inferior Rank.

‘ 4°. The reciprocal Right of Search and Detention shall  
 ‘ not be exercised within the *Mediterranean Sea*, or within  
 ‘ the Seas in *Europe* lying without the *Streights of Gibralt-*  
 ‘ *ar*

‘ *tar* and which lie to the Northward of the Thirty-seventh  
 ‘ Parallel of North Latitude, and also within and to the  
 ‘ Eastward of the Meridian of Longitude Twenty Degrees  
 ‘ West of *Greenwich*.

‘ ARTICLE V.—In order to regulate the Mode of carrying  
 ‘ the Provisions of the preceding Article into execution, it is  
 ‘ agreed :—

‘ 1°. That all the Ships of the Royal Navies of the Two  
 ‘ Nations which shall be hereafter employed to prevent  
 ‘ the Traffic in Slaves shall be furnished by their respec-  
 ‘ tive Governments with a Copy in the *English* and *Spanish*  
 ‘ Languages of the present Treaty, of the Instructions for  
 ‘ Cruizers annexed thereto, marked (A.), and of the Re-  
 ‘ gulations for the Mixed Courts of Justice annexed thereto,  
 ‘ marked (B.); which Annexes respectively shall be con-  
 ‘ sidered as integral Parts of the Treaty.

‘ 2°. That each of the High Contracting Parties shall  
 ‘ from Time to Time communicate to the other the Names  
 ‘ of the several Ships furnished with such Instructions, the  
 ‘ Force of each, and the Names of their several Com-  
 ‘ manders : The said Commanders ought to hold the Rank  
 ‘ of Captain in the Royal Navy, or at least of Lieutenant,  
 ‘ it being nevertheless understood that the Instructions  
 ‘ originally issued to an Officer holding the Rank of Lieute-  
 ‘ nant in the Navy, or other superior Rank, shall be suffi-  
 ‘ cient, in case of Death or temporary Absence of the  
 ‘ same, to authorize the Officer on whom the Command  
 ‘ of the Vessel has devolved to make the Search although  
 ‘ the said Officer may not hold the aforesaid Rank in the  
 ‘ Service.

‘ 3°. That if at any Time the Commander of a Cruiser  
 ‘ of either of the Two Nations shall suspect that any  
 ‘ Merchant Vessel under the Escort or Convoy of any Ship  
 ‘ or Ships of War of the other Nation carries Slaves on  
 ‘ board, or has been engaged in the Traffic in Slaves, or is  
 ‘ fitted out for the Purpose thereof, the said Commander of  
 ‘ the Cruiser shall communicate his Suspicions to the Com-  
 ‘ mander of the Convoy, who, accompanied by the Com-  
 ‘ mander of the Cruiser, shall proceed to the Search of the  
 ‘ suspected Vessel ; and in case that the Suspicions appear  
 ‘ well founded according to the Tenor of this Treaty, then  
 ‘ the said Vessel shall be conducted or sent to one of the  
 ‘ Points where the Mixed Courts of Justice are stationed,  
 ‘ in order that the just Sentence may there be pronounced.

‘ 4°. It is further mutually agreed, that the Commanders  
 ‘ of the Ships of the Two Royal Navies respectively who  
 ‘ shall be employed on this Service shall adhere strictly to  
 ‘ the exact Tenor of the aforesaid Instructions.

‘ ARTICLE VI.—As the Two preceding Articles are entirely  
 ‘ reciprocal, the Two High Contracting Parties engage mutu-  
 ‘ ally to make good any Losses which their respective Subjects  
 ‘ may incur by the arbitrary and illegal Detention of their  
 ‘ Vessels ; it being understood that this Indemnity shall be  
 ‘ borne by the Government whose Cruiser shall have been

‘ guilty of such arbitrary and illegal Detention, and that the  
 ‘ Visit and Detention of Vessels specified in the Fourth Article  
 ‘ of this Treaty shall only be effected by those *British* or  
 ‘ *Spanish* Ships which may form Part of the Two Royal  
 ‘ Navies respectively, and by such of those Ships only as are  
 ‘ provided with the special Instructions annexed to the present  
 ‘ Treaty, in pursuance of the Provisions thereof. The In-  
 ‘ demnification for the Damages of which this Article treats  
 ‘ shall be made within the Term of One Year, reckoning from  
 ‘ the Day in which the Mixed Court of Justice pronounces its  
 ‘ Sentence.

‘ ARTICLE VII.—In order to bring to Adjudication, with  
 ‘ as little Delay and Inconvenience as possible, the Vessel  
 ‘ which may be detained according to the Tenor of the  
 ‘ Fourth Article of this Treaty, there shall be established, as  
 ‘ soon as may be practicable, Two Mixed Courts of Justice,  
 ‘ formed of an equal Number of Individuals of the Two  
 ‘ Nations, and named for this Purpose by their respective  
 ‘ Sovereigns. These Courts shall reside, the one in a Pos-  
 ‘ session belonging to His *Britannic* Majesty, the other within  
 ‘ the Territories of Her Catholic Majesty; and at the Period  
 ‘ of the Exchange of the Ratifications of the present Treaty  
 ‘ the Two Governments shall declare, each for its own  
 ‘ Dominions, in what Place these Courts shall respectively  
 ‘ reside.

‘ But each of the Two High Contracting Parties reserves  
 ‘ to itself the Right of changing at its Pleasure the Place  
 ‘ of Residence of the Court held within its own Dominions:  
 ‘ Provided always, that one of the Two Courts shall always  
 ‘ be held upon the Coast of *Africa*, and the other in one of  
 ‘ the Colonial Possessions of Her Catholic Majesty.

‘ These Courts, from which there shall be no Appeal, shall  
 ‘ judge the Causes submitted to them according to the Pro-  
 ‘ visions of the present Treaty, and according to the Regu-  
 ‘ lations and Instructions which are annexed to the present  
 ‘ Treaty, and which are considered an integral Part thereof.

‘ ARTICLE VIII.—It is hereby agreed between the High  
 ‘ Contracting Parties, that the Mixed Commissions which are  
 ‘ at present established and sitting under the Convention  
 ‘ concluded between *Great Britain* and *Spain* on the Twenty-  
 ‘ third Day of *September* One thousand eight hundred and  
 ‘ seventeen shall continue to sit, and shall during Two Months,  
 ‘ to be reckoned from the Exchange of the Ratifications of  
 ‘ this Treaty, and until the further Appointment and definitive  
 ‘ Establishment of the Mixed Courts of Justice under the  
 ‘ present Treaty, adjudge without Appeal, according to the  
 ‘ Principles and Stipulations of the same, and of the several  
 ‘ Annexes thereof, the Cases of such Vessels as may be sent  
 ‘ or brought before them; and any Vacancies which may  
 ‘ occur in such Mixed Commissions shall be filled up in the  
 ‘ same Manner in which Vacancies of the Mixed Courts of  
 ‘ Justice to be established under the Provisions of this Treaty  
 ‘ are to be supplied.

‘ ARTICLE IX.—In case the Commanding Officer of any of  
 ‘ the Ships of the Royal Navies of *Great Britain* and *Spain*  
 ‘ respectively, duly commissioned according to the Provisions  
 ‘ of the Fourth Article of this Treaty, shall deviate in any  
 ‘ respect from the Stipulations of the said Treaty, or from  
 ‘ the Instructions annexed to it, the Government which shall  
 ‘ conceive itself to be wronged thereby shall be entitled to  
 ‘ demand Reparation; and in such Case the Government to  
 ‘ which such Commanding Officer may belong binds himself  
 ‘ to cause Inquiry to be made into the Subject of the Com-  
 ‘ plaint, and to inflict upon the said Officer a Punishment  
 ‘ proportioned to any wilful Transgression which he may have  
 ‘ committed.

‘ ARTICLE X.—It is hereby further mutually agreed, that  
 ‘ every Merchant Vessel, *British* or *Spanish*, which shall be  
 ‘ visited by virtue of the present Treaty, may lawfully be  
 ‘ detained and sent or brought before the Mixed Courts of  
 ‘ Justice established in pursuance of the Provisions thereof, if  
 ‘ in her Equipment there shall be found any of the Things  
 ‘ herein-after mentioned; (namely,)

‘ 1°. Hatches with open Gratings, instead of the close  
 ‘ Hatches which are usual in Merchant Vessels.

‘ 2°. Divisions or Bulk Heads in the Hold or on Deck  
 ‘ in greater Number than necessary for Vessels engaged in  
 ‘ lawful Trade.

‘ 3°. Spare Planks fitted for laying down as a Second or  
 ‘ Slave Deck.

‘ 4°. Shackles, Bolts, or Handcuffs.

‘ 5°. A larger Quantity of Water in Casks or in Tanks  
 ‘ than is requisite for the Consumption of the Crew of the  
 ‘ Vessel as a Merchant Vessel.

‘ 6°. An extraordinary Number of Water Casks, or of  
 ‘ other Vessels for holding Liquid, unless the Master shall  
 ‘ produce a Certificate from the Custom House at the Place  
 ‘ from which he cleared Outwards, stating that a sufficient  
 ‘ Security had been given by the Owners of such Vessel  
 ‘ that such extra Quantity of Casks or of other Vessels  
 ‘ should only be used to hold Palm Oil, or for other  
 ‘ Purposes of lawful Commerce.

‘ 7°. A greater Quantity of Mess Tubs or Kids than are  
 ‘ requisite for the Use of the Crew of the Vessel as a Mer-  
 ‘ chant Vessel.

‘ 8°. A Boiler of an unusual Size, and larger than re-  
 ‘ quisite for the Use of the Crew of the Vessel as a Merchant  
 ‘ Vessel, or more than One Boiler of the ordinary Size.

‘ 9°. An extraordinary Quantity either of Rice, of the  
 ‘ Flour of *Brazil*, Manive or Cassada, commonly called  
 ‘ Farinha, of Maize or of *Indian* Corn, beyond what might  
 ‘ properly be requisite for the Use of the Crew; such  
 ‘ Rice, Flour, Maize, or *Indian* Corn not being entered on  
 ‘ the Manifest as Part of the Cargo for Trade.

‘ Any One or more of these several Circumstances, if proved,  
 ‘ shall be considered as *prima facie* Evidence of the actual



‘ Employment of the Vessel in the Slave Trade, and the Vessel  
 ‘ shall thereupon be condemned and declared lawful Prize,  
 ‘ unless satisfactory Evidence upon the Part of the Master or  
 ‘ Owners shall establish that such Vessel was at the Time  
 ‘ of her Detention or Capture employed in some legal Pursuit.

‘ ARTICLE XI.—If any of the Things specified in the  
 ‘ preceding Article shall be found in any Merchant Vessel,  
 ‘ neither the Master nor Owner, nor any Person whatever  
 ‘ interested in her Equipment or Cargo, shall be entitled to  
 ‘ Compensation for Losses or Damages, even though the  
 ‘ Mixed Courts of Justice should not pronounce any Sentence  
 ‘ of Condemnation in consequence of her Detention; but the  
 ‘ same Tribunal shall be authorized to pay out of the Prize  
 ‘ Fund, if they shall think it in Equity required, some Sum of  
 ‘ Money proportionate to the Demurrage suffered, and ac-  
 ‘ cording to the Circumstances of the Case.

‘ ARTICLE XII.—It is agreed between the Two High Con-  
 ‘ tracting Parties, that in all Cases in which a Vessel shall  
 ‘ be detained under this Treaty by their respective Cruizers  
 ‘ as having been engaged in the Slave Trade, or as having  
 ‘ been fitted out for the Purposes thereof, and shall con-  
 ‘ sequently be adjudged and condemned by the Mixed Courts  
 ‘ of Justice to be established as aforesaid, 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.

‘ ARTICLE XIII.—The Negroes who are found on board  
 ‘ of a Vessel detained by a Cruizer, and condemned by the  
 ‘ Mixed Courts of Justice, in conformity with the Stipula-  
 ‘ tions of this Treaty, shall be placed at the Disposition of  
 ‘ the Government whose Cruizer has made the Capture, but  
 ‘ on the Understanding that not only they shall be immediately  
 ‘ put at liberty and kept free, the Government to whom they  
 ‘ have been delivered guaranteeing the same, but likewise  
 ‘ engaging to afford from Time to Time, and whenever  
 ‘ demanded by the other High Contracting Parties, the fullest  
 ‘ Information as to the State and Condition of such Negroes,  
 ‘ with a View of ensuring the due Execution of the Treaty  
 ‘ in this respect.

‘ For this Purpose the Regulations annexed to this Treaty  
 ‘ *sub literd* (C.), as to the Treatment of Negroes liberated by  
 ‘ Sentence of the Mixed Courts of Justice, have been drawn  
 ‘ up, and are declared to form an integral Part of this Treaty.

‘ The Two High Contracting Parties reserve to themselves  
 ‘ the Right to alter or suspend, by common Consent and  
 ‘ mutual Agreement, but not otherwise, the Terms and  
 ‘ Tenor of such Regulations.

‘ ARTICLE XIV.—The Acts or Instruments annexed to  
 ‘ this Treaty, and which it is mutually agreed shall form an  
 ‘ integral Part thereof, are as follows:—

‘ (A.) Instructions for the Ships of the Royal Navies of  
 ‘ both Nations destined to prevent the Traffic in Slaves.

‘ (B.) Regulations for the Mixed Courts of Justice,  
 ‘ which are to hold their Sitzings on the Coast of *Africa*,  
 6 & 7 GUL. IV. C and

‘ and in one of the Colonial Possessions of Her Catholic  
 ‘ Majesty.  
 ‘ (C.) Regulations as to the Treatment of liberated  
 ‘ Negroes.  
 ‘ ARTICLE XV. The present Treaty, consisting of Fifteen  
 ‘ Articles, shall be ratified, and the Ratifications thereof  
 ‘ exchanged within the Space of Two Months from this Date,  
 ‘ or sooner, if possible.  
 ‘ In witness whereof the respective Plenipotentiaries have  
 ‘ signed in Duplicate Two Originals, *English* and *Spanish*.  
 ‘ the present Treaty, and have thereunto affixed the Seal of  
 ‘ their Arms.  
 ‘ *Madrid*, this Twenty-eighth Day of *June* in the Year  
 ‘ One thousand eight hundred and thirty-five.  
 ‘ *George Villiers.* (L.S.)  
 ‘ *Francisco Martinez de la Rosa.* (L.S.)

‘ ANNEX (A.)

‘ To the TREATY between GREAT BRITAIN and SPAIN for the  
 ‘ ABOLITION of the SLAVE TRADE, of the Twenty-eighth  
 ‘ of *June* One thousand eight hundred and thirty-five.  
 ‘ *Instructions for the Ships of the British and Spanish Royal*  
 ‘ *Navies employed to prevent the Traffic in Slaves.*

‘ ARTICLE I.—The Commander of any Ship belonging to  
 ‘ the Royal *British* or *Spanish* Navy, which shall be furnished  
 ‘ with these Instructions, shall have a Right to search and  
 ‘ detain any *British* or *Spanish* Merchant Vessel which shall  
 ‘ be actually engaged or suspected to be engaged in the Slave  
 ‘ Trade, or to be fitted out for the Purposes thereof, or to  
 ‘ have been engaged in the Traffic in Slaves during the  
 ‘ Voyage in which she may be met with by such Ship of the  
 ‘ *British* or *Spanish* Navy; and such Commander shall there-  
 ‘ upon bring or send such Merchant Vessel as soon as possible  
 ‘ for Judgment before that one of the Two Mixed Courts of  
 ‘ Justice established in virtue of the Seventh Article of the  
 ‘ said Treaty which shall be the nearest to the Place of  
 ‘ Detention, or which such Commander shall upon his own  
 ‘ Responsibility think can be soonest reached from such  
 ‘ Place.

‘ ARTICLE II.—Whenever a Ship of either of the Royal  
 ‘ Navies, duly authorized as aforesaid, shall meet a Merchant  
 ‘ Vessel liable to be visited under the Provisions of the said  
 ‘ Treaty, the Search shall be conducted in the mildest  
 ‘ Manner, and with every Attention which ought to be  
 ‘ observed between allied and friendly Nations; and the  
 ‘ Search shall in all Cases be made by an Officer holding a  
 ‘ Rank not lower than that of Lieutenant in the Navies of  
 ‘ *Great Britain* and *Spain* respectively, or by the Officer who  
 ‘ at the Time shall be Second in Command of the Ship by  
 ‘ which such Search is made.

‘ ARTICLE III.—The Commander of any Ship of the Royal  
 ‘ Navies, duly authorized as aforesaid, who may detain any  
 ‘ Merchant

‘ Merchant Vessel in pursuance of the Tenor of the present  
 ‘ Instructions, shall leave on board the Vessel so detained  
 ‘ the Master, the Mate, or Boatswain, and Two or Three at  
 ‘ least of the Crew thereof, the whole of the Slaves, if any,  
 ‘ and all the Cargo; the Captor shall, at the Time of Deten-  
 ‘ tion, draw up in Writing an authentic Declaration, which  
 ‘ shall exhibit the State in which he found the detained  
 ‘ Vessel, such Declaration to be signed by himself, and to be  
 ‘ given in or sent, together with the captured Vessel, to the  
 ‘ Mixed Court of Justice before which such Vessel shall be  
 ‘ carried or sent for Adjudication. He shall deliver to the  
 ‘ Master of the detained Vessel a signed Certificate of the  
 ‘ Papers seized on board the same, as well as of the Number  
 ‘ of Slaves found on board at the Moment of Detention.

‘ In the authenticated Declaration which the Captor is  
 ‘ hereby required to make, as well as in the Certificate of  
 ‘ the Papers seized, he shall insert his own Name and Sur-  
 ‘ name, the Name of the capturing Ship, the Latitude and  
 ‘ Longitude of the Place where the Detention shall have  
 ‘ taken place, and the Number of Slaves found on board  
 ‘ of the Vessel at the Time of the Detention.

‘ The Officer in charge of the Vessel detained shall, at the  
 ‘ Time of bringing the Vessel’s Papers into the Mixed Court  
 ‘ of Justice, deliver into the Court a Paper, signed by himself  
 ‘ and verified on Oath, stating the Changes which have taken  
 ‘ place in respect to the Vessel, her Crew, the Slaves, if  
 ‘ any, and her Cargo, between the Period of her Detention  
 ‘ and the Time of delivering in such Paper.

‘ **ARTICLE IV.**—The Slaves shall not be disembarked until  
 ‘ after the Vessel which contains them shall have arrived at  
 ‘ the Place of Adjudication, in order that, in the event of the  
 ‘ Vessel not being adjudged legal Prize, the Loss of the Pro-  
 ‘ prietors may be more easily repaired; and even after the  
 ‘ Arrival of the Slaves at such Place they are not to be  
 ‘ landed without the Permission of the Mixed Court of  
 ‘ Justice.

‘ But if urgent Reasons, arising from the Length of the  
 ‘ Voyage, from the State of Health of the Slaves, or from  
 ‘ any other Causes, should require that either the Whole or a  
 ‘ Portion of the Negroes should be disembarked before the  
 ‘ Vessel can arrive at the Place at which one of the said  
 ‘ Courts is established, the Commander of the capturing Ship  
 ‘ may take upon himself the Responsibility of so disembarking  
 ‘ the Negroes; provided that the Necessity of the Disem-  
 ‘ barkation and the Causes thereof be stated in a Certificate  
 ‘ in proper Form, and provided that this Certificate shall be  
 ‘ drawn up and entered at the Time on the Log Book of the  
 ‘ detained Vessel.

‘ The undersigned Plenipotentiaries have agreed, in con-  
 ‘ formity with the Fourteenth Article of the Treaty, signed  
 ‘ by them on this Day the Twenty-eighth of *June* One thousand  
 ‘ eight hundred and thirty-five, that the present Instructions  
 ‘ shall be annexed to the said Treaty, and be considered an  
 ‘ integral Part thereof.

‘ This Day the Twenty-eighth of *June* in the Year One  
 ‘ thousand eight hundred and thirty-five.

‘ *George Villiers.* (L. S.)

‘ *Francisco Martinez de la Rosa.* (L. S.)

‘ ANNEX (B.)

‘ TO the TREATY between GREAT BRITAIN and SPAIN for the  
 ‘ ABOLITION of the SLAVE TRADE, of the Twenty-eighth of  
 ‘ *June* One thousand eight hundred and thirty-five.

‘ *Regulations for the Mixed Courts of Justice which are to*  
 ‘ *reside on the Coast of Africa, and in a Colonial*  
 ‘ *Possession of Her Catholic Majesty.*

‘ ARTICLE I.—The Mixed Courts of Justice to be estab-  
 ‘ lished under the Provisions of the Treaty, of which these  
 ‘ Regulations are declared to be an integral Part, shall be  
 ‘ composed in the following Manner:—

‘ The Two High Contracting Parties shall each of them  
 ‘ name a Judge and an Arbitrator, who shall be authorized  
 ‘ to hear and to decide, without Appeal, all Cases of Capture  
 ‘ or Detention of Vessels which, in pursuance of the Stipu-  
 ‘ lations of the aforesaid Treaty, shall be brought before  
 ‘ them.

‘ The Judges and the Arbitrators shall, before they enter  
 ‘ upon the Duties of their Office, respectively make Oath  
 ‘ before the principal Magistrate of the Place in which such  
 ‘ Courts respectively shall reside that they will judge fairly  
 ‘ and faithfully, that they will have no Preference either for  
 ‘ the Claimant or for the Captors, and that they will act in  
 ‘ all their Decisions in pursuance of the Stipulations of the  
 ‘ aforesaid Treaty.

‘ There shall be attached to each of such Courts a Secretary  
 ‘ or Registrar, who shall be appointed by the Sovereign in  
 ‘ whose Territories such Court shall reside.

‘ Such Secretary or Registrar shall register all the Acts of  
 ‘ such Court, and shall, before he enters upon his Office, make  
 ‘ Oath before the Court to which he is appointed that he will  
 ‘ conduct himself with due Respect for its Authority, and  
 ‘ will act with Fidelity and Impartiality in all Matters re-  
 ‘ lating to his said Office.

‘ The Salary of the Secretary or Registrar of the Court to  
 ‘ be established on the Coast of *Africa* shall be paid by His  
 ‘ *Britannic* Majesty, and that of the Secretary or Registrar  
 ‘ of the Court to be established in the Colonial Possessions of  
 ‘ *Spain* shall be paid by Her Catholic Majesty.

‘ Each of the Two Governments shall defray Half of the  
 ‘ Aggregate Amount of the Expences of such Courts.

‘ ARTICLE II.—The Expences incurred by the Officer  
 ‘ charged with the Reception, Maintenance and Care of the  
 ‘ detained Vessel, Slaves, and Cargo, and with the Execution  
 ‘ of the Sentence, and all Disbursements occasioned by bring-  
 ‘ ing a Vessel to Adjudication, shall, in case of Condemnation,  
 ‘ be defrayed from the Funds arising out of the Sale of the  
 ‘ Materials of the Vessel after the Vessel shall have been

‘ broken

‘ broken up, of the Ship’s Stores, and of such Parts of the  
 ‘ Cargo as shall consist of Merchandize; and in case the  
 ‘ Proceeds arising out of this Sale should not prove sufficient  
 ‘ to defray such Expences, the Deficiency shall be made good  
 ‘ by the Government of the Country within whose Territories  
 ‘ the Adjudication shall have taken place.

‘ If the detained Vessel shall be released, the Expences  
 ‘ occasioned by bringing her to Adjudication shall be defrayed  
 ‘ by the Captors, except the Cases specified and otherwise  
 ‘ provided for under Article the XI<sup>th</sup> of the Treaty to which  
 ‘ these Regulations form an Annex, and under Article the  
 ‘ VII<sup>th</sup> of these Regulations.

‘ ARTICLE III.—The Mixed Courts of Justice are to decide  
 ‘ upon the Legality of the Detention of such Vessels as the  
 ‘ Cruizers of either Nation shall in pursuance of the said  
 ‘ Treaty detain.

‘ These Courts shall adjudge definitively, and without  
 ‘ Appeal, all Questions which shall arise out of the Capture  
 ‘ and Detention of such Vessels.

‘ The Proceedings of these Courts shall take place as sum-  
 ‘ marily as possible; and for this Purpose the Courts are  
 ‘ required to decide each Case, as far as may be practicable,  
 ‘ within the Space of Twenty Days, to be dated from the  
 ‘ Day on which the detained Vessel shall have been brought  
 ‘ into the Port where the deciding Court shall reside.

‘ The final Sentence shall not in any Case be delayed  
 ‘ beyond the Period of Two Months, whether on account of  
 ‘ the Absence of Witnesses or for any other Cause, except  
 ‘ upon the Application of any of the Parties interested; but  
 ‘ in that Case, upon such Party or Parties giving satisfac-  
 ‘ tory Security that they will take upon themselves the Ex-  
 ‘ pence and Risk of the Delay, the Courts may, at their  
 ‘ Discretion, grant an additional Delay not exceeding Four  
 ‘ Months.

‘ Either Party shall be allowed to employ such Counsel as  
 ‘ he may think fit to assist him in the Conduct of his  
 ‘ Cause.

‘ All the Acts and essential Parts of the Proceedings of the  
 ‘ said Courts shall be written down in the Language of the  
 ‘ Country in which the Courts shall respectively reside.

‘ ARTICLE IV.—The Form of Process, or Mode of pro-  
 ‘ ceeding to Judgment, shall be as follows:—

‘ The Judges appointed by the Two Nations respectively  
 ‘ shall, in the first place, proceed to examine the Papers of  
 ‘ the detained Vessel, and shall take the Depositions of the  
 ‘ Master or Commander, and of Two or Three at least of  
 ‘ the principal Individuals on board of such Vessel, and shall  
 ‘ also take the Declaration on Oath of the Captor, if it should  
 ‘ appear to them necessary to do so, in order to judge and to  
 ‘ pronounce whether the said Vessel has been justly detained  
 ‘ or not, according to the Stipulations of the aforesaid Treaty,  
 ‘ and in order that, according to this Judgment, the Vessel  
 ‘ may be condemned or released. In the event of the Two  
 ‘ Judges not agreeing as to the Sentence which they ought

‘ to pronounce in any Case brought before them, whether  
 ‘ with respect to the Legality of the Detention or the  
 ‘ Liability of the Vessel to Condemnation, or to the Indemni-  
 ‘ fication to be allowed, or as to any other Question which  
 ‘ may arise out of the said Capture, or in case any Difference  
 ‘ of Opinion should arise between them as to the Mode of  
 ‘ proceeding in the said Court, they shall draw by Lot the  
 ‘ Name of One of the Two Arbitrators so appointed as  
 ‘ aforesaid; which Arbitrator, after having considered the  
 ‘ Proceedings which have taken place, shall consult with the  
 ‘ Two above-mentioned Judges on the Case, and the final  
 ‘ Sentence or Decision shall be pronounced conformably to  
 ‘ the Opinion of the Majority of the Three.

‘ **ARTICLE V.**—If the detained Vessel shall be restored by  
 ‘ the Sentence of the Court, the Vessel and the Cargo, in  
 ‘ the State in which they shall then be found, shall forthwith  
 ‘ be given up to the Master or to the Person who represents  
 ‘ him, and such Master or other Person may before the same  
 ‘ Court claim a Valuation of the Damages which he may  
 ‘ have a Right to demand. The Captor himself, and in his  
 ‘ Default his Government, shall remain responsible for the  
 ‘ Damages to which the Master of such Vessel, or the Owners  
 ‘ either of the Vessel or of her Cargo, may be pronounced  
 ‘ to be entitled.

‘ The Two High Contracting Parties bind themselves to  
 ‘ pay, within the Term of a Year from the Date of the Sen-  
 ‘ tence, the Costs and Damages which may be awarded by  
 ‘ the above-named Court, it being mutually understood and  
 ‘ agreed that such Costs and Damages shall be made good  
 ‘ by the Government of the Country of which the Captor  
 ‘ shall be a Subject.

‘ **ARTICLE VI.**—If the detained Vessel shall be condemned,  
 ‘ she shall be declared lawful Prize, together with her Cargo,  
 ‘ of whatever Description it may be, with the Exception of  
 ‘ the Slaves who shall have been brought on board for the  
 ‘ Purposes of Commerce, and the said Vessel, subject to the  
 ‘ Regulations in Article XII. of the Treaty of this Date,  
 ‘ shall, as well as her Cargo, be sold by public Sale for the  
 ‘ Profit of the Two Governments, subject to the Payments  
 ‘ of the Expences herein-after mentioned.

‘ The Slaves shall receive from the Court a Certificate of  
 ‘ Emancipation, and shall be delivered over to the Govern-  
 ‘ ment to whom the Cruiser which made the Capture belongs,  
 ‘ to be dealt with according to the Regulations and Conditions  
 ‘ contained in the Annex to this Treaty *sub literá* C.

‘ **ARTICLE VII.**—The Mixed Courts of Justice shall also  
 ‘ take the Cognizance of, and shall decide definitively and  
 ‘ without Appeal, all Claims for Compensation on account  
 ‘ of Losses occasioned to Vessels and Cargoes which shall  
 ‘ have been detained under the Provisions of this Treaty, but  
 ‘ which shall not have been condemned as legal Prize by the  
 ‘ said Courts; and in all Cases wherein Restitution of such  
 ‘ Vessels and Cargoes shall be decreed, save as mentioned in  
 ‘ Article XI. of the Treaty to which these Regulations form

‘ an Annex, and in a subsequent Part of these Regulations,  
 ‘ the Court shall award to the Claimant or Claimants, or to  
 ‘ his or their lawful Attorney or Attornies, for his or their  
 ‘ Use, a just and complete Indemnification for all Costs of  
 ‘ Suit, and for all Losses and Damages which the Owner or  
 ‘ Owners may have actually sustained by such Capture and  
 ‘ Detention ; and it is agreed that such Indemnification shall  
 ‘ be as follows :—

‘ First, in case of total Loss, the Claimant or Claimants  
 ‘ shall be indemnified,—

‘ A. For the Ship, her Tackle, Equipment, and Stores.

‘ B. For all Freight due and payable.

‘ C. For the Value of the Cargo of Merchandize, if  
 ‘ any, deducting all Charges and Expences payable upon  
 ‘ the Sale of such Cargo, including Commission of Sale.

‘ D. For all other regular Charges in such Case of total  
 ‘ Loss.

‘ Secondly, in all other Cases (save as herein-after men-  
 ‘ tioned), not of total Loss, the Claimant or Claimants shall  
 ‘ be indemnified,—

‘ A. For all special Damages and Expences occasioned to  
 ‘ the Ship by the Detention, and for Loss of Freight when  
 ‘ due or payable.

‘ B. For Demurrage when due, according to the Schedule  
 ‘ annexed to the present Article.

‘ C. For any Deterioration of the Cargo.

‘ D. For all Premium of Insurance on additional Risks.

‘ The Claimant or Claimants shall be entitled to Interest at  
 ‘ the Rate of Five *per Centum per Annum* on the Sum awarded  
 ‘ until such Sum is paid by the Government to which the cap-  
 ‘ turing Ship belongs ; the whole Amount of such Indemnifi-  
 ‘ cations shall be calculated in the Money of the Country  
 ‘ to which the detained Vessel belongs, and shall be liquidated  
 ‘ at the Exchange current at the Time of the Award.

‘ The Two High Contracting Parties however have agreed,  
 ‘ that if it shall be proved to the Satisfaction of the Judges of  
 ‘ the Two Nations, and without having recourse to the  
 ‘ Decision of an Arbitrator, that the Captor has been led into  
 ‘ Error by the Fault of the Master or Commander of the  
 ‘ detained Vessel, the detained Vessel in that Case shall not  
 ‘ have the Right of receiving for the Time of her Detention  
 ‘ the Demurrage stipulated by the present Article, nor any  
 ‘ other Compensation for Losses, Damages, or Expences  
 ‘ consequent upon such Detention.

‘ SCHEDULE of Demurrage or daily Allowance for a Vessel of

‘ One hundred Tons to One hundred and twenty	}
‘ inclusive - - - Five Pounds	
‘ One hundred and twenty-one Tons to One	
‘ hundred and fifty inclusive - Six Pounds	
‘ One hundred and fifty-one Tons to One hun-	
‘ dred and seventy inclusive - Eight Pounds	}
‘ One hundred and seventy-one Tons to Two	
‘ hundred inclusive - - - Ten Pounds	

‘ Two hundred and one Tons to Two hundred	} <i>per Diem.</i>
‘ and twenty inclusive - Eleven Pounds	
‘ Two hundred and twenty-one Tons to Two	
‘ hundred and fifty inclusive Twelve Pounds	
‘ Two hundred and fifty-one Tons to Two	
‘ hundred and seventy inclusive	‘ Fourteen Pounds
‘ Two hundred and seventy-one Tons to Three	
‘ hundred inclusive - - Fifteen Pounds	

‘ And so on in proportion.

‘ **ARTICLE VIII.**—Neither the Judges nor the Arbitrators nor the Secretaries of the Mixed Courts of Justice shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

‘ **ARTICLE IX.**—The Two High Contracting Parties have agreed, that in the event of the Death, Sickness, Absence or Leave, or any other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge and of such Arbitrator shall be supplied *ad interim* in the following Manner:—

‘ 1°. On the Part of His *Britannic* Majesty, and in that Court which shall sit within the Possessions of His said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled up by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and to pass Sentence accordingly.

‘ 2°. On the Part of *Great Britain*, and in that Court which shall sit within the Possessions of Her Catholic Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, his Place shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Possession; and in the Case where the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and *British* Vice Consul appointed to and resident in such Possession, and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* Arbitrator, then the *Spanish* Arbitrator shall be called in in those Cases in which a

‘ *British*



‘ *British* Arbitrator, were there any, would be called in ;  
 ‘ and in case the Vacancy be both of the *British* Judge and  
 ‘ *British* Arbitrator, and there be neither *British* Consul  
 ‘ nor *British* Vice Consul to fill *ad interim* the Vacancies,  
 ‘ then the *Spanish* Judge and *Spanish* Arbitrator shall sit,  
 ‘ and in all Cases brought before them for Adjudication shall  
 ‘ proceed to adjudge the same and pass Sentence accord-  
 ‘ ingly.

‘ 3°. On the Part of *Spain*, and in that Court which  
 ‘ shall sit within the Possessions of Her Catholic Majesty,  
 ‘ if the Vacancy be that of the *Spanish* Judge, his Place  
 ‘ shall be filled by the *Spanish* Arbitrator ; and either in  
 ‘ that Case, or in the Case where the Vacancy be originally  
 ‘ that of the *Spanish* Arbitrator, the Place of such Arbitrator  
 ‘ shall be filled successively by the Governor or Lieutenant  
 ‘ Governor resident in such Possession, by the principal  
 ‘ Magistrate of the same, and by the Secretary of the  
 ‘ Government ; and the said Court, so constituted as above,  
 ‘ shall sit, and in all Cases brought before them for Adjudi-  
 ‘ cation shall proceed to adjudge the same and pass Sentence  
 ‘ accordingly.

‘ 4°. On the Part of *Spain*, and in that Court which  
 ‘ shall sit within the Possessions of His *Britannic* Majesty,  
 ‘ if the Vacancy be that of the *Spanish* Judge, his Place  
 ‘ shall be filled by the *Spanish* Arbitrator ; and either in  
 ‘ that Case, or in the Case where the Vacancy be originally  
 ‘ that of the *Spanish* Arbitrator, his Place shall be filled  
 ‘ successively by the *Spanish* Consul and *Spanish* Vice  
 ‘ Consul, if there be a *Spanish* Consul or *Spanish* Vice  
 ‘ Consul appointed to and resident in such Possession ; and  
 ‘ in the Case where the Vacancy be both of the *Spanish*  
 ‘ Judge and of the *Spanish* Arbitrator, then the Vacancy  
 ‘ of the Judge shall be filled by the *Spanish* Consul, and that  
 ‘ of the *Spanish* Arbitrator by the *Spanish* Vice Consul, if  
 ‘ there be a *Spanish* Consul and a *Spanish* Vice Consul  
 ‘ appointed to and resident in such Possession ; and in that  
 ‘ Case in which there be no *Spanish* Consul or *Spanish*  
 ‘ Vice Consul to fill the Place of the *Spanish* Arbitrator,  
 ‘ then the *British* Arbitrator shall be called in in those  
 ‘ Cases in which a *Spanish* Arbitrator, were there any,  
 ‘ would be called in ; and in case the Vacancy be both of  
 ‘ the *Spanish* Judge and *Spanish* Arbitrator, and there be  
 ‘ neither *Spanish* Consul nor *Spanish* Vice Consul to fill *ad*  
 ‘ *interim* the Vacancies, then the *British* Judge and the  
 ‘ *British* Arbitrator shall sit, and in all Cases brought before  
 ‘ them for Adjudication shall proceed to adjudge the same  
 ‘ and pass Sentence accordingly.

‘ The Governor or Lieutenant Governor of the Settle-  
 ‘ ments wherein either of the Mixed Courts of Justice shall  
 ‘ sit, in the event of a Vacancy arising, either of the Judge  
 ‘ or the Arbitrator of the other High Contracting Party,  
 ‘ shall forthwith give Notice of the same to the Governor  
 ‘ or Lieutenant Governor of the nearest Settlement of such  
 ‘ other High Contracting Party, in order that such Vacancy  
 ‘ may

‘ may be supplied at the earliest possible Period ; and each  
 ‘ of the High Contracting Parties agrees to supply definitively,  
 ‘ as soon as possible, the Vacancies which may arise  
 ‘ in the above-mentioned Courts from Death or from any  
 ‘ other Cause whatever.

‘ The undersigned Plenipotentiaries have agreed, in conformity  
 ‘ with the Fourteenth Article of the Treaty signed by them on this  
 ‘ Day, the Twenty-eighth of *June* One thousand eight hundred  
 ‘ and thirty-five, that the preceding Regulations, consisting of  
 ‘ Nine Articles, shall be annexed to the said Treaty, and considered  
 ‘ an integral Part thereof.

‘ This Day, the Twenty-eighth of *June* in the Year One thousand  
 ‘ eight hundred and thirty-five.

‘ *George Villiers.* (L. s.)

‘ *Francisco Martinez de la Rosa.* (L. s.)

‘ ANNEX (C.)

‘ REGULATIONS for the good Treatment of LIBERATED NEGROES.

‘ ARTICLE I.—The Object and Spirit of these Regulations is to  
 ‘ secure to Negroes liberated by virtue of the Stipulations of the  
 ‘ Treaty to which these Regulations form an Annex (marked C.)  
 ‘ permanent good Treatment, and a full and complete Emancipation,  
 ‘ in conformity with the humane Intentions of the High Contracting  
 ‘ Parties.

‘ ARTICLE II.—Immediately after Sentence of Condemnation on a  
 ‘ Vessel charged with being concerned in illegal Slave Trade shall  
 ‘ have been passed by the Mixed Court of Justice, established under  
 ‘ the Treaty to which these Regulations form an Annex, all Negroes  
 ‘ who were on board of such Vessel, and who were brought on board  
 ‘ for the Purpose of Traffic, shall be delivered over to the Government  
 ‘ to whom belongs the Cruizer which made the Capture.

‘ ARTICLE III.—If the Cruizer which made the Capture is *English*  
 ‘ the *British* Government engages that the Negroes shall be treated  
 ‘ in exact Conformity with the Laws in force in the *British*  
 ‘ Colonies for the Regulation of free apprenticed Negroes.

‘ ARTICLE IV.—If the Cruizer which made the Capture is *Spanish*,  
 ‘ in this Case the Negroes shall be delivered over to the *Spanish*  
 ‘ Authorities of the *Havanna*, or of any other Point of the  
 ‘ Dominions of the Queen of *Spain* in which the Mixed Court of  
 ‘ Justice is established; and the *Spanish* Government solemnly  
 ‘ engages that they shall be treated strictly according to the  
 ‘ Regulations lately promulgated and now actually in force at  
 ‘ the *Havanna* with respect to the Treatment of emancipated  
 ‘ Negroes, or according to such Regulations as may in future be  
 ‘ adopted, and which have and shall always have the humane  
 ‘ Object of improving and securing honestly and faithfully to  
 ‘ the emancipated Negroes the Enjoyment of their acquired Liberty,  
 ‘ good Treatment, a Knowledge of the Tenets of the Christian  
 ‘ Religion, their Advancement in Morality and Civilization,  
 ‘ and their sufficient Instruction in the mechanical Arts, in  
 ‘ order that the said emancipated Negroes may be put in a

‘ Condition to earn their Subsistence, whether as Artisans,  
‘ Mechanics, or Servants.

‘ ARTICLE V.—For the Purpose which is explained in  
‘ Article VI. there shall be kept in the Office of the Captain  
‘ General or Governor of the Part of the Dominions of the  
‘ Queen of *Spain* where the Mixed Court of Justice resides  
‘ a Register of all emancipated Negroes, in which shall be  
‘ entered with scrupulous Exactness the Names given to the  
‘ Negroes, the Names of the Vessels in which they were  
‘ captured, the Names of the Persons to whose Care they  
‘ have been committed, and any other Circumstances likely to  
‘ contribute to the End in view.

‘ ARTICLE VI.—The Register to which the preceding  
‘ Article refers will serve to form a general Return, which  
‘ the Governor or Captain General of the Part of the Domi-  
‘ nions of the Queen of *Spain* where the Mixed Court of  
‘ Justice resides shall be bound to deliver every Six Months  
‘ to the aforesaid Mixed Commission, in order to show the  
‘ Existence of the Negroes emancipated under this Treaty,  
‘ the Decease of such as have died, the Improvement in their  
‘ Condition, and the Progress made in their Instruction, both  
‘ religious and moral, as also in the Arts of Life.

‘ ARTICLE VII.—As the principal Object of the Treaty of  
‘ which the present Annex forms an integral Part is no other  
‘ than that of improving the Condition of these unhappy  
‘ Victims of Avarice, the High Contracting Parties, animated  
‘ with the same Sentiments of Humanity, agree, that if in  
‘ future it should appear necessary to adopt new Measures for  
‘ obtaining the same benevolent End, in consequence of those  
‘ laid down in this Annex turning out inefficacious, the said  
‘ High Contracting Parties will consult together, and agree  
‘ upon other Means better adapted for the complete Attain-  
‘ ment of the Object proposed.

‘ ARTICLE VIII.—The undersigned Plenipotentiaries have  
‘ agreed, in conformity with the Fourteenth Article of the  
‘ Treaty signed by them on this Day, the Twenty-eighth of  
‘ *June* One thousand eight hundred and thirty-five, that this  
‘ Annex, consisting of Eight Articles, shall be united to the  
‘ said Treaty, and be considered an integral Part thereof.

‘ This Day, the Twenty-eighth of *June* in the Year One  
‘ thousand eight hundred and thirty-five.

‘ *George Villiers.* (L.s.)

‘ *Francisco Martinez de la Rosa.* (L.s.)

‘ And whereas the said Treaty was ratified between His Majesty  
‘ the King of the United Kingdom of *Great Britain* and *Ireland*  
‘ and Her Majesty the Queen Regent of *Spain*, and such Rati-  
‘ fication was exchanged on the Twenty-seventh Day of *August*  
‘ in the Year of our Lord One thousand eight hundred and  
‘ thirty-five: And whereas it is expedient and necessary that  
‘ effectual Provision should be made for carrying into execution  
‘ the Provisions of the said Treaty;’ be it therefore enacted by  
‘ the King’s most Excellent Majesty, by and with the Advice and  
‘ Consent of the Lords Spiritual and Temporal, and Commons, in  
‘ this present Parliament assembled, and by the Authority of the

Treaty ratified  
on the 27th  
August 1835.

same,

Officers commanding Ships of His Majesty or of the Queen of Spain, being duly authorized, empowered to visit and search Merchant Ships within certain Limits.

same, That it shall and may be lawful for any Officer commanding any Ship of War of His Majesty or of the Queen Regent of Spain, not below the Rank of Lieutenant of the Royal Navy, (unless by the Death or Absence of the Commander of such Ship the Command thereof shall have devolved upon an Officer of inferior Rank, and then for such last-mentioned Officer,) and who shall be duly instructed and authorized according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant in the Royal Navy who shall be acting under the Orders of any Officer commanding a Ship of War so instructed and authorized as aforesaid, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or having been fitted out for that Purpose, or of having during the Voyage in which such Vessel is met been engaged in such Traffic, excepting within the *Mediterranean Sea*, or within the Seas in *Europe* lying without the *Streights of Gibraltar*, and which lie to the Northward of the Thirty-seventh Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before one of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers are hereby authorized and required in the Exercise of such Rights, of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Treaty as apply thereto respectively.

Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search.

II. And be it further enacted, That all Ships and Vessels belonging wholly or in part to His Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having during the Voyage in which such Vessel is met been engaged in such Traffic, and all Boats, Apparel, and Cargoes therein, shall be and are hereby declared to be and made subject to Search and Detention by *British* or *Spanish* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and are also hereby made subject to the Adjudication of and to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

His Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by His Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Lords Commissioners of His Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators are hereby authorized and empowered to

examine and decide all such Cases of Detention, Captures, and Seizures of Vessels, and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully and effectually, to all Intents and Purposes, as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, That it shall be lawful for His Majesty by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the Mixed Court which shall be established in His Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar not exceeding such annual Sum as the said Lords Commissioners shall from Time to Time direct; and such Secretary or Registrar is hereby authorized and empowered to do, perform, and execute all the Duties of such Office set forth and prescribed by the said Treaty, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary for the due Discharge of the Duties of his said Office.

His Majesty may appoint a Secretary or Registrar to the Mixed Court.

V. And be it further enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by His Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of His Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by His Majesty, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of Her Catholic Majesty, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled *ad interim* by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the

In case of the Death or Incapacity from Illness of any *British* Judge of such Courts, or of the *British* Arbitrator.

*Spanish*

*Spanish* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall and may be lawful for the *Spanish* Judge and *Spanish* Arbitrator of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by His Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it further enacted, That every such Judge and Arbitrator so appointed by His Majesty shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to His *Britannic* Majesty or to Her Most Catholic Majesty, in which the Court shall be established; which Oath any such Magistrate is hereby authorized to administer in the Form following; (that is to say,)

Form of Oath.

‘ I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors, or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between His Majesty and Her Catholic Majesty, signed at *Madrid* on the Twenty-eighth Day of *June* One thousand eight hundred and thirty-five.’

Secretary or Registrar's Oath.

And every Secretary or Registrar appointed by His Majesty under the Provisions of the said Treaty and of this Act shall, before he enters on the Duties of his said Office, take an Oath before One of the Judges of the said Court, who is hereby empowered to administer the same, in the Form following; (that is to say,)

‘ I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with Respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour either for Claimants or Captors or any other Persons.’

Judges and Arbitrators may administer Oaths.

VII. And be it further enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Suit, Proceeding, Matter, or Thing

Thing under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

VIII. And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken upon or in any Proceeding before the Judges or Arbitrators aforesaid, under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any Prosecution for such Offence in His Majesty's said Court of King's Bench the Venue may be laid in the County of *Middlesex*.

Punishing Persons giving false Evidence.

IX. And be it further enacted, That the Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be and be deemed and adjudged in any Court whatever to be a good and complete Bar in any Action, Suit, or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or Act, Matter, or Thing done under the Authority or in pursuance of the Provisions of the said Treaty; any thing in any Act or Acts of Parliament or Law or Laws to the contrary notwithstanding.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

X. Provided always, and it is hereby enacted, That, until the Appointment and Establishment of the Mixed Courts to be appointed and established under and by virtue of the said Treaty and this Act, it shall and may be lawful for the Commissary, Judges, and Commissioners of Arbitration appointed under and by virtue of a Treaty made between His Majesty and the King of *Spain* for preventing Traffic in Slaves, and signed at *Madrid* on the Twenty-third of *September* in the Year One thousand eight hundred and seventeen, and of an Act of Parliament passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, for carrying into execution the said Treaty, to do and perform all Acts, Matters, and Things which by the said Treaty of the Twenty-eighth Day of *June* One thousand eight hundred and thirty-five and by this Act are required and authorized to be done and performed by the Judges and Arbitrators of the said Mixed Courts, when established, according to the true Intent and Meaning of the said last-mentioned Treaty and of this Act.

Judges and Commissioners of Arbitration already appointed under former Treaties may act until Judges and Arbitrators are appointed under this Act.

XI. And

Vessels  
equipped for  
Traffic in Slaves  
to be deemed  
engaged in the  
Slave Trade.

5 G. 4. c. 113.

Bounty for  
Slaves cap-  
tured.

Copy of Sen-  
tence to be pro-  
duced to the  
Commissioners  
of the Treasury.

One Moiety  
of the Bounty  
only to be paid  
in certain  
Cases.

Regulations, &c.  
respecting Prize  
Agents Ac-  
counts extended  
to this Act.

XI. And be it further enacted and declared, That if any of the Particulars specified in the Tenth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel wholly or in part owned by Subjects of His Majesty, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

XII. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *Spanish* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

XIII. Provided always, and be it further enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

XIV. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Spanish* Ship or Vessel in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

XV. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties and Proceeds



Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships and Vessels of War.

XVI. And be it further enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of Her Catholic Majesty shall have been detained and brought to Adjudication by any Officers of His Majesty the King of *Great Britain and Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of His Majesty's Treasury.

XVII. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

XVIII. Provided always, and it is hereby enacted, That if any of the Things specified in the Tenth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Mixed Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Mixed Court should not pronounce any Sentence of Condemnation; but that in such Case it shall and may be lawful for the said Mixed Court, if they shall think fit, to pay out of the Prize Fund under the Control of the said Court such Sum of Money as according to the Circumstances of the Case they may judge reasonable in proportion to the Demurrage suffered.

XIX. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty or this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Treaty or of this Act; and if it shall appear so to have been done the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained but not condemned.

Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

No Compensation to be made when any Articles specified in the Tenth Article of the Treaty are found on board.

Defendants in Actions brought for Things done under this Act may plead the General Issue.

Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

All Acts performed under the Treaty to be good and sufficient in Law.

XX. ' And whereas by the Eighth Article of the said Treaty it was agreed that the Mixed Commissions which were then established and sitting under the Convention concluded between *Great Britain* and *Spain* on the Twenty-third *September* One thousand eight hundred and seventeen should continue to sit and should during Two Months, to be reckoned from the Exchange of the Ratifications of the said Treaty, and until the further Appointment and definitive Establishment of the Mixed Courts of Justice under the said Treaty, adjudge without Appeal, according to the Principles and Stipulations of the same and of the several Annexes thereof, the Cases of such Vessels as might be sent or brought before them: And whereas in conformity with the said Treaty certain Officers of His Majesty's Navy have been instructed and authorized to search and detain any *British* and *Spanish* Merchant Vessel actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the Purpose thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she might be met with by such Officer, and to bring or send such Merchant Vessel for Judgment: And whereas it may have happened that under the said Authority and Instructions *British* and *Spanish* Merchant Vessels may have been already, and before the passing of this Act, detained and brought or sent before the Mixed Commissions established and sitting under the said Convention between *Great Britain* and *Spain* concluded on the Twenty-third *September* One thousand eight hundred and seventeen, and the Commissioners may have proceeded to adjudge the Cases of such Vessels; and it is expedient that all Acts done in conformity with the said Treaty and with the said Instructions should be rendered valid, and that all Persons acting under and by virtue of such Authority and Instructions should be protected and indemnified; be it therefore enacted, That all Acts done by or under the Authority of any Officer of His Majesty's Navy in conformity with the said Treaty, who may have been instructed and authorized to search and detain and bring or send any Merchant Vessels for Judgment according to the said Treaty, and all Adjudications and Orders and other Acts which may have been made and done by the said Mixed Commissions in consequence thereof, shall be deemed and taken to be good and valid in Law; and no Officer of His Majesty's Navy or other Person acting under such Instructions and Authority, and in conformity with the said Treaty, and no Commissioner or other Officer of the said Mixed Commissions, shall be liable to any Prosecution or Suit at Law for any such Acts, Adjudications, or Orders so done or made by them respectively as aforesaid.

## C A P. VII.

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-seven; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the first Day of *Hilary* Term One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. [30th *March* 1836.]

[*This Act is the same, except as to Dates and the Section here inserted, as 5 & 6 W. 4. c. 11.*]

VIII. And be it further enacted, That no Person who has been admitted and enrolled and in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment.

Time limited for applying to strike Attornies off the Roll for Defect in Articles, &c.

## C A P. VIII.

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

[22d *April* 1836.]

[*Number of Forces, 81,319. This Act is the same, except as to Dates and the Sections here inserted, as 5 & 6 W. 4. c. 5.*]

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda, the Bahamas, Africa, and the Australian Colonies* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda*, or the *Bahamas*, or out of the King's Dominions, excepting *Africa* and the *Australian Colonies*, shall consist of not less than Seven, and in *Africa* and the *Australian Colonies* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition of General 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,*

Powers of District or Garrison Courts-martial.

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 the Whole or any Portion or Portions of such Imprisonment, 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 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 or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted 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 His 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 His 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

such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of His Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of His 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 His 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 His 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 His 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 His Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of His 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 late 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 His Majesty.

Mixture of  
Officers upon  
Courts-martial.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of His Majesty's Forces, as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; and in case such Person shall not be a Deserter from the Regiment stated in such Confession he shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place con-

Fraudulent  
Confession of  
Desertion.

victed of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Notice of  
Expiration of  
Imprisonment.

XXIX. And be it enacted, That every Gaoler, to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War.

Enlisting and  
swearing of  
Recruits.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His 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 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 Soldier in His Majesty's Land Service he shall within Four Days, any intervening *Sunday* not included, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within 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 Army; 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 First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read  
over

over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; 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 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.

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 such Soldier shall forfeit 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, or to be otherwise punished for the said Offence; provided that any Soldier acquitted of the Offence for which he was 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; and upon rejoining His 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 His 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 His 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.

Forfeiture of  
Pay.

LVI. And be it enacted, That for the regular Provision of Carriages for His Majesty's Forces, and their Baggage, in their Marches, in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the

Supply of  
Carriages.

Master General or Lieutenant General of His Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

### C A P. IX.

An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. [22d April 1836.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 5 & 6 W. 4. c. 7.*]

Composition of  
General Courts-  
martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda*, the *Bahamas*, *Africa*, and the *Australian Colonies* excepted,) or in the Settlements of the *East India Company*, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or the *Bahamas*, or out of the King's Dominions (excepting *Africa* and the *Australian Colonies*), shall have not less than Seven, and in *Africa* and the *Australian Colonies* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where



the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

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, although assembled under the Authority 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 His Majesty's Land Forces, 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 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 Marine 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 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 while 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 or 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 His Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor when issued in Kind or of his Allowance in lieu of Beer or Liquor, or of additional Pay, or of such Portion of his daily Pay, for any Period not exceeding Two Years, as may accord with the Rules and 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 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

District or  
Garrison  
Courts-martial.

vening such Court-martial: Provided always, that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Fraudulent  
Confession of  
Desertion.

XXVII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve in His Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, he shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in His Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with as a Deserter.

Enlisting and  
swearing of  
Recruits.

XXXIII. 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 His 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 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 after such Enlisting, 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 Third, Fourth, and Fifth Articles of the Second Section of the Articles of War against Mutiny, and the First Article of the Third Section of the said Articles of War against 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 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.

XLIX. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses when employed in conveying Persons or Baggage under the Provisions of this Act or returning therefrom, and all Recruits marching by Route, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turn-pike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, and who by this Act is exempted from Payment thereof, such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; 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, 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 mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat:

Exemption  
from Tolls.

L. And

Penalties upon  
Civil Subjects  
offending  
against the  
Laws relating  
to Billets and  
Carriages.

L. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom, shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed or ordered by such Constable to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by His Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

#### C A P. X.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament.

[19th May 1836.]

‘ WHEREAS the Commons of *Great Britain* and *Ireland* in  
‘ Parliament assembled have passed a Bill, intituled *An Act*  
‘ *to exclude the Borough of Stafford from sending Burgesses to*  
‘ *serve in Parliament*: And whereas it is alleged that there has  
‘ been the most notorious, long-continued, and general Bribery  
‘ and Corruption in the Election of Burgesses to serve in Par-  
‘ liament for the Borough of *Stafford*, and that such Bribery and  
‘ Corruption are likely to continue and be practised in future  
‘ unless some Means are taken to prevent the same: And whereas  
‘ it may be desirable to examine as Witnesses at the Bar of the  
‘ Lords

‘ Lords Spiritual and Temporal in respect of such alleged Bribery and Corruption several Persons ; and the Evidence of such Persons may tend to expose them to Penal Consequences : And whereas it is expedient to indemnify such Persons, upon their making such true and faithful Disclosure and Discovery as herein-after mentioned :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting the said Inquiry, every Person who may have been implicated or engaged in such alleged Bribery and Corruption at or connected with any Election of Members to serve in Parliament for the said Borough of *Stafford*, and who shall be examined as Witnesses or a Witness at the Bar of the Lords Spiritual and Temporal touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Disclosure and Disclosure to the best of his or her Knowledge touching all Acts, Matters, and Things to which he or she shall be so examined, shall be and he and she is hereby freed, indemnified, and discharged of, from, and against all Penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of His Majesty, His Heirs or Successors, or any other Person, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption.

All Persons implicated in Bribery at Stafford, who may be examined before the House of Lords and shall make a faithful Disclosure, indemnified.

II. Provided also, and be it further enacted, That where any Witness shall be examined before the House of Lords or any Committee of the said House, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor a Certificate in Writing, stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined, which said Certificates the Lord Chancellor is hereby authorized to give ; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at any former Election for the Borough of *Stafford* against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may in its Discretion award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

Witnesses examined before the House of Lords, or any Committee thereof, not to be indemnified unless they shall have a Certificate from the Lord Chancellor.

C A P. XI.

An Act for the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of His late Majesty for that Purpose. [19th May 1836.]

7 G. 4. c. 54.

‘ WHEREAS in the Seventh Year of the Reign of His late Majesty an Act was passed, intituled *An Act for the Registration of Aliens*: And whereas it is expedient that the said Act should be repealed, and that Provisions in respect of Aliens should be made in lieu of the Regulations therein contained:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and is hereby repealed.

repealed.

Masters of Vessels arriving from Foreign Parts to declare what Aliens are on board or have landed from their Vessels.

II. And be it further enacted, That the Master of every Vessel which after the Commencement of this Act shall arrive in this Realm from Foreign Parts shall immediately on his Arrival declare in Writing to the Chief Officer of the Customs at the Port of Arrival whether there is, to the best of his Knowledge, any Alien on board his Vessel, and whether any Alien hath, to his Knowledge, landed therefrom at any Place within this Realm, and shall in his said Declaration specify the Number of Aliens (if any) on board his Vessel, or who have, to his Knowledge, landed therefrom, and their Names, Rank, Occupation, and Description, as far as he shall be informed thereof; and if the Master of any such Vessel shall refuse or neglect to make such Declaration, or shall wilfully make a false Declaration, he shall for every such Offence forfeit the Sum of Twenty Pounds, and the further Sum of Ten Pounds for each Alien who shall have been on board at the Time of the Arrival of such Vessel, or who shall have, to his Knowledge, landed therefrom within this Realm, whom such Master shall wilfully have refused or neglected to declare; and in case such Master shall neglect or refuse forthwith to pay such Penalty, it shall be lawful for any Officer of the Customs, and he is hereby required, to detain such Vessel until the same shall be paid: Provided always, that nothing herein-before contained shall extend to any Mariner actually employed in the Navigation of such Vessel during the Time that such Mariner shall remain so actually employed.

Penalty for Omission to make such Declaration, &c.

Not to extend to Foreign Mariners navigating the Vessel.

Alien on Arrival from Abroad to declare his Name, Description, &c. and produce his Passport.

III. And be it further enacted, That every Alien who shall after the Commencement of this Act arrive in any Part of the United Kingdom from Foreign Parts shall immediately after such Arrival present and show to the Chief Officer of the Customs at the Port of Debarkation, for his Inspection, any Passport which may be in his or her Possession, and declare in Writing to such Chief Officer, or verbally make to him a Declaration, to be by him reduced into Writing, of the Day and Place of his or her landing, and of his or her Name, and shall also declare to what Country he or she belongs and is subject, and the Country and Place from whence he or she shall then have come; which Declaration shall be made in or reduced into such Form as shall be approved by One of His Majesty’s Principal Secretaries of State; and if any such Alien coming into this Realm shall neglect or refuse to present and show any Passport

Passport which may be in his or her Possession, or if he or she shall neglect or refuse to make such Declaration, he or she shall forfeit the Sum of Two Pounds.

IV. And be it further enacted, That the Officer of the Customs to whom such Passport shall be shown and Declaration made shall immediately register such Declaration in a Book to be kept by him for that Purpose (in which Book Certificates shall be printed in Blank, and Counterparts thereof, in such Form as shall be approved by One of His Majesty's Principal Secretaries of State), and shall insert therein the several Particulars by this Act required in proper Columns, in both Parts thereof, and shall deliver one Part thereof to the Alien who shall have made such Declaration.

Officer of Customs to register the Declaration, and deliver a Certificate to the Alien.

V. And be it further enacted, That the Chief Officer of the Customs in every Port shall within Two Days transmit a true Copy of the Declaration of every Master of a Vessel, and a true Copy of every such Certificate, if in *Great Britain*, to One of His Majesty's Principal Secretaries of State, and if such Alien shall have arrived from any Foreign Country in *Ireland* he shall transmit a true Copy of such Declaration and of such Certificate to the Chief Secretary for *Ireland*.

Officer of Customs to transmit Declaration, &c. to Secretary of State.

VI. And be it further enacted, That any Alien about to depart from this Realm shall before his or her Embarkation deliver any Certificate which he or she shall have received under the Provisions of this Act to the Chief Officer of the Customs at the Port of Departure, who shall insert therein that such Alien hath departed this Realm, and shall forthwith transmit the same to One of His Majesty's Principal Secretaries of State, or to the Chief Secretary for *Ireland*, as the Case may be, in like Manner as herein-before is directed in respect to the Certificate given to an Alien on his or her Arrival in this Realm.

Certificate of Alien departing the Realm to be transmitted to Secretary of State.

VII. And be it further enacted, That if any Certificate issued to any Alien by virtue of this Act shall be lost, mislaid, or destroyed, and such Alien shall produce to One of His Majesty's Justices of the Peace Proof thereof, and shall make it appear to the Satisfaction of such Justice that he or she hath duly conformed with this Act, it shall be lawful for such Justice and he is hereby required to testify the same under his Hand, and such Alien shall thereupon be entitled to receive from One of His Majesty's Principal Secretaries of State, or from the Chief Secretary for *Ireland*, as the Case may be, a fresh Certificate, which shall be of the like Force and Effect as the Certificate so lost, mislaid, or destroyed.

New Certificates to be issued in lieu of such as are lost.

VIII. And be it further enacted, That all Certificates herein-before required to be given shall be given without Fee or Reward whatsoever; and every Person who shall take any Fee or Reward of any Alien or other Person, for any Certificate, or any other Matter or Thing done under this Act, shall forfeit for every such Offence the Sum of Twenty Pounds; and every Officer of the Customs who shall refuse or neglect to make such Entry as aforesaid, or grant any Certificate thereon, in pursuance of the Provisions of this Act, or shall knowingly make any false Entry, or neglect to transmit the Copy thereof, or to transmit any Declaration of the Master of a Vessel, or any Declaration of Departure, in manner directed by this Act, shall forfeit for every such Offence the Sum of Twenty Pounds.

Certificate to be granted without Fee.

Penalty.

Penalty for  
forging Cer-  
tificates, &c.

IX. And be it further enacted, That if any Person shall wilfully make or transmit any false Declaration, or shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, any Declaration or Certificate hereby directed, or shall obtain any such Certificate under any other Name or Description than the true Name and Description of the Alien intended to be named and described, without disclosing to the Person granting such Certificate the true Name and Description of such Alien, or shall falsely pretend to be the Person intended to be named and described in any such Certificate, every Person so offending shall, upon Conviction thereof before Two Justices, either forfeit any Sum not exceeding One hundred Pounds, or be imprisoned for any Time not exceeding Three Calendar Months, at the Discretion of such Justices.

Prosecution of  
Offences.

X. And be it further enacted, That all Offences against this Act shall be prosecuted within Six Calendar Months after the Offence committed; and all such Offences shall be prosecuted before Two or more Justices of the Peace of the Place where the Offence shall be committed, who are required, in default of Payment of any pecuniary Penalty, to commit the Offender to the Common Gaol for any Time not exceeding One Calendar Month, unless the Penalty shall be sooner paid, where such Penalty shall not exceed the Sum of Twenty Pounds, and forthwith to report to One of His Majesty's Principal Secretaries of State, or to Chief Secretary for *Ireland*, as the Case may require, the Conviction of every Offender under this Act, and the Punishment to which he is adjudged; and no Writ of Certiorari or of Advocation or Suspension shall be allowed to remove the Proceedings of any Justices touching the Cases aforesaid, or to supersede or suspend Execution or other Proceeding thereupon.

Not to affect  
Foreign Minis-  
ters or their  
Servants;

XI. Provided always, and be it further enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Domestic Servant of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister; nor any Alien who shall have been continually residing within this Realm for Three Years next before the passing of this Act, or who shall hereafter at any Time complete such Residence of Three Years, and who shall have obtained from One of His Majesty's Principal Secretaries of State, or from the Chief Secretary for *Ireland*, a Certificate thereof; nor any Alien, in respect of any Act done or omitted to be done, who shall be under the Age of Fourteen Years at the Time when such Act was so done or omitted to be done: Provided always, that if any Question shall arise whether any Person alleged to be an Alien, and to be subject to the Provisions of this Act, is an Alien or not, or is or is not subject to the said Provisions or any of them, the Proof that such Person is, or by Law is to be deemed to be, a natural-born Subject of His Majesty, or a Denizen of this Kingdom, or a naturalized Subject, or that such Person, if an Alien, is not subject to the Provisions of this Act or any of them, by reason of any Exception contained in this Act or otherwise, shall lie on the Person so alleged to be an Alien and to be subject to the Provisions of this Act.

nor Aliens who  
have been resi-  
dent Three  
Years, and ob-  
tained Certifi-  
cate thereof;  
nor Aliens  
under Fourteen  
Years of Age.

XII. And



**XII.** And be it further enacted, That this Act shall commence and take effect from and after the First Day of *July* in the present Year. Commencement of Act.

**XIII.** And be it further 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.

### C A P. XII.

An Act for amending an Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales.* [20th May 1836.]

**WHEREAS** by an Act passed in the Ninth Year of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales*, it is amongst other Things enacted, that such Divisions, when severally constituted in the Manner directed by the said Act, shall be subject to no Alteration or Revision for the several Terms of Twenty-one and Ten Years respectively, and until further Order of Sessions after the Expiration of such Terms of Twenty-one Years and Ten Years respectively: And whereas it may be expedient that such Divisions should have the same Limits as Unions of Parishes formed under the Act of the Fourth and Fifth Years of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*; and for this and other Reasons it may be expedient to alter such Divisions within shorter Periods of Time than are now fixed by the herein recited Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices of the Peace for any County, Riding, or Division having a separate Commission of the Peace, in any Court of Quarter Sessions, to alter and revise such Divisions in the Manner and according to the Forms required by the said herein recited Act, on the Expiration of Three Years from the constituting thereof, any thing in such Act contained to the contrary notwithstanding. 9 G. 4. c. 43.  
4 & 5 W. 4. c. 76.

**II.** And be it further enacted, That it shall be lawful for the Justices as aforesaid at such Quarter Sessions to make any Order constituting any new Division, upon due Proof before them made in open Court on Oath, that at the Time of making the same there are at the least Five Justices of the Peace residing or usually acting within the Boundary Line proposed to be the Limit of any such new Division, but not otherwise. Justices at Quarter Sessions may alter Divisions after 3 Years from the constituting thereof.  
New Divisions may be constituted if Five Justices are resident or acting therein.

**III.** And be it further enacted, That all Matters and Things by the said herein recited Act required to be done by and with regard to the Clerk of the Peace shall be done by and with regard to that Officer with respect to the new Divisions to be formed by virtue of this Act. Forms, &c. to be similar to those in 9 G. 4. c. 43.

**IV.** Provided always, and be it further enacted, That every such Order shall be made subject to such Power of petitioning against Reservation of Right of Appeal.

against the same as is given by the said herein recited Act with respect to any Order made by virtue thereof.

Proceedings not to be quashed for Want of Form.

V. And be it further enacted, That no Order to be made nor any Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Not to extend to Middlesex, Scotland, or Ireland.

VI. And be it further enacted, That nothing in this Act contained shall extend or be construed or taken to extend to the County of *Middlesex* in *England*, or to *Scotland* or *Ireland*.

### C A P. XIII.

An Act to consolidate the Laws relating to the Constabulary Force in *Ireland*. [20th May 1836.]

‘ WHEREAS it is expedient to consolidate and amend the Acts for the Appointment of Constables and of Magistrates in *Ireland* in certain Cases;’ be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the following Acts and Parts of Acts, (that is to say,) an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the better Execution of the Laws in Ireland by appointing superintending Magistrates and additional Constables in certain Cases*, except so far as the said Act enables the Lord Lieutenant to change the Districts for holding Civil Bill Courts in Counties; an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third, to amend the said Act; and another Act passed in the Fifty-fifth Year of His said late Majesty, intituled *An Act to enable Grand Juries to present additional Sums for Constables in Ireland, and for the secure Conveyance of Prisoners*, except so much of the said last-mentioned Act as relates to the Expences of removing transported Felons, and of the conveying Persons charged with Treason or Felony to Gaol; an Act passed in the Fifty-seventh Year of the Reign of His said late Majesty, to amend the said Two first-mentioned Acts of the Fifty-fourth and Fifty-fifth Years of His said late Majesty's Reign; so much of an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enable Justices of the Peace in Ireland to act as such in certain Cases out of the Limits of the Counties in which they actually are; to make Provision for the Execution of Warrants of Distress granted by them, and to authorize them to impose Fines upon Constables and other Officers for Neglect of Duty, and on Masters for Ill-usage of their Apprentices*, as enables Justices to impose Fines upon Constables; an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates, in Ireland, in certain Cases*; an Act passed in the Fifth Year of the Reign of His said late Majesty

Repeal of Part of 54 G. 3. c. 131.

55 G. 3. c. 13.

Part of 55 G. 3. c. 158.

57 G. 3. c. 22.

Part of 59 G. 3. c. 92.

3 G. 4. c. 103.

Majesty King George the Fourth, intituled *An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in Ireland*; an Act passed in the Ninth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to amend Two Acts of the Third and Fifth Years of His present Majesty, for the Appointment of Constables in Ireland*, shall be and the same are hereby repealed, save so far as the said Acts or any of them repeal any other Act, and save so far as herein to the contrary provided, and also save with respect to the Superannuation Allowances granted at any Time before the passing of this Act to any Chief or other Constables appointed under the said Acts or any of them, and save and except as to any Act, Matter, or Thing which may have been previously done in the Exercise of the Powers, Duties, Authorities, and Functions given by the said Acts or any of them; every which Act, Matter, and Thing shall be and remain valid and effectual to all Intents and Purposes as if this Act had not passed.

II. Provided always, and be it enacted, That the Magistrates, Inspectors, Superintendents, Clerks, Chief and other Constables, Sub-Constables, Officers, and other Persons heretofore appointed, or acting under the said herein-before recited Acts or any of them, in any County, County of a City, or County of a Town, Barony, or other District, shall and they are hereby respectively authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several Duties and Offices, with the like Powers, Privileges, and Authorities, and subject to the like Obligations, Restrictions, Liabilities, Directions, and Regulations, as heretofore, until it shall be notified, by a Notice to be inserted in the *Dublin Gazette* by the Inspector General to be appointed under this Act, that the Constabulary Force for such County, County of a City, or County of a Town is fully organized according to the Provisions of this Act; and upon such Notification the Appointments and Offices of all such Magistrates, Inspectors, and Superintendents, Clerks, Chief and other Constables, Sub-Constables, and Officers, and other Persons, within each such County and Place respectively, shall become and be void, and they shall severally discontinue acting under the said recited Acts; and all the Houses, Outhouses, Appurtenances, Furniture, Horses, Arms, Accoutrements, Saddles, Bridles, Clothing, Books, Papers, and Appointments, Articles and Things whatever rented, held, or provided for their Use respectively under the said recited Acts or any of them, shall be applied, transferred, employed, and converted to the Use and Accommodation of the Constabulary Force so organized, and the Right, Property, and Interest therein shall immediately upon such Notification vest in the Receiver for the Constabulary Force of *Ireland* to be appointed under this Act.

III. Provided always, and be it enacted, That all Chief and other Constables and Sub-Constables who shall so discontinue acting under the said recited Acts shall thenceforward severally act under this Act in the several Offices held by them respectively under the said recited Acts, without any further or other Appointment thereto, until the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall otherwise direct.

5 G. 4. c. 28.

and 9 G.4. c.63.

Existing Magistrates, Inspectors, Constables, &c. to continue until it is notified in the *Dublin Gazette* that a Constabulary Force is fully organized according to this Act; upon such Notification their Appointments to cease, and the Houses, Furniture, Horses, Arms, &c. to be transferred to the new Force.

Constables to hold same Offices under this Act as formerly, until otherwise directed;

and to take the Oath herein mentioned, or, in default, to cease to act.

IV. Provided further, and be it enacted, That every such Chief and other Constable and Sub-Constable appointed under the said recited Acts, and continuing to act under this Act as aforesaid, shall, within One Month from the making of the Notification aforesaid, take and subscribe the Oath herein-after mentioned in manner herein-after mentioned, and shall obtain and forward such Certificate thereof as is herein-after required, or in default of his or their so doing the Person or Persons who shall so make default shall at the Expiration of the said Period of One Month cease to hold his or their Offices.

Power to the Lord Lieutenant to appoint an Inspector General and One or Two Deputy Inspectors.

V. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under his or their Hands, to nominate and appoint One fit and proper Person to be Inspector General of Police throughout *Ireland*, who shall reside in *Dublin*, and shall be charged and invested with the general Direction and Superintendance of the Force to be established under this Act, and to appoint from Time to Time, when and as he or they may think necessary, One or Two fit and proper Persons to be Deputies to the said Inspector General, and to appoint any fit and proper Persons to be Clerks in the Office of such Inspector General; and every such Inspector General and Deputy Inspector General shall, on his Appointment to such Office, forthwith take before any Two Magistrates the Oaths by Law required to be taken by Justices of the Peace in *Ireland*, and also the Oath herein-after contained, and shall thereupon be and become, without further Qualification or Appointment, and continue so long as he shall hold the said Office, but no longer, a Justice of the Peace for every County, County of a City, County of a Town, and Town and Liberties in *Ireland*.

Power to Lord Lieutenant to make Rules.

VI. And in order to provide for one uniform System of Rules and Regulations throughout the whole Establishment of Police in *Ireland*, be it enacted, That it shall and may be lawful for such Inspector General, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to frame (subject to such Regulations as the Lord High Treasurer or Lords Commissioners of the Treasury, or any Three or more of them, may from Time to Time establish in respect of the particular Fiscal Duties to be discharged by the Receiver and Paymasters to be appointed under this Act,) Rules, Orders, and Regulations for the general Government of the several Persons to be appointed under this Act, as well with respect to the Places of their Residence, their Classification, Rank, and particular Services, their Distribution and Inspection, as to the Description of the Arms, Accoutrements, and other Necessaries to be furnished to them, and which of them shall be supplied with Horses, and all such other Rules, Orders, and Regulations relative to the said Police Force as may be necessary for the Purpose of preventing Neglect or Abuse, and for rendering the said Force efficient for the Discharge of the several Duties thereof.

Power to Lord Lieutenant to appoint County Inspectors.

VII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in like Manner from Time to Time to appoint Four Persons to be  
County

County Inspectors of Police; and each such County Inspector shall be charged and invested with the general Government, Direction, and Superintendence of the Police Force to be established within such Number of Counties as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may direct, and within any and every County of a City, County of a Town, and Town and Liberties locally situate within such Counties (except the County of the City of *Dublin*); and each such County Inspector shall, on his Appointment to such Office, forthwith take the Oaths by Law required, in such Manner as by Law prescribed to be taken by Justices of the Peace in *Ireland*, and the Oath herein-after provided, and shall thereupon be and become, without further Qualification or Appointment, a Justice of the Peace in and for the Counties, and in and for each County, County of a City, and County of a Town, Town and Liberties, adjoining to or locally situate within the Counties for which he shall be appointed Inspector, so long as he shall hold the said Office, but no longer.

VIII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under his or their Hand or Hands, to nominate and appoint Eighteen Persons to be Paymasters, Storekeepers, and Clerks; and every such Paymaster shall, before entering upon the Duties of his Office, give Security to His Majesty in a Bond with Two Sureties in such Sum as the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall direct, such Bond to be conditional for the faithful accounting and due Application of all Monies which shall come to his Hands, and for the due and faithful Execution of all other Duties of his Office.

Power to Lord Lieutenant to appoint Paymasters, Storekeepers, and Clerks.

IX. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant, in like Manner from Time to Time to nominate and appoint, in and for each of the said Counties of *Cork*, *Tipperary*, and *Galway*, any Number not exceeding Two fit and proper Persons to be Sub-Inspectors of Police to act for such Districts as may be assigned to them respectively in aid of the County Inspectors, and under and subject to their Direction and Control, and in like Manner to appoint in and for any and every other County One Sub-Inspector to act for such County, and in and for each County of a City and County of a Town adjoining to or locally situate within the County for which he shall be so appointed, in aid of and under the like Direction and Control of the Inspector thereof; and each such Sub-Inspector shall on his Appointment forthwith take the Oaths herein-after prescribed, and shall thereupon be and become invested with all such Power and Authority for the Preservation of the Peace and the Apprehension of Offenders as may belong to any Chief or other Constable appointed under this Act, so long as he shall hold such Office, but no longer.

Power to Lord Lieutenant to appoint Sub-Inspectors.

X. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time, as he or they shall think fit, to remove any Inspector General, Deputy Inspector General, County Inspector, Sub-Inspector, Paymaster, or Clerk who may be appointed under

Power to Lord Lieutenant to remove Inspectors General, &c.

this Act, and upon any Vacancy in any of the said Offices or Appointments by Death, Removal, Disability, or otherwise, to nominate and appoint some other fit and proper Person to fill the same.

Lord Lieutenant may appoint Chief and other Constables, not exceeding the Numbers herein mentioned.

XI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint from Time to Time at his Will and Pleasure, in and for each County of a City and County of a Town, except the said County of the City of *Dublin*, One Chief Constable, Two Head Constables, and any such Number of Constables and Sub-Constables, not exceeding One hundred, as may be deemed by him or them to be necessary and sufficient for the Preservation of the Peace therein, and in and for each Barony, Half Barony, or other Division of Barony in each County at large, One Chief Constable, Two Head Constables, and any Number of Constables and Sub-Constables, not exceeding Sixteen, and from Time to Time, as to him or them shall seem fit, to dismiss any such Chief or other Constable or Sub-Constable, and upon any Vacancy in any of the said Offices by Death, Removal, or otherwise, to appoint some other fit and able Person to fill the same; and all such Chief and other Constables and Sub-Constables shall have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have, either by the Common Law or by virtue of any Statute now or hereafter to be in force in *Ireland*: Provided always, that in every Case in which the Lord Lieutenant or other Chief Governor or Governors of *Ireland* has or have before the passing of this Act, by the Advice of the Privy Council of *Ireland*, declared by Proclamation any County, or County of a City, or County of a Town, or Barony, or Half Barony, or other Division of Barony, or any District, to be in a State of Disturbance, and has or have thereupon appointed an extraordinary Establishment of Police for the same, and in every Case in which the Magistrates of any County have in manner required by Law certified the Number of Constables appointed for such County, or any Barony or Half Barony or other Division of Barony, or any District, to be inadequate to the Preservation of the Peace within the same, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* has or have thereupon directed the Appointment of the additional Number of Constables so certified to be necessary, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, without any further or renewed Proclamation as aforesaid, and without any further or renewed Certificate as aforesaid, to retain and employ in every such County, County of a City, County of a Town, Barony, Half Barony, or other Division of Barony, and District, such Number of Constables as may be appointed for the same respectively at the Time of the passing of this Act, and to reduce such Number from Time to Time as he or they may think fit, in the same Manner as he or they might have done if this Act had not been passed.

This Act not to prevent the Appointment, &c. of additional Constables in Places already declared to be in a disturbed State.

Power to Lord Lieutenant to appoint an addi-

XII. Provided always, and be it enacted, That in any Case in which Seven or more Magistrates of any County at large, at any General or Special Sessions held after Notice given by the Clerk of

of the Peace, being a Majority of the Magistrates then present, shall certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that the Number of Chief or other Constables or Sub-Constables so appointed for any such County is inadequate to the due Execution of the Law within the same, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint such further Number of Chief and other Constables and Sub-Constables for such County as may be so certified to be necessary, and to remove such Chief and other Constables and Sub-Constables from Time to Time.

XIII. And be it enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by the Advice of the Privy Council of *Ireland*, to declare by Proclamation that any County, County of a City, or County of a Town in *Ireland*, or any Barony or Baronies, Half Barony or Half Baronies in any County at large, or any District of less Extent than any Barony or Half Barony, to be therein specified, is or are in a State of Disturbance, and requires or require an additional Establishment of Police; and thereupon it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint such and so many Chief Constables, Constables, and Sub-Constables as he or they shall think proper, not exceeding One such Chief Constable, Two Head Constables, and Fifty such Constables or Sub-Constables for any One Barony or Half Barony, or for any County of a City or County of a Town or District of less Extent than any Barony or Half Barony, which may have been so declared to be in a State of Disturbance.

XIV. And be it enacted, That no Person shall be appointed to be a Chief or other Constable or Sub-Constable under this Act unless he shall be of a sound Constitution, able-bodied, and under the Age of Forty Years, able to read and write, of a good Character for Honesty, Fidelity, and Activity; and that no Person shall be appointed to be such Chief or other Constable or Sub-Constable who shall be a Game-keeper, Wood-ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff, or Parish Clerk, or who shall be a hired Servant in the Employment of any Person whomsoever, or who shall keep any House for the Sale of Beer, Wine, or Spirituous Liquors by Retail; and that if any Person who shall be appointed to be a Chief or other Constable or Sub-Constable under this Act shall at any Time after such his Appointment be or become a Game-keeper, Wood-ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff, or Parish Clerk, or a hired Servant, or shall act in any of the said Capacities, or shall sell any Beer, Wine, or Spirituous Liquors by Retail, such Person shall be and become disabled from and incapable of acting and shall forfeit his Appointment as Constable, and all Authority and Privilege, and all Salary and Gratuity payable to him as a Chief or other Constable or Sub-Constable under this Act.

XV. And be it enacted, That every Chief Constable, Head Constable, Constable, and Sub-constable to be appointed under this Act shall, when not engaged on actual Duty, attend on the Justices of the Peace at their several General or Quarter Sessions, and also at their Petty Sessions, which shall be held at the respective Places

tional Number of Constables on Certification by Magistrates of the Necessity thereof.

Power to Lord Lieutenant to appoint additional Constables for any Part of Ireland declared by Proclamation to be in a disturbed State.

Qualifications and Disqualifications for Constables.

Constables to attend Magistrates, and execute their Warrants.

where such Chief or other Constable or Sub-Constable may be stationed, and shall obey and execute all the lawful Warrants, Orders, and Commands of such Justices at such Sessions in all Cases, Civil and Criminal: Provided always, that no Chief or other Constable or Sub-Constable shall be employed under such Authority to levy Tithes or Tithe Composition, or to levy Rents by Distress, or to levy Fines or Penalties under any Act or Acts relating to the Revenue in *Ireland*, nor to enforce any Acts relating to the Laws for the Preservation of Game or Fish, except only in Cases where forcible Resistance shall have been actually made and proved by Information taken on Oath.

Constables to execute all Processes to them directed.

XVI. And be it enacted, That, except as aforesaid, every Chief Constable, Head Constable, Constable, and Sub-Constable, appointed under this Act, shall within his Jurisdiction execute all Processes to him directed for levying the Amount of any Fine or Fines which shall be imposed under any Act in force in *Ireland*, or for levying the Amount of any Recognizance forfeited to His Majesty, His Heirs and Successors, or of any Fines imposed on any Jurors, Witnesses, Parties, or Persons at any Assizes, or Commission of Oyer and Terminer, or Gaol Delivery, or Sessions of the Peace; and when any Warrant, Order, or Command of any Magistrate shall be delivered or given to any such Head Constable or Sub-Constable, he shall, if the Time will permit, show or deliver the same to the Chief Constable under whose immediate Command such Head Constable or Sub-Constable shall then be, and such Chief Constable shall nominate and appoint by Indorsement thereon such One or more of the Constables under his Orders, and such Assistant or Assistants to him or them as such Chief Constable shall think proper, to execute such Warrant, Order, or Command; and every such Constable whose Name shall be so indorsed, and every such Assistant as aforesaid, shall have all and every the same Rights, Powers, and Authorities for and in the Execution of every such Warrant, Order, or Command as if the same had been originally directed to him or them expressly by Name.

Persons appointed under this Act to take an Oath previous to acting.

XVII. And be it enacted, That no Person appointed under this Act to be an Inspector General, Deputy Inspector General, County Inspector, or Sub-Inspector, Receiver, Magistrate, Paymaster, Clerk, Chief or other Constable or Sub-Constable, shall be, except as is herein-before provided, capable of holding the said Office, or of acting in any Way therein, until he shall take and subscribe the Oath here following; (that is to say,)

Form of Oath.

‘ I *A. B.* do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Inspector General, Deputy Inspector General, County Inspector, or Sub-Inspector, Receiver, Paymaster, Clerk, Magistrate, Chief Constable or Head Constable, [or Constable, or Sub-Constable, as the Case may be,] without Favour or Affection, Malice or Ill-will; that I will see and cause His Majesty’s Peace to be kept and preserved, and that I will prevent to the best of my Power all Offences against the same; and that while I shall continue to hold the said Office I will, to the best of my Skill and Knowledge, discharge all the Duties thereof, in the Execution of Warrants and otherwise, faithfully according to Law; and that I do not now belong, and that I will not, while I shall hold the said Office, join, subscribe, or belong, to any political



' tical Society whatsoever, or to any secret Society whatsoever, unless to the Society of Freemasons. So help me GOD.'

And the said Oath shall be administered, either at General or Petty Sessions or otherwise, by any Two Magistrates, and shall in all Cases be subscribed by the Person taking the same; and the said Oath shall be administered by any Two Magistrates, either in open Sessions or otherwise; and such Magistrates shall forthwith give to the Person taking the same a Certificate thereof under his Hand, such Certificate to be forwarded to the Chief Secretary of the Lord Lieutenant, or the Under Secretary, or to such Person as he may appoint.

XVIII. And be it enacted, That no Inspector General, Deputy Inspector General, Receiver, or County Inspector, or Magistrate, appointed by virtue of this Act, shall, during the Continuance of such Appointment, be capable of being elected or sitting as a Member of the House of Commons; and that no Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or Person belonging to the said Constabulary Force or appointed by virtue of this Act, shall during the Time that he shall continue in any such Office, or within Six Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for any County, City, Borough, Town, or Place in *Ireland*, nor shall, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, Borough, Town, or Place; and if any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or Person belonging to the said Constabulary Force, shall offend therein, he shall forfeit the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Calendar Months after the Commission of the Offence: Provided always, that nothing in this Enactment contained shall subject any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or Person belonging to the said Constabulary Force or appointed under this Act, to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

XIX. And be it enacted, That if any Chief or other Constable or Sub-Constable shall neglect or refuse to obey and execute any Warrant hereby directed to be by him executed, or shall be guilty of any Neglect or Violation of Duty in his Office, every such Chief or other Constable shall forfeit and incur such Penalty, not exceeding Five Pounds, as any Two or more Justices of the Peace, after Examination upon Oath of One or more credible Witness or Witnesses, or upon Confession of the Party, shall think proper to impose or inflict; and the Amount of such Penalty shall and may be deducted from and out of any Salary accruing due to such Offender under this Act, upon a Certificate thereof to be by the

Inspector General, &c. appointed under this Act, not to sit in Parliament; nor Persons belonging to the Constabulary Force to vote at Elections.

Penalty not exceeding 5*l.* may be imposed on Chief and other Constables for Violation of Duty.

the Justices before whom he may be convicted transmitted to the Paymaster of the County: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors to mitigate or remit any such Penalty.

Constables dismissed to lose their Powers, and deliver up the Arms, &c.

XX. And be it enacted, That when any Chief or other Constable or Sub-Constable shall be dismissed from or shall cease to hold and exercise his Office, all Powers and Authorities vested in him as a Constable shall immediately cease and determine to all Intents and Purposes whatever; and if any Constable or Sub-Constable shall not, within One Week after he shall be dismissed from or shall cease to hold and exercise his Office, deliver over all and every the Arms, Ammunition, and Accoutrements, Horse, Saddle, Bridle, Clothing, and other Appointments whatsoever, which may have been supplied to him for the Execution of such Office, to the Paymaster for the County, or to such Person and at such Time and Place as shall be directed by the said Paymaster, every Person making default herein shall, upon Conviction for such Offence before any Two or more Magistrates upon Oath of One or more credible Witness or Witnesses, or upon his own Confession, be subject and liable to Imprisonment in the Common Gaol or House of Correction for any such Period not exceeding the Term of Two Calendar Months, and kept to hard Labour, as such Magistrates shall think proper to direct; and it shall be lawful for such Magistrates, and they are hereby authorized and required, to commit every such Offender accordingly, and to issue their Warrant to search for and seize, to the Use of His Majesty, all and every the Arms, Ammunition, Accoutrements, Horses, Saddles, Bridles, Clothing, and other Appointments whatsoever which shall not be so delivered over, wherever the same shall be found.

Constables not to resign without Leave.

XXI. And be it enacted, That no Head Constable, Constable, or Sub-Constable to be appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly authorized so to do in Writing by the County Inspector or Sub-Inspector under whom he may be placed, or unless he shall give to such Inspector One Month's Notice of his Intention so to resign or withdraw; and if any Head Constable, Constable, or Sub-Constable shall so resign or withdraw himself without such previous Permission or Notice, he shall for such Offence forfeit and pay a Penalty not exceeding Ten Pounds upon Conviction before Two Justices of the Peace; and it shall and may be lawful for such Justices, in case such Penalty shall not be paid, to commit such Person to the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months, and kept to hard Labour; and all Penalties so to be levied shall be paid to the Paymaster or One of the Paymasters of the County, to be applied and accounted for as herein-after directed.

County Inspectors, &c. to be exempt from Tolls.

XXII. And be it enacted, That all County Inspectors, Sub-Inspectors, Chief and other Constables and Sub-Constables, appointed and acting under this Act, being on actual Duty, and in proper Dress or Undress as such, and all Prisoners under their Charge, and all Carriages and Horses exclusively employed in carrying or conveying such Persons or their Prisoners or Baggage, or returning therefrom, and not otherwise engaged or employed, shall be exempted from Payment of any Duties and Tolls on passing

ing Turpike Roads or Bridges, otherwise demandable by virtue of any Act already made or to be made; and any Toll Collector who shall demand and receive any Duty or Toll contrary to this Act shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, to be recovered by Distress and Sale of the Goods and Chattels of such Person so offending, on Conviction in a summary Way before a Justice of the Peace, the same to be paid to the Person from whom such Duty or Toll shall have been received, and to be applied as any Penalties payable to any Chief or other Constable are directed by this Act to be applied.

XXIII. And be it further enacted, That no Inspector General, Deputy Inspector, Receiver, Paymaster, County Inspector, Sub-Inspector, Chief or other Constable or Sub-Constable, appointed and acting under this Act, shall be liable to serve the Office of Churchwarden, Parish Overseer, or Constable, or to serve as a Juror in any Case, Civil or Criminal, or to be chosen or ballotted to serve in the Militia, or subject to any Fine, Penalty, or Punishment whatsoever for declining or refusing to serve in any such Capacity.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Inspector General or Deputy Inspector General to be appointed under this Act, or either of them, or any other Person or Persons to be nominated for the Purpose from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to examine on Oath into the Truth of any Charges or Complaint preferred against any Person to be appointed under this Act, of any Neglect or Violation of Duty in his Office, and to report thereon to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and any Person who on any such Inquiry, or on any other Occasion on which an Oath may be administered under this Act, shall give false Evidence or take a false Oath, and be 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.

XXV. And be it further enacted, That if any Person not appointed and acting under this Act shall have in his or her Possession any Arms or Ammunition, or any Article of Clothing, Accoutrements, or Appointments, supplied to any Person under this Act, and shall not be able satisfactorily to account for his or her Possession thereof, or shall put on or assume the Dress, Name, Designation, or Description of any Person or Persons, or of any Class of Persons, appointed under this Act, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any other Act which such Person or Persons so putting on or assuming such Dress, Name, Designation, or Description would not by Law be entitled to do or procure to be done of his or their own Authority, every such Person so offending shall, in addition to any other Punishment to which he or she may be liable for such Offence, forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Pounds, to be recovered by Distress and Sale of the Goods and Chattels of such Offender on summary Conviction before Two Justices of the Peace, or in default of Payment thereof shall be imprisoned for any

County Inspectors, &c. not to be liable to serve as Churchwardens, Jurors, &c.

Oaths may be administered on Police Inquiries.

Penalty on unlawful Possession of Arms, &c. supplied to Constabulary, and on assuming the Dress, Name, &c. of Constables, &c. 10l. or Two Months Imprisonment and hard Labour.

any Period not exceeding Two Calendar Months, and kept to hard Labour; such Penalty to be paid to one of the County Paymasters appointed under this Act, and by him paid over to the Receiver, to be applied by him in aid of the Police Reward Fund provided in and by this Act.

As to the Stamp Duty on Appointments of Persons holding Situations under former Acts.

XXVI. And be it further enacted, That no Person already appointed and now acting under the said recited Acts or any of them, who shall be appointed to any Situation under this Act, shall be liable to pay any new or greater or other Stamp Duty on such new Appointment than would be payable by Law on an Appointment to a Situation of the annual Value of the Difference, if any, between the annual Value of the Situation now held by such Person and the annual Value of such new Situation.

Inspectors, &c. may be ordered to other Counties;

XXVII. And be it enacted, That it shall and may be lawful for the Inspector General, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time, as may be deemed expedient, to order and direct that every or any the Inspectors, Sub-Inspectors, Paymasters, Chief or other Constables, or that the whole or any Number of Chief or other Constables, or of Sub-Constables of any County, Barony, Half Barony, or other Division of a Barony, County of a City, County of a Town, or Town and Liberties, shall go and repair to such Place or Places in any other County or Counties, or in any County of a City or County of a Town, or Town and Liberties, in *Ireland*, as shall be mentioned in such Order, and shall remain there for such Length of Time, or remove to or remain at any other Place or Places in the same or any other County, City, or Town for such Time and Times, and shall return to his or their original County, Barony, Half Barony, and other Division of a Barony, City, or Town at such Time and Times respectively, as shall be mentioned or directed in or by such Order, or by any other Order or Orders which may from Time to Time be made by such Inspector General, subject to the like Direction and Control; and that such Inspectors, Sub-Inspectors, Paymasters, Chief and other Constables, and Sub-Constables, when so removed, shall have the same Rights, Powers, and Authorities, and be subject to the same Rules, Regulations, and Orders, and be in all respects in the same Situation in the County or other Districts or Places to which they shall be so removed, as if they had been originally appointed in and for such County or District.

their Expences to be defrayed by the County to which they are removed.

XXVIII. And be it enacted, That where any such Order as last aforesaid shall be acted upon, all Expences to be incurred for the Purposes of this Act by or on account of any Inspector, Sub-Inspector, Paymaster, Chief Constable or other Constable, or Sub-Constable, shall, during such Time as he shall be or remain in any County, or any Barony or Half Barony or other Division of a Barony, or County of a City, or County of a Town, or Town and Liberties, be defrayed in the same Manner in all respects by such County, or Barony or Half Barony or other Division of a Barony, or County of a City, or County of a Town, or Town and Liberties, in respect of which such Expences shall have been incurred, and to which it shall be by the said Lord Lieutenant or other Chief Governor or Governors declared that such Expences relate, as if he had been originally appointed in and for the same.

XXIX. And

**XXIX.** And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salaries as to him or them may from Time to Time seem proper, not exceeding the several Sums herein-after specified, to be paid in such Manner and subject to such Regulations and Provisions as he or they may direct, to the several Persons appointed under this Act; (that is to say,) to the Inspector General of Police an annual Salary not exceeding One thousand five hundred Pounds, to each Deputy Inspector an annual Salary not exceeding Eight hundred Pounds, to the Receiver of the said Constabulary Force an annual Salary not exceeding Six hundred Pounds, to each County Inspector an annual Salary not exceeding Five hundred Pounds, to each Sub-Inspector an annual Salary not exceeding Two hundred and fifty Pounds, to each Paymaster an annual Salary not exceeding One hundred Pounds, to each Chief Constable an annual Salary not exceeding One hundred and fifty Pounds, to each Head Constable an annual Salary not exceeding Seventy Pounds, to each Constable an annual Salary not exceeding Thirty-five Pounds, to each Sub-Constable an annual Salary not exceeding Twenty-five Pounds, and to the Clerks in the Office of the Inspector General annual Salaries not exceeding in the whole for all such Clerks the Sum of Eight hundred Pounds; and a rateable Proportion of such Salaries shall be payable for any Portion of a Year during which any Person entitled thereto may serve or have served; and in case of the Dismissal of any such Person, and the Imposition upon him of any Fine or Penalty under the Provisions of this Act, it shall be lawful to retain and deduct the Amount thereof from and out of the Salary due or accruing due to such Person.

Power to Lord Lieutenant to fix Salaries of Inspectors, &c.

**XXX.** Provided always, and be it enacted, That no Office or Employment under this Act shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that Persons holding Appointments under this Act shall not receive Half Pay.

Employments under this Act not to prevent the Holders from receiving Half Pay.

**XXXI.** And be it enacted, That in any Case in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by reason of any County or County of a City or County of a Town, or Town and Liberties, being in a State of Disturbance, or owing to the Absence or Non-residence of a Magistrate in any County, County of a City, County of a Town, or Town and Liberties, or in any District of any County, or for any other sufficient Cause, to be expedient, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under his or their Hand and Seal, to appoint during his or their Pleasure One or more Persons for any County, or for any County of a City or County of a Town, to be Magistrates for said County, County of a City, County of a Town, or Town and Liberties, or for any Part or District of any County, or for any District consisting of any Parts of any Two or more adjoining Counties, or for any One or more Barony or Baronies in any County, in *Ireland*, or for any District consisting of any County and of a County of a City or County of

Power to Lord Lieutenant to appoint resident Magistrates by Warrant under Hand and Seal.

of a Town, Town and Liberties, or City and County, or any Part or Parts thereof respectively, and from Time to Time to dismiss or remove any such Magistrate at his or their Will and Pleasure; and every Magistrate who shall be so appointed under this Act shall on his Appointment forthwith take the Oaths by Law required, and in such Manner as such Oaths are by Law required to be taken by Justices of the Peace in *Ireland*, and he shall thereupon to all Intents and Purposes be and become a Justice of the Peace in and for the County or Counties, or City or Town in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every County at large, or County of a City or County of a Town, Town and Liberties, or City and County adjoining to or locally situate within such his proper County, City, or Town, and shall have within such adjoining County, City, or Town all the Authority necessary for the due Execution of the Provisions of this Act.

Warrant to contain Grounds of Appointment, &c.

XXXII. Provided always, and be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, in every such Warrant as aforesaid, state specifically the Grounds of the Appointment of the Magistrate to whom it shall relate, and shall cause the Name of every such Magistrate so appointed to be published in the next *Dublin Gazette*.

Magistrates not to hold any other Office.

XXXIII. Provided always, and be it enacted, That no Person appointed to be a Magistrate with a Salary under this Act shall be capable of holding any other Office under this Act.

Salary of such Magistrates.

XXXIV. And be it enacted, That every such Magistrate while he shall hold such Office shall have and receive such Salary by the Year not exceeding the Sum of Four hundred Pounds, and rateably for any shorter Period, as the Lord Lieutenant or other Chief Governor or Governors shall from Time to Time direct, and also such Allowance for Forage as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think fit: Provided always, that if any Person now acting as a Magistrate under any of the herein-before recited Acts shall be appointed to act as a Magistrate under this Act, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to allow him any annual Salary and Allowances not exceeding the Amount of the Salary and Allowances enjoyed by such Person as such Magistrate under the said Acts or any of them.

Expences of Constables to be advanced out of the Consolidated Fund.

XXXV. And be it enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, to order that any such Sum or Sums as he or they shall think proper shall from Time to Time be advanced and paid out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, for the Payment of the several Salaries and Remunerations and Allowances, and the Purchase of Arms, Accoutrements, Horses, Bridles, Saddles, Appointments, Houses, Outhouses, Furniture, and Accommodations payable under or proper for the Use of the Constabulary Force to be appointed under this Act, and also for all Rents and Taxes payable for and in respect of such Houses, Outhouses, and for repairing all such Houses and Outhouses from Time to Time, and for the Forage of such Horses, and for the Expence of the Magistrates

trates, Inspectors, Chief or other Constables, or Sub-Constables, when they shall respectively be absent on Duty from their Residences under the Authority of this Act, and for all other necessary and reasonable Costs, Charges, and Expences incurred or to be incurred in the Execution of this Act; and all Money so issued shall be paid to the Receiver of the Constabulary Force of *Ireland* to be appointed as herein-after mentioned, with such Securities and under such Rules and Regulations as the said Lord High Treasurer or the Commissioners of the Treasury, or any Three or more of them, shall from Time to Time appoint and direct.

XXXVI. And be it enacted, That One Moiety of all Monies so advanced out of the Produce of the Consolidated Fund for all or any the Purposes of this Act (except so much of said Advances as shall be for the Salaries and Expences of the Inspector General, his Deputies and Clerks, and of all Magistrates to be appointed as aforesaid, and of the Receiver for the said Constabulary Force, and of the Paymasters in the several Counties,) shall be raised by Grand Jury Presentment off each County, County of a City, or County of a Town to which the same shall be declared by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to relate, and in or for which such Expences shall be or shall have been incurred.

One Moiety of such Advances to be repaid by the County.

XXXVII. And be it enacted, That the Inspector General to be appointed under this Act shall, with the Assistance of the Receiver, in sufficient Time before each Assizes and Presenting Term, ascertain the Amount of the Monies chargeable under the Provisions of this Act on each County, County of a City, of a Town, or any Part of any County, and shall make out a Certificate thereof under his Hand, specifying the Force or Service in respect whereof such Charge may have been incurred, and transmit the same, when approved and certified by the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to the Secretary of the Grand Jury for such County, County of a City and County of a Town, One Week before said Assizes and Presenting Term, who shall lay the same before the Grand Jury; and thereupon it shall be lawful for such Grand Jury, and they are hereby required, to make a Presentment for the Amount stated in such Certificate or in any previous Certificate, the Amount whereof shall not have been already presented, to be raised from off the County at large, County of a City, or County of a Town, or City and County respectively, in the same Manner as any Presentment for Constables may by Law be now raised therefrom; and it shall not be lawful for the Court at any Assizes or Presenting Term to fiat any Presentment for raising any other Money until such Presentment for such Expences be first made and allowed; and whenever the Amount stated in such Certificate shall be levied, the same shall be paid to such Bank or Person and in such Manner as the Lords of the Treasury or the Commissioners of the Treasury, or any Three or more of them, shall from Time to Time think fit to direct and appoint; and thereupon, but not before, as to all Sums mentioned in such Certificate as aforesaid, such County shall be deemed to be discharged.

Inspector General to ascertain the Sums chargeable to each County, and certify the same to the Grand Jury.

XXXVIII. And be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury,

Receiver to be appointed.

or

or any Three or more of them, to appoint a Person to receive all Sums of Money applicable to the Purposes of this Act, who shall be called "The Receiver for the Constabulary Force of *Ireland*;" and the said Lord High Treasurer, or the said Commissioners, or any Three or more of them, may remove any such Person if he or they shall see Occasion so to do, and may, upon any Vacancy in that Office by Death, Removal, or otherwise, appoint another Person to be such Receiver; and the Receiver for the Time being shall give Security to His Majesty in a Bond, with Two Sureties, in such Sum as the said Lord High Treasurer or the said Commissioners of the Treasury, or any Three or more of them, shall direct, such Bond to be conditioned for the faithful Performance of his Duty by such Receiver, and for the due Application of all Monies paid to him under this Act; and the Receiver for the Time being shall receive all Sums of Money applicable to the Purposes of this Act, and shall keep an exact and particular Account thereof, and shall immediately pay all Monies, Bills, and Notes by him received under this Act into the Hands of the Governor and Company of the Bank of *Ireland*, and the same shall be placed to an Account in the Books of the said Governor and Company, which shall be entitled "The Account of the Public Monies of the Receiver for the Constabulary Force in *Ireland*," and such Receiver shall draw out of the said Bank from Time to Time such Sums of Money as may be necessary for the Payment of the Salaries and Allowances payable under this Act, and of all other Charges and Expences attendant upon the Execution of the same, and shall from Time to Time transmit to the Paymasters of the several Counties the Monies required to defray all such Salaries, Charges, and Expences within such Counties respectively: Provided always, that the said Receiver and the said Paymaster shall be governed, in respect to all their pecuniary Transactions, whether of Receipt or Payment, and in respect of the Periods in which and for which they shall severally and respectively deliver their Accounts of such Receipts and Payments, accompanied by the proper and necessary Vouchers in support thereof, and as to the Manner in which such Accounts shall be kept and prepared and exhibited for Audit, by such Rules and Regulations as shall be issued in that respect from Time to Time by the Lord High Treasurer or the Commissioners of the Treasury, or any Three or more of them; and every Draft or Order for Money on the Bank of *Ireland*, drawn by the Receiver, shall be countersigned by the Inspector General or by one of his Deputies; and all Drafts and Orders so drawn and countersigned, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein or to the Bearers of them.

Monies to be lodged in the Bank of Ireland.

Monies to be accounted for, and Accounts to be examined by the Commissioners.

XXXIX. And be it further enacted, That the said Receiver and the said Paymaster shall be and be deemed to be Public Accountants, and shall be subject to the Regulations and Penalties in force in respect to Public Accountants; and that their Accounts shall be submitted to and examined by the Commissioners for auditing the Public Accounts, or by such Person or Persons as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, shall direct.

Receiver to make Contracts, and all the

XL. And be it enacted, That the said Receiver for the Time being shall make all such Contracts as shall be necessary for purchasing



chasing or renting any Lands or Buildings, or for erecting, fitting up, furnishing, or repairing any Buildings for the Purposes of this Act, in such Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct; and the Right, Title, Property, and Interest to and in all Lands and Buildings, and in and to the Fixtures and Furniture thereof, and in and to all Goods and Chattels whatsoever to be from Time to Time held, rented, or purchased for the Purposes of this Act, shall be vested in the said Receiver for the Time being, in whom shall be vested the Property in and to all Arms, Accoutrements, Horses, Saddles, Bridles, and other Necessaries to be at any Time furnished to the said Constabulary Force; and the said Receiver for the Time being may sell, assign, or dispose of the Whole or any Part of any such Property as aforesaid, and as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct, and the Monies arising from such Sale or Disposition shall be carried to and make Part of the Funds arising to the Credit of the Account of the said Receiver at the Bank of *Ireland*: Provided always, that it shall be lawful for the said Lord High Treasurer or Lords Commissioners, or any Three or more of them, from Time to Time to establish such Regulations as he or they may think proper in respect of all Contracts to be entered into, or Purchases or Payments made, for or on account of the said Constabulary Force; which several Rules and Regulations shall be certified by the said Commissioners of the Treasury to the said Receiver and to the several and respective Paymasters of the several Counties, and shall be of full Force and Authority, and shall be observed by all Persons whatsoever in relation to all Matters and Things therein contained.

XLI. And be it enacted, That upon the Death, Resignation, or Removal of any Receiver appointed under this Act the Balance of Cash for which he shall at that Time have Credit on his Account as Receiver with the Governor and Company of the Bank of *Ireland*, or on the Superannuation Fund or Reward Fund Account, and all Stock, Bills, Notes, Government or other Securities for Money, which he may at such Time have in that Character, shall, as soon as a Successor shall be appointed to the Office of Receiver, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Receiver for the Time being is hereby required to issue his Drafts or Orders, countersigned by the said Inspector General or Deputy Inspector, for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of any former Receiver.

XLII. And be it enacted, That if any Person, having resigned or having been removed from the Office of Receiver, shall neglect, within Twenty-one Days after Notice for such Purpose, to account for and pay to any succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Receiver for the Time being, in his own proper Name only, or by Name and Description of Office, to sue for and recover the same from such Person, with Double Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by

Property acquired under this Act to be vested in him.

Upon the Death or Removal of Receiver, the Balance of Cash at the Bank shall be transferred to his Successor.

Upon Removal of Receiver, his Successor may sue for any Balance in his Hands.

Mode of proceeding.  
Special Bail.

Court may refer the Accounts to an Officer or Arbitrator.

Mode of proceeding against the Representatives of a deceased Receiver.

Proof of Receiver's Character.

Reputation to be Evidence of Appointments.

Action of Debt; in which Action it shall be sufficient for such Receiver to declare as for Money had and received to the Use of such Receiver for the Purposes of this Act; and the Defendant in the Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court, or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer), and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule, either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable, or the Court may order Judgment to be entered up by Confession for such Sum as upon the Report shall appear to be due.

XLIII. And be it enacted, That in case of the Death of any Person during the Time that he shall be holding the Office of Receiver, or after he shall have resigned or been removed from such Office, the Receiver for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Persons deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act, in any of His Majesty's Courts of Record at *Dublin*; in which Action it shall be sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and the like Action may be brought against any Executors or Administrators of Executors or Administrators; and in all such Actions the Defendant or Defendants may plead in like Manner, and avail themselves of the like Matters in defence, as in any Action founded upon Simple Contracts of the original Testator or Intestate; and the Court may refer the Account in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as herein-before mentioned; and in all Actions to be brought, as well as in all Proceedings whatsoever to be instituted or carried on by any Receiver by virtue of this Act, Proof of his acting in the Execution of the Office of Receiver shall be sufficient Evidence of his holding such Office, unless the contrary shall be shown in Evidence by the Defendants in such Actions, or the Parties against whom such Proceedings shall be instituted or carried on.

XLIV. And be it enacted, That if any Question shall arise as to the Right of any Magistrate, or of any Inspector, Sub-Inspector, Chief Constable or Head Constable, or Sub-Constable, to hold or execute any such Office respectively, common Reputation shall to all Intents and Purposes be deemed and held to be sufficient Evidence of such Right; and it shall not be necessary to produce any Appointment,

Appointment, or any Oath, Affidavit, or other Document or Matter whatsoever, in Proof of such Right.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or in anywise be deemed or construed to extend, to repeal, affect, or take away the Election or Appointment of High Constables by Grand Juries for the Purpose of collecting the Sums presented by such Grand Juries, or of Parish Constables, or Constables of any Leet, in *Ireland*, or of Petty Constables of Baronies or Districts, by Grand Juries or by Magistrates at Sessions, or to take away or diminish or infringe the Powers or Authorities of any such Constables in any respect whatever; but no such Constable shall be deemed to belong to the said Constabulary Force, nor as such be entitled to any Payment or Salary under this Act.

This Act not to extend to High Constables, Parish or Leet Constables.

XLVI. And be it enacted, That there shall be deducted from the Pay and Salary of the several Persons appointed under this Act, except the Receiver and Paymasters, the Sum of Two Pounds *per Centum per Annum*, and so rateably from any Pay or Salary of whatever Amount; which Sum so deducted shall from Time to Time be invested in Government Stock by and in the Name of such Receiver, and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after next mentioned, shall be likewise invested in such Stock, and accumulate so as to form a Fund to be called "The Police Superannuation Fund," and to be applied from Time to Time as Occasion may require for the Payment of such Superannuation or Retiring Allowances or Gratuities as may be at any Time from the passing of this Act ordered or appointed from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under the Powers herein-after given to him, to be charged on the said Fund or payable thereout; and in case the Fund so accumulated shall be inadequate to pay such Superannuations or Retiring Allowances, one Half of such Deficiency shall be made up by Presentment of the Grand Juries of the respective Counties, Counties of Cities, and Counties of Towns, in such Proportions as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct and appoint, and the other Half thereof shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*: Provided always, that in the Case of any yearly Allowance, Remuneration, or Superannuation granted under the said recited Acts, and directed to be presented by the Grand Jury of any County, the same shall be wholly payable and presented by the Grand Jury of such County as heretofore.

Superannuation Fund to be provided.

XLVII. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in his or their Discretion, upon the Petition of any Magistrate, Superintendent, Inspector General, Deputy Inspector General, County Inspector, Sub-Inspector, Chief or other Constable, or Sub-Constable, who shall have been appointed under this Act, or who may have been appointed and acted under said recited Acts or any of them, and, in the Case of any Chief Constable, upon such Recommendations and Certificates as such Lord Lieutenant or other Chief Governor or Governors shall require and

Lord Lieutenant empowered to superannuate Inspector, &c., and Grand Jury shall present yearly Allowances accordingly.

direct, to order and direct that any such Magistrate, Inspector, Deputy Inspector, County Inspector, Sub-Inspector, Chief Constable or other Constable, or Sub-Constable, shall and may be superannuated, and shall and may receive 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 herein-after mentioned and provided for, and thereupon such Person shall cease to hold such Office; and when such Person shall have served in more than One County it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by Warrant under his or their Hand, to apportion on each County in which he may have served such Portion of the Superannuation Allowance as he may think should be borne by such County; and the yearly Sum to which any such Magistrate, County Inspector, Sub-Inspector, Chief or other Constable, or Sub-Constable, shall become so entitled, or the Portion thereof apportioned as aforesaid, shall be presented by the Grand Jury of the County on which it shall be chargeable in Two equal Sums, one at each Assize or Presenting Term, during his Life, on Proof to the Grand Jury from Time to Time that the Person so entitled to such Superannuation is living, unless such yearly Allowance, Superannuation, or Remuneration shall be by such Lord Lieutenant directed to be chargeable on the Police Superannuation Fund herein-before provided, which such Lord Lieutenant or other Chief Governor or Governors is and are hereby authorized and empowered to do: Provided nevertheless, that unless such Superannuation Fund shall be adequate to discharge such Allowance, Superannuation, or Remuneration, together with the several Allowances, Remunerations, or Superannuations previously charged upon and made payable thereout, it shall not be lawful for the said Lord Lieutenant to grant any such Allowance, Remuneration, or Superannuation so chargeable upon the said Superannuation Fund, without the Consent of the said Lord High Treasurer or Lords Commissioners of the Treasury, or any Three or more of them.

Condition and Proportions of Allowances to Constables superannuated.

XLVIII. Provided always, and be it enacted, That the Conditions and Proportions of such Allowance, Remuneration, or Superannuation shall be as follows; (that is to say,) where any Person applying for the same shall be under Sixty Years of Age it shall not be lawful to grant any such Allowance, Compensation, Remuneration, or Superannuation, unless as herein-after provided, or upon Certificate from such Persons as may be appointed by the Lord Lieutenant or other Chief Governor or Governors for the medical Inspection of Persons appointed under this Act or any of the said recited Acts, that such Person is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, in which Case, if he shall have served with Diligence and Fidelity for Fifteen Years, it shall and may be lawful to grant to him by way of Superannuation an annual Sum not exceeding One Half of the Salary of his Office; if above Fifteen Years and less than Twenty, any Sum not exceeding Two Thirds of such Salary; if above Twenty Years, any such Sum not exceeding the whole of such Salary; and if such Person shall be above Sixty Years of Age, and he shall have served Fifteen Years or upwards, it shall and may be lawful, although there shall be no Certificate of Incapacity from Infirmity or Injury of

of Body or Mind, to grant him by way of Superannuation any annual Sum not exceeding Two Thirds of the Salary of his Office; if Sixty-five Years of Age or upwards, and he shall have served Forty Years or upwards, any Sum not exceeding Three Fourths of such Salary; if Sixty-five Years of Age or upwards, and he shall have served Fifty Years or upwards, any such Sum not exceeding the whole of such Salary: Provided always, that if any such Person shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office, it shall and may be lawful to grant to him such yearly Allowance or Remuneration as may, in the Opinion of the Lord Lieutenant or Chief Governor or Governors of *Ireland*, be proportioned to the Nature of the Injury received, without reference to the Length of his Service, provided that such Allowance or Remuneration shall in no Case exceed the whole of such Salary, and that in calculating the Period for which any such Person has served, the Time he may have served under any of such recited Acts shall be reckoned: Provided also, that every such yearly Superannuation Allowance may, at the Time of its being granted, or at any Time afterwards, be commuted for a Gratuity, payable immediately, at such Rate as the Lord Lieutenant or the Chief Governor or Governors of *Ireland* for the Time being may approve of.

Allowances in case of Wounds, &c.

XLIX. And be it enacted, That all Fines imposed on any Chief or other Constable under this Act, and all Penalties or Proportions of Penalties and Damages awarded to any Chief or other Constable or other Person appointed under this Act by any Justice or Justices of the Peace, on any summary Conviction, as the Prosecutor of any Information or otherwise, shall be paid to the Paymaster of each County, County of a City, or County of a Town, in which such Fine shall be imposed or such Conviction shall be had, and shall be by such Paymaster paid to the said Receiver to be appointed under this Act in such Manner as the said Lords Commissioners of the Treasury shall from Time to Time direct, so as that the same may form a Fund to be called the "Police Reward Fund," to be invested in Government Stock by and in the Name of such Receiver for the Time being, and accumulate for the Payment of such Rewards, Gratuities, Bounties, Pensions, or other Allowances as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from Time to Time award or direct to be paid to any Person or Persons appointed under this Act, or to the Widows and Families of any such Person on his Death; and that it shall and may be lawful to, and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, if he or they shall think fit, that any Proportion not exceeding Ten Shillings in the Year for every One hundred Pounds of the Salary of every Person appointed under this Act, and so in proportion for any Salary less than One hundred Pounds, shall, in addition to the Deduction herein-before mentioned of Two Pounds *per Centum per Annum* towards the Formation of the said Superannuation Fund, be deducted yearly from such Salaries, and added to the said Reward Fund, and form Part thereof.

Fines on Constables and Penalties payable to the Police to form a Fund to be called the "Police Reward Fund."

L. Provided always, and be it enacted, That when any Action shall be brought against any Constable for any Act done in obedience to the Warrant of any Magistrate, such Constable shall not be responsible for any Irregularity in the issuing of such

For Protection of Constables in executing Warrants.

Warrant, or for any Want of Jurisdiction in the Magistrate issuing the same, and such Constable may plead the General Issue and give such Warrant in Evidence; and upon producing such Warrant, and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person is reputed to be and acts as a Magistrate of such County or District (as the Case may be), and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable, and such Constable shall recover his Costs of Suit.

Each Paymaster to keep Accounts of Receipts and Payments, to be submitted half-yearly to the special Road Sessions;

to be transmitted to Inspector General.

Sub-Inspectors to transmit to Inspector-General and to Secretary of Grand Jury monthly Returns of the Disposition and Number of the Constabulary Force.

The Certificate of Charge to be prepared by the Inspector General upon the monthly Returns.

LI. And be it enacted, That each Paymaster appointed under this Act shall keep Accounts of all Sums received and of all Payments and Disbursements made on account of the Constabulary Force in each County or District for which he shall act; and that such Accounts shall be made up on the First Day of every Month, and transmitted to the said Receiver; and a Copy of each such monthly Account shall on the same Day be transmitted to the Secretary of the Grand Jury of the County, County of a City, or County of a Town to which the same shall relate, and be by him laid before the Magistrates at the special Road Sessions next preceding the next General Assizes, who shall inspect the same, and, if they shall so think fit, examine the said Paymaster on Oath as to any Matter or Thing contained in such Account, and each such Paymaster shall for that Purpose attend such special Road Sessions, if so required, and submit to such Examination; and the Chairman of such special Road Sessions shall transmit each such monthly Account to the said Inspector General, with such Remarks thereon as such special Road Sessions shall think fit to make.

LII. And be it further enacted, That every Sub-Inspector appointed under this Act shall on the First Day of every Month transmit to the said Inspector General a Return, showing the actual Disposition and Number of the Constabulary Force of the County for which such Sub-Inspector shall act during the preceding Month, which Return shall specify the Changes made from Time to Time therein, as well in Number as by Name, and shall distinguish by Number and Name the Members of the Police Force of other Counties serving within any such County, County of a City, or County of a Town, and shall also on the same Day transmit to the Secretary of the Grand Jury of the County, County of a City, or County of a Town to which such Return shall relate, a Copy of the said Return, to be laid before the Magistrates at their special Road Sessions next preceding the next General Assizes, for Examination.

LIII. Provided always, and be it further enacted, That the Inspector General to be appointed under this Act shall, in making out his Certificate as herein-before provided of the Monies chargeable under the Provisions of this Act on each County, County of a City, County of a Town, or Part of a County, have regard to such monthly Returns as aforesaid, and shall not include in his Certificate the Amount of any Charge with respect to which any Objection shall have been raised by the special Road Sessions of any County, County of a City, or County of a Town, until, upon Inquiry made by such Inspector General, he shall be satisfied that such

such Charge is not only reasonable, but has been properly made against the particular County, County of a City, or County of a Town, the special Road Sessions of which shall have raised Objection thereto.

LIV. Provided further, and be it enacted, That the Inspector General shall not include in his Certificate any Charge which shall have accrued subsequently to the Date of the last monthly Account which shall have been submitted to the Magistrates of the County, County of a City, or County of a Town to which such Demand shall relate, at their General Special Road Sessions next preceding the Date of such Certificate.

Certain Charges not to be included in the Certificate.

LV. Provided always, and be it enacted, That only so much of the County of *Dublin* as is not comprised within the Police District of *Dublin* Metropolis, as the same may be defined by any Act passed or to be passed, shall, for the Purposes of this Act, be deemed to be the County of *Dublin*.

What to be deemed the County of Dublin.

LVI. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons and Corporations Aggregate or Sole, having any Estate of Freehold in Possession in any Lands or Houses, and not otherwise by Law enabled so to do, from Time to Time to grant or demise to the Receiver to be appointed under this Act, or to any Person or Persons to be nominated by him for the Purpose, but in Trust for His Majesty, His Heirs and Successors, and for any Term of Years whatsoever, any House or Houses, not being the Mansion House or belonging thereto, or any Portion of Ground, not being the Garden, Lawn, or Park, not exceeding One Acre, for the Purpose of the same being occupied, used, or built upon for the Accommodation of the Constabulary Force to be appointed under this Act; every such Grant or Demise to be made at such annual Rent as may be agreed upon by or on behalf of such Inspector General, to be reserved to the Owner of the immediate Reversion in such Houses or Land for the Time being expectant on the Determination of such Term.

Grant of Houses or Lands for the Use of the Constabulary.

LVII. And be it enacted, That there shall be laid annually before both Houses of Parliament, during their Sitting, a Statement of the Amount of Constabulary Force employed in each County, County of a City, and County of a Town in *Ireland*, in which Statement shall be particularly distinguished the Number of Persons in each Class or Rank of the Constabulary Force so employed, with the Salaries and Allowances actually enjoyed by each Class, and that such Statement shall be accompanied by an Account of the whole Expenditure upon the Police Constabulary in each County, County of a City, or County of a Town, together with a Summary of the total Amount of Force employed, and of the total Expenditure upon the Constabulary Force in *Ireland*; such Statements and Accounts to refer to the Year ended on the First of *January* of the Year on which they are hereby directed to be laid before Parliament.

Statement of Amount of Constabulary Force to be laid annually before Parliament.

LVIII. And be it further 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.

## C A P. XIV.

An Act to amend the Laws relating to Bankrupts in *Ireland*.  
 [20th May 1836.]

Statutes repealed:  
 11 & 12 G. 3. (I.)  
 17 & 18 G. 3. (I.)  
 17 & 18 G. 3. (I.)  
 19 & 20 G. 3. (I.)  
 21 & 22 G. 3. (I.)  
 21 & 22 G. 3. (I.)  
 26 G. 3. (I.)  
 28 G. 3. (I.)  
 30 G. 3. (I.)  
 36 G. 3. (I.)

**W**HEREAS it is expedient to amend the Laws relating to Bankrupts, and to consolidate the same so amended in One Act, and to provide Means of administering and distributing the Estate and Effects of Bankrupts other than are now provided by Law: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act to prevent Frauds committed by Bankrupts*; and also so much of an Act passed in the Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of King *George* the Third, intituled *An Act for the Amendment of the Law with respect to Outlawrys, returning Special Juries, and the future Effects of Bankrupts, in certain Cases*, as relates to the Property of Bankrupts; and also an Act passed in the Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of King *George* the Third, intituled *An Act to exclude Traders from the Benefit of an Act, intituled 'An Act to prevent Frauds committed by Bankrupts, who do not keep regular Books of Account; and for continuing the said Law, and other Purposes*; and also an Act passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of King *George* the Third, intituled *An Act to explain an Act, intituled 'An Act to prevent Frauds committed by Bankrupts*'; and also so much of an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of King *George* the Third, intituled *An Act for reviving, continuing, and amending several temporary Statutes*, as relates to Acts relating to Bankrupts; and also so much of an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of King *George* the Third, intituled *An Act for the Relief of Insolvent Persons under a certain Description*, as relates to Bankrupts; and also an Act passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for the Relief of un-certificated Bankrupts*; and also so much of an Act passed in the Parliament of *Ireland* in the Twenty-eighth Year of the Reign of King *George* the Third, intituled *An Act for continuing the Acts relative to Bankrupts, and for reviving, continuing, and amending certain temporary Statutes*, as relates to Acts relative to Bankrupts; and also an Act passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of King *George* the Third, intituled *An Act to repeal certain Clauses in an Act passed in the Seventeenth and Eighteenth Years of His Majesty's Reign, intituled 'An Act to exclude Traders from the Benefit of an Act, intituled "An Act to prevent Frauds committed by Bankrupts," who do not keep regular Books of Account; and for continuing the said Law, and, other Purposes*'; and also so much of an Act passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act to make perpetual the Laws for preventing*



preventing Frauds committed by Bankrupts, also for providing a Maintenance for Parish Clerks, and for continuing certain other temporary Statutes, as relates to Bankrupts; and also an Act passed in the Parliament of Ireland in the Thirty-seventh Year of the Reign of King George the Third, intituled *An Act for the Relief of uncertificated Bankrupts*; and also an Act passed in the Parliament of Ireland in the Thirty-ninth Year of the Reign of King George the Third, intituled *An Act for the Relief of uncertificated Bankrupts*; and also an Act passed in the Parliament of Ireland in the Fortieth Year of the Reign of King George the Third, intituled *An Act for the Relief of uncertificated Bankrupts*; and also an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Forty-sixth Year of the Reign of King George the Third, intituled *An Act to amend the Laws relating to Bankrupts*; and also an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act to alter and amend the Laws relating to Bankrupts*, be and the same are hereby repealed, save so far as the same repeal any other Act: Provided, however, that all Matters heretofore done, or, until this Act shall take effect, to be done, under the said Acts or any of them, shall be as valid and effectual as if the said Acts were still in force.

37 G. 3. (1.)

39 G. 3. (1.)

40 G. 3. (1.)

46 G. 3. c. 135.

49 G. 3. c. 121.

II. And be it enacted, That all Power, Jurisdiction, and Authority of the Commissioners named in any Commission of Bankrupt which shall be subsisting at the Time when this Act shall take effect shall cease and determine, and that every such Commission and all such Power and Authority shall be and is hereby transferred to the Commissioner to be appointed by virtue of this Act; and all further Proceedings shall be thenceforth carried on in like Manner as if such Commission had been originally issued by the Lord Chancellor, pursuant to this Act, to the Commissioner to be appointed by virtue of this Act: Provided always, that nothing herein contained shall render invalid any Proceedings which may have been had under any Commission now subsisting, or which shall have been issued before this Act shall come into operation, or affect or lessen any Right, Claim, Demand, or Remedy which any Person now has thereunder, or upon or against any Bankrupt against whom any such Commission has or shall have issued as aforesaid, except as herein specially enacted.

Power of present Commissioners to cease; and Commissions to be proceeded in by a Commissioner to be appointed under this Act, &c.

III. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being to appoint a fit and proper Person, being a Barrister at Law of not less than Ten Years standing at the Bar, to be the Commissioner in all Commissions of Bankrupt to be issued pursuant to this Act, and to be called the Commissioner of Bankrupt, which Commissioner, so to be appointed, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors for the Time being of Ireland to remove such Commissioner upon a Certificate from the Lord Chancellor of some sufficient Reason to be named therein for such Removal.

Lord Lieutenant may appoint Commissioner.

IV. And be it enacted, That all Commissions of Bankrupt issued under the Great Seal of that Part of the United Kingdom of Great Britain

All Commissions of Bankrupt to be

issued by such  
Commissioner.

*Britain and Ireland called Ireland*, by virtue of this Act, shall be issued to the said Commissioner; and that such Commissioner shall, before he shall be capable of acting in the Execution of any of the Powers and Authorities given him by virtue of this Act, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,)

Oath of Com-  
missioner.

‘ I *A. B.* do swear, That I will faithfully, honestly, and impartially, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as Commissioner of Bankrupt, and that without Favour or Affection, Prejudice or Malice.

So help me GOD.’

And the Commissioner, having once taken the said Oath, shall not again be required to take the same so long as he shall continue in Office.

Sums to be paid  
to the Commis-  
sioner.

V. And be it enacted, That in lieu of the Fees now payable for like Matters the said Commissioner shall receive and be paid by the Agent to each Commission the Fee of Three Pounds Sterling for every Sitting under such Commission, and the like Sum for every Conveyance executed by him, and for the Signature to the Bankrupt's Certificate; and the Fees so payable shall, if not paid by the Agent to the Commission, be charged on and paid by the Assignees out of the Estate of the Bankrupt; and if the Commissioner shall directly or indirectly receive from the Creditors or out of the Estate of the Bankrupt any further Sum than as aforesaid, he shall be disabled for ever from acting as such Commissioner of Bankrupt.

Restrictions on  
Commissioner.

VI. And be it enacted, That no Commissioner to be appointed by virtue of this Act shall during his Continuance in such Office practise as a Barrister, or be capable of being elected a Member of the House of Commons.

Sums received  
by Commis-  
sioner to be paid  
into the Bank  
of Ireland, &c.

VII. And be it enacted, That the several Sums directed as aforesaid to be paid to and received by the Commissioner shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *Ireland*, to the Credit of the Accountant General of the High Court of Chancery, to a separate Account, to be entitled “The Bankruptcy and Compensation Fund Account;” and all Monies to be so paid in to the said Account shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of such Monies, for the Purposes herein-after provided, as the Lord Chancellor shall from Time to Time think fit to prescribe, but the same shall not be subject to the Payment of any Poundage to the Usher of the Court of Chancery.

Lord Chan-  
cellor may regu-  
late Fees of  
Officers, &c.

VIII. And be it enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to settle and regulate the Fees which shall be taken by and paid to the several Officers concerned in the issuing and suing forth and Execution of every such Commission of Bankruptcy as aforesaid, and upon all Petitions and Proceedings in the Execution thereof, other than such Fees as are hereby ordered, and, if he shall think fit, to direct that any of the said Fees shall be paid in to the Bankruptcy and Compensation Fund Account.

Compensation  
to existing  
Commissioners.

IX. ‘ And whereas the Duties of the several Persons now acting as Commissioners of Bankruptcy, and of the Messenger of the

‘ Com-

“ Commissioners of Bankruptcy in the City of *Cork*, and the Fees and Emoluments accustomed to be received by them, will be abolished by the Provisions of this Act, and it may be just and necessary that in all such Cases Compensation should be made in respect of such Fees so to be abolished; be it enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty’s Treasury, by Examination on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, to inquire into and ascertain the annual Amount of the lawful Fees and Emoluments of such Commissioners and Messenger received by them, and to award to all and every or to such One or more of the said Commissioners, and to such Messenger, as they shall deem to be entitled to the same an Annuity or Annuities, of such Amount and for such Term as the said Lords of the Treasury shall find to be a fair and reasonable Compensation for the Loss to be sustained by all or any of the said Commissioners or said Messenger by the Abolition of the said Fees, and shall certify the Amount of such Annuities in Writing under their Hands to the Lord Chancellor, who shall thereupon have Power to order the Amount so certified as payable to each Commissioner and said Messenger to be paid out of the Monies standing to the said Bankruptcy and Compensation Fund Account; and the same shall be payable and paid accordingly to the respective Persons aforesaid, without any Deduction whatsoever: Provided always, that the annual Sum to be so payable to any Commissioner or said Messenger shall not exceed Two Thirds of the average annual Amount of the Sums received by them respectively as such Commissioners or Messenger for the last Three Years, or such Portion of that Period as any of them acted as a Commissioner or Messenger, and shall not be paid to any Commissioner or Messenger who at any Time after the Commencement of this Act shall be appointed to and hold any public Office or Employment of an annual Value greater than the Annuity to be so certified as payable to him, so long as any such Office or Employment shall be so held.

X. And be it enacted, That from and after the Commencement of this Act there shall be paid and payable, out of the Monies standing to the Bankruptcy and Compensation Fund Account, to the Commissioner of Bankrupt to be appointed by virtue of this Act, the yearly Sum of One thousand five hundred Pounds, which said Sum shall be paid from Time to Time quarterly, free and clear of all Deductions and Taxes whatsoever, on the First Day of *September*, the First Day of *December*, the First Day of *March*, and the First Day of *June* in every Year, by equal Portions, the first Payment thereof respectively to be made on the First Day of *September* next; and that if any such Commissioner shall die, resign, or be removed, his Executors or Administrators, or himself, as the Case may be, shall be entitled to receive such proportionable Part of the Salary as shall have accrued during the Time that such Commissioner shall have executed his Office since the last Payment, and that the Successor of such Commissioner so dying, resigning, or being removed as aforesaid shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

Salary to Commissioner to be appointed under this Act.

XI. And

In case of Surplus in Bankruptcy and Compensation Fund Account the Lord Chancellor may order Diminution of the Fees.

**XL.** And be it enacted, That if at any Time it shall appear to the Lord Chancellor that the Monies standing to the said Bankruptcy and Compensation Fund Account, together with the Fees expectant and to be payable to such Account, shall be sufficient to answer and pay the said Salary and other Payments for the Time being chargeable thereon, and to leave a Surplus, it shall be lawful for the Lord Chancellor to order such Abatement to be made in the Fees made payable by this Act as may to the said Lord Chancellor from Time to Time seem just and reasonable; and in case the Sums to be produced as aforesaid, and standing to the Credit of said Bankruptcy and Compensation Fund Account, shall not be sufficient to discharge the Salary and other Payments chargeable thereon, then such Sum as shall be required to pay the same shall be charged on and paid out of the Fund called "The Suitors Fee Fund"; and such Sum as shall be paid out of the said last-mentioned Fund in discharge of such Salary and other Payments shall be repaid out of the Monies and Securities standing to the Credit of the Bankruptcy and Compensation Fund Account, whenever there shall be a Surplus thereof after discharging the Salary and Payments chargeable thereon.

Commissioner to sit when Business requires, and Provision in case of his Absence.

**XII.** And be it enacted, That the said Commissioner shall sit for the Dispatch of Business at all Times, *Sundays, Christmas Day, and Good Friday* alone excepted, when the Business of the said Commissioner of Bankruptcy shall require it; and that if, from Sickness or other reasonable Cause, to be allowed by the Lord Chancellor, he be absent, then and in every such Case it shall and may be lawful for the Lord Chancellor to appoint a Person, being a Barrister at Law of not less than Ten Years standing, to perform the Duties of such Commissioner during such Absence, upon taking the Oath herein-before prescribed for the Commissioner to be appointed by virtue of this Act; and every such Person so appointed to perform the Duty of such Commissioner as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Commissioner under this Act; and every such Person who shall be so appointed to act during the Absence of such Commissioner as aforesaid shall receive from the said Bankruptcy and Compensation Fund Account such Proportion, and no more, of the Salary of such Commissioner for and during the Period of his Service, as shall be directed by the Deputation under which he shall be so appointed, and the Residue only shall for such Period be payable to such Commissioner.

A Place at Dublin to be appointed for Sittings and Meetings.

**XIII.** And be it enacted, That it shall be lawful for the Lord Chancellor to appoint a Place in *Dublin* where the Commissioner shall sit, and that as well all Sittings fixed by the Commissioner under Commissions of Bankruptcy, as also all Meetings of Creditors under Commissions which are held in pursuance of public Advertisement, shall be holden at such Place, and that until such Place shall be appointed such Sittings and Meetings shall be held at the *Royal Exchange* at *Dublin*; and that it shall and may be lawful for the Lord Chancellor, if he shall think it necessary for the proper Discharge of the Business of such Court, to appoint some proper Person to act as Register of the said Court, and to direct

Power to appoint a Register.

direct that a Salary not exceeding Three hundred Pounds *per Annum* shall be paid to him out of the said Bankruptcy and Compensation Fund, and from Time to Time to remove such Register, if he shall think fit, and on his Removal, or on his Resignation or Death, to appoint another Person in his Place.

XIV. And be it enacted, That the Lord Chancellor shall have Power from Time to Time to make General Rules and Orders for regulating the Practice and Sittings of the said Commissioner, and the Conduct of the other Officers and Persons concerned in the suing out or Execution of Commissions of Bankrupt.

Lord Chancellor may make General Rules, &c.

XV. And be it enacted, That no Commissioner to be appointed by virtue of this Act shall be liable to any Action for any thing done by him in the Execution of the Duties and Powers given to him as such Commissioner by virtue of this Act.

Commissioner not to be liable to Actions.

XVI. And be it enacted, That all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Dublin* may appear and act as such in any Proceedings before the Commissioner to be appointed by virtue of this Act, without being required to employ Counsel; and in case any Person, not being an Attorney or Solicitor as aforesaid, shall practise before the Commissioner in any such Proceedings as an Attorney or Solicitor, he shall be deemed guilty of a Contempt of Court, and shall be liable to all the Penalties consequent thereon; and that all the Laws and Statutes now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Commissioner as aforesaid.

All Attornies and Solicitors may practise before the Commissioner.

XVII. And be it enacted, That all the Laws and Statutes not hereby repealed, and Rules and Orders in force before this Act shall come into operation, relating to Bankrupts, or to Commissioners of Bankrupts, or to Proceedings under Commissions of Bankrupt, or to the Subject Matters of such Proceedings, or to the Persons concerned therein or in any way affected thereby, shall in like Manner extend and be construed to extend in every respect, as far as the same may be applicable, to this Act, and to Commissions issued in pursuance thereof, and to all Proceedings under the same, and to all the Subject Matters of such Proceedings, and to all Persons concerned therein or in any way affected thereby, to all Intents and Purposes whatsoever, save and except as may otherwise be directed by this Act.

Former Provisions, not hereby repealed, made applicable to this Act.

XVIII. And be it enacted, That all Bankers, Brokers, and Persons using the Profession or Trade of Scrivener, receiving other Men's Monies or Estates into their Trust or Custody; and Persons insuring Ships or their Freight or other Matters against Perils of the Sea; Warehousemen, Wharfingers, Packers; Builders, Carpenters, Shipwrights; Victuallers, Keepers of Inns Taverns Hotels or Coffee Houses; Dyers, Printers, Bleachers, Fullers, Calenderers; Cattle or Sheep Salesmen; and all Persons using the Trade of Merchandize by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves, or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become Bankrupt: Provided that no Farmer, Grazier, common Labourer, or Workman for Hire,

What Persons shall be deemed Traders liable to become bankrupt.

What Persons not liable.

Receiver

Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Companies established by Charter, or under or registered in pursuance of Act of Parliament, shall be deemed, as such, a Trader liable by virtue of this Act to become bankrupt.

Departing the Realm, absenting, &c., deemed Acts of Bankruptcy.

XIX. And be it enacted, That if any such Trader shall depart this Realm, or, being out of this Realm, shall remain Abroad, or depart from his Dwelling House, or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested, or his Goods, Monies, or Chattels to be attached, sequestered, or taken in Execution, or shall make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, situate in *England* or *Ireland* or elsewhere, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader, doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of Trader's Property not an Act of Bankruptcy, unless Commission issue within Six Months.

As to Execution and Notice in Gazette, &c.

XX. And be it enacted, That where any such Trader shall, after this Act shall have come into effect, execute any Conveyance or Assignment by Deed to a Trustee or Trustees of all his Estate and Effects for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Commission issue against such Trader within Six Calendar Months from the Execution thereof by such Trader; provided that such Deeds shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the said Trader, and that the Execution by such Trader and by every such Trustee be attested by an Attorney or Solicitor, and that Notice be given within Two Months after the Execution thereof by such Trader, in case such Trader resides in *Dublin*, or within Forty Miles thereof, in the *Dublin Gazette*, and also in Two *Dublin* Daily Newspapers, and in case such Trader does not reside within Forty Miles of *Dublin*, then in the *Dublin Gazette*, and also in One *Dublin* Daily Newspaper, and One Provincial Newspaper published near such Trader's Residence; and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and of such Attorney or Solicitor.

Lying in Prison 21 Days, and escaping out of Prison, Acts of Bankruptcy.

XXI. And be it enacted, That if any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him and not discharged, every such Trader shall be thereby deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall

shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention; provided that if any such Trader shall be in Prison at the Time of the Commencement of this Act such Trader shall not be deemed to have committed an Act of Bankruptcy by being in Prison until he shall have lain in Prison for the Period of Two Months.

XXII. And be it enacted, That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing, signed by such Trader, and attested by an Attorney or Solicitor, that he is insolvent, or unable to meet his Engagements, the said Secretary of Bankrupts shall sign a Memorandum that such Declaration hath been filed, which Memorandum shall be Authority for the Printer of the *Dublin Gazette* to insert an Advertisement of such Declaration therein; and every such Declaration shall, after such Advertisement inserted as aforesaid, be an Act of Bankruptcy committed by such Trader at the Time when such Declaration was filed; but no Commission shall issue thereupon unless it be sued out within Two Calendar Months next after the Insertion of such Advertisement, and unless such Advertisement shall have been inserted in the *Dublin Gazette* within Eight Days after such Declaration was filed; and no Docket shall be struck upon such Act of Bankruptcy before the Expiration of Four Days next after the Insertion of such Advertisement; and the Gazette containing such Advertisement shall be Evidence to be received of such Declaration having been filed.

XXIII. And be it enacted, That no Commission under which the Adjudication shall be grounded on the Act of Bankruptcy being the filing of such Declaration shall be deemed invalid by reason of such Declaration having been concerted or agreed upon between the Bankrupt and any Creditor or other Person.

XXIV. And be it enacted, That if any Trader liable by virtue of this Act to become bankrupt shall, after a Docket struck against him, pay to the Person or Persons who struck the same, or any of them, Money, or give or deliver to any such Person any such Satisfaction or Security for his Debt or any Part thereof whereby such Person may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if any Commission shall have issued upon the Docket so struck as aforesaid the Lord Chancellor may either declare such Commission to be valid, and direct the same to be proceeded in, or may order it to be superseded, and a new Commission may issue; and such Commission may be supported either by Proof of such last-mentioned or of any other Act of Bankruptcy; and every Person so receiving such Money, Gift, Delivery, Satisfaction, or Security as aforesaid shall forfeit his whole Debt, and also repay or deliver up such Money, Gift, Satisfaction, or Security as aforesaid, or the full Value thereof, to such Person or Persons as the Commissioner acting under such original Commission or any new Commission shall appoint, for the Benefit of the Creditors of such Bankrupt.

XXV. And be it enacted, That if any such Trader having Privilege of Parliament shall commit any of the aforesaid Acts of Bankruptcy, a Commission may issue against him, and the Commissioner and all other Persons acting under such Commission may

As to being in Prison at passing of this Act.

Filing Declaration of Insolvency an Act of Bankruptcy, after Advertisement in Gazette, &c.

Declaration concerted.

Compounding with Petitioning Creditor an Act of Bankruptcy.

Commission may be superseded or continued.

Penalty on Creditor so compounding.

As to Traders having Privilege of Parliament.

may proceed thereon in like Manner as against other Bankrupts, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases hereby made Felony.

Trader having such Privilege not paying, &c. and not entering an Appearance to the Action within One Month, an Act of Bankruptcy.

XXVI. And be it enacted, That if any Creditor or Creditors of any such Trader having Privilege of Parliament, to such Amount as is herein-after declared requisite to support a Commission, shall file an Affidavit or Affidavits in any Court of Record in *Dublis* 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 sue out of the same Court a Summons, or an original Bill and Summons, against such Trader, and serve him with a Copy of such Summons, if such Trader shall not within One Calendar Month after personal Service of such Summons pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two sufficient Sureties, as any of the Judges of the Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action or Actions, together with such Costs as shall be given in the same, and within One Calendar Month next after personal Service of such Summons cause an Appearance or Appearances to be entered to such Action or Actions in the proper Court or Courts in which the same shall have been brought, every such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons, and any Creditor or Creditors of such Trader to such Amount as aforesaid may sue out a Commission against him, and proceed thereon in like Manner as against other Bankrupts.

Trader having Privilege of Parliament, and disobeying Order for Payment of Money, &c., an Act of Bankruptcy.

XXVII. And be it enacted, That if any Decree or Order shall have been pronounced in any Cause or Matter depending in any Court of Equity against any such Trader having Privilege of Parliament, ordering such Trader to pay any Sum of Money, and such Trader shall disobey, the same having been duly served upon him, the Person or Persons entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant to such Decree or Order, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Eight Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, he shall be deemed to have committed an Act of Bankruptcy from the Time of the Service thereof, and any such Creditor or Creditors as aforesaid may sue out a Commission against him, and proceed thereon in like Manner as against other Bankrupts.

52 G. 3. c. 144. extended to Commissions issued under this Act.

XXVIII. And be it enacted, That the Provisions of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act to suspend and finally vacate the Seats of Members of the House of Commons who shall become Bankrupts, and who shall not pay their Debts in full within a limited Time*, shall extend, as far as the same may be applicable, to every Commission to be issued and to the Commissioner to be appointed by virtue of this Act.

XXIX. And



XXIX. And be it enacted, That the Lord Chancellor shall have Power, upon Petition made to him in Writing against any Trader having committed any Act of Bankruptcy, by any Creditor or Creditors of such Trader whose Debt or Debts shall amount to the Sum or Sums herein-after mentioned, to issue a Commission under the Great Seal of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland* to the Commissioner to be appointed as herein-before mentioned, who shall, by virtue of this Act and of such Commission, have full Power and Authority to take such Order and Direction with the Body of such Bankrupt as herein-after mentioned, as also with all his Lands, Tenements, and Hereditaments, both within the Realm and Abroad, as well Copy or Customaryhold as Freehold, whether in *England, Ireland*, or elsewhere, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart with, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandize, and Debts, wheresoever they may be found or known, and to make Sale thereof in manner herein-after mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the said Bankrupt.

Power to Lord Chancellor to issue Commission.

XXX. And be it enacted, That the Petitioning Creditor shall, before any Commission be granted, make an Affidavit in Writing before a Master, Ordinary or Extraordinary, in Chancery, (which shall be filed with the proper Officer,) of the Truth of such his or their respective Debt or Debts, and shall likewise give Bond to the Lord Chancellor in the Penalty of Two hundred Pounds, to be conditioned for proving his or their Debt or Debts, as well before the Commissioner as upon any Trial at Law, in case the due issuing forth of the Commission be contested, and also for proving the Party to have committed an Act of Bankruptcy at the Time of taking out such Commission, and to proceed on such Commission; but if such Debt or Debts shall not be really due, or if after such Commission taken out it be not proved that the Party had committed an Act of Bankruptcy at the Time of issuing of the Commission, and it shall also appear that such Commission was taken out fraudulently or maliciously, the Lord Chancellor shall and may, upon Petition of the Party or Parties against whom the Commission was so taken out, examine into the same, and order Satisfaction to be made to him or them for the Damages by him or them sustained, and for the better Recovery thereof may sign such Bond or Bonds to the Party or Parties so petitioning, who may sue for the same in his and their Name and Names.

Petitioning Creditor to make Oath of his Debt, and give Bond to the Lord Chancellor.

Power to the Lord Chancellor to assign Bond.

XXXI. And be it enacted, That the Petitioning Creditor or Creditors shall at his or their own Costs sue forth and prosecute the Commission until the Choice of Assignees; and the Commissioner shall at the Meeting for such Choice ascertain such Costs, and by Writing under his Hand direct the same to be paid to such Petitioning Creditor or Creditors out of the Monies that shall be got in under the Commission; and all Bills of Fees or Disbursements of any Solicitor or Attorney employed under any Commission, for Business done after the Choice of Assignees, shall be settled by the Commissioner, except that so much of such Bills as contain any Charge respecting any Action at Law or Suit in Equity

Petitioning Creditor to prosecute Commission at his own Expence until Choice of Assignees, when his Costs shall be taxed and repaid him.

shall be settled by the proper Officer of the Court in which such Business shall have been transacted, and the same so settled shall be paid to such Solicitor or Attorney; provided that any Creditor who shall have proved to the Amount of Twenty Pounds or upwards, if he be dissatisfied with such Settlement by the Commissioner, may have any such Costs and Bills settled by a Master in Chancery.

Amount of  
Petitioning  
Creditors Debt.

XXXII. And be it enacted, That no such Commission shall be issued unless the single Debt of such Creditor, or of Two or more Persons being Partners, petitioning for the same, shall amount to One hundred Pounds or upwards, or unless the Debt of Two Creditors so petitioning shall amount to One hundred and fifty Pounds or upwards, or unless the Debt of Three or more Creditors so petitioning shall amount to Two hundred Pounds or upwards; and that every Person who has given Credit to any Trader for valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have any Security in Writing or otherwise for such Sum or not.

May be upon  
Debt payable at  
a future Time.

Joint Commis-  
sions may be  
issued against  
Partners; and  
superseded as to  
some without  
affecting the  
rest.

XXXIII. And be it enacted, That any Creditor or Creditors whose Debt or Debts is or are sufficient to enable him or them to petition for a Commission against all the Partners of any Firm may petition for a Commission against One or more of the Partners of such Firm; and every Commission issued upon such Petition shall be valid although it does not include all the Partners of the Firm; and in every Commission against Two or more Persons it shall be lawful for the Lord Chancellor to supersede such Commission as to One or more of such Persons, and the Validity of such Commission shall not be thereby affected as to any Person as to whom such Commission is not ordered to be superseded, nor shall any Person's Certificate be thereby affected.

If a Second  
Commission be  
issued, it may  
be proceeded in  
separately or in  
conjunction  
with the First.

XXXIV. And be it enacted, That if after a Commission issued against Two or more Members of a Firm any other Commission or Commissions shall be issued against any other Member or Members of such Firm immediately after the Adjudication under such other Commission or Commissions, all the Estate, Real and Personal, of such Person or Persons declared bankrupt under such other Commission or Commissions shall become vested in and transferred to the Assignees under the First Commission or Commissions, in the same Manner as if they had been appointed Assignees under such other Commission or Commissions, according to the Provisions of this Act, and all separate Proceedings under such Commission or Commissions shall be stayed; and such Commission or Commissions shall, without affecting the Validity of the First Commission, be annexed to and form Part of the same: Provided always, that the Lord Chancellor may direct such Commission or Commissions to be proceeded on, either separately or in conjunction with the First Commission.

Proceeding if  
Petitioning  
Creditors Debt  
insufficient to  
support Com-  
mission.

XXXV. And be it enacted, That if after Adjudication the Debt or Debts of the Petitioning Creditor or Creditors, or any of them, be found insufficient to support the Commission, it shall be lawful for the Lord Chancellor, upon Application of any other Creditor or Creditors having proved any Debt or Debts sufficient to support  
a Com-

a Commission, provided such Debt or Debts has or have been incurred not anterior to the Debt or Debts of the Petitioning Creditor or Creditors, to order the said Commission to be proceeded in, and it shall by such Order be deemed valid.

XXXVI. And be it enacted, That no Commission shall be deemed invalid by reason of any Act or Acts of Bankruptcy prior to the Debt or Debts of the Petitioning Creditor or Creditors, or any of them, provided there be a sufficient Act of Bankruptcy subsequent to such Debt or Debts.

Commission not invalid by a prior Act of Bankruptcy.

XXXVII. And be it enacted, That it shall and may be lawful for the Commissioner, by Writing under his Hand, to summon before him any Person whom he shall believe capable of giving any Information concerning the Trading or any Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission is issued, and also to require any Person so summoned to produce any Books, Papers, Deeds, Writings, and other Documents in the Possession, Custody, or Power of such Person which may appear to the said Commissioner to be necessary to establish any such Trading or Act or Acts of Bankruptcy; and it shall be lawful for the said Commissioner to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning the Trade of or any Act or Acts of Bankruptcy committed by the Person or Persons against whom such Commission shall have issued; and every such Person so summoned shall incur such Danger or Penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the said Commissioner, or for refusing to sign or subscribe his Examination, or for refusing to produce or for not producing any such Book, Paper, Deed, Writing, or Document, as is hereby provided as to Persons summoned after the Adjudication of Bankruptcy; and the Commissioner, upon Oath made before him of the Petitioning Creditors Debt or Debts, and of the Trading or Act or Acts of Bankruptcy of the Person or Persons against whom such Commission is issued, shall thereupon adjudge such Person or Persons bankrupt.

Commissioner may summon Persons to give Evidence of Trading and Act of Bankruptcy.

Adjudication.

XXXVIII. And be it enacted, That the Commissioner, after he shall have adjudged as aforesaid, shall forthwith cause Notice of such Adjudication to be given in the *Dublin Gazette*, and shall thereby appoint Two or more public Sittings for the Bankrupt to surrender and conform, the last of which Sittings shall be on the Forty-second Day hereby limited for such Surrender.

Two Sittings for Bankrupt to surrender.

XXXIX. And be it enacted, That if, by reason of the Demise of the Crown, or of the Death, Resignation, or Removal of the Commissioner, it shall become necessary to renew any Commission, only Half the Fees usually payable upon obtaining Commissions shall be paid for such renewed Commission; and if any Bankrupt shall die after Adjudication the Commissioner may proceed in the Bankruptcy as he might have done if such Bankrupt were living.

Abatement of Commissions.

No Abatement by Death of Bankrupt.

XL. And be it enacted, That it shall be lawful for any Person appointed by the Commissioner, by his Warrant under his Hand and Seal, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt; and if the Bankrupt be in Prison

Messenger may break open Bankrupt's Doors, &c. and seize his Body or Property.

Prison or in Custody it shall be lawful for the Person so appointed as aforesaid to seize any Property (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt, or of any other Person in any Prison or Place where such Bankrupt is in Custody.

Messenger may seize Goods in England.

XLI. And be it enacted, That it shall be lawful for the Person so appointed by the Commissioner as aforesaid to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt in *England* where any of the Property of such Bankrupt shall be reputed to be, and seize the same, provided the Execution of such Warrant by the Commissioner shall be verified by the Oath of the Person thereby appointed before a Justice of Peace residing in the County where such Property shall be reputed to be, and provided that the Person thereby appointed shall before such Justice depose upon Oath that he is the Person named in such Warrant.

Messenger may obtain Search Warrant where Property of the Bankrupt is sworn to be concealed.

XLII. And be it enacted, That in all Cases where it shall be made to appear to the Satisfaction of any Justice of Peace in *England* or *Ireland* that there is Reason to suspect and believe that Property of the Bankrupt is concealed in any House, Premises, or other Place not belonging to such Bankrupt, such Justice of Peace is hereby directed and authorized to grant a Search Warrant to the Person so deputed by the Commissioner as aforesaid, and it shall be lawful for such Person to execute the same in like Manner and such Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen and concealed.

Execution of such Warrant in Scotland.

XLIII. And be it enacted, That if in the Execution of any Warrant of Seizure so granted by the Commissioner as aforesaid it shall be necessary to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any such Bankrupt in *Scotland* where any of the Property of such Bankrupt shall be reputed to be, or to seize and get Possession of such Property, such Warrant, after the Execution thereof by the Commissioner, and the Identity of the Person named therein, shall have been verified upon Oath as aforesaid, may be backed or indorsed with the Name of a Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective Jurisdictions, to back or indorse the same; and such Warrant so indorsed shall be sufficient Authority to the Person bringing such Warrant, and to all Officers of the Law in *Scotland*, to execute the same within the County or Burgh wherein it is so indorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt, and to seize and take Possession of such Property, to be distributed under the said Commission, or otherwise dealt with according to Law.

As to Actions against Persons acting in obedience to Warrant of Commissioner.

XLIV. And be it enacted, That no Action shall be brought against any Person so appointed by the Commissioner for any thing done in obedience to his Warrant prior to the Choice of Assignees, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Person or Persons by the Party or Parties intending to bring such Action, or by his or their Attorney or Agent, in Writing, signed by the Party or Parties demanding the same, and unless the same hath been

been refused or neglected for Six Days after such Demand; and if after such Demand and Compliance therewith, any Action be brought against the Person so appointed as aforesaid, without making the Petitioning Creditor or Creditors Defendant or Defendants, if living, on producing and proving such Warrant at the Trial of such Action the Jury shall give their Verdict for the Defendant, notwithstanding any Defect of Jurisdiction in the Commissioner; and if such Action be brought against the Petitioning Creditor or Creditors and the Person so appointed as aforesaid, the Jury shall, on Proof of such Warrant, give their Verdict for the Person so appointed as aforesaid, notwithstanding any such Defect of Jurisdiction as aforesaid; and if the Verdict shall be given against the Petitioning Creditor or Creditors the Plaintiff or Plaintiffs shall recover his or their Costs against him or them, to be taxed so as to include such Costs as the Plaintiff or Plaintiffs are liable to pay to the Person so appointed as aforesaid.

XLV. And be it enacted, That in any such Action so brought as aforesaid against the Petitioning Creditor or Creditors, either alone or jointly with the Person so appointed by the Commissioner as aforesaid, for any thing done in obedience to his Warrant, Proof by the Plaintiff or Plaintiffs in such Action that the Defendant or Defendants or any of them is or are Petitioning Creditor or Creditors shall be sufficient for the Purpose of making such Defendant or Defendants liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

XLVI. And be it enacted, That after Adjudication it shall be lawful for the Commissioner, by Writing under his Hand, to summon before him any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person whom the Commissioner believes capable of giving Information concerning the Person, Trade, Dealings, or Estate of such Bankrupt, or concerning any Act or Acts of Bankruptcy committed by him, or any Information material to the full Disclosure of the Dealings of the Bankrupt; and it shall be lawful for the said Commissioner to require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Commissioner necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Commissioner is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Commissioner at the Time appointed, having no lawful Impediment (made known to the said Commissioner at the Time of his sitting, and allowed by him), it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Commissioner, to be examined as aforesaid.

XLVII. And be it enacted, That upon the Appearance of any Person so summoned or brought before the Commissioner as aforesaid, or if any Person be present at any Sitting of the Commissioner, it shall be lawful for him to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in

Proof in such Actions that Defendants are Petitioning Creditors to render them liable.

Commissioner empowered to summon Persons suspected of having Bankrupt's Property in their Hands, and to compel them to produce Books, &c.

Power to examine Persons summoned or present at any Sitting.

Persons refusing to be sworn, &c. may be committed.

Writing, concerning the Person, Trade, Dealings, or Estate of such Bankrupt, or concerning any Act or Acts of Bankruptcy by such Bankrupt committed, and to reduce into Writing the Answers of every such Person; and such Answers so reduced into Writing the Party examined is hereby required to sign and subscribe; and if any such Person shall refuse to be sworn, or shall refuse to answer any lawful Questions put to him by the said Commissioner touching any of the Matters aforesaid, or shall not fully answer to the Satisfaction of the said Commissioner any such lawful Questions, or shall refuse to sign and subscribe his Examination so reduced into Writing as aforesaid (not having any lawful Objection allowed by the said Commissioner), and shall not produce any Books, Papers, Deeds, and Writings and other Documents in his Custody or Power relating to any of the Matters aforesaid, which such Person was required by the Commissioner to produce, and to the Production of which he shall not state any Objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, to commit him to such Prison as he shall think fit, there to remain without Bail until he shall submit himself to the Commissioner to be sworn, and full Answers make to his Satisfaction to all such lawful Questions as shall be put to him, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents as aforesaid in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Costs to Persons summoned.

XLVIII. And be it enacted, That where any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, shall be summoned to attend before the said Commissioner, every such Person shall have such Costs and Charges as the said Commissioner in his Discretion shall think fit; and every Witness summoned to attend before the Commissioner shall have his necessary Expences tendered to him, in like Manner as is now by Law required upon Service of a Subpcena to a Witness in an Action at Law.

Witnesses to have Expences tendered.

Commissioner may summon the Bankrupt and examine him.

XLIX. And be it enacted, That it shall be lawful for the said Commissioner, by Writing under his Hand, to summon any Bankrupt before him, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time by the Commissioner appointed (having no lawful Impediments made known to the Commissioner at such Time, and allowed by him,) it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, to authorize and direct any Person or Persons he shall think fit to apprehend and arrest such Bankrupt, and bring him before the Commissioner; and upon the Appearance of such Bankrupt, or if such Bankrupt be present at any Sitting of the said Commissioner, it shall be lawful for him to examine such Bankrupt upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating either to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing; which Examination so reduced into Writing the said Bankrupt shall sign and subscribe; and if such Bankrupt shall

shall refuse to be sworn, or shall refuse to answer any Questions put to him by the said Commissioner touching any of the Matters aforesaid, or shall not fully answer to the Satisfaction of the said Commissioner any such Questions, or shall refuse to sign and subscribe his Examination so reduced into Writing as aforesaid, (not having any lawful Objection allowed by the said Commissioner,) it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, to commit him to such Prison as the Commissioner shall think fit, there to remain, without Bail, until he shall submit himself to the said Commissioner to be sworn, and full Answers make to his Satisfaction to such Questions as he shall put to him, and sign and subscribe such Examination.

Bankrupt refusing to be sworn, &c. may be committed.

L. And be it further enacted, That it shall be lawful for the Commissioner in manner aforesaid to summon before him the Wife of any Bankrupt, and in manner aforesaid to examine her, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt, concealed, kept, or disposed of by such Wife in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Commissioner, as is hereby provided against other Persons.

Commissioner may examine the Bankrupt's Wife.

LI. And be it enacted, That if any Gaoler to whose Custody any Bankrupt or other Person shall be committed as aforesaid shall suffer such Bankrupt or other Person to escape, every such Gaoler shall forfeit Five hundred Pounds.

Penalty on Gaoler for Escape, 500*l*.

LII. And be it enacted, That if any Person be committed by the Commissioner for refusing to answer or for not fully answering any Question put to him by the said Commissioner he shall in his Warrant of Commitment specify every such Question; provided that if any Person committed by the Commissioner shall bring any Habeas Corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas Corpus any such Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Party shall be brought by Habeas Corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain until he shall conform, unless it shall be shown to such Court or Judge by the Party committed that he has fully answered all lawful Questions put to him by the Commissioner, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient Reason for the same: Provided also, that such Court or Judge shall, if required thereto by the Party committed, in case the whole of the Examination of the Party so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Party whereof any such Question was a Part, and if it shall appear from the whole Examination that the Answer or Answers of the Party committed is or are satisfactory, such Court or Judge shall and may order the Party so committed to be discharged.

Questions to be specified in Warrant.

If Habeas Corpus be brought, the Judge may recommit the Prisoner.

Court or Judge may look at the whole of the Examination.

In Actions of false Imprisonment the Court may look at the whole of the Examination of the Party committed.

LIII. And be it enacted, That in every Action in respect of any such Commitment, brought by any Bankrupt or other Person committed, the Court or Judge before which or whom such Action is tried shall, if thereto required by the Defendant or Defendants in such Action, (in case the whole of the Examination of the Party so committed) shall not have been stated in the Warrant of Commitment,) inspect and consider the whole of such Examination; and if upon such Examination and Consideration it shall appear to such Court or Judge that the Party was lawfully committed, the Defendant or Defendants in such Action shall have the same Benefit therefrom as if the whole of such Examination had been therein stated.

Limitation of Actions.

LIV. And be it enacted, That every Action brought against any Person for any thing done in pursuance of this Act shall be commenced within Three Calendar Months next after the Fact committed; and the Defendant or Defendants in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time before limited for bringing the same, the Jury shall find for the Defendant or Defendants; and if there be a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Double Costs.

General Issue.

Double Costs.

Commissioner may appoint Assignees until others are chosen by Creditors.

LV. And be it enacted, That it shall be lawful for the Commissioner, as often as he shall think fit, by Writing under his Hand, to appoint One or more Person or Persons Assignee or Assignees of the Bankrupt's Real and Personal Estate, or of any Part thereof; which Assignee or Assignees shall or may be removed at the Meeting of the Creditors for the Choice of Assignees, if they shall think fit; and such Assignee or Assignees so removed shall deliver up all the Chattels and Effects of the Bankrupt come to his or their Possession to the Assignees so chosen as herein-after mentioned; and if such first Assignee or Assignees shall not within Ten Days after Notice given of the said Choice of Assignees, and of their Consent to act as such, signified to the first Assignee or Assignees by Writing under the Hands of such Assignees so chosen by the Creditors, make such Delivery as aforesaid, every such Assignee shall forfeit Two hundred Pounds.

Penalty on first Assignee not delivering the Effects to the new ones.

Debts how to be proved:

LVI. And be it enacted, That at the Two or more Sitzings appointed by the Commissioner as aforesaid, and at every other Sitting or Meeting by him appointed for Proof of Debts (whereof, and of the Purport whereof, Ten Days Notice shall have been given in the *Dublin Gazette*), every Creditor of the Bankrupt may prove his Debt by his own Oath; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent as aforesaid, and that he is authorized to make such Proof; and if any Creditor shall live remote from *Dublin* he may prove by Affidavit sworn before a Master in

by Corporations;

by Creditors remote or Abroad.

Chancery,



Chancery, Ordinary or Extraordinary, or if such Creditor shall live out of *Ireland* by Affidavit sworn before a Magistrate where such Creditor shall be residing, and attested by a Notary Public, *British* Minister or Consul; and no Creditor shall pay any Contribution on account of any such Debt; provided that it shall be lawful for the said Commissioner to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt under the said Commission, or to require such further Proof, and to examine such other Persons in relation thereto, as he shall think fit.

Creditor may be examined on Oath.

LVII. And be it enacted, That it shall be lawful for the Lord Chancellor, whenever it shall be made appear to him, upon Affidavit or any other sufficient Document, expedient so to do, to direct an extraordinary Commission to issue, upon such Terms as he shall think proper, for Proof of Debts, for the Examination of Witnesses, or any other Purpose relating to any Proceeding in Bankruptcy; and the Commissioner in every such Commission shall, upon taking the Oath herein-before prescribed for the Commissioner to be appointed under this Act, possess the same Powers to compel the Attendance of Witnesses, and to examine them, and to enforce Obedience to such Examination, and the Production of Books, Deeds, Papers, Writings, and other Documents, as the Commissioner appointed under this Act, and such Fees shall be paid on the Proceedings before him as the Lord Chancellor shall direct, and he shall receive out of the Funds in the Bankruptcy or out of such Fees, or both, such Remuneration as the Lord Chancellor shall direct: Provided always, that the Examination of Witnesses under such Commission shall be taken down in Writing, and shall be returned to the Commissioner appointed under this Act.

Lord Chancellor may issue extraordinary Commissions for Proof of Debts, &c.

LVIII. And be it enacted, That every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the issuing the Commission against him shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, and be a Creditor under such Commission, as if no such Act of Bankruptcy had been committed, provided such Person had not at the Time the same was contracted Notice of any Act of Bankruptcy by such Bankrupt committed.

Bonâ fide Creditors may prove notwithstanding prior Act of Bankruptcy.

LIX. And be it enacted, That when any Bankrupt shall have been indebted at the Time of issuing the Commission against him to any Servant or Clerk of such Bankrupt, in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioner, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Six Months Wages or Salary, to be paid to such Servant or Clerk out of the Estate of such Bankrupt, and such Servant or Clerk shall be at liberty to prove under the Commission for any Sum exceeding such last-mentioned Amount.

Commissioner may order Six Months Wages of Servants, &c. to be paid.

LX. And be it enacted, That where any Person shall be an Apprentice to a Bankrupt at the Time of issuing of the Commission against him, the issuing of such Commission shall be and enure as a complete Discharge of the Indenture or Indentures whereby such Apprentice was bound to such Bankrupt; and if any Sum shall have been really and *bonâ fide* paid by or on the Behalf

Apprentices discharged from Indentures.

Commissioner may order any Sum to be paid

for Apprentice Fees.

Behalf of such Apprentice to the Bankrupt as an Apprentice Fee, it shall be lawful for the Commissioner, upon Proof thereof, to order any Sum to be paid to or for the Use of such Apprentice which he shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice to the Bankrupt, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the issuing of the Commission.

Mutual Debts and Credits may be set off, notwithstanding a secret Act of Bankruptcy.

LXI. And be it enacted, That where there has been mutual Credit given by the Bankrupt and any other Person, and where there are mutual Debts between the Bankrupt and any other Person, the Commissioner shall state the Account between them, and one Debt or Demand may be set against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made proveable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate, provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.

LXII. And be it enacted, That any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Six *per Cent.*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of Bankrupts may prove after having paid such Debts.

LXIII. And be it enacted, That any Person who at the issuing the Commission shall be Surety or liable for any Debt of the Bankrupt, or Bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the Commission issued,) if the Creditor shall have proved his Debt under the Commission shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Commission which such Creditor possessed or would be entitled to in respect of such Proof; or if the Creditor shall not have proved under the Commission, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Commission, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by such Bankrupt; provided that such Person had not when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

LXIV. And

**LXIV.** And be it enacted, That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove, his Debt or Demand in respect thereof, and receive Dividends with the other Creditors as if the Loss or Contingency had happened before the issuing of the Commission against such Obligor or Insurer; and that the Person effecting any Policy of Insurance upon Ships or Goods with any Person, as a Subscriber or Underwriter, becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person or Persons so interested is not or are not within the United Realm.

Proof by Obligee in Bottomry or Respondentia Bonds, &c., and Assured in Policy of Insurance.

**LXV.** And be it enacted, That any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Commissioner shall ascertain, regard being had to the original Price given for the said Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Commission.

Annuity Creditor admitted to prove.

**LXVI.** And be it enacted, That it shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity, until such Annuitant shall have proved under the Commission against such Bankrupt for the Value of such Annuity, and for the Payment thereof; and if such Surety, after such Proof, pay the Amount proved as aforesaid, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the said Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved as aforesaid, he may be sued for the accruing Payments of such Annuity until such Annuitant shall have been paid or satisfied the Amount so proved, with Interest thereon at the Rate of Five *per Cent. per Annum* from the Time of Notice of such Proof and of the Amount thereof being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof as aforesaid to the Amount so paid or satisfied as aforesaid by such Surety; and the Certificate of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in account with such Annuitant for any Dividends received by such Annuitant under the Commission before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in under the Commission.

**LXVII.** And be it enacted, That if any Bankrupt shall before the issuing of the Commission have contracted any Debt payable upon a Contingency which shall not have happened before the issuing of such Commission, the Person with whom such Debt has been contracted may, if he think fit, apply to the Commissioner to set a Value upon such Debt, and the Commissioner is hereby required to ascertain the Value thereof, and to admit such Person

Debts contingent at the Time of the Bankruptcy to be proveable after the happening of the Contingency.

to

to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive a Dividend with the other Creditors, not disturbing any former Dividends, provided such Person had not when such Debt was contracted Notice of any Act of Bankruptcy by such Bankrupt committed.

Interest on  
Promissory  
Notes proveable.

LXVIII. And be it enacted, That in all future Commissions against any Person or Persons liable upon any Bill of Exchange or Promissory Note whereupon Interest is not reserved, overdue at the issuing the Commission, the Holder of such Bill of Exchange or Promissory Note shall be entitled to prove for the legal Interest upon the same, to be calculated by the Commissioner, to the Date of the Commission.

Plaintiff obtain-  
ing Judgment,  
&c. entitled to  
prove for Costs,  
&c.

LXIX. And be it enacted, That if any Person shall have obtained any Judgment, Decree, or Order, in any Action at Law or Cause or Matter in Equity, against any Party who shall thereafter become bankrupt, for any Debt or Demand in respect of which such Person shall prove under the Commission, such Person shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Proving a Debt  
under Commis-  
sion to be an  
Election not to  
proceed by  
Action.

LXX. And be it enacted, That no Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Commission against such Bankrupt, shall prove a Debt under such Commission or have any Claim entered upon the Proceedings under such Commission, without relinquishing such Action or Suit; and in case such Bankrupt shall be in Prison or Custody at the Suit of or detained by such Creditor he shall not prove or claim as aforesaid without giving a sufficient Authority in Writing for the Discharge of such Bankrupt; and the proving or claiming a Debt under a Commission by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Commission with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignees of the Costs of such Action or Suit so relinquished by him, and that where any such Creditor shall have brought any Action or Suit against such Bankrupt jointly with any other Person or Persons his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons: Provided also, that any Creditor who shall have so elected to prove or claim as aforesaid, if the Commission be afterwards superseded, may proceed in the Action as if he had not so elected, and in bailable Actions shall be at liberty to arrest the Defendant *de novo* if he has not put in Bail below or perfected Bail above, or, if the Defendant has put in or perfected such Bail, to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above within the First Eight Days in Term after Notice in the *Dublin Gazette* of the superseding such Commission, and by suing the Bail upon their Recognizance if the Condition thereof is broken.

Creditor elect-  
ing to come in  
under Commis-  
sion, if it be  
superseded, re-  
stored to his  
former Rights.

LXXI. And

LXXI. And be it enacted, That whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of Twenty Pounds or upwards, that any Debt proved under the Commission is not justly due, either in the whole or in part, such Assignees or Creditors may make Representation thereof to the Commissioner; and it shall be lawful for the said Commissioner to summon before him, and examine upon Oath, any Person who shall have so proved as aforesaid, together with any Person whose Evidence may appear to the Commissioner to be material, either in support of or in opposition to any such Debt; and if the said Commissioner, upon the Evidence given on both Sides, or (if the Person who shall have so proved as aforesaid shall not attend to be examined, having been first duly summoned, or Notice having been left at his last Place of Abode,) upon the Evidence adduced by such Assignees or Creditors as aforesaid, shall be of opinion that such Debt is not due, either wholly or in part, the said Commissioner shall be at liberty to expunge the same, either wholly or in part, from the Proceedings: Provided that such Assignees or Creditors requiring such Investigation shall before it is instituted sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Commissioner shall adjudge to the Creditor who has proved such Debt as aforesaid, such Costs to be recovered by Petition; provided also, that such Assignees or Creditors may apply in the first instance by Petition to the Lord Chancellor, or that either Party may petition against the Determination of the Commissioner.

Commissioner may expunge Proof of Debts.

Persons requiring Investigation to sign Undertaking for Costs.

Application by Petition.

LXXII. And be it enacted, That at the First Sitting appointed by the Commissioner as aforesaid, or an Adjournment thereof, Assignees of the Bankrupt's Estate and Effects shall be chosen; and all Creditors who have proved Debts under the Commission to the Amount of Ten Pounds and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor or Creditors, upon Proof of the Execution thereof, either by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or by Oath before the Commissioner *vidæ voce*, and in case of Creditors residing out of Ireland by Oath before a Magistrate where the Party shall be residing, duly attested by a Notary Public, British Minister or Consul; and the Choice shall be made by the major Part in Value of the Creditors so entitled to vote: Provided that the Commissioner shall have Power to reject any Person so chosen who shall appear to him unfit to be such Assignee as aforesaid; and upon such Rejection a new Choice of another Assignee or Assignees shall be made as aforesaid.

Choice of Assignees at First Sitting.

Commissioner may reject any Person if unfit.

LXXIII. And be it enacted, That in all Commissions against One or more of the Partners of a Firm any Creditor to whom the Bankrupt or Bankrupts is or are indebted jointly with the other Partner or Partners of the said Firm or any of them shall be entitled to prove his Debt under such Commission, for the Purpose only of voting in the Choice of Assignees under such Commission, and of assenting to or dissenting from the Certificate of such Bankrupt or Bankrupts, or for either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt or Bankrupts until all the separate Creditors

Joint Creditor entitled to prove under separate Commission;

not to receive Dividend unless he be a Petitioner-creditor.

ditors shall have received the full Amount of their respective Debts, unless such Creditor shall be a Petitioning Creditor in a Commission against One Member of a Firm.

Personal Estate to vest in the Assignees by virtue of their Appointment.

LXXIV. And be it enacted, That when any Person hath been adjudged a Bankrupt, all the present and future Personal Estate of such Bankrupt, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or to be due to the Bankrupt, wheresoever the same may be found or known, shall become absolutely vested in or transferred to the Assignee or Assignees for the Time being, whether appointed by the Commissioner or chosen by the Creditors, as herein-before provided, for the Benefit of the Creditors of the Bankrupt, by virtue of such Appointment or Choice as aforesaid, and without any Deed of Assignment for that Purpose; and the Property, Right, and Interest in such Debts shall become vested in and transferred to such Assignees for the Time being as fully as if the Assurance whereby they are secured had been made to such Assignees; and neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, or to make any Release or Discharge thereof; neither shall the same be attached as the Debt of the Bankrupt by any Person, according to the Custom of the City of *Dublin* or otherwise; but such Assignees for the Time being shall have like Remedy to recover the same, in their own Names, as the Bankrupt himself might have had if he had not been adjudged bankrupt.

On Death or Removal of Assignee, Personal Estate to vest in the new one.

LXXV. And be it enacted, That as often as any such Assignee shall die, or be lawfully removed, and a new Assignee duly appointed or chosen, all such Personal Estate as was then vested in such deceased or removed Assignee shall, by virtue of such Appointment or Choice, vest in the new Assignee, either alone or jointly with the existing Assignee or Assignees, as the Case may require, without any Deed of Assignment for that Purpose.

Real Estate to vest in Assignees by virtue of their Appointment.

LXXVI. And be it enacted, That all Lands, Tenements, and Hereditaments (except Copyhold or Customaryhold) in *England*, *Scotland*, *Ireland*, or in any of the Dominions, Plantations, or Colonies belonging to His Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall vest in the Assignee or Assignees for the Time being of such Bankrupt, whether appointed by the Commissioner or chosen by the Creditors of the Bankrupt, as herein-before mentioned, for the Benefit of the Creditors of the Bankrupt, by virtue of such Appointment or Choice as aforesaid, and without any Deed of Conveyance for that Purpose, discharged from any Claim of the Bankrupt or any Person deriving under him.

On Death or Removal of As-

LXXVII. And be it enacted, That as often as such Assignee or Assignees shall die, or be lawfully removed, and a new Assignee

or Assignees shall be duly appointed or chosen, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignee or Assignees, as the Case may require, without any Conveyance for that Purpose.

LXXVIII. And be it enacted, That a Certificate of the Appointment or Choice of such Assignees under the Hand and Seal of the said Commissioner shall be entered of Record in the Office for the Enrolment of Matters relating to Bankruptcy herein-after mentioned; and that the same, when so enrolled, shall be as effectual, to all Intents and Purposes, as if a Deed or Deeds of Assignment or Conveyance of the Personal or Real Estates of such Bankrupt had been executed to the said Assignees, and duly registered or enrolled.

LXXIX. And be it enacted, That the Commissioner shall, by Deed indented, and enrolled in any of His Majesty's Courts of Record at *Dublin*, make Sale, for the Benefit of the Creditors, of any Lands, Tenements, and Hereditaments, situate either in *England* or *Ireland* or elsewhere, whereof the Bankrupt is seized of any Estate Tail in Possession, Reversion, or Remainder, and whereof no Reversion or Remainder is in the Crown, the Gift or Provision of the Crown; and every such Deed shall be good against the said Bankrupt and the Issue of his Body, and against all Persons claiming under him after he became bankrupt, and against all Persons whom the said Bankrupt, by virtue of the Provisions of any Act now in force for the Abolition of Fines and Recoveries, and substituting other Assurances in lieu thereof, or any other Means, might cut off or debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, and Hereditaments.

LXXX. And be it enacted, That in case of the Removal of any Assignee or Assignees the Commissioner shall, in the Two *Dublin* Gazettes next after the Removal of such Assignee or Assignees, cause Advertisements to be inserted giving Notice of such Removal, and directing Persons indebted to the Bankrupt's Estate not to pay any Debt to the Assignee or Assignees so removed.

LXXXI. And be it enacted, That whenever an Assignee shall die, or a new Assignee or Assignees shall be appointed or chosen as aforesaid, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit shall be depending may, upon the Suggestion of such Death or Removal, and new Appointment or Choice, 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.

LXXXII. And be it enacted, That the Commissioner shall have Power, by Deed indented, and enrolled as aforesaid, to make Sale, for the Benefit of the Creditors, of any Copyhold or Customaryhold Lands of the Bankrupt, either in *England*, *Scotland*, or elsewhere, or of any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons

signee the Real Estate to vest in the new one.

Certificate of Appointment of Assignees to be enrolled.

Commissioner may make Sale of Hereditaments whereof Bankrupt is seized of any Estate Tail, &c.

On Removal of Assignees, Notice to be given in Gazette, &c.

Suits not to be abated by Death or Removal of Assignees.

Commissioner may sell Copyhold Lands.

on his Behalf to surrender the same for the Purpose of any Purchaser or Purchasers being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

LXXXIII. And be it enacted, That every Person to whom any Sale of Copyhold or Customary Lands or Tenements shall be made by the Commissioner shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copyhold or Customary Lands or Tenements for such Estate or Interest as shall have been so sold to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Conditional Estates granted by Bankrupt may be redeemed.

LXXXIV. And be it enacted, That if any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deed, such Grant, Conveyance, Assurance, Pledge, or Deposit, being upon Condition or Power of Redemption at a future Day, by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money, or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Performance may sell and dispose of such Real or Personal Estate for the Benefit of the Creditors as aforesaid.

Commissioner may proceed when Bankrupt by Fraud makes himself Accountant to the King.

LXXXV. And be it enacted, That if any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become Bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the King, the Commissioner may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in Trust for any other Person or Persons, the Commissioner may sell and dispose of such Real and Personal Estate or Debts for the Benefit of the Creditors under the Commission; and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained and sold, granted or assigned, by the Commissioner, shall have and may recover the same against any Person who shall detain the same.

Goods in Possession of Bankrupt by Consent of the Owner may be sold.

LXXXVI. And be it enacted, That if any Trader at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Commissioner shall have Power to sell and dispose of the same for the Benefit of the Creditors under the Commission; provided that nothing herein contained shall invalidate or affect any 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 of Parliament made in the Fourth Year

Proviso as to Ships, under 4 G. 4. c. 41.



of the Reign of King *George* the Fourth, intituled *An Act for the registering of Vessels.*

LXXXVII. And be it enacted, That if any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children or any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or Persons, or into any other Person's Name, the Commissioner shall have Power to sell and dispose of the same as aforesaid; and every such Sale shall be valid against the Bankrupt and such Children and Persons as aforesaid, and against all Persons claiming under him.

LXXXVIII. And be it enacted, That no Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt (whether before or after the issuing of the Commission) shall be available for more than One Year's Rent accrued prior to the Date of the Commission, but the Landlord or Party to whom the Rent shall be due shall be allowed to come in as a Creditor under the Commission for the Overplus of the Rent due, and for which the Distress shall not be available.

LXXXIX. And be it enacted, That any Bankrupt entitled to any Lease or Agreement for a Lease, if the Assignees accept the same, shall not be liable to pay any Rent accruing after the Date of the Commission, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements therein contained, and, if the Assignees decline the same, shall not be liable as aforesaid, in case he deliver up such Lease or Agreement to the Lessor or such Person agreeing to grant a Lease within Fourteen Days after he shall have had Notice that the Assignees shall have declined as aforesaid; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such Lease or Agreement for a Lease, the Lessor or Person so agreeing as aforesaid, or any Person entitled under such Lessor or Person so agreeing, shall be entitled to apply by Petition to the Lord Chancellor, who may order them so to elect, and deliver up such Lease or Agreement, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as he shall think fit.

XC. And be it enacted, That if any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees of such Bankrupt shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, shall be entitled to apply by Petition to the Lord Chancellor, who may thereupon order them to deliver up the said Agreement and the Possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as he shall think fit.

XCI. And be it enacted, That all Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice)

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may

Conveyance by Bankrupt of his Property to others, or Delivery of Securities or Transfer of Debts, void.

Distress not available for more than One Year's Rent, &c.

Where Bankrupts entitled to Leases, &c., not liable for Rent or Covenants.

If Assignees fail to elect whether they will accept the Lease, Lessor may petition.

Vendor of Lands may compel Assignees to elect to abide by or decline the Agreement.

Assignees may execute Powers vested in Bankrupts.

may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Lord Chancellor  
may order  
Bankrupt to  
join in Convey-  
ance.

XCII. And be it enacted, That it shall be lawful for the Lord Chancellor, upon the Petition of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's Estate, if such Bankrupt shall not try the Validity of the Commission, or if there shall have been a Verdict at Law establishing its Validity, to order the Bankrupt to join in any Conveyance of such Estate or any Part thereof, and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Where Trustee  
becomes bank-  
rupt Chancellor  
may order Con-  
veyance or As-  
signment to  
other Trustees.

XCIII. And be it enacted, That if any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person or Persons entitled in Possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person or Persons as the Lord Chancellor shall think fit, upon the same Trusts as the same Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct.

When the  
Bankrupt bene-  
ficially entitled  
to Stock.

XCIV. And be it enacted, That if any such Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his Name in his own Right, it shall be lawful for the Commissioner, by Writing under his Hand, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to such Assignees; 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.

Conveyances,  
Contracts, &c.  
made without  
Notice, Two  
Months before  
Commission,  
valid.

XCV. And be it further enacted, That all Conveyances by, and all Contracts and other Dealings and Transactions by and with, any Bankrupt, *bonâ fide* made and entered into more than Two Calendar Months before the Date and issuing of the Commission against him, and all Executions and Attachments against the Lands and Tenements or Goods and Chattels of such Bankrupt, *bonâ fide* executed or levied more than Two Calendar Months before the issuing of such Commission, shall be valid, notwithstanding any prior Act of Bankruptcy by him committed, provided the Person or Persons so dealing with such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued,

had

had not at the Time of such Conveyance, Contract, Dealing, or Transaction, or at the Time of executing or levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by him committed: Provided also, that where a Commission has been superseded, if any other Commission shall issue against any Person or Persons comprised in such First Commission within Two Calendar Months next after it shall have been superseded, no such Conveyance, Contract, Dealing, or Transaction, Execution or Attachment, shall be valid, unless made, entered into, executed, or levied more than Two Calendar Months before the issuing the First Commission.

Proviso in Cases where Commission is afterwards superseded.

XCVI. And be it enacted, That all Payments really and *bond fide* made or which shall hereafter be made by any Bankrupt, or by any Person on his Behalf, before the Date and issuing of the Commission against such Bankrupt, to any Creditor of such Bankrupt, (such Payment not being a fraudulent Preference of such Creditor,) shall be deemed valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; and all Payments really and *bond fide* made or which shall hereafter be made to any Bankrupt before the Date and issuing of the Commission against such Bankrupt shall be deemed valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, and such Creditor shall not be liable to refund the same to the Assignees of such Bankrupt, provided the Person so dealing with the said Bankrupt had not at the Time of such Payment by or to such Bankrupt Notice of any Act of Bankruptcy by such Bankrupt committed.

Payments made by and to Bankrupt without Notice, &c. valid, notwithstanding Act of Bankruptcy.

XCVII. And be it enacted, That the issuing of a Commission shall be deemed Notice of a prior Act of Bankruptcy (if an Act of Bankruptcy had been actually committed before the issuing the Commission), if the Adjudication of the Bankruptcy of the Person or Persons against whom such Commission has issued shall have been notified in the *Dublin Gazette*, and the Person or Persons to be affected by such Notice may reasonably be presumed to have seen the same.

What shall be constructive Notice.

XCVIII. And be it enacted, That no Person or Body Corporate or public Company, having in his or their Possession or Custody any Money, Goods, Wares, Merchandizes, or Effects belonging to any Bankrupt, shall be endangered by reason of the Payment or Delivery thereof to the Bankrupt or his Order, provided such Person or Body Corporate or Company had not at the Time of such Delivery or Payment Notice that such Bankrupt had committed an Act of Bankruptcy.

Persons not endangered for Delivery of Goods without Notice, &c.

XCIX. And be it enacted, That if any accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be thereby deemed to have had such Notice.

Notice to Bodies Corporate, &c.

C. And be it enacted, That no Purchase from any Bankrupt *bond fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless the Commission against such Bankrupt shall have been sued out within Twelve Calendar Months after such Act of Bankruptcy.

Bonâ fide Purchases, with Notice, not to be impeached.

As to Impeachment of Titles to Property sold under Commission.

CI. And be it enacted, That no Title to any Real or Personal Estate sold under any Commission or under any Order in Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the suing out of the Commission, or in any of the Proceedings under the same, unless the Bankrupt shall have commenced Proceedings to supersede the said Commission, and duly prosecuted the same, within Twelve Calendar Months from the issuing thereof.

Assignees, with the Consent of Creditors, may compound, or submit Disputes to Arbitration, &c.

CII. And be it enacted, That the Assignees, with the Consent of the major Part in Value of the Creditors who shall have proved under the Commission, present at any Meeting whereof and of the Purport whereof Twenty-one Days Notice shall have been given in the *Dublin Gazette*, may compound with any Debtor to the Bankrupt's Estate, and take any reasonable Part of the Debt in discharge of the whole, or may give Time or take Security for the Payment of such Debt, or may submit any Dispute between such Assignees and any Persons concerning any Matter relating to such Bankrupt's Estate to the Determination of Arbitrators, to be chosen by the Assignees and the major Part in Value of such Creditors, and the Party with whom they shall have such Dispute; and the Award of such Arbitrators shall be binding on all the Creditors; and the Assignees are hereby indemnified for what they shall do according to the Directions aforesaid; and no Suit in Equity shall be commenced by the Assignees without such Consent as aforesaid; provided that if One Third in Value or upwards of such Creditors shall not attend at any such Meeting (whereof such Notice shall have been given as aforesaid) the Assignees shall have Power, with the Consent of the Commissioner, testified in Writing under his Hand, to do any of the Matters aforesaid.

As to Meeting of Creditors.

Assignees of any One or more Members of a Firm may use the Names of Partners in Suits.

CIII. And be it enacted, That in any Commission against any One or more Member or Members of a Firm the Lord Chancellor may, upon Petition, authorize the Assignees to commence or prosecute any Action at Law or Suit in Equity in the Names of such Assignees and of the remaining Partner or Partners against any Debtor of the Partnership, and thereupon such Assignees may obtain such Judgment, Decree, or Order therein as if such Action or Suit had been instituted with the Consent of such Partner or Partners; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner, if no Benefit is claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit; and that it shall be lawful for the Lord Chancellor, upon the Petition of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Lord Chancellor shall think fit.

In Actions by or against any Person acting under Commission, no Proof required at the Trial of Petitioning Creditors Debt,

CIV. And be it enacted, That in any Action by or against any Assignee, or in any Action against any Person acting under the Warrant of the Commissioner for any thing done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditors Debt or Debts, or of the Trading, or Act or Acts of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant, at or before the Time of pleading, and, if Plaintiff,

Plaintiff, before Issue joined, give Notice in Writing to such Assignee or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignee or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignee or other Person shall be entitled to the Costs, to be taxed by the proper Officer, occasioned by such Notice; and such Costs shall, if such Assignee or other Person shall obtain a Verdict, be added to his Costs, and if the other Party shall obtain a Verdict shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignee or other Person.

Trading, or Act of Bankruptcy, unless Notice given, &c.

CV. And be it enacted, That in all Suits in Equity by or against the Assignee no Proof shall be required at the Hearing of the Petitioning Creditors Debt or Debts, or of the Trading, or of the Act or Acts of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Issue joined give Notice in Writing to the Assignees of his or their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice, to be taxed by the proper Officers, shall, if the Court see fit, be paid by the Party or Parties so giving such Notice as aforesaid; and the Service of such Notice may be proved by Affidavit upon the hearing of the Cause.

The same in Suits in Equity.

CVI. And be it enacted, That if the Bankrupt shall not, if he was within the United Kingdom at the issuing of the Commission, within Two Calendar Months after the Adjudication, or, if he was out of the United Kingdom, within Twelve Calendar Months after the Adjudication, have given Notice of his Intention to dispute the Commission, and have proceeded therein with due Diligence, the Depositions taken before the Commissioner at the Time of or previous to the Adjudication of Bankruptcy, of the Petitioning Creditors Debt or Debts, and of the Trading, and Act or Acts of Bankruptcy, shall be conclusive Evidence of the Matters and Things therein respectively contained, so far as relates to the Sufficiency of the Petitioning Creditors Debt or Debts, Trading, and Act or Acts of Bankruptcy, in all Suits at Law or in Equity brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained any Action or Suit.

Depositions conclusive in Actions or Suits by Assignees for any Debt of Bankrupt unless he dispute Commission, &c.

CVII. And be it enacted, That if the Assignees commence any Action or Suit for any Money so due to the Bankrupt before the Time allowed as aforesaid for him to dispute the Commission shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed, and after the Time aforesaid shall have elapsed the Assignees shall have the same paid to them out of Court.

Proviso for Debtor to Estimate paying Money into Court.

CVIII. And be it enacted, That all Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Commission

If Commission superseded, Persons from whom the Assignees

have recovered  
discharged from  
Claims by  
Bankrupt.

mission be afterwards superseded, from all Demands which may thereafter be made in respect of the same by the Person or Persons against whom such Commission issued, and all Persons claiming under him or them; and all Persons who shall, without Action or Suit, *bonâ fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person or Persons as aforesaid in respect of the same, or any Person claiming under him or them, provided such Notice to try the Validity of the Commission had not been given and proceeded in within the Time and in manner aforesaid.

Office for  
registering  
Proceedings in  
Bankruptcy.

CIX. And be it enacted, That all Things done pursuant to the Act passed in the Eleventh and Twelfth Years of King *George* the Third, and hereby repealed, whereby it was enacted that the Lord Chancellor should appoint a Place where all Matters relating to Commissions of Bankruptcy should be entered of Record, and should appoint a Person to have the Custody thereof, be hereby confirmed; and the Person appointed by virtue of the said Act of the Eleventh and Twelfth Years of King *George* the Third shall, by himself, or his Deputy, to be approved of by the Lord Chancellor, enter of Record all Matters relating to Commissions of Bankruptcy, and have the Custody of the Entries thereof; and he and his Deputy, and their Successors, who shall be from Time to Time appointed by the Lord Chancellor as a Vacancy shall arise, shall continue in their respective Offices so long as they shall respectively behave themselves well, and shall not be removed, except by Order in Writing under the Hand of the Lord Chancellor, on sufficient Cause therein specified; and that all Commissions of Bankruptcy issued before this Act shall take effect, and all Depositions and other Proceedings relating to such Commissions directed to be enrolled and actually entered of Record before this Act shall take effect, shall be deemed and taken to have been well and effectually entered of Record; and the Certificate of such Entry, purporting to be signed by the Person appointed to enter such Proceedings, or by his Deputy, shall be received in Evidence, without Proof of the Appointment or Handwriting of such Person.

Commissions  
already issued  
and Proceedings  
therein effectual,  
&c.

Custody of  
Matters entered  
of Record under  
former Com-  
missions.

CX. And be it enacted, That the Person so appointed by virtue of the said recited Act of the Eleventh and Twelfth Years of King *George* the Third, and his Successors, shall have the Custody and Care of all the said Records, and of all other Records to be entered in pursuance of this Act; and shall, by himself or his Deputy, enter of Record all Matters and Proceedings in Bankruptcy which by this Act, or any Order made in pursuance of it, are or may be directed or required to be entered of Record upon Payment of such Fees as before the passing of this Act he was entitled to receive for the like Business.

No Commission,  
Adjudication,  
&c. received in  
Evidence unless  
entered of  
Record.

CXI. And be it enacted, That after this Act shall take effect no Commission of Bankruptcy, Adjudication of Bankruptcy, Certificate of the Appointment or Choice of Assignees, or Certificate of Conformity, shall be received as Evidence in any Court of Law or Equity, unless the same shall have been so entered of Record as aforesaid; and every such Instrument shall be so entered of Record, and the Certificate of such Entry indorsed thereon, upon

the Application or Behalf of any Party interested therein, and on Payment of such Fees as before the passing of this Act were by Law payable for the like Business, without any Petition or Writing presented for that Purpose; and the Lord Chancellor may, upon Petition, direct any Depositions, Proceedings, or other Matters relating to Commissions of Bankruptcy to be entered of Record as aforesaid, on the Payment of such Fees as before the passing of this Act were by Law payable for the like Business; and all Persons shall be at liberty to search for any of the Matters so entered of Record as aforesaid; provided that on the Production in Evidence of any Instrument so directed to be entered of Record, having the Certificate thereon purporting to be signed by the Person so appointed as aforesaid, or his Deputy, or their Successors, the same shall, without any Proof of such Signature, be received as Evidence of such Instrument having been so entered of Record as aforesaid; and the Fee of One Shilling and no more shall be payable to the Person so appointed as aforesaid, and his Successors, for every Search made for Matter so entered of Record as aforesaid.

Lord Chancellor may direct other Matters to be entered of Record.

Certificate of Entry endorsed to be Evidence of Entry.

CXII. And be it enacted, That in every Action, Suit, or Issue Office Copies of any original Instrument or Writing filed in the Office or officially in the Possession of the Lord Chancellor's Secretary of Bankrupts shall be Evidence to be received of every such original Instrument or Writing respectively; and if any such original Instrument or Writing shall be produced on any Trial the Costs of producing the same shall not be allowed on Taxation, unless it appears that the Production of such original Instrument or other Writing was necessary.

Office Copies made Evidence in certain Cases, &c.

CXIII. And be it enacted, That in the event of the Death of any of the Witnesses deposing to the Petitioning Creditors Debt, Trading, or Act of Bankruptcy, under any Commission heretofore issued or heretofore to be issued, the Depositions of such Witnesses, or a Copy thereof, duly authenticated according to the Provisions of the said recited Acts or of this Act, shall be Evidence of the Matters and Things therein respectively contained, so far as relates to the Sufficiency of the Petitioning Creditors Debt, Trading, and Act of Bankruptcy, in all Proceedings at Law or in Equity, as fully and effectually as if the said Matters and Things had been deposed to by the same Witnesses if living.

Provision in case of Death of Witnesses.

CXIV. Provided always, and be it further enacted, That upon the Production in Evidence of any Commission, Adjudication, Certificate of Appointment or Choice of Assignees, Certificate of Conformity, Deposition, or other Proceeding in Bankruptcy, purporting to be signed and sealed by the said Commissioner, or of any Writing purporting to be a Copy of any such Document, and purporting to be signed and sealed as aforesaid, the same shall be received as Evidence of such Documents respectively, and of the same having been so entered of Record as aforesaid, without any further Proof thereof: Provided nevertheless, that all Commissions, and Proceedings under the same, which may have been entered of Record before the passing of this Act, shall and may, upon the Production thereof, with the Certificate thereon purporting to be signed by the Person so appointed to enter Proceedings in

Proceedings in Bankruptcy purporting to be signed and sealed by the Commissioner to be received as Evidence.

Bankruptcy, or by his Deputy, be received as Evidence of the same having been duly entered of Record; any thing herein contained to the contrary notwithstanding.

Where Debts do not exceed 20l. Certificate of Adjudication to be Evidence.

CXV. And whereas great Difficulty has arisen to the Assignees of Bankrupts in the Recovery of Small Debts; be it enacted, That in all Cases where the Debt sought to be recovered by the Assignees shall not exceed Twenty Pounds the Certificate of the Appointment or Choice of Assignees, entered of Record as aforesaid, or a Copy thereof signed and sealed as aforesaid, shall be conclusive Evidence of the issuing the Commission, and of the Person named in such Certificate being a Bankrupt, and of the due Appointment or Choice of such Assignees.

Commissions, Deeds, and other Instruments relating to Estates and Effects of Bankrupts not liable to Stamp Duty;

CXVI. And be it further enacted, That after this Act shall have come into effect all Commissions of Bankrupt, and also all Deeds, Conveyances, Assignments, Surrenders, Admissions, and other Assurances of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt or Bankrupts, or Part or Parcel thereof, and which after the Execution of such Deeds, Conveyances, Assignments, Surrenders, or Assurances respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt or Bankrupts, or of the Assignee or Assignees appointed or chosen by virtue of the Commission issued against him or them respectively, and also all Powers of Attorney, Writs of Supersedeas and Procedendo, Certificates of Conformity, Affidavits, and all other Instruments and Writings whatsoever relating solely to the Estate or Effects of any Bankrupt or Bankrupts, or any Part thereof, or to any Proceedings under any Commission, and all Advertisements inserted in the *Dublin Gazette* relating solely to Matters in Bankruptcy, shall not be liable to any Stamp Duty or any other Government Duty whatsoever; and all Sales of any Real or Personal Estate of any Bankrupt or Bankrupts shall not be liable to any Auction Duty.

nor Sales to Auction Duty.

Punishment of Perjury, and false Affirmation or Declaration.

CXVII. And be it enacted, That any Bankrupt or other Person who shall in any Examination before the Commissioner, or in any Affidavit or Deposition authorized or directed by the present or any Act hereby repealed, wilfully and corruptly swear falsely, being convicted thereof, shall suffer the Pains and Penalties in force against wilful and corrupt Perjury; and where any Oath is hereby directed or required to be taken or administered, or Affidavit to be made, by or to any Party, such Party, if a Quaker or Moravian or Separatist, shall or may make solemn Affirmation or Declaration; and such Quaker, Moravian, or Separatist, as the Case may be, shall incur such Danger or Penalty for refusing to make such solemn Affirmation or Declaration in such Matters, when thereto required, as is hereby provided against Persons refusing to be sworn; and all Quakers, Moravians, or Separatists who shall in any such Affirmation or Declaration knowingly and wilfully affirm or declare falsely shall suffer the same Penalties as are provided against Persons guilty of wilful and corrupt Perjury; and all Persons before whom Oaths or Affidavits are hereby directed

Provision as to Quakers and others.



directed to be made are respectively empowered to administer the same, and also such solemn Affirmation or Declaration as aforesaid.

CXVIII. And be it enacted, That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration hereby directed or authorized, may be sued for by the Assignees in any of His Majesty's Courts of Record; and the Money so recovered (the Charges of Suit being deducted) shall be divided among the Creditors, who shall not by reason thereof be incompetent Witnesses in any Proceedings for the Recovery of such Penalties.

Applications of  
Forfeitures.

Assignees to  
keep a Book of  
Account of the  
Bankrupt's  
Estate.

Commissioner  
may summon  
Assignees, &c.

CXIX. And be it enacted, That the Assignees shall keep an Account wherein they shall enter all Property of the Bankrupt received by or vested in them, and all Payments made by them, or by Order of the Commissioner, on account of the Bankrupt's Estate, which Account every Creditor who shall have proved may inspect at all reasonable Times; and it shall be lawful for the Commissioner at all Times, by Writing under his Hand, to summon the Assignees before him, and require them to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy in their Possession; and if such Assignees so summoned shall not come before the Commissioner at the Time appointed (having no Impediment made known to the Commissioner at the Time of his sitting, and allowed by him,) it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, directed to such Person as he shall think fit, to cause such Assignees to be brought before him; and upon their refusing to produce such Books, Deeds, Writings, Papers, or Documents as aforesaid, it shall be lawful for the said Commissioner to commit the Party so refusing to such Prison as he shall think fit, there to remain, without Bail, until such Party shall submit himself to the said Commissioner.

CXX. And be it enacted, That at the Meeting of Creditors for the Choice of Assignees the major Part in Value of such Creditors there present may direct how, and with whom, and where the Money received from Time to Time out of the Estate of the Bankrupt shall be paid in and remain until it be divided; and if such Creditors shall not make such Direction as aforesaid, the Commissioner shall, immediately after such Choice, and at the same Meeting, make such Direction; but no Money shall be directed to be paid into the Hands of the Commissioner, or of the Solicitor to the Commission, or into any Banking House or other House of Trade in which any such Commissioner or Solicitor, or the Assignees of the Bankrupt, is or are an Acting Partner, Manager, or Cashier.

Creditors to  
direct where  
Money arising  
from Bankrupt's  
Estate shall be  
paid in, &c.

CXXI. And be it enacted, That the Commissioner may, as often as it shall appear to him expedient for the Bankrupt's Estate, direct any Money, Part of such Estate, to be invested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to him expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills or in the Public Funds, or to be applied for the Benefit of the Creditors, subject to the Control of the Lord Chancellor.

Commissioner  
may direct any  
Money to be  
invested in Ex-  
chequer Bills or  
in Public Funds.

CXXII. And

Assignee to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged 20 per Cent.

CXXII. And be it enacted, That if any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain or employ, any Sum to the Amount of One hundred Pounds or upwards, Part of the Estate of the Bankrupt, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when so directed as aforesaid, every such Assignee shall be charged in his Accounts with such Sum as shall be equal to Interest at the Rate of Twenty *per Cent.* on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be retained or employed as aforesaid, or during which he shall have so neglected to invest the same in the Purchase of Exchequer Bills or in the Public Funds; and the Commissioner is hereby required to charge every such Assignee in his Accounts accordingly.

Certificate of a Bankrupt Assignee not to discharge him in respect of Bankrupt's Estate retained.

CXXIII. And be it enacted, That if any Assignee, indebted to the Estate of which he is such Assignee in respect of Money retained or employed by him for his own Benefit, become bankrupt, if he shall obtain his Certificate it shall only have the Effect of freeing his Person from Arrest and Imprisonment; but his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife, and Children excepted,) shall remain liable for so much of his Debts due to the Estate of which he was Assignee as shall not be paid by Dividends under his Commission, together with lawful Interest for the whole Debt.

Commissioner shall audit Accounts of Assignees not sooner than Four Months from the issuing of the Commission, nor later than Six Months from the last Examination.

CXXIV. And be it enacted, That the Commissioner shall at the Sitting appointed for the last Examination of the Bankrupt appoint a Sitting, not sooner than Four Calendar Months from the issuing of the Commission, nor later than Six Calendar Months from the last Examination of the Bankrupt, whereof, and of the Purport whereof, he shall give Twenty-one Days Notice in the *Dublin Gazette*, to audit the Accounts of the Assignees; and the Assignees at such Sitting shall deliver upon Oath a true Statement in Writing of all Monies received by them respectively, and when and on what Account and how the same have been employed; and the Commissioner shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and shall inquire whether any Sum appearing to be in their Hands ought to be retained; and it shall be lawful for the said Commissioner to examine the said Assignees upon Oath touching the Truth of such Accounts; and in such Accounts the said Assignees shall be allowed to retain all such Money as they shall have expended in suing out and prosecuting such Commission, and all other just Allowances.

Method of making Dividend.

CXXV. And be it enacted, That the Commissioner shall, not sooner than Four nor later than Twelve Calendar Months from the issuing of the Commission, appoint a Sitting (whereof, and of the Purport whereof, he shall give Twenty-one Days Notice in the *Dublin Gazette*) to make a Dividend of the Bankrupt's Estate, at which Sitting all Creditors who have not proved their Debts shall be entitled to prove the same; and the said Commissioner at such Sitting shall order such Part of the net Produce of the Bankrupt's

Bankrupt's Estate as he shall think fit to be forthwith divided amongst such Creditors as have proved Debts under the Commission in proportion to their respective Debts, and shall make an Order for a Dividend in Writing under his Hand, and shall cause one Part of such Order to be filed amongst the Proceedings under the Commission, and shall deliver another Part thereof to the Assignees, which Order shall contain an Account of the Time and Place of making such Order, of the Amount of the Debts proved, of the Money remaining to be divided, of how much in the Pound is then ordered to be paid to every Creditor, and of the Money allowed by the Commissioner to be retained by the Assignees, with his Reasons for allowing the same to be so retained; and no Dividend shall be declared unless the Accounts of the Assignees shall have been first so audited as aforesaid, and such Statement delivered by them upon Oath as aforesaid.

No Dividend without previous Audit.

CXXVI. And be it enacted, That no Creditor having Security for his Debt, or having made any Attachment in *Dublin* or any other Place by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure upon, or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the Bankruptcy; provided that no Creditor, though for a valuable Consideration, who shall sue out Execution upon any Judgment obtained by Default, Confession, or Nil dicit shall avail himself of such Execution to the Prejudice of other fair Creditors, but shall be paid rateably with such Creditors.

Creditors having Security for their Debts not to receive more than other Creditors.

CXXVII. And be it enacted, That if the Bankrupt's Estate shall not have been wholly divided upon the First Dividend, the Commissioner shall, within Eighteen Calendar Months after the issuing of the Commission, appoint a Sitting (whereof, and of the Purport whereof, he shall give Twenty-one Days Notice in the *Dublin Gazette*) to make a Second Dividend of the Bankrupt's Estate, when all Creditors who have not proved their Debts may prove the same; and the Commissioner at such Meeting, after taking such Audit as herein-before directed, shall order the Balance to be forthwith divided amongst such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out, not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignees, in which Case the same shall be as soon as may be converted into Money, and within Two Calendar Months after the same shall be so converted divided in manner aforesaid.

Final Dividend within Eighteen Months, unless Suit depending or Estate standing out.

CXXVIII. And be it enacted, That if any Assignee under any Commission of Bankrupt shall have, either in his own Hands or at any Bankers, or otherwise subject to his Order or Disposition, or to his Knowledge in the Hands or in the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends amounting in the whole to the Sum of Fifty Pounds, and shall not within Six Calendar Months after this Act shall have taken effect, or Two Calendar

Assignees to file an Account in Bankrupt Office of unclaimed Dividends remaining in their Hands.

Calendar Months after the Expiration of One Year after the Declaration and Order for Payment of such Dividend or Dividends made by the Commissioner, either pay to the Creditor or Creditors entitled thereto, or cause a Certificate thereof to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due, and of the Amount of such Dividend or Dividends respectively, (such Account being signed by the Assignee or Assignees rendering the same, and attested by the Solicitor to the Commission, or the Solicitor to the Assignee or Assignees signing the same,) such Assignee or Assignees shall be charged in account with the Estate of the Bankrupt Interest upon such unclaimed Dividend or Dividends, to be computed from the Time when such Certificate is hereby directed to be filed at the Rate of Six Pounds *per Centum per Annum*, for such Time as he shall thenceforth retain the same, and also such further Sum as the Commissioner shall think fit, not exceeding in the whole Twenty Pounds *per Centum per Annum*; and the Lord Chancellor or the said Commissioner may order the Investment of any unclaimed Dividend or Dividends in the Public Funds or in any Government Security for or on account of the Creditors entitled, and subject to such Order as the Lord Chancellor may think fit to make respecting the same, who, if he shall think fit, may, after the same shall have remained unclaimed for the Space of Three Years from the Declaration of such Dividends by the Commissioner, order the same to be divided amongst and paid to the other Creditors; and the Proof of the Creditors to whom such Dividends were allotted shall from thenceforth be considered as void as to the same, but renewable as to any future Dividends, to place them *pari passu* with the other Creditors, but not to disturb any Dividends which shall have been previously made.

Penalty on Assignees neglecting.

Power of Investment of such Dividends, and dividing the same among other Creditors after Three Years.

No Action for Dividend: Remedy by Petition to Lord Chancellor.

Bankrupt not surrendering and submitting to be examined, or not discovering all his Estate, or not delivering up his Goods, Books, &c., or removing or embezzling to the Amount of 10*l.*, guilty of Felony, &c.

CXXXIX. And be it enacted, That no Action for any Dividend shall be brought against the Assignees by any Creditor who shall have proved under the Commission; but if the Assignees shall refuse to pay any such Dividend the Lord Chancellor may, on Petition, order Payment thereof, with Interest for the Time that it shall have been withheld, and the Costs of the Application.

CXXX. And be it enacted, That if any Person against whom any Commission has been issued or shall hereafter be issued, whereupon such Person hath been or shall be declared bankrupt, shall not, before Three of the Clock upon the Forty-second Day after Notice thereof in Writing to be left at the usual Place of Abode of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *Dublin Gazette* of issuing of the Commission and of the Sittings of the Commissioner, surrender himself to him, and sign or subscribe such Surrender, and submit to be examined before him from Time to Time upon Oath, or being a Quaker or Moravian or Separatist upon solemn Affirmation or Declaration, or if any such Bankrupt upon such Examination shall not discover all his Real or Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, and all Books, Papers, and Writings relating thereunto, (except such Part

as

as shall have been really and *bonâ fide* before sold or disposed of in the Way of his Trade, or laid out in the ordinary Expence of his Family,) or if any such Bankrupt shall not upon such Examination deliver up to the Commissioner all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, his Wife and Children,) or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of Felony, and be liable to be transported for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned only, or imprisoned and kept to hard Labour, in any Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

CXXXI. And be it enacted, That the Lord Chancellor shall have Power, as often as he shall think fit, from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Lord Chancellor shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was to surrender himself.

Lord Chancellor may enlarge Time for Bankrupt surrendering.

CXXXII. And be it enacted, That it shall be lawful for the Commissioner, before the Choice of Assignees, and after such Choice for the Assignees with the Approbation of the Commissioner testified in Writing under his Hand, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until he shall have passed his last Examination, as shall be necessary for the Support of himself and his Family.

Allowance to Bankrupt for Maintenance.

CXXXIII. And be it enacted, That if any Bankrupt apprehended by any Warrant of the Commissioner shall, within the Time hereby allowed for him to surrender, submit to be examined, and in all Things conform, he shall have the same Benefit as if he had voluntarily surrendered.

As to Bankrupts apprehended by Warrant.

CXXXIV. And be it enacted, That the Bankrupt, after the Appointment or Choice of Assignees, shall (if thereto required) forthwith deliver up to them, upon Oath sworn before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every such Bankrupt not in Prison or Custody shall at all Times after such Surrender attend such Assignees, upon every reasonable Notice in Writing for that Purpose, given by them to him, or left at his House, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt after he shall have surrendered may at all reasonable Times before the Expiration of the said Forty-two Days, or such further Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual Place

Bankrupt to deliver up his Books of Accounts to Assignees, upon Oath, and to attend Assignees.

Place of Abode, attend the Assignees to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in the said Estate, for which Attendance he shall be paid Five Shillings *per* Day out of his Estate; and if such Bankrupt shall after such Demand as aforesaid not attend, or on such Attendance refuse to do any of the Matters aforesaid, without sufficient Cause shown to the Commissioner for such Refusal, and by him allowed, the Assignees making Proof thereof upon Oath before the Commissioner, the said Commissioner may, by Warrant directed to such Person as he shall think proper, cause such Bankrupt to be apprehended and committed to such Prison as he shall think fit, there to remain until he shall conform to the Satisfaction of the said Commissioner or of the Lord Chancellor.

Allowance for Attendance.

Commitment for Non-attendance.

Bankrupt may be appointed to manage his Estate, &c. for Benefit of Creditors.

Bankrupt to be free from Arrest during Examination; and, if arrested, to be discharged on producing Summons.

Penalty on Officer detaining Bankrupt.

Commissioner may adjourn final Examination of Bankrupt *sine die*.

Bankrupt in Custody to be brought before Commissioner at Creditors Expense.

CXXXV. And be it enacted, That in every Case the Assignees may, with the Consent of the Commissioner, testified by some Writing signed by him, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade for the Benefit of the Creditors, and in all respects or any other respect as they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

CXXXVI. And be it enacted, That the Bankrupt shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender, during the said Forty-two Days, and such further Time as shall be allowed him for finishing his Examination, provided he was not in Custody at the Time of such Surrender; and if such Bankrupt shall be arrested for Debt or on any Escape Warrant, in coming to surrender, or shall after his Surrender be so arrested within the Time aforesaid, he shall, upon producing the Summons under the Hand of the Commissioner to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain such Bankrupt after he shall have shown such Summons to him so signed as aforesaid, such Officer shall forfeit to such Bankrupt for his own Use the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Dublin* in the Name of such Bankrupt, with full Costs of Suit.

CXXXVII. And be it enacted, That it shall be lawful for the Commissioner at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*, and he shall be free from Arrest or Imprisonment for such Time, not exceeding Three Calendar Months, as the Commissioner shall, by Indorsement upon such Summons as aforesaid, appoint, with like Penalty upon any Officer detaining such Bankrupt after having been shown such Summons.

CXXXVIII. And be it enacted, That whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Commissioner may, by Warrant under his Hand, directed to the Person in whose Custody such

such Bankrupt is confined, cause such Bankrupt to be brought before him at any Sitting, and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the Expence thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Commissioner for bringing up such Bankrupt; provided that the Assignees may appoint any Persons to attend such Bankrupt from Time to Time, and to produce to him his Books, Papers, and Writings, in order to prepare an Abstract of his Accounts and a Statement to show the Particulars of his Estate and Effects, previous to his final Examination and Discovery thereof; a Copy of which Abstract and Statement the said Bankrupt shall deliver to them Ten Days at least before his last Examination.

Assignees may appoint Persons to attend Bankrupt in Prison.

CXXXIX. And be it enacted, That any Person wilfully concealing any Real or Personal Estate of the Bankrupt, and who shall not within Forty-two Days after the issuing of the Commission discover such Estate to the Commissioner or Assignees, shall forfeit the Sum of One hundred Pounds and Double the Value of the Estate so concealed; and any Person who shall after the Time allowed to the Bankrupt to surrender voluntarily discover to the Commissioner or Assignees any Part of such Bankrupt's Estate not before come to the Knowledge of the said Assignees shall be allowed Six *per Centum* thereupon, and such further Reward as the major Part in Value of the Creditors present at any Meeting called for that Purpose shall think fit, to be paid out of the Estate recovered on such Discovery.

Penalty on Persons concealing Bankrupt's Effects.

Allowance to Persons making Discovery thereof.

CXL. And be it enacted, That every Bankrupt who shall have duly surrendered and in all Things conformed himself to the Laws in force concerning Bankrupts at the Time of issuing the Commission against him shall be discharged from all Debts due by him when he became bankrupt, and from all Claims and Demands hereby made proveable under the Commission, in case he shall obtain a Certificate of such Conformity so signed and allowed and subject to such Provisions as herein-after directed; but no such Certificate shall release or discharge any Person who was Partner with such Bankrupt at the Time of his Bankruptcy, or who was then jointly bound or had made any joint Contract with such Bankrupt.

Bankrupt discharged by Certificate of Conformity.

Partner not discharged.

CXLI. And be it enacted, That such Certificate shall be signed by Four Fifths in Number and Value of the Creditors of the Bankrupt who shall have proved Debts under the Commission to the Amount of Twenty Pounds or upwards, or after Six Calendar Months from the last Examination of the Bankrupt, then either by Three Fifths in Number and Value of such Creditors or by Nine Tenths in Number of such Creditors, who shall thereby testify their Consent to the said Bankrupt's Discharge as aforesaid; and no such Certificate shall be such Discharge unless the Commissioner shall, in Writing under his Hand and Seal, certify to the Lord Chancellor that such Bankrupt has made a full Discovery of his Estate and Effects, and in all Things conformed as aforesaid, and that there does not appear any Reason to doubt the Truth or Fulness of such Discovery, and also that the Creditors have signed in manner hereby directed, and unless the Bankrupt make Oath in Writing that such Certificate and Consent were obtained without

Certificate to be signed by Four Fifths in Number and Value of Creditors above 20*l.*; after Six Months by Three Fifths in Number and Value, or Nine Tenths in Number.

Allowance of, by the Lord Chancellor.

Fraud,

Fraud, and unless such Certificate shall after such Oath be allowed by the Lord Chancellor, against which Allowance any of the Creditors of the Bankrupt may be heard before the Lord Chancellor.

Proof of Signature of Creditors.

CXLII. And be it enacted, That the Commissioner shall not sign any Certificate unless he shall have Proof, by Affidavit in Writing, of the Signature of the Creditors thereto, or of any Person thereto authorized by any Creditor, and of the Authority by which such Person shall have so signed the same; and if any Creditor reside Abroad the Authority of such Creditor shall be attested by a Notary Public, *British* Minister or Consul; and every such Affidavit, Authority, and Attestation shall be laid before the Lord Chancellor, with the Certificate, previous to the Allowance thereof.

Contracts and Securities to induce Creditors to sign void.

CXLIII. And be it enacted, That any Contract or Security made or given by the Bankrupt or other Person unto or in Trust for any Creditor, or for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to consent to or sign such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable; and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt having obtained his Certificate free from Arrest.

CXLIV. And be it enacted, That any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand hereby made proveable under the Commission against such Bankrupt, shall be discharged upon Common Bail, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate and the Allowance thereof shall be sufficient Evidence of the Trading, Bankruptcy, Commission, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate Evidence of Proceedings.

Bankrupt taken in Execution may be discharged.

Where Bankrupt has been bankrupt before, &c. his future Effects liable.

CXLV. And be it enacted, That if any Person who shall have been so discharged by such Certificate as aforesaid, or who shall have compounded with his Creditors, or who shall have been discharged by any Insolvent Act, shall be or become bankrupt, and have obtained or shall hereafter obtain such Certificate as aforesaid, unless his Estate shall produce (after all Charges) sufficient to pay every Creditor under the Commission Fifteen Shillings in the Pound, such Certificate shall only protect his Person from Arrest and Imprisonment, but his future Estate and Effects (except the Tools of Trade and necessary Household Furniture, and the Wearing Apparel of himself, his Wife and Children,) shall vest in the Assignees under the said Commission, who shall be entitled to seize the same in like Manner as they might have seized Property of which such Bankrupt was possessed at the issuing of the Commission.

CXLVI. And



**CXLVI.** And be it enacted, That every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate shall pay the Creditors who have proved under the Commission Ten Shillings in the Pound, shall be allowed Five *per Cent.* out of such Produce, to be paid him by the Assignees, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Cent.*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds *per Cent.*, provided such Allowance shall not exceed Six hundred Pounds; but if such Produce shall not pay such Creditors Ten Shillings in the Pound such Bankrupt shall only be allowed and paid so much as the Assignees and Commissioners shall think fit, not exceeding Three Pounds *per Cent.* and Three hundred Pounds.

Allowance to Bankrupt in proportion to Dividend.

**CXLVII.** And be it enacted, That in all joint Commissions under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although his other Partner or Partners may not be entitled to any Allowance.

One Partner may receive Allowance though others not entitled.

**CXLVIII.** And be it enacted, That no Bankrupt shall be entitled to his Certificate or to be paid any such Allowance, and that any Certificate if obtained shall be void, if such Bankrupt shall have lost by any Sort of gaming or wagering in any One Day Twenty Pounds, or within One Year next preceding his Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding his Bankruptcy have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract, or shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, have destroyed, altered, mutilated, or falsified, or caused to be destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entries in any Book of Account or other Document, with Intent to defraud his Creditors, or shall have concealed Property to the Value of Ten Pounds or upwards, or if any Person having proved a false Debt under the Commission, such Bankrupt, being privy thereto or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

Bankrupt not entitled to Certificate or Allowance; and Certificate void in certain Cases.

**CXLIX.** And be it enacted, That no Bankrupt after his Certificate shall have been allowed under any Commission shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made or to be made after the suing out of the Commission, unless such Promise, Contract, or Agreement be made in

Bankrupt not liable upon Promise to pay Debt discharged by Certificate unless it be in Writing.

Writing, signed by the Bankrupt, or by some Person thereto lawfully authorized in Writing by such Bankrupt.

Assignees shall, in case of Surplus, account, and pay it to Bankrupt; but in such Case all Debts to carry Interest.

CL. And be it enacted, That the Assignees shall, upon Request made to them by the Bankrupt, declare to him how they have disposed of his Real and Personal Estate, and pay the Surplus, if any, to such Bankrupt, his Executors, Administrators, or Assigns; and every such Bankrupt, after the Creditors who have proved under the Commission shall have been paid, shall be entitled to recover the Remainder of the Debts due to him; but such Surplus shall not be paid until all Creditors who have proved under the Commission shall have received Interest on the Debts, to be calculated and paid at the Rate and in the Order following; (that is to say,) all Creditors whose Debts are now by Law entitled to early Interest, in the Event of a Surplus, shall first receive Interest on such Debts at the Rate of Interest reserved or by Law payable thereon, to be calculated from the Date of the Commission, and after such Interest shall have been paid all other Creditors who have proved under the Commission shall receive Interest on their Debts, from the Date of the Commission, at the Rate of Five Pounds *per Centum*.

Nine Tenths in Number and Value of Creditors may accept a Composition which shall bind the rest.

CLI. And be it enacted, That, at any Meeting of Creditors after the Bankrupt shall have passed his last Examination, (whereof and of the Purport of which Twenty-one Days Notice shall have been given in the *Dublin Gazette*;) if the Bankrupt or his Friends shall make an Offer of Composition or Security for such Composition which Nine Tenths in Number and Value of the Creditors assembled at such Meeting shall agree to accept, another Meeting for the Purpose of deciding upon such Offer shall be appointed, whereof such Notice as aforesaid shall be given; and if at such Second Meeting Nine Tenths in Number and Value of the Creditors then present shall also agree to accept such Offer the Lord Chancellor shall and may, upon such Acceptance being testified by them in Writing, supersede the said Commission, and the remaining One Tenth in Number and Value of the said Creditors shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition.

CLII. And be it enacted, That in deciding upon such Offer as aforesaid any Creditor whose Debt is below Twenty Pounds shall not be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and that any Creditor to the Amount of Fifty Pounds and upwards residing out of *Ireland* shall be personally served with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat; and such Creditor shall be entitled to vote by Letter of Attorney executed and attested in manner hereby required for such Creditors voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratiuity or higher Composition for assenting to such Offer he shall forfeit the Debt due to him, together with such Gratiuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Commissioner that there has been no such Transaction between him or any Person, with his Privity, and any of the Creditors,

Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent as aforesaid.

CLIII. ' And whereas great Inconveniences have arisen from the Agents or Clerks to Commissions of Bankrupts being considered as Officers belonging to the Assignees appointed under such Commissions, and not subject to the Control or Direction of the Commissioners named in such Commissions, and they have frequently refused to produce the Proceedings under such Commissions to the Commissioners, and in many Instances have refused to obey their Orders;' be it enacted by the Authority aforesaid, That every Person who shall act as Agent or Clerk to or who shall take out any Commission of Bankruptcy shall be subject to the Control and Directions of the Commissioner to be appointed by virtue of this Act, and shall before he shall act or be capable of acting as such Agent or Clerk take the Oath following :

Agents to Commissions to be under Control of Commissioner, and to take Oath.

**I** *A.B.* do swear, That during such Time as I shall be employed as Agent or Clerk to the Commission, or in anywise concerning the Proceedings in a Commission of Bankrupt issued and awarded and now in prosecution against *C.D.*, I will faithfully and honestly, according to the best of my Skill and Knowledge, write, take down, and transcribe all such Depositions and Evidences, as well of the said Bankrupt as of all others who shall be sworn and examined by or before the Commissioner under and by virtue of the said Commission, as I shall by the said Commissioner in the said Commission named be directed to write, take down, or transcribe; and also that I will in like Manner during such Time safely and faithfully preserve and keep from all Kind of Defalcation and Embezzlement all such Depositions, Evidences, and Proceedings while the same shall be by the said Commissioner committed to my Care; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood, in respect to any Matter or Thing relating to the said Commission or to the Proceedings thereunder; and that I will, when required by such Commissioner, deliver up to him, or to such Person as he shall appoint, the several Depositions and the Proceedings and Documents in my Custody or Power relating to the said Commission. So help me GOD.'

Form of Oath of Agent.

CLIV. And be it enacted by the Authority aforesaid, That any Person or Persons acting as Messenger or Messengers, and who shall issue any Commission of Bankruptcy, or when issued out shall act as Agent in such Commission, shall from such Time be considered incapable for ever after of holding the Office of Messenger in any Commission of Bankrupt; and every Messenger shall, before the Commissioner executes his Warrant of Seizure to him, take before the Commissioner the following Oath; (that is to say,)

Messengers not allowed to act as Agents :

to take an Oath.

**I** *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Orders which I shall receive from the Commissioner in the Commission of Bankrupt awarded and issued against *C.D.*; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood, in respect to any Matter or Thing relating to the said Commission or any of the Proceedings

Oath of Messenger.

' there-

‘ thereunder ; and that I will not by myself, or any other Person  
 ‘ in Trust for me, have any Interest, Employment, or Concern in  
 ‘ the said Commission in any other Capacity whatsoever except  
 ‘ that of Messenger. So help me GOD.’

Commissioner  
 may take Evi-  
 dence *vivâ voce*  
 or on Affidavit.

CLV. And be it enacted, That the Commissioner to be ap-  
 pointed by virtue of this Act shall in all Matters within his  
 Jurisdiction have Power to take the Whole or any Part of the  
 Evidence, either *vivâ voce* on Oath, or upon Affidavits to be  
 sworn before the said Commissioner or a Master Ordinary or  
 Extraordinary in Chancery, as the said Commissioner may in any  
 Case direct, or as the Lord Chancellor may from Time to Time  
 prescribe by any general Rule to be made by virtue of this Act.

As to concerted  
 Bankruptcies.

CLVI. And be it enacted, That from and after this Act shall  
 take effect no Commission of Bankrupt shall be superseded by  
 reason only that the Commission has been concerted by and  
 between the Petitioning Creditor, his Solicitor or Agent, or any of  
 them, and the Bankrupt, his Solicitor or Agent, or any of them,  
 save and except where any Petition to supersede a Commission  
 for any such Cause shall have been presented before this Act  
 shall come into operation, and shall be then pending.

Penalty on any  
 Person taking  
 Fees.

CLVII. And be it enacted, That if any Person employed for  
 any of the Purposes of this Act shall for any thing done or pre-  
 tended to be done under this Act or any other Act relating to  
 Bankrupts, or under colour of doing any thing under this Act or  
 any other such Acts, fraudulently or wilfully demand or take, or  
 appoint or allow any Person whatsoever to take for him or on his  
 Account, or for or on account of any Person by him named, or  
 in Trust for him or for any other Person by him named, any Fee,  
 Emolument, Gratuity, Sum of Money, or any Thing of Value  
 whatsoever, other than is allowed by this Act and any other such  
 Act as aforesaid, or by any Order of the Lord Chancellor acting  
 under the Authority of this Act or any other such Act as aforesaid,  
 such Person when duly convicted thereof shall forfeit and pay  
 the Sum of Five hundred Pounds, and be rendered incapable and  
 is hereby rendered incapable of holding any Office or Place what-  
 soever under His Majesty, His Heirs or Successors.

Commissioner  
 may commit  
 Person inter-  
 rupting Courts,  
 &c.

CLVIII. And be it enacted, That any Commissioner appointed  
 under this Act shall have full Power and he is hereby authorized  
 to commit to Custody in any Prison or Bridewell for any Term  
 not exceeding One Month any Person who shall be guilty of any  
 Riot or Disturbance in any Court held by such Commission, or  
 who shall in such Court interrupt the said Commissioner in the  
 Exercise of his Duty.

Offences against  
 this Act.

CLIX. And be it enacted, That any such Offender may be  
 prosecuted either by Information at the Suit of His Majesty’s  
 Attorney General, or by Criminal Information before His Majesty’s  
 Court of King’s Bench, or by Indictment: Provided always never-  
 theless, that if any Person so employed as aforesaid shall commit  
 any Offence against this Act, it shall and may be lawful for the  
 Lord Chancellor to dismiss the Person so offending from his Em-  
 ployment, upon Proof made before him of such Offence having  
 been committed.

Construction of  
 the Act.

CLX. And be it enacted, That this Act shall be construed  
 beneficially for Creditors ; and that nothing herein contained shall  
 alter

alter the present Practice in Bankruptcy, except where any such Alteration is expressly declared; and that it shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that all Powers hereby given to or Duties directed to be performed by the Lord Chancellor shall and may be exercised or performed by a Lord Keeper or by Lords Commissioners of the Great Seal; and all Powers given to or Duties directed to be performed by the Assignees may be exercised and shall be performed by the major Part of them, or by One Assignee where only One shall have been appointed or chosen.

CLXI. And be it enacted, That this Act shall commence and take effect from and after the First Day of *July* One thousand eight hundred and thirty-six; and that it shall not extend either to *England* or *Scotland*, except where the same are expressly mentioned.

Commencement  
of Act.  
Limiting its  
Extent.

CLXII. And be it enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

Act may be  
altered.

### C A P. XV.

An Act to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to *Shetland* or *Orkney* to pay certain Sums of Money, payable under that Act to the Seamen's Fund, at *Lerwick* in *Shetland* or *Kirkwall* in *Orkney*.

[7th June 1836.]

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes*: And whereas the said recited Act enacts that all and every the Masters, Commanders, or Owners of all Merchant Ships or other Private Ships or Vessels whatsoever, by the said Act made liable to the Payment of the said Duties of Two Shillings *per* Month and One Shilling *per* Month, shall pay all such Monies as shall from Time to Time be due from them and every of them respectively for or on account of the said Duties to the Collectors or Receivers appointed in pursuance of the said Act or of an Act of the Twentieth Year of His late Majesty King *George the Second*, at whatever Port in the United Kingdom of *Great Britain* and *Ireland* any such Ship or Vessel should report or discharge her Cargo: And whereas it is usual and customary for Ships or Vessels belonging to and discharging their Cargoes at many of the Ports in the said United Kingdom of *Great Britain* and *Ireland* to leave their respective Ports of Outfit without engaging the whole Number of Seamen and other Persons necessary to be employed for the Completion of their respective Voyages, and for the Masters, Commanders, or Owners of the said Ships or Vessels to fill up and complete their Crews by hiring and taking on board Seamen and other Persons for the

4 & 5W.4. c. 52.

' Service of the said Ships or Vessels at the Port of *Lerwick* in  
 ' *Shetland*, or at the Port of *Kirkwall* and its Dependencies, in the  
 ' said United Kingdom of *Great Britain and Ireland*, and for the  
 ' said last-mentioned Seamen and other Persons to be relanded  
 ' and discharged at the said Port of *Lerwick* and its Dependencies,  
 ' or at the Port of *Kirkwall* and its Dependencies, where they  
 ' had been hired and taken on board, when the said Ships or  
 ' Vessels shall be on their Return to their respective Ports of  
 ' Outfit: And whereas it is expedient that the Monies required by  
 ' the said recited Act to be deducted and detained out of the  
 ' Wages, Shares, or other Profits payable or accruing to such  
 ' Seamen and other Persons so hired and taken on board and  
 ' relanded and discharged at the said Port of *Lerwick* in *Shetland*,  
 ' (or at the said Port of *Kirkwall* in *Orkney*,) should be paid to  
 ' the Collectors or Receivers or Trustees appointed at the said  
 ' Port of *Lerwick* in *Shetland*, or at the said Port of *Kirkwall* in  
 ' *Orkney*, as the Case may be, and not to the Collectors or Re-  
 ' ceivers or Trustees at the Port where the said Ships or Vessels  
 ' shall report or discharge their Cargoes: Be it therefore enacted  
 by the King's most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That from and after the First Day of *January* One thousand  
 eight hundred and thirty-seven all Monies deducted and detained,  
 in pursuance of the said recited Act, out of the Wages, Shares,  
 or other Profits payable or accruing to such Seamen and other  
 Persons as shall be hired and taken on board at the Port of  
*Lerwick* and its Dependencies, or at the Port of *Kirkwall* and its  
 Dependencies, and again relanded and discharged at the same,  
 shall be paid, and the Masters, Commanders, or Owners of all  
 Merchant or other Ships by the said recited Act made liable to  
 the said Duties of Two Shillings *per* Month and One Shilling *per*  
 Month are hereby required to pay all such Money so deducted  
 and detained out of the Wages, Shares, or other Profits payable or  
 accruing to such Seamen and other Persons as shall be hired and  
 taken on board at the Port of *Lerwick* in *Shetland*, or at the Port  
 of *Kirkwall* and its Dependencies, and again relanded and dis-  
 charged at the same, to the Collectors or Receivers or Trustees  
 appointed in pursuance of the said recited Act, or the said Act  
 of the Twentieth Year of His late Majesty King *George* the  
 Second, at whichever of the said Ports of *Lerwick* or *Kirkwall*  
 the said Seamen or other Persons shall have been so hired and  
 taken on board, and again relanded and discharged as aforesaid;  
 and if any Master, Commander, or Owner shall not pay over the  
 said Duties as hereby directed, he shall be liable, and the Ship or  
 Vessel of which he is the Master, Commander, or Owner shall be  
 liable, to all the Penalties and Liabilities to which he or it is  
 respectively liable by the said recited Act of the Fourth and Fifth  
 Year of the Reign of His present Majesty if he neglect to pay over  
 the said Duties according to the Provisions of the said recited Act:  
 Provided always, that every such Master, Commander, or Owner,  
 having paid such Monies or Duties so by this Act directed and  
 required to be paid as aforesaid, shall not be required to make any  
 Payment on account of such Monies or Duties at any Port at  
 which

Deductions,  
 authorized by  
 recited Act, out  
 of the Wages of  
 Seamen of the  
 Ports of *Ler-*  
*wick* and *Kirk-*  
*wall*, to be paid  
 to Collectors at  
 these Ports.

which the said Ship or Vessel shall report or discharge its Cargo, nor shall the Master, Commander, or Owner be exposed to any Penalties, nor the said Ship or Vessel be in any way delayed or impeded by the Officers of His Majesty's Customs, nor by any other Person, on account of such Nonpayment at any other Port than as aforesaid; provided such Master, Commander, or Owner produces before the Collector or Receiver for the Port at which such Ship or Vessel shall report or discharge her Cargo a Certificate of the Payment herein-before mentioned, signed by the Collector or Receiver of the Port of *Lerwick* in *Shetland*, or of the Port of *Kirkwall* in *Orkney* and its Dependencies, as the Case may be.

II. And be it further enacted, That every Master, Commander, or Owner of any such Merchant Ship or other Vessel who shall keep a Muster Roll as required to be kept by the said recited Act shall make Abstracts from the said Muster Roll, in one of which he shall insert the Christian and Surnames of all Seamen and other Persons taken on board and intended to be relanded and discharged at the Port of *Lerwick* and its Dependencies, and in the other of which he shall make a similar Entry of all Seamen and other Persons taken on board and intended to be relanded and discharged at the Port of *Kirkwall* and its Dependencies, and that the said Abstracts shall respectively contain all the Particulars respecting the said Seamen and other Persons which are required to be contained in the said Muster Roll by the said recited Act; and that a Duplicate of the said Abstract of *Lerwick* Seamen shall, if required, be signed by the said Master, Commander, or other Person having the Care of the said Ship or Vessel, and shall be delivered to the Collectors or Receivers of the said Duties so appointed as aforesaid at *Lerwick* in *Shetland*; and that a similar Duplicate of the said Abstract of *Kirkwall* Seamen shall, if required, be signed as aforesaid, and be delivered to the Collectors and Receivers appointed as aforesaid at *Kirkwall* in *Orkney*: Provided always, that such Collector or Receiver at *Lerwick* or *Kirkwall*, as the Case may be, shall forthwith, on the Receipt of such Monies or Duties and of the said Duplicate, if required as aforesaid from such Master, Commander, or other Person having the Care of the said Ship or Vessel as aforesaid, grant a Certificate to such Master, Commander, or other Person as aforesaid, stating that such Monies or Duties have been duly paid according to the Provisions of this Act; and in case any such Master, Commander, or other Person shall neglect to make such Abstract, or shall neglect or refuse to deliver such Duplicate as aforesaid, every such Person shall forfeit and pay for every such Refusal or Omission the Sum of Five Pounds of the lawful Money of *Great Britain*.

III. And whereas it sometimes occurs that such Seamen and other Persons so taken on board, and intended to be relanded and discharged at the aforesaid Ports of *Lerwick* or *Kirkwall*, are prevented by Weather or otherwise from being relanded at the said Ports where they had been so hired and taken on board as aforesaid, and are carried forward to some other Port in the United Kingdom of *Great Britain* and *Ireland*: And whereas it is expedient that they should not on that Account lose the

Masters of Merchant Ships to make Abstracts from their Muster Rolls of Names, &c. of Seamen belonging to *Lerwick* and *Kirkwall*, and give a Duplicate thereof to the Collectors at the said Ports.

As to Payment of said Deductions when Seamen cannot be landed at *Lerwick* or *Kirkwall*.

‘ Benefits intended to be conferred upon them by this Act;’ be it therefore enacted, That in case any such Seamen or other Persons so taken on board and intended to be relanded and discharged at the said Ports of *Lerwick* or *Kirkwall* shall, by Stress of Weather or otherwise, be carried forward to any other Port in the United Kingdom of *Great Britain* and *Ireland*, the Master, Commander, or other Person having the Care of such Ship or Vessel shall in such Case pay over such Duties so detained out of the Wages or other Profits of such Seamen and other Persons so taken on board as aforesaid at *Lerwick* or *Kirkwall* to the Collectors or Receivers of the Port where the said Ship or Vessel shall report or discharge her Cargo: Provided always, that it shall be lawful for the Collectors, Receivers, or Trustees appointed in pursuance of the said recited Act, or of an Act of the Twentieth Year of His late Majesty King *George* the Second, at *Lerwick* or *Kirkwall* respectively, to demand from the Collectors, Receivers, or Trustees appointed at any such Port of Discharge each and every such Sum of Money so deducted from the Wages of the aforesaid Seamen and other Persons, and paid over as hereby directed; and the Collectors, Receivers, or Trustees at all such Ports of Discharge are hereby required to pay over, on Demand, all such Monies, to the Collectors, Receivers, or Trustees at *Lerwick* or *Kirkwall*, as the Case may be.

Such Seamen entitled to all the Privileges of recited Act.

IV. And be it further enacted, That the said Seamen and other Persons so taken on board and relanded and discharged, or intended to be relanded and discharged as aforesaid, at the Port of *Lerwick* and its Dependencies, or at the Port of *Kirkwall* and its Dependencies, shall be entitled to all the Profits and Advantages of the said recited Act as fully and completely as if they should have served during the same Number of Months in a Merchant Ship or other Private Ship or Vessel belonging to the Port of *Lerwick* and its Dependencies, or to the Port of *Kirkwall* and its Dependencies, as the Case may be, and discharging her Cargo at the same.

This Act to be deemed Part of recited Act.

V. And be it enacted, That this Act shall be deemed and taken to be Part of the said recited Act, as fully and effectually as if the same had been incorporated therewith.

### C A P. XVI.

An Act to revive and continue in force until the First Day of *August* One thousand eight hundred and forty an Act of the Legislature of *Jamaica*, to explain and amend an Act for the Abolition of Slavery in that Island, and in aid of the same. [7th June 1836.]

2 & 4 W. 4. c. 73.

‘ WHEREAS by an Act passed in the Third and Fourth Year of His Majesty’s Reign, 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*; after reciting that it was necessary that various Rules and Regulations should be framed and established for certain Purposes therein particularly enumerated, and further reciting that such Regulations could not, without great Inconvenience, be made, except by



' by the respective Governours, Councils, and Assemblies, or other  
 ' local Legislatures of the said respective Colonies, or by His  
 ' Majesty, with the Advice of His Privy Council, in reference to  
 ' those Colonies to which the legislative Authority of His Majesty  
 ' in Council extends, it is enacted and declared, that nothing in  
 ' the said Act contained extends or shall be construed to extend  
 ' to prevent the Enactment by the respective Governors, Councils,  
 ' and Assemblies, or by such other local Legislatures as aforesaid,  
 ' or by His Majesty, with the Advice of His Privy Council, of  
 ' any such Acts of General Assembly, or Ordinances or Orders  
 ' in Council, as may be requisite for making and establishing  
 ' such several Rules and Regulations as aforesaid, or any of them,  
 ' or for carrying the same, or any of them, into full and complete  
 ' Effect: And whereas on the Twelfth Day of *December* One  
 ' thousand eight hundred and thirty-three an Act was passed by  
 ' the Governor, Council, and Assembly of the Island of *Jamaica*,  
 ' intituled *An Act for the Abolition of Slavery in this Island, in*  
 ' *consideration of Compensation; and for promoting the Industry*  
 ' *of the manumitted Slaves; and to declare the Fifty-second Year*  
 ' *of George the Third, Chapter One hundred and fifty-five, in*  
 ' *force in this Island:* And whereas by the said Act Provision  
 ' was made for giving effect within the said Island to the said  
 ' Act of Parliament by certain further and supplementary Enact-  
 ' ments: And whereas the said Act of General Assembly was  
 ' made to continue in force until the First Day of *August* One  
 ' thousand eight hundred and forty: And whereas on the Fourth  
 ' Day of *July* One thousand eight hundred and thirty-four the  
 ' Governor, Council, and Assembly of the said Island passed  
 ' another Act, intituled *An Act to repeal Part of an Act of the*  
 ' *Fourth Year of King William the Fourth, Chapter Forty-one,*  
 ' *intituled 'An Act for the Abolition of Slavery in this Island, in*  
 ' *consideration of Compensation; and for promoting the Industry*  
 ' *of the manumitted Slaves; and to declare the Fifty-second of*  
 ' *George the Third, Chapter One hundred and fifty-five, in force*  
 ' *in this Island;'* and to explain and amend and in aid of the said  
 ' Act: And whereas by the said last-recited Act the said Act of  
 ' the Twelfth Day of *December* One thousand eight hundred and  
 ' thirty-three was explained and amended, and various additional  
 ' Enactments were made supplementary to the said Act of Par-  
 ' liament: And whereas the said Act of General Assembly of  
 ' the Fourth Day of *July* One thousand eight hundred and thirty-  
 ' four was made to continue in force until the Thirty-first Day of  
 ' *December* One thousand eight hundred and thirty-five, and no  
 ' longer: And whereas the said last-recited Act expired on the  
 ' said Thirty-first Day of *December* One thousand eight hundred  
 ' and thirty-five, and hath not been since revived: And whereas  
 ' certain of the Enactments contained in the said Act of General  
 ' Assembly of the Fourth Day of *July* One thousand eight hun-  
 ' dred and thirty-four are necessary to give full Effect in the said  
 ' Island of *Jamaica* to the said Act of Parliament: Be it therefore  
 ' enacted by the King's most Excellent Majesty, by and with the  
 ' Advice and Consent of the Lords Spiritual and Temporal, and  
 ' Commons, in this present Parliament assembled, and by the  
 ' Authority of the same, That the said recited Act of the Governor,  
 ' Council,

Recited Act of  
the Governor,

Council, and Assembly of Jamaica of 4th July 1834 revived, and continued until 1st August 1840.

Council, and Assembly of the Island of *Jamaica* of the Fourth Day of *July* One thousand eight hundred and thirty-four, and all the Clauses and Provisions therein contained (save only the Provision which limits the Duration thereof), shall be and the same is and are hereby revived, and that the same and each and every of them shall, by force and virtue of this present Act, be and continue in force in the said Island of *Jamaica* until the First Day of *August* One thousand eight hundred and forty, unless before that Time some Act or Acts, to be continued in force till the First Day of *August* One thousand eight hundred and forty, shall have been passed by the Council and Assembly of the said Island in substitution for this present Act, and shall have been assented to by the Government or Officer administering the Government of the said Island; and when and so soon as any such substituted Act or Acts shall take effect in the said Island this Act shall cease and determine.

### C A P. XVII.

An Act to make Provision for the better Administration of Justice in certain of His Majesty's *West India* Colonies.

[7th June 1836.]

WHEREAS certain Acts or Statutes have heretofore been passed and enacted by the Legislative Councils and General Assemblies of His Majesty's Islands of *Barbadoes*, *Saint Vincent*, *Grenada*, *Tobago*, *Antigua*, *Montserrat*, *Saint Christopher*, *Nevis*, *Dominica*, and the *Virgin Islands* in the *West Indies*, for erecting therein certain Superior Courts of Justice; and by such Acts of Assembly, or some of them, the said Courts are invested with an exclusive Jurisdiction over all Persons within the said Islands respectively, and in all Causes, Civil and Criminal, arising within the same; and such Acts having been assented to, in the Name and on the Behalf of His Majesty's Royal Predecessors, by the Governors, or by the Officers administering the Governments of the said Islands, were subsequently allowed and confirmed by His Majesty's said Royal Predecessors, with the Advice of their Privy Council: And whereas it is expedient to make Provision for the better Administration of Justice throughout the several Islands aforesaid, and for that Purpose to erect Two Courts of Judicature within the same, and to commit to such Courts a superior and exclusive Civil and Criminal Jurisdiction, to be exercised by them throughout several of such Islands constituting distinct and separate Governments, and possessing distinct and separate General Assemblies: And whereas, by reason of such Acts of Assembly as aforesaid, and by reason of the Separation of the Governments of the said several Islands, and of the General Assemblies thereof, such Courts of Judicature cannot be erected without having recourse to the Assistance and Authority of Parliament; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, and He is hereby authorized, by Charters or Letters

His Majesty may erect Two

Patent under the Great Seal of this United Kingdom, to erect, constitute, and establish Two such Superior Courts of Judicature, having such exclusive Jurisdiction as herein-after mentioned, within His Majesty's Islands aforesaid in the *West Indies*; and which Charters or Letters Patent shall be promulgated in the several Islands aforesaid, by Proclamations to be therein respectively made in the Name and on the Behalf of His Majesty, by the respective Governors or Officers administering the Government thereof respectively.

Superior Courts in the West India Islands.

II. And be it further enacted by the Authority aforesaid, That for the Purposes of this present Act His Majesty's said Islands or Governments of *Barbadoes, Saint Vincent, Grenada, Tobago, Antigua, Montserrat, Saint Christopher, Nevis, Dominica,* and the *Virgin Islands* shall be divided into Two separate and distinct Judicial Districts; one of which Districts shall comprise the said Islands of *Barbadoes, Saint Vincent, Grenada,* and *Tobago*, with their several Dependencies, and the other of which Districts shall comprise the said Islands of *Antigua, Montserrat, Saint Christopher, Nevis, Dominica,* and the *Virgin Islands*, with their several Dependencies.

The Islands to be divided into Two Judicial Districts.

III. And be it further enacted, That it shall be lawful for His Majesty, by such Charters and Letters Patent as aforesaid, to erect and establish within the said first-mentioned District One Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Windward *Caribbee Islands*," and to erect and establish within the said last-mentioned District One other Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Leeward *Caribbee Islands*."

His Majesty may erect a Superior Court in each of such Districts.

IV. And be it further enacted, That each of the said Courts shall consist of and be holden in each of the said respective Islands or Governments by a Chief Justice and a Senior Puisne Justice, and by a resident Puisne Justice; which said Chief Justices and Senior Puisne Justices shall act in and for each and all of the Islands and Governments comprised in their respective Districts; but which said resident Puisne Justices shall severally act in and for the several and respective Islands or Governments within which they shall be respectively resident, and in no other Parts of the said respective Districts.

Of what Judges the Courts are to be composed.

V. And be it further enacted, That the said Chief Justices and Senior Puisne Justices shall be respectively Barristers at Law in His Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer at *Westminster* or *Dublin*, or Advocates in the Court of Session in *Scotland*, and shall have been admitted as such, the said Chief Justices for Seven Years at the least and the said Senior Puisne Justices for Five Years at the least previously to such their Appointments; and that the said resident Puisne Justices shall at the Time of such their Appointments be either such *English* or *Irish* Barristers or such Advocates in *Scotland* as aforesaid of not less than Five Years standing, or shall at the Time of such their Appointments have been admitted for at least the Term of Five Years to practise at the Bar in some or one of His Majesty's Colonial Possessions, or shall have acted as Judges of some or one of the Supreme Courts of Judicature of some or one of such Colonial Possessions; and the said Justices of the said

Qualifications of the Judges.

Judges how appointed, and Supreme

how to hold  
their Offices.

Supreme Courts shall from Time to Time be appointed to such their Offices by His Majesty by Warrants under His Signet and Sign Manual, and shall hold such their Offices during His Majesty's Pleasure, and the ministerial and other Officers of the said Court respectively shall be appointed to and removed from their respective Offices in such Manner as His Majesty shall by such Charters or Letters Patent as aforesaid direct.

Provisional  
Appointment  
of Judges.

VI. Provided always, and be it further enacted, That in case of the Death or Resignation of any of the said Justices, or in case of any such Sickness or Infirmary as shall render any such Justice incapable of performing the Duties of his Office, or in case of the Absence of any such Justice from the District to which the Jurisdiction of the Supreme Court to which he may belong shall extend, it shall be lawful for the Governor or the Officer administering the Government of *Barbadoes* within the District of the said Supreme Court of His Majesty's Windward *Caribbee Islands*, and for the Governor or the Officer administering the Government of *Antigua* within the District of the Supreme Court of His Majesty's Leeward *Caribbee Islands*, respectively to appoint some fit and proper Person to act in the Place and Stead of any Justice so dying, resigning, becoming incapable, or being absent, until a Successor shall be appointed by His Majesty, or until any such Justice shall return to the Execution of his Office; and in the meantime, until a Successor shall be so appointed, or until such Justice shall return as aforesaid, and shall enter upon or resume the Discharge of his Office in the said Courts respectively, the Person so to be appointed by such Governor or Officer administering the Government shall have and exercise all the Jurisdiction, Powers, and Authorities hereby or by the said Charters or Letters Patent granted to or vested in the Justices of the said Courts respectively.

The Jurisdiction  
of the Courts.

VII. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Record, and shall within the said Islands or Governments comprised within their Jurisdiction respectively, and within all and every the Islands and Territories which now are or hereafter may be dependent upon the respective Governments thereof, have cognizance of all Pleas, Civil or Criminal, and Jurisdiction in all Cases whatsoever, as fully and amply to all Intents and Purposes as His Majesty's Courts of King's Bench, Common Pleas, and Exchequer at *Westminster*, or either of them, lawfully have or exercise, and the said Courts respectively shall also at all Times be Courts of Oyer and Terminer and General Gaol Delivery in and for the said Islands and Territories and the Dependencies thereof respectively; and the said Justices so to be appointed shall have and exercise such and the same Jurisdiction and Authority in the said Islands and Territories and the Dependencies thereof respectively as the Judges of the Courts of King's Bench, Common Pleas, and Exchequer in *England*, or any of them, lawfully have and exercise, and as shall be necessary for carrying into effect the several Jurisdictions, Powers, and Authorities committed to the said Courts respectively.

Courts to be  
holden Twice  
a Year.

VIII. And be it further enacted, That the said Supreme Court of His Majesty's Windward *Caribbee Islands* shall be holden Twice at the least in each Year in the Islands of *Barbadoes*,

*Saint Vincent, Grenada, and Tobago* respectively; and that the said Supreme Court of His Majesty's Leeward *Caribbee Islands* shall be holden Twice at the least in each Year in the Islands of *Antigua, Montserrat, Saint Christopher's, Nevis, Dominica, and Tortola* respectively.

IX. And be it further enacted, That for the Exercise of the legal Jurisdiction vested in the said Supreme Courts Two Terms at the least thereof respectively shall be holden in each Year within each of the several Islands aforesaid, and that in all Sittings of the said Supreme Courts in Banco the Judgments, Orders, and Acts of the Majority of the said Justices shall be deemed and taken to be the Judgments, Orders, and Acts of the said Supreme Courts, and shall have Force and Validity and be executed accordingly.

X. And be it further enacted, That in any Actions at Law to be brought in the said Supreme Court of His Majesty's Windward *Caribbee Islands* and of His Majesty's Leeward *Caribbee Islands* respectively, when the Parties, Plaintiff and Defendant, in any such Action shall join Issue on any Matter of Fact, the Trial of such Issue or Issues shall and may be by One or more of the Justices of the said Courts respectively, and by a Jury of Twelve Men, according to the Course of the Common Law of *England*; and that on the Trial of any Person or Persons upon any Indictment or Information before the said Courts, or either of them, such Trial shall and may be had by any One or more Justice or Justices of the said Courts, and a Jury of Twelve Men, according to the Course of the Law of *England*.

XI. And be it further enacted, That in each of the Islands or Governments aforesaid the resident Puisne Justice of the said Supreme Courts shall, within the Islands or Governments respectively in which they shall be so resident, and the Dependencies thereof, have and exercise all such Powers, Authorities, and Jurisdiction as by the Law of *England* are or is vested in or can be exercised by any single Justice of His Majesty's Courts of King's Bench or Common Pleas at *Westminster*, or by any single Baron of His Majesty's Court of Exchequer, sitting apart from the other Judges of the same Courts, and more especially all Powers, Authorities, and Jurisdiction which may be exercised by any One of the Judges of the Court of King's Bench at *Westminster* for taking and justifying Special Bail in Causes depending in the same Court; and it shall and may be lawful for such resident Puisne Justice in the Interval between any Two successive Terms of the said Supreme Courts to hold One or more Special Sittings thereof for the Purpose of entering Actions, or of confessing Judgments, or of making any such Rules or Orders of Court as may be necessary for making up the Records of the said Court, until Issue shall be thereupon joined upon any Matter of Law or of Fact, which Issues shall nevertheless be adjudged or tried during such Terms as aforesaid, and not at any other Time; and all Rules, Orders, and Judgments so to be made or entered up at any such Special Sitting as aforesaid shall be taken to be as of the Term immediately preceding or of the Term immediately succeeding the Date thereof, as such resident Puisne Justice shall in each Case direct.

Two Terms to be annually held in each Island.

Actions to be tried by a single Judge with a Jury of Twelve Men.

Resident Puisne Judge may do all Acts which a single Judge may do in *England*.

XII. And

Appeal to the King in Council upon Error in Law.

XII. And be it further enacted, That for reversing any Judgment of the said Supreme Courts, or either of them, for any Error of Law, it shall be lawful for the Parties, either Plaintiff or Defendant, to appeal to His Majesty in Council upon and subject to such Terms and Conditions as His Majesty by such Charters or Letters Patent as aforesaid shall be pleased to direct.

Jurisdiction in Cases of Offences committed on the Sea.

XIII. And be it further enacted, That the said Supreme Courts of His Majesty's Windward *Caribbee Islands* and of His Majesty's Leeward *Caribbee Islands* respectively shall and may inquire of, hear, and determine all Treasons, Piracies, Robberies, Murders, Conspiracies, and other Offences, of what Nature or Kind soever, committed or that shall be committed upon the Sea, or any Haven, River, Creek, or Place where the Admiral or Admirals have Authority, Power, or Jurisdiction, according to the common Course of the Laws of the Realm of *England*, and used for Offences committed upon the Land within the Realm of *England*, and not otherwise; and that all Persons convicted of the Offences so to be inquired of, heard, and determined in the said Courts respectively shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case the same were respectively inquired of, tried, heard, determined, and adjudged in *England*; any Law, Statute, or Usage to the contrary notwithstanding.

Courts to have an Equitable Jurisdiction.

XIV. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Equity within the Limits of the Jurisdiction thereof, and shall have Power and Authority to administer Justice, and to do, exercise, and perform all such Acts, Matters, and Things necessary for the due Execution of such Equitable Jurisdiction as the Lord High Chancellor of *Great Britain* can or lawfully may do, exercise, or perform within the Realm of *England*.

Chief Justice empowered to hear Equity Causes; and, in his Absence, the Puisne Justice.

XV. Nevertheless, and it is hereby further enacted, That the Chief Justice for the Time being of each of the said Supreme Courts respectively shall have Power to hear and determine all Causes, Matters, and Things which shall be at any Time depending in the said Courts respectively as Courts of Equity; and that if any such Chief Justice shall, by Sickness or other unavoidable Cause, be prevented from sitting for the Purposes aforesaid, then it shall and may be lawful for the Puisne Justice or the resident Puisne Justice of such Courts respectively to hear and determine such Causes, Matters, and Things; and that the Decrees, Orders, and Acts of the said Chief Justice, or in case of his being prevented as aforesaid, then of such Puisne Justice or resident Puisne Justice as aforesaid, shall be deemed and taken to be respectively the Decrees, Orders, and Acts of the said Supreme Court in such their Equitable Jurisdiction, and shall have Force and Validity to be executed accordingly.

Equitable Jurisdiction of the resident Judge during the Non-session of the Court.

XVI. And be it further enacted, That during the Non-session of the said Supreme Courts respectively in any of the Islands or Governments aforesaid it shall be lawful for the resident Puisne Justice for such Island or Government to hear and determine all Applications which shall be made to the said Supreme Courts respectively

respectively as Courts of Equity for any Decree to which all the Parties, Plaintiff and Defendant, shall be consenting, or for any Interlocutory Order in any Cause there depending, which Orders shall nevertheless be subject to the Review of the full Court in such Manner, and upon, under, and subject to such Conditions, as His Majesty by such Letters Patent or Charters as aforesaid shall direct and appoint.

XVII. And be it further enacted, That the said Supreme Courts respectively shall have Power to grant Probates under the Seal of the said Courts of the last Wills and Testaments of all or any Inhabitants of the said Islands or Governments respectively, and of all other Persons who shall die and leave personal Effects within the same, and shall also have Power to grant Letters of Administration of the Goods, Chattels, Credits, and all other Effects whatsoever of the Persons aforesaid who shall die intestate, or who shall not have named an Executor resident within such Islands or Governments respectively, or where the Executor, being duly cited, shall not appear and sue forth such Probate, annexing the said Will to Letters of Administration when any such Persons shall have left a Will without naming any Executor who shall be then alive and resident within the Islands or Governments aforesaid, and who, being cited thereunto, shall not appear and sue forth a Probate thereof, and to sequester the Goods and Chattels, Credits and other Effects whatsoever of such Persons so dying, in Cases allowed by Law, as the same is and may now be used in the Diocese of *London*, and to demand, require, take, hear, examine, and allow, and, if Occasion require, to disallow or reject, the Accounts of such Executors or Administrators, in such Manner and Form as may be used in the said Diocese of *London*, and to do all other Things whatsoever necessary in that Behalf: Provided always, that in the Interval between any Two successive Terms of the said Supreme Courts it shall be lawful for such resident Puisne Justices as aforesaid in the Islands in which they shall be so respectively resident to do all and every the judicial Acts, and to exercise the Ecclesiastical Jurisdiction aforesaid, in all Cases in which there shall be no Caveat entered or Opposition made.

XVIII. And be it further enacted, That it shall be lawful for either of the Parties, Plaintiff or Defendant, to appeal to His Majesty in Council against any Decree, Order, or Sentence made or pronounced by either of the said Supreme Courts in the Exercise of such Equitable or Ecclesiastical Jurisdiction as aforesaid, in such Manner and upon and subject to such Terms and Conditions as His Majesty by such Charters or Letters Patent as aforesaid shall please to direct.

XIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any Jurisdiction, Powers, or Authorities which now is or are vested in any Courts of General Quarter Sessions holden in and for the several Islands and Governments aforesaid, and their Dependencies, or to prevent the Erection by Law in any of the said Islands and Governments of Courts of General Quarter Sessions with Power and Authority to take cognizance of all Matters and Things cognizable in all Courts of Quarter Sessions of the Peace in *England*, as far as the Circumstances and Condition of the

Courts to have Ecclesiastical Jurisdiction.

Appeal to King in Council respecting Equitable or Ecclesiastical Jurisdiction.

Courts of Quarter Sessions to be held.

Governments of the said Islands respectively shall require or admit: Provided nevertheless, that in all such Courts of Quarter Sessions, whether established or to be established in the said respective Islands or Governments, the said resident Puisne Justice for such Island or Government shall in virtue of such his Office preside as Chairman.

The Jurisdiction of Justices of the Peace not to be infringed.

XX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any Jurisdiction, Powers, or Authorities which now is or are, by any Law in force within the said Islands or Governments, vested in any Justices of the Peace, whether acting separately or collectively.

Jurisdiction of Courts for Recovery of small Debts.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any Jurisdiction, Powers, or Authorities which now is or are, by any Law in force in the said Islands or Governments, vested in any Court or Courts for the Recovery of Small Debts or Demands not exceeding the Sum of Twenty Pounds Sterling in Amount or Value, or to prevent the Establishment by Law therein of any such Court or Courts; provided that in all such Courts, whether established or to be established in the said respective Islands or Governments, the said resident Puisne Justice for such Island or Government shall in virtue of such his Office preside and act as Judge.

This Act not to repeal existing Laws or Usages.

XXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to repeal, annul, alter, or affect any Acts, Statutes, Laws, or lawful Customs or Usages in force within the said Islands or Governments, or any of them, or directly or indirectly to introduce or establish within such Islands or Governments, or any of them, any Acts, Statutes, Laws, or Customs not now in force within the same, or to alter the Rules of Practice or Methods of Proceeding in administering Justice within such Islands or any of them, save and except only so far as relates to the Courts in which and the Judges by whom Justice is administered within the said Islands and Governments; but that in all other respects the Acts, Statutes, Laws, and lawful Customs heretofore established and in force within the said Islands and Governments, and such Rules of Practice and Methods of Proceeding, shall continue to be in force and to be established within the same as fully and effectually, to all Intents and Purposes, as if this present Act had not been made, any thing herein-before contained to the contrary notwithstanding.

His Majesty may place Trinidad and Saint Lucia under Jurisdiction of Supreme Courts.

XXIII. And whereas it may be expedient that the Islands of *Trinidad* and *Saint Lucia* should be comprised within the Jurisdiction of the said Supreme Courts or one of them, and that for that Purpose the Districts aforesaid or one of them should be enlarged; be it further enacted, That it shall be lawful for His Majesty, if it shall appear to His Majesty in Council expedient, but not otherwise, by any Order or Orders to be by Him made with the Advice of His Privy Council, to include within the Jurisdiction of the said Supreme Courts, or of either of them, the said Islands of *Trinidad* or *Saint Lucia*, or either of them, and for that Purpose to enlarge the said Districts or either of them,



and by any such Order or Orders in Council to make all such Regulations as to His Majesty in Council shall seem meet, for the Adaptation to the Laws in force in the said Islands respectively of the Jurisdiction of the said Supreme Courts respectively or either of them.

XXIV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That this present Act shall not come into operation, and shall not be binding or in force upon His Majesty's Subjects or other Persons residing and being within the said Islands and Governments, and that such Letters Patent or Charters as aforesaid shall not be made or issued, unless the Legislative Councils and General Assemblies of the said several Islands or Governments shall, by some Acts of Assembly to be by them for that Purpose first made and enacted, have provided that all and every the Acts, Laws, Statutes, Customs, and Usages in force within the said Islands and Governments, in so far as the same might or could in anywise obstruct or interfere with the Operation within such Islands or Governments of this present Act, and of the said Charters or Letters Patent, shall be absolutely repealed or annulled, nor unless such Repeal shall be made to take effect immediately upon the Promulgation of such Charters or Letters Patent within the said Islands or Governments, nor unless such Acts of Assembly shall be assented to in the Name and on the Behalf of His Majesty by the Governors or the Officers administering the Government of the said Islands or Governments, and shall be confirmed and allowed by His Majesty, with the Advice of His Privy Council.

XXV. And for the Prevention of all Doubt whether the Conditions have or have not been complied with, and whether this Act hath or hath not come into operation; be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, by an Order to be by Him made with the Advice of His Privy Council, to declare that the before-mentioned Conditions have been complied with by the several Legislative Councils and General Assemblies of the said Islands or Governments; and when and so soon as any such Order in Council shall be published in the *London Gazette*, and such Letters Patent or Charters as aforesaid shall in manner herein-before mentioned have been promulgated within the said Islands and Governments, and not before, this present Act, and every Clause, Matter, and Thing herein contained, shall come and be deemed and taken to have come into operation within the said Islands or Governments, and be binding upon all His Majesty's Subjects and other Persons residing and being within the same: Provided always, that such Order in Council shall be laid before both Houses of Parliament within Six Weeks from its Date, if Parliament shall be then in Session, and if not, then within Six Weeks from the Commencement of the then next ensuing Session of Parliament.

The Act not to take effect until Acts of Assembly shall have been passed repealing all existing Laws which could interfere with the Operation of it.

His Majesty to declare by Order in Council that the before-mentioned Condition has been complied with.

Order in Council to be laid before Parliament.

### C A P. XVIII.

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-six. [7th June 1836.]

## C A P. XIX.

An Act for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*. [21st June 1836.]

The Palatine Jurisdiction of the Bishop of Durham to be separated from the Bishoprick and vested in the Crown.

**B**E it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the Bishop of *Durham* for the Time being shall have and exercise Episcopal and Ecclesiastical Jurisdiction only; and that from and after the Commencement of this Act the Palatine Jurisdiction, Power, and Authority heretofore vested in and belonging to the Bishop of *Durham* shall be separated from the Bishoprick of *Durham*, and shall be transferred to and vested in His Majesty, His Heirs and Successors, as a Franchise and Royalty separate from the Crown, and shall be exercised and enjoyed by His Majesty, His Heirs and Successors (as a separate Franchise and Royalty), in as large and ample a Manner in all respects as the same has been heretofore exercised and enjoyed by the Bishop of *Durham*; and that all Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Deodands, Escheats, Fines, and Amerciaments, and all Jura Regalia of what Nature or Kind soever, which, if this Act had not passed, would or might belong to the Bishop of *Durham* for the Time being, in right of the County Palatine of *Durham*, shall be vested in and belong to His Majesty and His Successors in right of the same: Provided always, that nothing herein-before contained shall prejudice or affect the Jurisdiction of any of the Courts of the said County Palatine, or any Appointment heretofore made to any Office in the said County Palatine, or any Act whatsoever heretofore done by the Bishop of *Durham* in right of the said County Palatine.

County Court to cease.

II. And be it further enacted, That from and after the Commencement of this Act all the Power, Authority, and Jurisdiction of the Court called "The Court of the County of *Durham*," and of the Clerk of the Court of the County of *Durham* as Judge of the same Court or, otherwise, shall cease and determine; subject nevertheless and without Prejudice to any Proceedings then depending in such Court, as to which the Authority and Jurisdiction of the said Court and of the present Clerk of the said Court shall continue in full Force and Effect, notwithstanding the passing of this Act; and in case of the Death or Removal from Office of the present Clerk of the said Court whilst any such Proceedings as aforesaid shall be still depending therein, the Under Sheriff of the said County shall and may, for the Purpose of any such Proceedings, act as Judge of the said Court, and exercise the same Power, Authority, and Jurisdiction as the present Clerk of the said Court might have exercised if still living and continuing in Office: Provided always, that after the Commencement of this Act the Sheriff for the Time being of the said County Palatine shall and may have and exercise the same Power of holding a County Court, and the same Jurisdiction therein, as is usually had and exercised by Sheriffs of other Counties in *England*.

III. And

III. And be it further enacted and declared, That after the passing of this Act it shall be lawful for His Majesty and His Successors to appoint a Custos Rotulorum of the said County of *Durham*, and from Time to Time to appoint to that Office on every future Vacancy thereof.

Custos Rotulorum to be appointed.

IV. 'And whereas it is expedient that due Provision shall be made for the Compensation of any Person or Persons deprived of his or their Office or Offices in the County of *Durham*, for the Losses he or they may sustain by the Abolition of his or their Office or Offices, or Reduction of his or their Fees, by virtue or in consequence of this Act; be it therefore enacted, That from and after the Commencement of this Act there shall be issued, paid, and payable, out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Person or the several Persons appointed before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six to any Office or Offices in the County of *Durham* which shall be abolished or affected by virtue of this Act, free and clear of all Taxes and Deductions whatsoever, such Sums of Money, at such Times, by way of Annuity or otherwise, as, having regard to the Manner of his or their Appointment to such Office or Offices, and the Term and Duration thereof, and all the Circumstances of the Case, shall be adjudged and determined to be due to such Person or Persons respectively by any Commission to be appointed by His Majesty, or by virtue of any Act of Parliament, for the Purpose of determining the Amount of the Compensation that ought to be due and payable in such Cases; and that in the meantime and until Compensation shall be awarded and determined in manner aforesaid, or the Time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to issue their Warrants for the Payment to such Person or Persons as aforesaid, out of the said Consolidated Fund, of such half-yearly or quarterly Allowances as to the said Commissioners shall seem reasonable, both as to the Amount and Times of Payment, on account of such Compensation as may thereafter be awarded to the said Parties respectively.

Compensation to Persons affected by the Provisions of the Act.

V. Provided always, and be it further enacted, That no Person shall be entitled to receive any such Compensation or Allowance as aforesaid who shall not previously make a full and true Statement to the said Commissioners of His Majesty's Treasury, to be verified on Oath before a Judge, or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the Amount of the Salary, Fees, and Emoluments of such Office, and of the Disbursements and Outgoings of the same, for the Space of Ten Years before the passing of this Act; and that such Compensation or Allowance shall cease altogether or be reduced in Amount, as the Case may be, whenever the Party entitled to receive the same shall be placed in any other public Office of which the Salary and Emoluments shall be equal to the Whole or to Part of such Compensation or Allowance, so that in the last-mentioned Case no Person shall be entitled to receive more of such Compensation or Allowance than shall be equal to the Difference between

Restrictions as to Compensations.

the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be hereafter placed.

Reservation of  
Patent Fees to  
Patentees.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall affect the Right of any Person holding a Patent of any Office, whether abolished by this Act or not, to receive any Fee or Stipend granted by such Patent out of the Revenues of the Bishoprick of *Durham*; and that such Revenues shall continue and be subject to all the same Fees and Stipends in respect of any Office in the said County of *Durham* as the same have been heretofore subject to.

Extent of the  
Words "County  
of *Durham*."

VII. And be it further enacted, That in the Interpretation of the Clauses and Provisions herein-before contained the Words "County of *Durham*" shall comprise and mean the County of *Durham* and *Sadberge*, including the detached Parts of *Craikshire*, *Bedlingtonshire*, *Norhamshire*, *Allertonshire*, and *Islandshire*, and all other Places heretofore within the Jurisdiction of the Bishop of *Durham* in right of the said County Palatine.

Commencement  
of Act.

VIII. And be it further enacted, That this Act shall, as to all the foregoing Matters not otherwise provided for, commence and take effect upon and from the Fifth Day of *July* in this present Year, and shall, as to all the Matters herein-after provided for, commence and take effect from the passing thereof.

Reservation of  
Rights to the  
Bishoprick.

IX. Provided always, and be it further enacted, That nothing herein-before contained shall have the Effect of severing or separating from the said Bishoprick, or of affecting the Rights and Powers of the said Bishop in, over, or upon or with respect to any Lordships, Manors, Houses, Lands, Tenements, Tithes, Rents, Collieries, Mines, Minerals, Rectories, Advowsons, Profits, or Emoluments of any Kind or Description whatsoever, whether held in right of the said Bishoprick or in right of the said County Palatine or otherwise howsoever, other than and except only any Profits and Emoluments herein-before expressly mentioned and directed to be severed therefrom.

The Bishop to  
take and hold  
subject to future  
Provisions.

X. And be it further enacted, That from and after the passing of this Act the Bishop of *Durham* elect, or Bishop of *Durham* for the Time being, shall take and hold the said Bishoprick, and all the Property, Patronage, and Rights belonging thereto, except as herein-before provided, subject to and under any Provisions which shall be made by or under the Authority of Parliament with respect to the said Bishoprick within the Space of Three Years next after the passing of this Act; any Law, Statute, or Canon to the contrary notwithstanding.

## C A P. XX.

An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons. [21st June 1836.]

WHEREAS it is expedient that such Provision as is herein-after contained should be made respecting the granting of Ecclesiastical Leases: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing

Restrictions on  
Ecclesiastical

of

of this Act no Archbishop or Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, or Prebendary, or other Spiritual Person, nor any Master or Guardian of any Hospital, shall grant any new Lease of any House, Land, Tithes, or other Hereditaments, Parcel of the Possessions of his or their See, Chapter, Dignity, Canonry, Prebend, Benefice, or Hospital, by way of Renewal of any Lease which shall have been previously granted of the same for Two or more Lives, until One or more of the Persons for whose Lives such Lease shall have been so made shall die, and then only for the surviving Lives or Life and for such new Life or Lives as, together with the Life or Lives of such Survivor or Survivors, shall make up the Number of Lives, not exceeding Three in the whole, for which such Lease shall have been so made as aforesaid; and that where any such Lease shall have been granted for Forty Years no such Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian shall grant any new Lease by way of Renewal of the same, until Fourteen Years of such Lease shall have expired; and that where any such Lease shall have been made as aforesaid for Thirty Years no such Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian shall grant any new Lease, by way of Renewal of the same, until Ten Years of such Lease shall have expired; and where any such Lease shall have been granted for Twenty-one Years no such Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian shall grant any new Lease, by way of Renewal of the same or (in the Case of Archbishops or Bishops) concurrently therewith, until Seven Years of such Lease shall have expired; and that where any such Lease shall have been granted for Years no such Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian shall grant any Lease by way of Renewal of the same or otherwise, for any Life or Lives; any Law, Statute, or Custom to the contrary notwithstanding.

Persons granting Leases.

II. And be it further enacted, That whenever any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian shall hereafter grant any renewed Lease of any House, Land, Tithes, or other Hereditaments, Parcel of the Possessions of his or their See, Chapter, Dignity, Canonry, Prebend, Benefice, or Hospital, such Lease shall contain a Recital or Statement, in the Case of a Lease for Lives; setting forth the Names of the several Persons named as Cestuique vie in the then last preceding Lease of the same Premises, and stating which of such Persons, if any, is or are then dead, or for whose Life that of some other Person has been exchanged by virtue of the Proviso herein-after contained, and in case of a Lease for Years setting forth for what Term of Years the last preceding Lease of the same Premises was granted, and how much of such Term has then expired, and how much remains to come and unexpired, every such Recital or Statement shall, so far as relates to the Validity of the Lease so to be granted as afore-

Recitals of Lease to be taken as Evidence of Fact.

said, be deemed and taken to be conclusive Evidence of the Truth of the Matter so recited or stated

Penalty on Persons introducing Recitals into Lease, knowing the same to be false.

III. And be it further enacted, That if any Person shall execute any such Lease, or any Counterpart thereof, knowing such Recital or Statement, or any Part thereof, to be false, or shall wilfully introduce or cause to be introduced, or aid or assist in introducing, any such Recital or Statement into any such Lease knowing the same or any Part thereof to be false, or shall prepare or ingross, or cause to be prepared or ingrossed, any Lease or Counterpart of a Lease containing any such false Recital or Statement as aforesaid, knowing the same or any Part thereof to be false, every Person so offending shall be deemed and taken to be guilty of a Misdemeanor; and every Person so offending shall, in addition to any Punishment to which he may be liable, forfeit and pay to any Person suing for the same the full Sum of Five hundred Pounds, or, at the Option of such Person, Five Years improved annual Value of the Hereditaments comprised in such Lease.

Ecclesiastical Persons may grant certain Leases conformable to usual Practice.

IV. Provided nevertheless, and be it enacted, That in Cases where it shall be certified in manner herein-after mentioned that for Ten Years now last past it hath been the usual Practice (such Practice having in the Case of a Corporation Sole commenced prior to the Time of the Person for the Time being representing such Corporation) to renew such Leases for Forty, Thirty; or Twenty-one Years respectively, at shorter Periods than Fourteen, Ten, or Seven Years respectively, nothing herein contained shall prevent any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian from granting a renewed Lease conformably to such usual Practice; provided that such usual Practice shall be made to appear to the Satisfaction of the Archbishop of the Province in the Case of a Lease granted by such Archbishop or by a Bishop, and in the Case of a Lease granted by any other Corporation or Person to the Satisfaction of such Archbishop and also of the Bishop having Jurisdiction over such Corporation or Person, and shall before the granting of such Lease be certified in Writing under the Hand of the Archbishop in the one Case, and of the Archbishop and Bishop in the other Case; the Certificate so signed by an Archbishop only to be afterwards deposited in the Registry of such Archbishop, and the Certificate so signed by an Archbishop and also by a Bishop to be afterwards deposited in the Registry of such Bishop, which Certificate shall be conclusive Evidence of the Facts thereby certified.

Not to prevent Ecclesiastical Persons effecting Exchanges under certain Conditions.

V. Provided also, and be it enacted, That nothing herein contained shall prevent any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian from exchanging any Life or Lives in being, for which any Lease shall have been granted as aforesaid, and accordingly granting any renewed Lease with a view to effectuate such Exchange of a Life or Lives; provided that the same shall be approved of (in the Case of an Archbishop) by His Majesty in Council, or (in the Case of a Bishop) by the Archbishop of the Province, or (in the Case of any inferior Corporation or Person) by the Archbishop of the Province and

Bishop of the Diocese; such Approbation, when required to be given by His Majesty in Council, to be testified by the President of the Council certifying on the renewed Lease to be granted as aforesaid such Approbation, and in all other Cases to be testified by the Person or Persons whose Approval is hereby required certifying on such renewed Lease his or their Approbation of the same.

VI. Provided also, and be it enacted, That nothing in this Act contained shall prevent any Grants or Renewals of Leases which may have been authorized by Acts of Parliament specially relating to the particular Estates demised by such Leases.

Not to prevent Grants by Acts of Parliament;

VII. Provided also, and be it enacted, That nothing in this Act contained shall prevent a Lease from being granted, with a view to confirm any Title or otherwise, for the Life or Lives of the same Person or Persons or for the Lives or Life of the Survivors or Survivor of them, or for the same Term of Years, and commencing at the same Period, as the Lease last granted for a Life or Lives or a Term of Years respectively.

nor for same Term as preceding Leases.

VIII. Provided also, and be it enacted, That no Lease not authorized by the Laws and Statutes now in force shall be rendered valid by any thing in this Act contained.

Act not to render valid illegal Leases.

IX. And be it enacted, That if any Lease contrary to this Act shall have been granted since the First Day of *March* in the Year One thousand eight hundred and thirty-six, or shall be granted after the passing of this Act, every such Lease shall be void to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall be deemed or taken to affect any Lease granted or to be granted pursuant to any Covenant or Agreement entered into previously to the First Day of *March* One thousand eight hundred and thirty-six.

Leases contrary to this Act void.

X. And be it further enacted, That nothing in this Act contained shall be deemed or taken to extend to *Ireland*.

Act not to extend to *Ireland*.

XI. And be it further enacted, That this Act may be altered or amended by any Act during this present Session of Parliament.

Act may be altered this Session.

## C A P. XXI.

An Act to provide that Persons in *Scotland* accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases. [21st June 1836.]

WHEREAS by the Law of *Scotland* Persons committed for any Crime or Offence of which the Punishment is not Capital are entitled to be liberated on Bail, excepting in the Case of Forgery, as provided under an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases*: And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His said present Majesty, intituled *An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege*: And whereas it is expedient that no Person in *Scotland* committed on Charge of Letter Stealing or other Crime or Offence against the Post Office described and enumerated in

Persons in Scotland accused of Letter Stealing not to be entitled to insist on Liberation on Bail.

Judges of the Court of Justiciary or Sheriff or Sheriff Substitute may admit to Bail.

Act may be altered this Session.

Bastards in Scotland empowered to make Testaments.

‘ the said last-recited Act should be entitled to insist on Liberation on Bail:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person in *Scotland* committed for Trial on Charge of Letter Stealing or other Crime or Offence against the Post Office described and enumerated in the said last-recited Act shall be entitled to insist on Liberation on Bail; without Prejudice nevertheless to the Liberation of any such Person as heretofore with the Consent of the Public Prosecutor, and on such Bail only as he may agree to.

II. Provided always, and be it enacted, That it shall be in the Power of any One of the Judges of the Court of Justiciary in *Scotland*, or of the Sheriff or Sheriff Substitute of the County within which any Person accused of Letter Stealing or other Crime or Offence against the Post Office aforesaid shall be committed, to admit such Person to Bail; provided that it shall appear to the Judge to be consistent with the Ends of Justice so to do; and the Bail to be taken shall be of such Amount as such Judge shall in the Circumstances of the Case think necessary for insuring the Appearance for Trial of the Person accused; any Act or Acts of Parliament, or any Law or Practice in *Scotland*, in anywise to the contrary notwithstanding.

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

C A P. XXII.

An Act to enable Bastards in *Scotland* to make Testaments. [21st June 1836.]

‘ **W**HEREAS it is just, humane, and expedient that Bastards or Natural Children in *Scotland* should have the Power of disposing of their Moveable Estates by Testaments or last Wills:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful to Bastards or Natural Children domiciled in *Scotland* to dispose of their Moveable Estates by Testament or last Will, in like Manner as other Persons belonging to that Country may do; any Law or Practice to the contrary notwithstanding.

C A P. XXIII.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.

[21st June 1836.]

‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Relief*

1 & 2 G. 4. c. 59.



‘ *Relief of Insolvent Debtors in Ireland*, to continue in force for a  
 ‘ certain Time therein limited; and the said Act was amended by  
 ‘ another Act passed in the Third Year of the same Reign, and  
 ‘ both said Acts were continued by another Act made in the  
 ‘ Seventh and Eighth Years of the same Reign: And whereas  
 ‘ another Act was made in the Tenth Year of the same Reign;  
 ‘ whereby the said recited Acts of the First and Second and Third  
 ‘ Years of the same Reign were amended and further continued;  
 ‘ and the same, so amended, were, by an Act made in the First  
 ‘ Year of His present Majesty’s Reign, further continued; and the  
 ‘ same, so amended, were, by another Act made in the Second  
 ‘ Year of His present Majesty’s Reign, further continued: And  
 ‘ whereas by another Act made in the First and Second Years of  
 ‘ His present Majesty’s Reign, intituled *An Act to improve the*  
 ‘ *Administration of Justice in Ireland*, certain Provisions of  
 ‘ the said recited Act of the First and Second Years of the Reign of  
 ‘ His late Majesty were repealed, and certain other Provisions  
 ‘ were made, and certain Persons declared, in certain Cases therein  
 ‘ specified, to be entitled to the Benefit of the Acts for the Relief  
 ‘ of Insolvent Debtors in *Ireland*: And whereas by another Act  
 ‘ made in the Fourth and Fifth Years of the Reign of His present  
 ‘ Majesty the said recited Acts were continued for One Year from  
 ‘ the passing of the said last-mentioned Act of the Fourth and  
 ‘ Fifth Years of the Reign of His present Majesty, and until the  
 ‘ End of the then next Session of Parliament: And whereas it is  
 ‘ expedient that the said Acts should be further continued:’ Be  
 it therefore enacted by the King’s most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That the said recited Act of the  
 First and Second Years of the Reign of His late Majesty, as the  
 same is amended by the said recited Acts of the same Reign, and  
 save and except as any Provisions thereof may be repealed or  
 other Provisions substituted for the same by the said recited Acts  
 of His present Majesty’s Reign, shall be continued; and the said  
 recited Acts of the First and Second, Third, and Tenth Years of  
 the Reign of His late Majesty, and such Parts of the said recited  
 Act of the First and Second Years of the Reign of His present  
 Majesty as relate to the Law for the Relief of Insolvent Debtors,  
 shall be and the same are hereby continued for Three Years from  
 the passing of this Act, and thenceforth until the End of the next  
 Session of Parliament.

1 &amp; 2 W. 4. c. 31.

The several Acts  
 herein men-  
 tioned, relating  
 to the Relief of  
 Insolvent Debt-  
 tors, with cer-  
 tain Exceptions,  
 continued.

## C A P. XXIV.

An Act to render valid certain Marriages solemnized in a  
 Chapel of Ease, in the Parish of *Wandsworth* in the County  
 of *Surrey*, called *Saint Ann’s Chapel*. [21st June 1836.]

‘ **W**HEREAS *Saint Ann’s Chapel* in the Parish of *Wands-*  
 ‘ *worth* in the County of *Surrey* and Diocese of *Winchester*  
 ‘ is a Chapel of Ease to the Parish Church of *Wandsworth* afore-  
 ‘ said, and hath been duly consecrated for the Performance of  
 ‘ Divine Service, but no Authority hath ever been given by the  
 ‘ Bishop

‘ Bishop of the said Diocese for the Publication of Banns and the  
 ‘ Solemnization of Marriages in the said Chapel: And whereas  
 ‘ divers Marriages have been solemnized in the said Chapel by  
 ‘ the Officiating Minister for the Time being of the Parish Church  
 ‘ of *Wandsworth* aforesaid, and by the Officiating Minister for the  
 ‘ Time being of the said Chapel, and other Clergymen, under the  
 ‘ erroneous Conception that according to the Terms of the Sen-  
 ‘ tence of Consecration of the said Chapel, or otherwise, Marriages  
 ‘ might be lawfully solemnized therein; and Entries of the several  
 ‘ Marriages so solemnized as aforesaid have been from Time to  
 ‘ Time made in the Register Book of the said Parish, in com-  
 ‘ pliance with the Provisions of an Act of Parliament passed in  
 ‘ the Fourth Year of the Reign of King *George* the Fourth, inti-  
 ‘ tled *An Act for amending the Laws respecting the Solemnization*  
 ‘ *of Marriages in England*, except that in each such Entry it hath  
 ‘ been expressly stated that the Marriage was solemnized in the  
 ‘ said Chapel: And whereas it is expedient to remove all Doubts  
 ‘ arising from the Circumstances aforesaid touching the Validity of  
 ‘ the Marriages so solemnized in the said Chapel as aforesaid:’ Be  
 it therefore enacted by the King’s most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Temporal,  
 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, That all Marriages solemnized in the said  
 Chapel called *Saint Ann’s* Chapel by the Officiating Minister for  
 the Time being of the said Parish Church of *Wandsworth*, and  
 by the Officiating Minister for the Time being of the said Chapel,  
 or by any other Clergymen respectively being Ministers of the  
 Church of *England*, shall be as good and valid in the Law to all  
 Intents and Purposes whatsoever as if the same had been solemn-  
 ized in the Parish Church of *Wandsworth* aforesaid.

4 G. 4. c. 76.

Marriages al-  
 ready solemn-  
 ized in *Saint*  
*Ann’s* Chapel,  
*Wandsworth*,  
 declared to be  
 valid.

Ministers  
 solemnizing  
 such Marriages  
 indemnified.

Registers to be  
 Evidence.

Act not to au-  
 thorize future  
 Marriages.

II. And be it further enacted, That the Minister or Ministers  
 who solemnized such Marriages respectively as aforesaid shall  
 not be liable to any Ecclesiastical Censures, or to any other  
 Proceedings or Penalties whatsoever, by reason of his or their  
 having so as aforesaid solemnized the same respectively.

III. And be it further enacted, That the Registers of the Mar-  
 riages so solemnized as aforesaid, or Copies of such Registers,  
 shall be received in all Courts of Law and Equity as Evidence of  
 such Marriages respectively, in the same Manner as the same  
 would have been receivable in Evidence in case the said Marriages  
 respectively had been solemnized in the Parish Church of *Wands-  
 worth* aforesaid, and the Fact of the same Marriages having been  
 solemnized in the said Parish Church had been stated in the  
 Registers relating to such Marriages respectively.

IV. Provided always, and be it further enacted, That nothing  
 in this Act contained shall extend to authorize the Publication of  
 Banns or the Solemnization of Marriages in the said Chapel  
 hereafter.

## C A P. XXV.

An Act for granting an additional Rate of Postage on Letters between *Great Britain* and *Ireland* by way of *Milford* and *Waterford*. [21st June 1836.]

‘ WHEREAS it is expedient to improve the Communication by the Post between *Great Britain* and *Ireland* by way of *Milford* and *Waterford*, and to provide Security for the Repayment of the Principal and Interest of any Advances which may be made for that Purpose by the Imposition of a small additional Rate of Postage on Letters and Packets passing by that Route:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Postmaster General for the Time being and he is hereby required to charge and levy on all Letters and Packets conveyed by Post to and from *Great Britain* and *Ireland*, or to and from any Part beyond the Seas and *Ireland*, by way of *Milford* and *Waterford*, in addition to the Rates and Duties now payable by Law for the Conveyance by the Post of such Letters and Packets, the Rates and Duties following; (that is to say,)

Additional Rates of Postage on certain Letters.

For every Single Letter the additional Sum of One Halfpenny :

For every Double Letter the additional Sum of One Penny :

For every Treble Letter or other Letter under an Ounce in Weight the additional Sum of One Penny Halfpenny :

And for every Ounce in Weight the additional Sum of Two-pence, and so in proportion for every Letter or Packet of greater Weight than an Ounce, reckoning every Quarter of an Ounce equal to a Single Letter :

And all the Powers and Authorities given by Law for the Recovery of the Postage of Letters shall be in force and applicable to the additional Duties hereby imposed, and the same shall be charged, paid, and regulated by and be subject to the same Rules, Regulations, and Exemptions as are now in force as to the Rates and Duties payable on such Letters.

II. And be it further enacted, That the Sum and Sums of Money arising from the additional Rates and Duties of Postage hereinbefore granted shall be paid over from Time to Time to the Receiver General for the Time being of the Revenue of the Post Office of *Great Britain*, who shall pay the same into the Receipt of His Majesty’s Exchequer, when he shall pay into such Receipt the other Rates and Duties of Postage by him received, (the necessary Charges for paying, collecting, and accounting for the said additional Rates and Duties, and the Monies to be paid to the Commissioners for the Issue of Exchequer Bills, as herein-after mentioned, being first deducted,) distinguishing the same in his Accounts, and paying such Sum and Sums of Money for and on account of the *Milford* Road Fund, and the said Sum and Sums of Money so paid shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Application of such Rates.

III. ‘ And whereas the Roads within the County of *Pembroke* forming Part of the Communication by Post between *Great Britain*

Commissioners of Exchequer Bills in aid of

Public Works  
may advance  
Money for im-  
proving certain  
Roads.

‘ *Britain and Ireland* by way of *Milford* and *Waterford*, as well as  
‘ Parts of the Road in the Counties adjoining the said County of  
‘ *Pembroke*, are in an imperfect State, and it is expedient to im-  
‘ prove the same, and to make new Lines of Road therein:’ be it  
therefore enacted, That it shall and may be lawful for the Com-  
missioners for the Issue of Exchequer Bills in aid of Public  
Works to advance from Time to Time, by way of Loan, to the  
Trustees for the Time being of the said Roads, upon their Ap-  
plication, such Amount of Exchequer Bills, and such on Terms  
and Conditions, as to the said Commissioners shall seem fit, to be  
advanced for the Purpose of improving the said Roads or making  
any new Lines of Road, as to the Lords Commissioners of His  
Majesty’s Treasury or any Three of them shall seem fit; and the  
said Tolls now collected or hereafter to be collected on the said  
Roads or any such new Lines, subject only to such Charges as  
the same may now be liable to, shall be charged with the Repay-  
ment of all and every such Advances and Interest thereon; and if  
the said Tolls shall not be sufficient for that Purpose, then the  
said additional Postages shall be charged with the Repayment of  
such Advances and Interest, or so much thereof as the said Tolls  
shall be insufficient to pay; and the said Trustees for the Time  
being of the said Roads are hereby authorized to assign the said  
Tolls, subject as aforesaid, to the Secretary for the Time being of  
the said Commissioners for the Issue of Exchequer Bills, for securing  
the Payment of such Advances and Interests; and it shall be  
lawful for the said Lords Commissioners of the Treasury, or any  
Three or more of them, from Time to Time to direct the Re-  
ceiver General for the Time being of the Revenue of the Post  
Office of *Great Britain*, out of the Produce of the said additional  
Rates of Postage in his Hands, to pay such Sums to the said Com-  
missioners for the Issue of Exchequer Bills, or their Secretary  
for their Use, as may at any Time be necessary to make good  
any Deficiency in the said Tolls to satisfy the Payment of any such  
Advances and Interests, at the Times and in the Manner that shall  
be agreed upon for Payment of the same; and if there be not a  
sufficient Amount of the Produce of the said additional Rates of  
Postage in the Hands of the said Receiver General, then it shall  
be lawful for the said Lords Commissioners, or any Three or  
more of them, to direct Payment of so much as will make up such  
Deficiency out of any Money in the Hands of the Receiver General  
of the Post Office: Provided always, that the said Receiver General  
shall have paid into the Receipt of the Exchequer so much of the  
Produce of the said additional Postage as amounts to the Sum so  
directed to be paid.

How such  
Advances to be  
repaid.

Act may be  
altered this  
Session.

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

C A P. XXVI.

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. [4th July 1836.]

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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on and from and after the Fifth Day of July One thousand eight hundred and thirty-six and until the Fifth Day of July One thousand eight hundred and thirty-seven, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, the Duties of Customs following; (that is to say,)

Duties.

Sugar; <i>videlicet</i> ,	£	s.	d.
— Brown or Muscovado or clayed Sugar, not being refined, the Hundred Weight	3	3	0
— the Growth of any <i>British</i> Possession in <i>America</i> , and imported from thence, the Hundred Weight	1	4	0
— the Growth of any <i>British</i> Possession within the Limits of the <i>East India</i> Company's Charter, into which the Importation of Foreign Sugar may be by this Act prohibited, and imported from thence, the Hundred Weight	1	4	0
— the Growth of any other <i>British</i> Possession within those Limits, and imported from thence, the Hundred Weight	1	12	0
— Molasses, the Hundred Weight	1	3	9
— the Produce of and imported from any <i>British</i> Possession, the Hundred Weight	0	9	0
— refined, the Hundred Weight	8	8	0
— Candy, Brown, the Hundred Weight	5	12	0
— White, the Hundred Weight	8	8	0

Which several Duties shall be raised, levied, collected, and paid 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 present Majesty, intituled *An Act for granting Duties of Customs*.

3 & 4 W. 4. c. 56.

II. And be it further enacted, That the Bounties granted by an Act passed in the Third and Fourth Years of the Reign of His present

Bounties granted by 3 & 4 W. 4. c. 58. continued.

present Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, upon all Sugars therein mentioned exported from the United Kingdom, shall be and the same are hereby continued so long as the Duties on the Importation of Sugar imposed by this Act shall remain in force or be further continued by any Act hereafter to be passed.

Foreign Sugar not to be imported into certain British Possessions.

III. And be it further enacted, That from and after the First Day of *December* One thousand eight hundred and thirty-six it shall not be lawful to import into any Part of the Presidency of *Fort William* in *Bengal*, or of any Dependency thereof, being a *British* Possession, any Foreign Sugar, nor any Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, save and except into such Districts or Provinces of the said Presidency or of the Dependencies thereof as shall be appointed by the Governor General of *India* in Council.

Sugar not to be imported at a lower Rate of Duty.

IV. Provided always, and be it further enacted, That no Sugar the Produce of any District or Province in respect of which any such Order or Orders shall be issued shall be imported into any Part of the United Kingdom at the lower Rate of Duty proposed by this Act.

Certificate of Origin.

V. And be it further enacted, That before any Sugar shall be entered as being of the Produce of any of the Provinces composing the Presidency of *Fort William* in *Bengal*, or of any of the Dependencies thereof, being a *British* Possession, at the lower Rate of Duty fixed by this Act, the Master of the Ship importing the same shall deliver to the Collector or Comptroller of the Customs at the Port of Importation a Certificate under the Hand and Seal of the Collector of Sea Customs of the Port where such Sugar was taken on board within the Limits of the Presidency of *Fort William* in *Bengal*, or of any of the Dependencies thereof, being a *British* Possession, testifying that there had been produced to him by the Shipper of such Sugar a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Custom Revenue of the District within which such Sugar was produced that such Sugar was of the Produce of the District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; which Certificate so granted by the said Collector of Sea Customs shall state the Name of the Districts in which such Sugars were produced, their Quantity and Quality, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they are laden, and of the Master thereof; and that such Master shall also make a Declaration before the Collector or Comptroller that such Certificate was received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

What Persons may give Certificates.

VI. Provided always, and be it further enacted, That it shall be lawful for the Governor General of *India* in Council to appoint any Officer or Officers, other than the said Collector and Assistant Collector of Land Revenue and the Collector of Customs, to give such Certificates.

“ Separate Accounts to be kept in the Office of the Comptroller  
 “ General of the Exchequer of the Duties arising in *Great Britain*.  
 “ Monies arising in *Ireland* to be paid into the Exchequer  
 “ there.

“ there. § 7. The Treasury may direct Exchequer Bills to be made  
 “ out not exceeding 3,000,000*l.*—§ 8. Powers of 48 *G. 3. c. 1.*  
 “ extended to this Act. § 9. Exchequer Bills to bear an Interest  
 “ not exceeding 4 *per Cent. per Annum.* § 10. Bank of *England*  
 “ may advance Money on the Credit of this Act, notwithstanding  
 “ 5 & 6 *W. & M. c. 20.*—§ 11. Bills to be delivered to the Bank  
 “ of *England*, as Security for the Advances. § 12. Exchequer  
 “ Bills to be charged on the Duties granted by this Act. § 13.  
 “ Money due on Exchequer Bills to be paid out of the next Aids.  
 “ § 14. Surplus Monies to be carried to the Consolidated Fund.  
 “ § 15. The Treasury to allow the necessary Charges of making  
 “ forth new Exchequer Bills. § 16. Money issued to be replaced  
 “ out of the first Supplies. § 17. Act may be altered this  
 “ Session. § 18.”

## C A P. XXVII.

An Act for investing in Government Securities further Portions of the Cash lying unemployed in the Bank of *England* belonging to Bankrupts Estates. [4th July 1836.]

“ **W**HEREAS by an Act passed in the Sixth Year of the Reign  
 “ of His present Majesty, intituled *An Act for investing in* 6 *W. 4. c. 29.*  
 “ *Government Securities a Portion of the Cash lying unemployed*  
 “ *in the Bank of England belonging to Bankrupts Estates, and ap-*  
 “ *plying the Interest thereon in discharge of the Expences of the*  
 “ *Court of Bankruptcy, and for the Relief of the Suitors in the*  
 “ *said Court; and for removing Doubts as to the Extent of the*  
 “ *Powers of the Court of Review, and of the Subdivision Courts,*  
 “ it was enacted, that out of the Cash belonging to the Estates  
 “ of Bankrupts or to Suitors in Matters of Bankruptcy then lying  
 “ or which thereafter should lie dead and uninvested in the Name  
 “ of the Accountant General of the Court of Chancery or of the  
 “ Accountant in Bankruptcy, any Sum or Sums, not exceeding in  
 “ the whole the Sum of Three hundred thousand Pounds, might,  
 “ 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 Ac-  
 “ countant General or of the Accountant in Bankruptcy, on such  
 “ Government or Parliamentary Securities as in and by such Order  
 “ or Orders should be directed, and that such Securities should  
 “ be carried to an Account, to be intituled “ The Bankruptcy Fund  
 “ Account,” subject to such Rules and Orders as the Lord High  
 “ Chancellor should think fit to prescribe for the Purposes in the  
 “ said Act mentioned; and it was further enacted, that the Interest  
 “ and Dividends of all the Securities to be purchased under the  
 “ Authority of the said Act should from Time to Time be received  
 “ by the Governor and Company of the Bank of *England*, and  
 “ should be carried to an Account, to be intituled “ Interest arising  
 “ from the Bankruptcy Fund Account,” to the Credit of the Ac-  
 “ countant General in Chancery, or the Accountant in Bankruptcy,  
 “ as the Circumstances might require: And whereas, pursuant to  
 “ the Provisions of the said Act, the Sum of Three hundred thou-  
 “ sand Pounds has been already invested in the Purchase of Two  
 “ hundred and twenty-one thousand six hundred and six Pounds  
 “ Thirteen

‘ Thirteen Shillings and Three-pence Three *per Centum* Reduced  
 ‘ Bank Annuities, and of One hundred and nine thousand two hun-  
 ‘ dred and forty-two Pounds Sixteen Shillings and Nine-pence  
 ‘ Three *per Centum* Consolidated Bank Annuities, and such Two  
 ‘ several Sums are now standing at the Bank of *England*, in the  
 ‘ Name of the Accountant in Bankruptcy, to the Credit of the said  
 ‘ Account intituled “ The Bankruptcy Fund Account ”: And  
 ‘ whereas there is still a large Sum of Money belonging to Bank-  
 ‘ rupts Estates or the Suitors in Bankruptcy, standing in the Name  
 ‘ of the said Accountant in Bankruptcy, now lying dead and un-  
 ‘ employed at the Bank of *England*:’ Be it therefore enacted by  
 the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That out of the Cash so now lying or which shall hereafter  
 lie dead, and uninvested on Securities in the Bank of *England* in  
 the Name of the Accountant in Bankruptcy, any Sum or Sums  
 of Money shall and 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 and invested, in one entire Sum or in Parcels,  
 in the Name of the said Accountant in Bankruptcy, on such Go-  
 vernment or Parliamentary Securities as in and by such Order or  
 Orders shall be directed; and such Securities shall be carried  
 to the said Account intituled “ The Bankruptcy Fund Account ”;  
 and the Interest and Dividends of all the Securities so to be  
 purchased shall from Time to Time be received by the Governor  
 and Company of the Bank of *England*, and be carried to the said  
 Account intituled “ Interest arising from the Bankruptcy Fund  
 Account,” to the Credit of the Accountant in Bankruptcy.

Part of the  
 Money in the  
 Bank belonging  
 to Bankrupts  
 Estates to be  
 carried to an  
 Account to be  
 called “ The  
 Bankruptcy  
 Fund Account.”

Securities pur-  
 chased under  
 this Act subject  
 to like Orders as  
 Securities pur-  
 chased under  
 recited Act.

II. And be it further enacted, That all Securities to be pur-  
 chased under the Provisions of this Act shall be subject to the  
 like Rules and Orders of the Lord High Chancellor, and shall be  
 liable to be varied from Time to Time under the Authority of the  
 said Lord High Chancellor, in like Manner as by the said recited  
 Act is provided as to the Securities purchased by virtue there-  
 of; and the Interest and Dividends of all Securities to be pur-  
 chased under the Authority of this Act shall be subject to the  
 like Rules and Orders of the said Lord High Chancellor, and shall  
 be applied in like Manner and to the like Purposes as the Interest  
 and Dividends of the Securities purchased by virtue of the said  
 recited Act.

In certain Cases  
 the Lord Chan-  
 cellor may order  
 the Securities  
 purchased under  
 this Act to be  
 sold.

III. And be it further enacted, That if at any Time hereafter  
 the Whole or any Part of the Money placed out in pursuance of  
 this Act shall be wanted to answer any Demands due in respect  
 of any Bankrupts Estates, or if it shall at any Time appear to  
 the Lord Chancellor that the Balance of Cash remaining to the  
 Credit of the Accountant in Bankruptcy is not so large as it ought  
 to be, having regard as well to the Convenience of the Suitors in  
 Bankruptcy as also to the Necessity of affording a fair Remu-  
 neration to the Bank of *England* for keeping the Bankruptcy  
 Account of the Accountant in Bankruptcy, the Lord High Chan-  
 cellor may direct the Whole or any Part of the Securities to be  
 purchased under the Provision of this Act to be sold and disposed  
 of, and the Money arising from such Sale to be paid into the Bank  
 of



of *England* in the Name of the said Accountant in Bankruptcy, and to be applied by him in such Manner as the said Lord High Chancellor shall direct.

IV. And be it further enacted, That out of the Interest and Dividends of the said Government or Parliamentary Securities to be purchased as aforesaid the Costs, Charges, and Expences of all Proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order of the said Lord High Chancellor.

Expences of Proceedings under this Act to be paid out of the Fund.

V. And be it further enacted, That if at any Time hereafter the Whole or any Part of the Money to be laid out in pursuance of this Act shall be wanted to answer the Demand of any Bankrupts or their Creditors or other Persons interested therein, and the Stocks, Funds, and Cash then standing in the Name of the said Accountant in Bankruptcy to the several Accounts before mentioned shall not be sufficient to raise and produce such Money, then and in such Case the Money which shall have been invested under the Provisions of this Act shall be considered a Debt due from the Public, and, to such Extent as may be necessary, shall be answered and made good by Parliament accordingly.

If Money not sufficient for the Purposes of this Act, same to be made good by Parliament.

VI. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

As to the Exercise of Powers given by Act:

VII. ' And whereas by the before-recited Act it is enacted, ' that certain unclaimed Dividends and undivided Surplus of ' Bankrupts Estates should be paid into the Bank of *England* to ' the Credit of the Accountant in Bankruptcy: And whereas a ' Doubt has arisen whether the Provisions in such Act extend to ' the Case of Fiats where Official Assignees have been appointed, ' and who have not unclaimed Dividends or undivided Surplus in ' their Hands, such Dividends or Surplus being, according to the ' Provisions of the said Act, kept at the Bank of *England*;' be it therefore enacted, That every Official Assignee shall cause a Certificate to be filed of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management, in such Manner and subject to such Provisions and Penalties as by the said Act is prescribed with respect to the unclaimed Dividends and undivided Surplus therein mentioned, and as if such Official Assignee had such before-mentioned unclaimed Dividends or undivided Surplus in his own Hands.

Official Assignee to file Certificate of unclaimed Dividends.

VIII. And be it further enacted, That such last-mentioned unclaimed Dividends and undivided Surplus, and any Penalty payable by any Official Assignee in respect thereof, shall be paid into the Bank of *England*, in the Name of the Accountant in Bankruptcy, to the Account intituled "The unclaimed Dividend Account," and shall be subject to such Order and Orders as in such Act are prescribed or authorized in respect to the unclaimed Dividend and undivided Surplus therein mentioned.

Such unclaimed Dividends to be paid to the unclaimed Dividend Account.

IX. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this Session.

Act may be altered this Session.

Public Act.

X. 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 and others, without being specially pleaded.

## C A P. XXVIII.

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.

[4th July 1836.]

‘ **W**HEREAS it is expedient to enable Persons and Bodies Corporate from whom Security may be required in respect of any Matter relating to the Revenues of the Post Office, Land Revenue, Customs, Excise, Stamps, or Taxes, in lieu of giving such Security by Bond, to give the same by Transfer of Stocks or Deposit of Exchequer Bills in the Manner herein-after mentioned:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act 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 this Act, in lieu of giving the same by Bond, by and with the Consent of the Commissioners of His 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 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 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.

II. And be it further 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 damnified by any Act done or any Payment or Duty omitted in contravention of the Duty or Purpose for the due Performance of which such Security was required as herein-before mentioned, and they and each of them are hereby required to sell so much of such Stock or of such Exchequer Bills as shall be

Persons required to give Security to different Departments of the Revenue may do so by a Transfer of Stock or Deposit of Exchequer Bills.

Such Stock or Bills on default in Conditions of Deposit to be forfeited to the Department suffering thereby.

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.

III. And be it further enacted, That when any Stock shall be transferred, or any Deposit of Exchequer Bills shall be made, in pursuance of this Act, the said Stock shall be transferred into and the said Exchequer Bills shall be deposited in the Name of His 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 no Transfer of such Stock, or Delivery or Sale of such Exchequer Bills, shall be made, except upon such Certificate as is herein mentioned.

Such Stock, &c. to stand in Bank Books in Name of Postmaster General, &c. and not transferred except upon Certificate.

IV. And be it further enacted, That every such Certificate shall be drawn up in the Form given in the Schedule annexed to this Act.

Form of Certificate.

V. And be it further enacted, That upon every such Transfer or Deposit as aforesaid a Declaration of the Purposes for which the Security is given, in the Form given in the Schedule annexed to this Act, shall be signed by the Person or Persons, or by the Treasurer or Secretary or other Chief Officer of any Body Corporate, transferring such Stock or making such Deposit, and by the Postmaster General, or the said Chief Commissioner, or by any Two or more of the Commissioners of the Department of the Revenue requiring such Security; and such Declaration shall be deposited with the said Postmaster General, such Chief Commissioner, or with such Commissioners.

A Declaration of the Purposes of the Security to be made in the Form in the Schedule.

VI. And be it further enacted, That the Declaration to be signed as aforesaid, and all the Provisions in this Act contained relating to the Deposit of Exchequer Bills, shall be deemed to apply as well to the particular Bills so to be deposited as to any other Bills to be received from Time to Time in Exchange for such Bills, or for the Bills from Time to Time received in Exchange in consequence of such Bills or any of them being ordered to be paid off.

Declaration to apply to Exchequer Bills received in Exchange.

VII. And be it further enacted, That neither the Commissioners of His Majesty's Treasury, nor the said Postmaster General, nor the said Chief Commissioner, nor the said Chairman, nor the said Commissioners of the said Departments of the Revenue, nor any of them, shall be in any way personally liable for any Act done by them or any of them in pursuance of this Act; but that all Actions and Suits, both at Law and in Equity, commenced against them or any of them in pursuance of this Act, shall be null and void, and shall be quashed and vacated, upon summary Motion, by the Court in which they are commenced, which Court is hereby required to give to the Defendant in such an Action or Suit the full Costs of such Motion, to be taxed as between Attorney and Client.

Commissioners of the Treasury, &c. not personally liable for Acts done by them in pursuance of this Act.

VIII. And be it further enacted, That all Stock transferred to and all Deposits of Exchequer Bills made in the Name of the said Postmaster General, or of such Chief Commissioner, or of the said Chairmen respectively, by virtue of this Act, shall have the Effect of vesting such Stock or Exchequer Bills for the Purposes of this

The Stock and Exchequer Bills to vest in Successors of Depositees.

Act in the Postmaster General, such Chief Commissioner, and in such Chairmen for the Time being, and their Successors, who are hereby authorized and required to make Sales of Stock and Exchequer Bills as is herein mentioned.

Dividends and Interest thereon to be paid to Receivers General of the respective Departments, for the Depositors.

IX. And be it further enacted, That the Dividends upon all Stock so transferred, and the Interest upon all Exchequer Bills so deposited, shall be paid to the Receivers General of the respective Revenues herein 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, or any Two of them, with whom such Deposits have respectively been made.

Such Stock or Exchequer Bills to be re-transferred upon Certificate that Security is no longer required.

X. And be it further enacted, That it shall be lawful for the said Postmaster General, such Chief Commissioner, and for the Chairmen respectively, and their Successors, and they are hereby required, upon the Application of the Person or Persons or Bodies Corporate transferring such Stock or depositing such Exchequer Bills, and upon the Certificate of the Accountant General of the Post Office, or of any Two or more of the Commissioners of the Revenue upon whose Account such Transfer or Deposit has been made, that such Transfer or Deposit is no longer necessary for the Security of the Revenue under their Charge, to re-transfer such Stocks or to deliver up such Exchequer Bills to the Person or Persons or Bodies Corporate who transferred or deposited the same.

Re-transfer to personal Representatives valid.

XI. And be it further enacted, That such Re-transfer or Delivery made to the personal Representatives of any Person or Persons transferring or depositing such Stock or Exchequer Bills shall be valid and effectual to all Intents and Purposes whatever.

Joint Stock Companies may have the Benefit of this Act.

XII. And be it further enacted, That where any Joint Stock Companies, having any Joint Stock or Exchequer Bills in the Name or Names of any Person or Persons as Trustees for the Partners forming such Company, shall be desirous of making any Transfer of Stock or Deposit of Exchequer Bills for the Purposes mentioned in this Act, it shall be lawful for them so to do, and all the Provisions in this Act shall apply to Transfers and Deposits so made.

Governor and Company of Bank of England indemnified for Acts done in pursuance hereof.

XIII. And be it further enacted, That the Governor and Company of the Bank of *England* shall be and are hereby indemnified for any Act done or permitted to be done by them in pursuance of this Act; and that all Actions and Suits, both at Law and in Equity, commenced against the said Governor and Company of the Bank of *England* for and in respect of any such Act or Acts shall be null and void, and shall be quashed and vacated, upon summary Motion, by the Court in which they are commenced; which Court is hereby required to give to the Defendant in such an Action or Suit the full Costs of such Motion, to be taxed as between Attorney and Client.

Courts at Westminster to deter-

XIV. And whereas Disputes may arise between Parties making Transfers and Deposits in manner herein-before mentioned,

‘ whether any Default has been made or any Damage has been sustained to the Amount certified in manner herein-before mentioned;’ be it further enacted, That all such Disputes shall be determined in a summary Manner in one or other of His Majesty’s Courts of King’s Bench, Common Pleas, or Exchequer at *Westminster*, and that there shall be no Appeal against any Decision so made: Provided always, that if it shall seem just to the Judges of any of the said Courts that any Sum of Money paid by virtue of this Act should be repaid, to order the Receiver General of the Revenue to which it has been paid to repay the same to such Person or Persons and on such Account as the said Judges shall think fit.

mine Disputes about Defaults;

may order the Repayment of Money paid.

XV. And be it further enacted, That any Sum of Money paid by any Receiver General under such an Order shall be allowed to him in account, and such Receiver shall not be again called upon for such Sum in any Manner whatsoever; and any Proceedings instituted to compel such Receiver General to pay such Sum shall be null and void, and shall be set aside by the Court in which the same may have been instituted, upon summary Motion.

Sum so paid by Receiver General to be allowed.

XVI. And be it further enacted, That it shall be lawful for the Judges of any of the said Courts to direct that any Question arising before them upon such Proceeding may be tried by a Jury in such Manner as such Judges shall direct.

Judges may direct a Trial by Jury.

XVII. And be it further enacted, That this Act may be altered, varied, 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.

*Form of Declaration.*

It is hereby declared, That [transferred Stock, or hath deposited Exchequer Bills, *as the Case may be*] to the Amount of a Security for the Provisions of an Act of Parliament passed, *et cetera*.

has as pursuant

*Form of Certificate.*

To His Majesty’s Postmaster General, [or to the Chief Commissioner of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, or Chairman of *as the Case may be*].

WHEREAS on the Day of Stock [or Exchequer Bills] were transferred [or deposited, *as the Case may be*] as a Security for [state the Purpose for which the Security was given]. This is to certify, that [state the Breaches], and that the Revenue of hath been thereby damaged to the Extent of [or that such Security is no longer necessary].

## C A P. XXIX.

An Act for improving the Police in the District of *Dublin* Metropolis. [4th July 1836.]

‘ WHEREAS it is expedient to substitute a new and more efficient System of Police within the Limits of the District of *Dublin* Metropolis, and to constitute an Office of Police, which, acting under the immediate Authority of the Chief Secretary of the Lord Lieutenant, shall direct and control the whole of such new System of Police within those Limits;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to cause a new Police Office to be established in the City of *Dublin*, and by Warrant under his Hand and Seal to appoint Two fit Persons as Justices of the Peace for and of the Police District of *Dublin* Metropolis, as the same is constituted and defined in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis, and for and of the Counties of Dublin, Wicklow, Kildare, and Meath, and of all Liberties therein*, to execute the Duties of a Justice of the Peace at the said Office, and in all Parts of those several Counties, and the Liberties therein, and of said District, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by the Chief Secretary of the Lord Lieutenant, or in his Absence by the Under Secretary for the Time being; for the more efficient Administration of the Police within the said Limits; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to remove either of the said Justices, if he or they shall see Occasion so to do, and upon any Vacancy in the said Office by Death, Removal, or otherwise, to appoint another fit Person as a Justice of the Peace of the said District, Counties, and Liberties, to execute the Duties aforesaid, in lieu of the Person making such Vacancy; and it shall be lawful so to appoint any Person to be a Justice of the Peace by virtue of this Act, and for such Person, during the Continuance of his Appointment, to execute the Duties of a Justice of the Peace for the said District and Counties and Liberties, although he may not have any such Qualification by Estate as is required by Law in the Case of any other Person being a Justice of the Peace for any County: Provided always, that no such Person shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying into execution the Purposes of this Act.

II. And be it enacted, That every Person to be appointed a Justice of the Peace by virtue of this Act shall, before he shall begin

The Lord Lieutenant may establish a new Police Office, and appoint Two Persons as Justices of Police for the District of *Dublin* Metropolis and the surrounding District, under the Directions of the Chief or Under Secretary.

The Justices need not have any Qualification of Estate.

Proviso.

Oath to be taken by the Justices.

begin to execute the Duties of his Office, take the following Oath before some Justice or Baron of One of His Majesty's Courts of Record at *Dublin*; (that is to say,)

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute all the Powers and Duties of a Justice of the Peace under and by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis.*’

III. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct that an annual Salary, not exceeding the Sum of Eight hundred Pounds, shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to each of the Justices to be appointed under this Act, and that the same shall be payable quarterly.

Salary of the Justices.

IV. And be it enacted, That a sufficient Number of fit and able Men shall from Time to Time, by the Directions of the Chief Secretary of the Lord Lieutenant, or in his Absence of the Under Secretary for the Time being, be appointed as a Police Force for the whole of such District, who shall be sworn in by One of the said Justices to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall, not only within the said District, but also within the Counties of *Dublin*, *Wicklou*, *Kildare*, and *Meath*, and within all Liberties therein, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any of the said Justices for conducting themselves in the Execution of their Office.

A Police Force for the whole District to be appointed.

V. And be it enacted, That the said Justices may from Time to Time, subject to the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, frame such Orders and Regulations as they shall deem expedient, relative to the general Government of the Men to be appointed Members of the Police Force under this Act, the Places of their Residence, the Classification, Rank, and particular Service of the several Members, their Distribution and Inspection, the Description of Arms, Accoutrements, and other Necessaries to be furnished to them, and which of them shall be provided with Horses for the Performance of their Duty, and all such other Orders and Regulations relative to the said Police Force as the said Justices shall from Time to Time deem expedient for preventing Neglect or Abuse and for rendering such Force efficient in the Discharge of all its Duties; and the said Justices may at any Time suspend or dismiss from his Employment any Man belonging to the said Police Force whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed or cease to belong to the said Police Force all Powers vested in

The Justices may make Regulations for the Management of the Police Force.

Policemen may be suspended or dismissed by the Justices.

him as a Constable by virtue of this Act shall immediately cease and determine.

Penalty on  
Publicans har-  
bouring Police-  
men during the  
Hours of Duty.

VI. And be it enacted, That if any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Man belonging to the said Police Force, or permit such Man to abide or remain in his House, Shop, Room, or other Place during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as they shall think meet.

Powers of  
Policemen.

VII. And be it enacted, That it shall be lawful for any Man belonging to the said Police Force, during the Time of his being on Duty, to apprehend all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have just Cause to suspect of any evil Designs, and all Persons whom he shall find between Sunset and the Hour of Eight in the Forenoon lying in any Highway, Yard, or other Place, or loitering therein, and not giving a satisfactory Account of themselves, and to deliver any Person so apprehended into the Custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to Law, or may give Bail for his Appearance before a Justice of the Peace, if the Constable shall deem it prudent to take Bail, in the Manner herein-after mentioned.

Night Con-  
stables may take  
Bail for Appear-  
ance of Parties  
before a Justice,  
&c.

VIII. And be it enacted, That where any Person charged with any petty Misdemeanor shall be brought, without the Warrant of a Justice of the Peace, into the Custody of any Constable appointed under this Act, during his Attendance in the Night-time at any Watch-house within the said Police District of *Dublin* Metropolis, it shall be lawful for such Constable, if he shall deem it prudent, to take Bail by Recognizance, without any Fee or Reward, from such Person, conditioned that such Person shall appear for Examination before a Justice of the Peace at some Place to be specified in the Recognizance, at the Hour of Ten in the Forenoon next after such Recognizance shall be taken, unless that Hour shall fall on a *Sunday*, or on *Christmas Day* or *Good Friday*, and in that Case at the like Hour on the succeeding Day; and every Recognizance so taken shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the Constable shall enter in a Book to be kept for that Purpose in every Watch-house the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up, to be signed by the Constable, and shall return the same to the  
next



next General or Quarter Sessions of the Peace for the City of *Dublin* or for the County of *Dublin* respectively, as the Case may require, in which the Offence charged should be brought to Trial, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply, by any Person on his Behalf, to postpone the Hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint, or by binding the Party over to answer the Matter thereof at the Sessions, or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward.

IX. And be it enacted, That if any Person shall assault or resist any Person belonging to the said Police Force in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being convicted thereof before Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet.

Punishing  
Assaults on  
Policemen.

X. And be it enacted, That it shall be lawful for the Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, either to order and direct the Receiver to be appointed under an Act passed or to be passed in this present Parliament to consolidate and amend the Laws relating to the Constabulary Force in *Ireland*, or to appoint such other Person as they may think proper, to receive all Sums of Money applicable to the Purposes of this Act, and to revoke such Order and Direction, or remove any such Receiver, if he or they shall see Occasion so to do, and upon any Vacancy in that Office by Death, Removal, or otherwise to appoint another Person to be such Receiver; and it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, to allow to the Person who shall be appointed to receive such Monies such yearly Salary out of the same, payable quarterly, as they may think proper, not exceeding Four hundred and fifty Pounds, or if the Receiver to be appointed under the said Act shall be appointed also to receive the said Monies under this Act, then and in such Case to allow to such Receiver such further yearly Salary, payable quarterly out of the said Monies, in addition to the Salary payable to him under the said Act, as they may think proper, not exceeding One hundred Pounds; and the Receiver for the Time being shall give Security to His Majesty, in a Bond with Two Sureties, in such Sum as the said Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them, shall direct, such Bond to be conditioned for the faithful Performance of his Duty by such Receiver, and for the due Application of all Monies paid to him under this Act; and the Receiver for the Time being shall receive all Sums of Money applicable to the Purposes of this Act; and shall keep an exact and particular Account thereof, and shall immediately

The Treasury  
may appoint a  
Person to be  
the Receiver of  
all Monies ap-  
plicable to the  
Purposes of this  
Act, who shall  
give Security.

Salary.

The Money to be placed in the Bank of Ireland, and drawn out by the Receiver.

immediately pay all Monies, Bills, and Notes by him received under this Act into the Hands of the Governor and Company of the Bank of *Ireland*; and the same shall be placed to an Account in the Books of the said Governor and Company, which shall be intitled "The Account of the Public Monies of the Receiver for the Metropolitan Police District," inserting the Name of the Receiver for the Time being; and the said Receiver shall draw out of the Bank from Time to Time such Sums of Money as may be necessary for the Payment of the Salaries, Wages, and Allowances to be paid as herein-after mentioned, to the Persons belonging to the Police Force appointed under this Act, and also for the Payment of all other Charges and Expences in carrying this Act into execution; and the said Receiver shall be governed, in respect of his pecuniary Transactions, whether of Receipt or Payment, and in respect of the Periods in and for which he shall deliver his Accounts, accompanied by the proper Vouchers, and as to the Manner in which such Accounts shall be kept, and prepared and exhibited for Audit, by such Rules and Regulations as shall be issued in that respect from Time to Time by the said Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them; and every Draft or Order for Money on the Bank of *Ireland*, drawn by the Receiver, shall be countersigned by One of the Justices appointed under this Act; and all Drafts and Orders so drawn and countersigned, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named in them, or to the Bearers of them.

Receiver's Drafts to be countersigned.

Receiver's Accounts to be audited.

XI. And be it enacted, That the Receiver shall account for the due Application of all Monies so to be drawn by him out of the Bank of *Ireland*, and shall once in every Six Months, and oftener if required by the said Lord High Treasurer or Commissioners of the Treasury, or by the Chief Secretary of the Lord Lieutenant, or in his Absence by the Under Secretary, make out and sign a full and particular Account of all Monies which shall have been received by him under this Act, and how much thereof hath been paid by him, and for what Purposes, together with proper Vouchers for the Receipts and Payments; and such Account shall be delivered for the Purpose of being examined and audited, either to the Commissioners for auditing the Public Accounts of this Kingdom, or to such other Person or Persons as the said Lord High Treasurer or Commissioners of the Treasury shall from Time to Time direct; and the said Receiver shall be subject to the same Regulations and Penalties in that respect as any Public Accountant.

Receiver to pay the Salaries and Wages of the Police under the Directions of the Chief or Under Secretary; as also Rewards for Activity, and Superannuation Allowances.

XII. And be it enacted, That the Receiver, out of the Monies so received by him, shall from Time to Time pay to the Persons belonging to the Police Force appointed under this Act such Salaries, Wages, and Allowances, and at such Periods, as the Chief Secretary of the Lord Lieutenant, or in his Absence the Under Secretary, shall direct, and also any extraordinary Expences which they shall appear to have necessarily incurred in apprehending Offenders and executing the Orders of either of the Justices appointed under this Act, such Expences being first examined and approved of by One of the said Justices; and the Receiver shall likewise pay any further Sums which such Chief or Under Secretary

Secretary shall direct to be paid to any of the Persons belonging to the said Police Force, as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out by Length of Service, and he shall also pay all other Salaries, Charges, and Expences which such Chief or Under Secretary shall direct to be paid for carrying this Act into execution, and all Salaries and Allowances payable to the Divisional Justices and other Persons under the said recited Act of the Forty-eighth Year of the Reign of His late Majesty, or any Act passed for the Amendment thereof, which shall not cease or determine pursuant to the Provisions or by the Operation of this Act.

XIII. And be it enacted, That upon the Death, Resignation, or Removal of any Receiver appointed under this Act the Balance of Cash for which he shall at that Time have Credit on his Account as Receiver with the Governor and Company of the Bank of *Ireland* shall, as soon as a Successor shall be appointed to the Office of Receiver, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Receiver for the Time being is hereby required to issue his Drafts or Orders, countersigned as aforesaid, for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of any former Receiver.

XIV. And be it enacted, That if any Person, having resigned or having been removed from the Office of Receiver, shall neglect, within Twenty-one Days after Notice for such Purpose, to account for and pay to any succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Receiver for the Time being, in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same from such Person, with Double Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, in which Action it shall be sufficient for such Receiver to declare as for Money had and received to the Use of such Receiver for the Purposes of this Act; and the Defendant in the Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule, either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable; or the Court may order Judgment to be entered up by Confession for such Sum as upon the Report shall appear to be due.

XV. And be it enacted, That in case of the Death of any Person during the Time that he shall be holding the Office of Receiver,

Upon the Death or Removal of a Receiver the Balance of Cash at the Bank shall be transferred to his Successor.

Upon Removal of Receiver his Successor may sue for Balance remaining in his Hands, and Mode of Proceeding.

Special Bail.

Court may refer the Accounts to an Officer or Arbitrator.

Mode of Proceeding against the Represent-

tatives of a deceased Receiver.

Receiver, or after he shall have resigned or been removed from such Office, the Receiver for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act, by an Action of Debt in any of His Majesty's Courts of Record at *Dublin*; in which Action it shall be sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and the like Action may be brought against any Executors or Administrators of Executors or Administrators; and in all such Actions the Defendant or Defendants may plead in like Manner, and avail themselves of the like Matters in Defence, as in any Action founded upon simple Contracts of the original Testator or Intestate; and the Court may refer the Account in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as is hereinbefore mentioned; and in all Actions to be brought, as well as in all Proceedings whatsoever to be instituted or carried on by any Receiver by virtue of this Act, Proof of his acting in the Execution of the Office of Receiver shall be sufficient Evidence of his holding such Office, unless the contrary shall be shown in Evidence by the Defendants in such Actions, or the Parties against whom such Proceedings shall be instituted or carried on.

Proof of the Receiver's official Character.

The Receiver shall contract for any Land or Buildings that may be required.

XVI. And be it enacted, That the Receiver for the Time being shall make all such Contracts and Disbursements as shall be necessary for purchasing or renting any Land or Buildings, or for erecting, fitting up, furnishing, or repairing any Buildings for the Purposes of this Act, in such Manner as the Chief Secretary of the Lord Lieutenant, or, in his Absence, the Under Secretary, shall direct, subject nevertheless to such Regulations 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 to establish in respect of all such Contracts and Disbursements; and of all Lands and Buildings so to be purchased or rented, and of the Fixtures and Furniture thereof, and of all Goods and Chattels whatsoever to be from Time to Time held or purchased for the Purposes of this Act, the Property acquired therein shall be vested in the Receiver for the Time being, in whom also shall be vested the Property of all Watch-houses, Watch-boxes, Arms, Accoutrements, and other Necessaries to be given up as herein-after mentioned; and the Receiver for the Time being may, by the Directions of such Chief or Under Secretary, sell, assign, or dispose of the Whole or any Part of any such Property as aforesaid, and shall execute all such lawful Matters for carrying this Act into execution as such Chief or Under Secretary shall from Time to Time direct.

The Property to be vested in him.

Corporations and others empowered to sell

XVII. And be it enacted, That it shall be lawful for all Bodies Corporate, and also for all Commissioners or Trustees for public Purposes, and for Tenants for Life or in Tail, and for the Husbands, Guardians,

Guardians, Trustees, Committees, or Attornies of such of the Proprietors or Persons interested in any Lands or Buildings required for the Purposes of this Act as shall by reason of any legal Disability or of Absence beyond the Seas be incapable of acting for themselves, to contract and agree with the Receiver for the Time being, either for the absolute Sale of such Lands or Buildings, or for a Lease thereof for such Period as the Receiver shall require, and to convey, demise, or grant the same to the Receiver in Trust for the Purposes of this Act; and all such Contracts, Sales, Conveyances, Leases, and Grants shall be valid and effectual in Law to all Intents and Purposes; and in case any Body Corporate, Commissioners, Trustees, or other Persons hereby authorized to contract on behalf of themselves or others as aforesaid shall neglect or refuse to agree with, or by reason of Disability or Absence shall be prevented from agreeing with, the Receiver for the Sale or Lease of any Land or Buildings required by him, or in case the Proprietors or Persons interested therein cannot be found or known, or shall not produce and evince a clear Title to the Land or Buildings so to be purchased or rented, or to the Interest they shall claim therein, to the Satisfaction of the Receiver, in every such Case all the Powers now by Law vested in the Commissioners for making wide and convenient Streets and Passages in the City of *Dublin*, and all Provisions made by any Act or Acts relating to such Commissioners, and now in force with regard to the Valuation of Estates and Interest by a Jury, the conclusive Effect of the Verdict of the Jury, and all Matters preparatory to, concomitant with, and consequent or contingent upon the Valuation by a Jury, shall, so far as the same or are can be applicable, be applied and extended to the Valuation of any Land or Buildings required for the Purposes of this Act, in as full and ample a Manner, to all Intents and Purposes, as if those Provisions had been repeated and expressly re-enacted in this Act; and all such Matters as by those Provisions are authorized or required to be done by such Commissioners, or any Number of them, shall under this Act be done by the Receiver for the Time being.

Land to the Receiver.

In case of Disagreement, &c. Value shall be assessed by a Jury.

XVIII. And be it further enacted, That upon the Appointment of a Receiver under this Act, the Office and Duties of the Receiver of the Public Offices appointed under the said recited Act of the Forty-eighth Year of His late Majesty King *George* the Third shall cease and determine, and the Balance of Cash for which such Receiver of the Public Offices shall at that Time have Credit on his Account as Receiver with the Governor and Company of the Bank of *Ireland*, and all Cash and Monies in the Hands of such Receiver as such, shall actually vest in the Receiver appointed under this Act, and shall be immediately transferred to the Account of and paid to such Receiver appointed under this Act, to be applied for the Purposes of this Act; and the said last-mentioned Receiver for the Time being is hereby required to issue his Drafts or Orders, countersigned as aforesaid, for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of said Receiver of the Public Offices.

Upon the Appointment of a Receiver the Balance of Cash at the Bank to the Credit of the Receiver of the Public Offices shall be transferred to him.

XIX. And be it enacted, That no Justice of the Peace or Receiver appointed by virtue of this Act shall, during the Continuance

No Justice, &c. appointed under this Act to sit in

Parliament ;  
and no Justice,  
Receiver, Po-  
liceman, &c.  
under this Act  
to vote at certain  
Elections.

tinuance of such Appointment, be capable of being elected or of sitting as a Member of the House of Commons; and no Justice, Receiver, or Person belonging to the Police Force appointed by virtue of this Act shall, during the Time that he shall continue in any such Office, or within Six Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of *Dublin, Wicklow, Kildare, or Meath*, or for the County of the City of *Dublin*, or for any City or Borough within the said Police District, nor shall by Word, Message, Writing, or in any other Manner endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, or Borough; and if any such Justice, Receiver, or Person belonging to the Police Force shall offend therein, he shall forfeit the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same, by Action of Debt, to be commenced within Six Calendar Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Receiver appointed under this Act, to be by him added to and applied as Part of the Funds for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any such Justice, Receiver, or Person belonging to the Police Force to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

Penalty 100l.

Proviso.

The present  
Police, &c. in  
the Metropolitan  
District shall  
continue until  
it shall be noti-  
fied that the new  
Police is ap-  
pointed, and  
then all Watch-  
boxes, Arms, &c.  
shall be given  
up to the new  
Police.

XX. ' And whereas some Time must elapse before a new Police Force can be appointed throughout the whole of the Metropolitan Police District; be it therefore enacted, That the Constables, Patrolling Constables, Watchmen, and others of the Police and Watch already appointed within the Limits of the said District, may, notwithstanding the passing of this Act, continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore, until it shall be notified by the Justices appointed under this Act that a new Police will be ready to undertake the Charge of the said District, on some Day to be specified in the Notice of the said Justices; which Notice shall be published on Two successive Days in the *Dublin Gazette*, and in Two public Newspapers published in the City of *Dublin*, and shall be delivered to the Divisional Justices at the Head Office, previous to the Day named for the same to take effect; and upon the Day so named the Chief Constables, Constables, Patrolling Constables, Night Watch, and other Police appointed within the said District previously to or independently of this Act, shall be discontinued; and all Watch-houses and Watch-boxes in the said District, and all Arms, Accoutrements, and other Necessaries provided at the public Expence for the Watch and Police therein, shall be given up to such Persons as shall be named by the said Justices for the Use and Accommodation of the Police to be appointed under this Act; and in case any Person having the Charge, Control, or Possession of any Watch-house, Watch-box, Arms, Accoutrements, or Necessaries as aforesaid shall neglect or refuse to give up the same as herein-before required, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every

Penalty for not  
giving up the  
Watchboxes, &c.

every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum, not exceeding Five Pounds, as the said Justices shall think meet; and where there shall be any Building in any such Parish or Place as aforesaid, a Part only of which Building shall have been heretofore used as a Watch-house, such Part shall be given up every Day from the Hour of Four in the Afternoon until the Hour of Nine in the Forenoon, for the Use and Accommodation of the Police Force to be appointed under this Act; and if any Person having the Charge, Control, or Possession of any such Building shall neglect or refuse to give up such Part thereof for the Purposes aforesaid, or to permit free Access thereto or Egress therefrom, during any Portion of the Time above prescribed, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet.

XXI. And be it enacted, That the Justices appointed under this Act, subject to the Approbation of the Chief Secretary of the Lord Lieutenant, or his Under Secretary for the Time being, may order such a Number of Watchboxes as they shall from Time to Time think fit to be placed or fixed in such Parts of the Highways, in any of the Parishes and Places within the Metropolitan Police District, as the said Justices shall deem most convenient.

Power to set up  
Watchboxes.

XXII. And be it further enacted, That no Person so appointed a Constable shall be or act as a domestic or menial Servant to any Person whatsoever; and that any of the said Justices, Receiver, or any other Officer or Clerk who shall retain or employ any Constable as a domestic or menial Servant, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered by Civil Bill in the Court of the Recorder of the City of *Dublin*.

No Constable  
to be a menial  
Servant, &c.

XXIII. And be it further enacted, That no Person using or exercising the Trade or Business of a Brewer or Distiller, or Dealer in Wine by Retail to licensed Public Houses, or being a Partner of such; no Person who shall have a Licence or Licences to sell Malt Liquors or Spirituous Liquors, or who shall in any Manner be engaged as a Seller thereof; no Victualler nor Person keeping a Public House, shall be capable of holding any Office or Situation whatsoever under this Act.

No Brewer, &c.  
to hold any  
Police Office.

XXIV. And be it further enacted, That until some further Provision shall be made by Authority of Parliament for the Support and Maintenance of the said Constables and Watchmen, and for providing Watch-houses, Arms, Accoutrements, Watch-coats, Lanterns, Fire and Candle-light, and other Necessaries for the Purposes of this Act, the said Justices to be appointed under this Act shall be and they are hereby authorized from Time to Time to raise and levy the like Rates and Assessments on all Houses and Tenements within the said Police District of *Dublin* Metropolis, which under or by virtue of any Act in force immediately before the passing of this Act are or shall be liable to be rated and assessed to any such Rate or Assessment as the Divisional Justices appointed under the said Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, and by the therein recited Acts, or any of them, were authorized and empowered to collect, raise, assess, and levy.

Justices to raise  
the like Taxes  
as present Divi-  
sional Justices;

XXV. And

and to appoint  
Collectors of  
said Taxes.

XXV. And be it enacted, That it shall and may be lawful to and for said Justices to be appointed under this Act to appoint such Number of fit and proper Persons as they shall think proper to collect and receive all Rates, Taxes, and Assessments which shall at any Time or Times hereafter be assessed or become payable from or out or in respect of any Houses or House, Tenements or Tenement, for the Support of the said Watch Establishment as aforesaid, and the several Persons so appointed shall be called "Collectors of the Watch Tax"; and the Names of the Persons so appointed shall be entered in a Book to be kept for that Purpose at the Office to be appointed under this Act; and every Collector so appointed shall from Time to Time, as and for his Payment for the Execution of his said Office, deduct and retain to his own Use, out of all and every Sum and Sums of Money received by him, such Part or Proportion thereof, not exceeding One Shilling in the Pound, as shall be directed by the said Justices.

Collector to give  
Security for  
faithful Dis-  
charge of his  
Duty, and to  
account on Oath.

XXVI. And be it enacted, That every Person who shall be so appointed a Collector of the said Rates and Assessments shall give sufficient Security, to the Satisfaction of the said Justices appointed under this Act, by Bond payable to His Majesty, His Heirs and Successors, which Bond said Justices are hereby empowered and required to take, conditioned for the due and faithful Execution and Discharge of his said Office and Duty; and every such Collector shall under his Hand, at such Time and Times as the said Justices shall direct, deliver to them or either of them, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Monies which shall have been received by him by virtue and for the Purposes of this Act, and of all Monies paid by him to the said Receiver, together with the proper Vouchers for such Payments; and all the said Persons so accounting as aforesaid shall verify their Accounts upon Oath (which Oath the said Justices, or any One of them, is and are hereby empowered and required to administer); and if any such Person shall refuse or neglect to make or render, or shall neglect or refuse to verify upon Oath, any such Account, or to produce or deliver the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Justices, or to One of them, or to such other Person as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, and Writings in his Custody or Power relating to the Trust reposed in him, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands to the said Receiver, every such Person shall for every such Neglect respectively forfeit the Sum of Fifty Pounds, to be recovered by the said Justices by Civil Bill in the Court of proper Jurisdiction.

Collectors to  
furnish their  
Accounts of Re-  
ceipts weekly;

XXVII. And be it further enacted, That each and every of the said several Collectors shall, on the *Saturday* in each Week, furnish a just and true Account of all Monies received by him in the course of that Week, in such Manner as shall be directed, to the said Justices; and in case any such Collector shall refuse or neglect so to do, such Collector shall for such Default be subject and liable to such Fine as the said Justices shall think proper, not exceeding Five Pounds for each and every such Offence, to be levied



levied by Warrant under their Hands and Seals out of the Goods and Chattels of such Offender.

XXVIII. And be it further enacted, That every Collector of the said Rates and Assessments shall, on the *Saturday* in every Week, pay to the Receiver to be appointed under this Act all Monies received by him, and then in his Hands, by virtue of this Act.

and pay their Balances to the Receiver weekly.

XXIX. And be it further enacted, That the said Justices to be appointed under this Act, or either of them, as often as it shall appear to them or him that the said several Collectors, or any of them, have not done their Duty, shall give Orders for the Attendance of such Collector or Collectors at the said Office to be appointed under this Act, to answer touching such Matter, and shall for the First Offence fine the Collector or Collectors in any Sum not exceeding Twenty Shillings, and for every succeeding Offence impose a Fine not exceeding Three Pounds nor less than Twenty Shillings; the said Fines to be levied by Warrant under their Hands and Seals out of the Goods and Chattels of such Offender.

Justices may order any Collector to attend, and fine him for Offences.

XXX. And be it further enacted, That it shall and may be lawful for the said Justices, at any Time after the Day specified in the said Notice for the new Police taking Charge of the said District, to levy or cause to be levied and raised in their own Names all Duties, Taxes, Assessments, and Fines now payable, or which, if this Act had not passed, would hereafter become payable to the said Divisional Justices, or any of them, and also all Arrears thereof respectively that shall be due and owing on the said Day, or which by Law the said Divisional Justices, or any of them, might or ought to have levied and raised, by such Ways and Means as they would have been enabled to raise and levy the same respectively if this Act had not been passed; and that all Carriage Rates, Carriage Duties, Carriage Rents, Licence Duties, Fines, Fees, and all other Monies whatsoever, payable to or receivable by the Receiver appointed under the said recited Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, shall, from and after the Appointment of a Receiver under this Act, be paid to and received by such Receiver appointed under this Act, to be by him applied to and for the Purposes of this Act.

Justices to raise and levy all Taxes and Arrears.

XXXI. And be it further enacted, That the said Divisional Justices shall, within Ten Days after being thereto required in Writing by the Justices to be appointed under this Act, deliver up or cause to be delivered up to the said last-mentioned Justices all Books of Account, Books of Receipts and Payments of all Monies, Books of Taxes, Collectors Books, Books of House Tax, Hackney Coach Tax, and all others of every Nature, Kind, and Description whatsoever, in anywise belonging to or connected with the Collection, Assessment, and levying of all and every the Taxes, Rates, Duties, and other Monies hereby made payable to the Receiver to be appointed under this Act; and shall also deliver or cause to be delivered to the said Receiver to be appointed under this Act a just and true Account of all Arrears of Taxes, and all Balances of Taxes, Duties, Rents, and other Monies of what Nature and Kind soever, due to the said Divisional Justices or to the said former Receiver; and that the said Divisional Justice or Justices, and

Divisional Justices to deliver up to Justices appointed by this Act all Books of Account, Receipts, Taxes, &c. within Ten Days after being required so to do.

such of their Clerks respectively as were in anywise concerned in keeping such Books and making such Entries of Receipts and Payments and Proceedings, shall respectively make Oath of the Truth of the said Books and Accounts, and of the Entries therein respectively, and also that no Book, Account, or Entry of any of the said Matters has been suppressed or withheld from the said Justices, to the Knowledge or Belief of the Person so making every such Affidavit, such Oath to be made before the Lord Mayor of the City of *Dublin*, who is hereby authorized and required to administer such Oath; and in case the said Divisional Justices, Clerk or Clerks, shall refuse or neglect to deliver such Book or Books, or other Papers, or to make such Affidavit as above directed, or shall detain any such Book or Books or Papers, such Person who shall so refuse, neglect, or detain, being thereof duly convicted before the Justices appointed under this Act, shall forfeit and pay the Sum of One hundred Pounds, to be levied by Distress and Sale of the Offender's Goods by Warrant under the Hands and Seals of the said last-mentioned Justices.

Divisional Justices to be hereafter appointed by Lord Lieutenant.  
5 G. 4. c. 102.

XXXII. And be it enacted, That all the Divisional Justices within the Police District of *Dublin* Metropolis who may now be appointed by the Assembly of the Corporation of the said City, pursuant to the Provisions of an Act made in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for more effectual Prevention of Felonies, within the District of Dublin Metropolis*, shall hereafter be appointed by the Lord Lieutenant; and it shall not any longer be requisite that any of the said Divisional Justices shall be an Alderman of the City of *Dublin* or Sheriff's Peer, or Member of the Common Council of the said City.

Accounts to be laid before Parliament annually.

XXXIII. And be it enacted, That an Account of all Monies received and expended for the Purposes of this Act, made up to the Thirty-first Day of *December* in each Year, shall annually be laid before both Houses of Parliament within Thirty Days thereafter, if Parliament be then sitting, or within Thirty Days after the First Meeting of Parliament subsequent to the Thirty-first of *December*; and such Accounts shall specify the total Sum received for every Tax, Rate, Rent, Duty, or other Charge for the Purposes of this Act; and such Account shall also specify the different Heads of Expenditure for the Purposes of the Police, and the Amount actually expended under each.

Allowances to disabled Persons acting under this Act.

XXXIV. And be it further enacted, That if any of the said Justices, Receiver, Constables, or other Persons holding any Office whatsoever under or by virtue of this Act shall by Age, Sickness, or Accident become unable to perform the Duties of such Office, and shall therefore resign or be removed from the same, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, if he or they shall think proper so to do, to direct that a Pension charged on the Funds applicable to the Support of the said Police Establishment, clear of all Taxes and Deductions, shall be paid to every such Person, not exceeding Two Thirds of the Salary payable to such Person by virtue of this Act immediately previous to his so resigning

resigning or being removed; provided that no Person shall be entitled to receive any such Pension or Allowance, unless he shall be above the Age of Sixty Years, or shall have served Twenty-five Years, or shall have been disabled by any unavoidable Accident or permanent Disease acquired in the Performance of his Duty under this Act.

XXXV. And be it further enacted, That in all Cases not altered or otherwise ordained or directed by this Act, all and every the Rights, Powers, Privileges, Jurisdictions, and Authorities whatsoever now vested in the said Divisional Justices under any Act or Acts of Parliament, not hereby repealed, and all and every other Matter or Thing whatsoever which the said Divisional Justices are by any Law now in force required, directed, or empowered to do or execute, save and except in the Cases aforesaid, shall and may from and after the passing of this Act be respectively vested in, and exercised, done, and executed by the said Divisional Justices; and all and every Act, Matter, or Thing so done or executed shall thereupon be of the same Force, Validity, and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed.

XXXVI. And be it further enacted, That all Chief Constables, Constables, Patroles, Watchmen, and Collectors appointed under this Act shall, to all Intents and Purposes, have and exercise the several Powers, Authorities, and Privileges respectively given to or vested in the Chief Constables, Constables, Patroles, Watchmen, and Collectors appointed under the said Act of the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, by the said Act, or by any other Statute or Law now in force, except where the contrary is directed by this Act, or where the same would be repugnant to or inconsistent with any Provision herein contained.

XXXVII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person shall be charged, on the Oath of a credible Witness, with any such Offence before any Justice of the Peace, the Justice may summon the Person charged to appear before any Two Justices of the Peace, at a Time and Place to be named in such Summons; and if the Person charged shall not appear accordingly, then (upon Proof of the due Service of the Summons, by delivering a Copy thereof to such Person, or by delivering a Copy to the Wife or Servant or some Inmate of the Family of such Person, at his usual Place of Abode,) the Justices before whom he ought to have appeared may either proceed to hear and determine the Case *ex parte*, or may issue their Warrant for apprehending such Person and bringing him before them: Provided always, that the Prosecution for any Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise.

XXXVIII. And be it enacted, That every Sum which by any Justices of the Peace shall be adjudged to be paid for any Offence against this Act shall be paid to the Receiver appointed under this Act, to be by him added to and applied as Part of the Funds for the Purposes of the Police under this Act; and no Person, although

Rights, Powers, &c. of Divisional Justices to continue when not altered by this Act.

Constables, &c. under this Act invested with same Powers as similar Officers under the Act 48 G. 3. c. 140.

Justices may summon Persons charged with Offences punishable on summary Conviction under this Act.

Limitation of Time for such Proceedings.

Application of Penalties.

Persons paying Police Rate may give Evidence or act as Justices.

liable to the Payment of Money for the Maintenance of the Police under this Act, shall by reason thereof, or by reason of the Application of any Penalty to the Use of the Police Funds, be deemed to be an incompetent Witness before any Court or Justice or Justices of the Peace in any Proceeding whatever for any Offence against this Act, or in any Matter relating to the Money to be raised for the Maintenance of the Police, or in any other Matter mentioned in this Act; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money for the Maintenance of the Police under this Act.

Scale of Imprisonment for Nonpayment of Penalties.

XXXIX. And be it enacted, That the Justices of the Peace by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as they shall think fit, and that in default of Payment at the Time appointed he shall be imprisoned in the Common Gaol or House of Correction and be kept to hard Labour for any Term not exceeding Two Calendar Months, where the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Four Calendar Months where the Sum shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case; the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

Form of Conviction.

XL. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case may require; (that is to say,)

‘ to wit. } BE it remembered, That on the Day of  
‘ in the Year of our Lord at in  
‘ the County of A. B. is convicted before us [naming  
‘ the Justices], Two of His Majesty’s Justices of the Peace for the  
‘ said County, for that he the said A. B. did [specify the Offence,  
‘ and the Time and Place when and where the same was committed,  
‘ as the Case may be]; and we the said Justices adjudge the said  
‘ A. B. for his said Offence to forfeit and pay the Sum of  
‘ [here state the Amount of the Sum to be paid];  
‘ and in default of immediate Payment of the said Sum to be  
‘ imprisoned in the for the Space of unless  
‘ the said Sum shall be sooner paid, [or and we order that the  
‘ said Sum shall be paid by the said A. B. on or before the  
‘ Day of and in default of Payment  
‘ on or before that Day we adjudge the said A. B. to be imprisoned  
‘ in the for the Space of unless the said  
‘ Sum shall be sooner paid]; and we direct that the said Sum  
‘ shall be paid to the Receiver for the Metropolitan  
‘ Police District, to be by him applied according to the Act passed  
‘ in the Sixth Year of the Reign of His Majesty King William  
‘ the Fourth, intituled *An Act for improving the Police in the  
‘ District of Dublin Metropolis.* Given under our Hands the Day  
‘ and Year first above mentioned.’

No Certiorari, &c.

XLI. And be it enacted, That no Conviction, Order, Warrant, or other Matter, made or purporting to be made by virtue of this Act,

Act, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's Courts of Record at *Dublin*; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided that it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same; and where any Distress shall be made for levying any Money 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 Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage, if any, in an Action upon the Case.

As to Informality in Warrants, &c.

XLII. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; 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 in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though 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 shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Venue in Proceedings under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c.

XLIII. And be it enacted, That so much of the said Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third as enacts that the Sums presented by the Term Grand Jury of the County of the City of *Dublin* for the Houses of Correction within the said Police District of *Dublin* Metropolis, and for Necessaries therein, and for Salaries to the Keepers thereof, shall be paid over by the Treasurer of the County of the City of *Dublin* to the Receiver appointed under the said Act, shall be and the same is hereby repealed; and the Monies from Time to Time presented and raised for the aforesaid Purposes, or any of them, shall, until Parliament shall otherwise provide, be paid, expended, and accounted for by said Treasurer, in like Manner and under the like Regulations as any other Monies presented by said Grand Jury, and paid, disbursed, and accounted for by such Treasurer;

Sums presented for Houses of Correction to be paid by Treasurer of County as other Monies presented are paid.

and the Securities of such Treasurer shall be Security for the Payment, Expenditure, and accounting for all such Sums.

Form of Oath.

XLIV. And be it further enacted, That every Person appointed under this Act, shall, before he shall do any Act in his said Office, take and subscribe the Oath following; that is to say,

‘ I *A.B.* do swear, That I will well and truly serve our Sovereign Lord the King in the Office of [*as the Case may be*], without Favour or Affection, Malice or Ill-will; that I will see and cause His Majesty’s Peace to be kept and preserved; and that I will prevent to the best of my Power all Offences against the same; that while I shall continue to hold the said Office I will, to the best of my Skill and Knowledge, discharge all the Duties thereof faithfully according to Law; and that I do not now belong to, and that while I shall hold the said Office I will not join or belong to, any political Society whatsoever or any secret Society whatsoever, unless the Society of Freemasons.

‘ So help me GOD.’

And the said Oath shall be administered to the Justices to be appointed under this Act at the same Time, and by the same Persons, with the other Oaths to be by them taken; and the said Oath shall be administered to all Constables so appointed by One of the said Justices, and shall in all Cases be subscribed by the Person taking the same: Provided always, that in all Cases where an Oath is required by this Act, the Affirmation of a Quaker, Moravian, or Separatist shall be accepted in lieu of such Oath.

Repeal of so much of 31 G. 3. (I.) as prohibits Horse Races within Nine Miles of Dublin Castle.

XLV. And be it further enacted, That from and after the passing of this Act so much of an Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third as enacts, “that it shall not be lawful for any Person to cause any Horse, Mare, or Gelding to run for any public Prize whatever within Nine Miles of His Majesty’s Castle of *Dublin*, either against any other Horse, Mare, or Gelding, or against Time; and that any Assembly of Persons more than Twelve in Number, present at any Horse Race within Nine Miles from the said Castle, shall be and be deemed an unlawful Assembly, and shall and may be dispersed as such by any Magistrate or Peace Officer as in Cases of unlawful Assemblies, and the Persons so present may be prosecuted and in all respects proceeded against as Persons present and assisting at an unlawful Assembly,” shall be and the same is hereby repealed.

Act may be altered this Session.

XLVI. 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.

Public Act.

XLVII. 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, without being specially pleaded.

## C A P. XXX.

An Act to repeal so much of Two Acts of the Ninth and Tenth Years of King *George* the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.

[14th July 1836.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in England relative to Offences against the Person*, it was amongst other Things enacted, that every Person convicted of Murder should be executed according to Law on the Day next but one after that on which the Sentence should be passed, unless the same should happen to be *Sunday*, and in that Case on the *Monday* following, and that Sentence should be pronounced immediately after the Conviction of every Murderer, unless the Court should see reasonable Cause for postponing the same, and such Sentence should express, not only the usual Judgment of Death, but also the Time thereby appointed for the Execution thereof; and it was by the said Act provided, that after such Sentence should have been pronounced it should be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge should so think fit: And whereas it was by the said Act, amongst other Things, further provided, that every Person convicted of Murder should after Judgment be fed with Bread and Water only, and with no other Food or Liquor, except in case of receiving the Sacrament, or in case of any Sickness or Wound, in which Case the Surgeon of the Prison might order other Necessaries to be administered; and that no Person but the Gaoler and his Servants, and the Chaplain and Surgeon of the Prison, should have Access to any such Convict without the Permission in Writing of the Court or Judge before whom such Convict should have been tried, or of the Sheriff or his Deputy; and it was by the said Act further provided, that in case the Court or Judge should think fit to respite the Execution of such Convict, such Court or Judge might, by a Licence in Writing, relax during the Period of the Respite all or any of the Restraints or Regulations therein-before directed to be observed: And whereas by another Act passed in the Tenth Year of the same Reign, intituled *An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person*, the like Provisions were made with respect to Persons convicted of Murder in *Ireland*: And whereas, for the Ends of Justice, and especially more effectually to preserve from an irrevocable Punishment any Persons who may hereafter be convicted upon erroneous or perjured Evidence, it is expedient to alter and amend the said recited Acts in these respects; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Acts of the Ninth and Tenth Years respectively of the Reign of His late Majesty King

9 G. 4. c. 31.

10 G. 4. c. 34.

Recited Acts in part revealed.

King *George* the Fourth as is herein-before recited shall be and the same is hereby repealed.

Pronouncing of  
Sentence of  
Death for  
Murder.

II. And be it further enacted, That from and after the passing of this Act Sentence of Death may be pronounced after Convictions for Murder in the same Manner and the Judge shall have the same Power in all respects as after Convictions for other Capital Offences.

### C A P. XXXI.

An Act to amend an Act of His late Majesty King *George* the Second, for the Encouragement of building of Chapels of Ease in *Ireland*. [14th July 1836.]

‘ WHEREAS an Act was passed in the First Year of His late Majesty King *George* the Second, intituled, amongst other Things, *An Act to enable Archbishops, Bishops, and other Ecclesiastical Persons and Corporations to grant their Patronage or Right of Presentation or Nomination to small Livings to such Persons as shall augment the same*; wherein several Provisions were made for the Encouragement of building of Chapels of Ease: And whereas it is expedient to afford greater Facilities to the carrying into effect the said Objects proposed by the said Act, and for that Purpose to amend the same; therefore be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Person or Persons, Bodies Politic or Corporate, seised or possessed of a sufficient Estate for the Purpose, by and with the Consent of the Archbishop or Bishop of the Diocese, to be signified in Writing under his Hand and Seal, to allot and set apart any Land not exceeding One Plantation Acre, provided the same shall not be within One measured Mile of any other Church or Chapel where the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are used and observed, unless the said Lands shall be within some City or Corporate Town, or within a Town containing Four thousand Persons, or the Suburbs, Liberties, and Precincts of the same; on which said Lands so set apart it shall and may be lawful to and for any Person or Persons, Bodies Politic or Corporate, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Land, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are to be used and observed, who shall first settle and assure Lands, Tenements, or Hereditaments held in Fee Simple, or for Lives with Covenant for perpetual Renewal thereof, or for a Term of Ninety-nine Years of which Sixty Years at the least shall be then unexpired, free from Incumbrances, and of the clear yearly Value of Fifty Pounds at the least, or Money in any of the Government Funds amounting at the least to One thousand two hundred and fifty Pounds, as a Provision or Maintenance for a Minister to officiate in such Church or Chapel, and his Successors for ever, as a perpetual Endowment of such Church or Chapel: Provided, always,

1 G. 2. (I.)

Any Person may allot, with the Consent of the Bishop, any Land not exceeding One Acre for the Site of a Chapel, not less than One Mile from Mother Church, unless in a City or Town, &c.



always, that the Land so set apart for building thereon such Church or Chapel, or whereon such Building shall be erected as aforesaid, shall be held in Fee Simple, or for Lives with Covenant for perpetual Renewal thereof, or for a Term of Ninety-nine Years of which not less than Sixty Years shall be unexpired; and provided also, that by the Deed of Endowment thereof One Third at least of the Sittings in such Church or Chapel shall be set apart and appropriated as Free Sittings for ever.

II. And be it further enacted by the Authority aforesaid, That where any Person or Persons, Bodies Politic or Corporate, shall erect or appropriate as aforesaid and endow, and where Two or more Persons, Bodies Politic or Corporate, shall join in or contribute to the erecting or appropriating as aforesaid and Endowment of any Church or Chapel or Building as aforesaid, in pursuance of this Act, the Minister or Ministers to officiate in such Church or Chapel shall be from Time to Time nominated and appointed by Trustees, who shall not be fewer than Five nor more than Seven in Number, and who shall be Members of the United Church of *England* and *Ireland*, to be for that Purpose named, in the first instance, by the Person or Persons, Bodies Politic or Corporate, so erecting or appropriating and endowing any such Church or Chapel, and that the Vacancies which shall from Time to Time occur in the Number of such Trustees shall be filled up in such Manner and Order as in the Deed of such Endowment shall be settled: Provided that if it should happen that all the Trustees of any such Church or Chapel for the Time being should die without having appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Minister for the Time being of the said Church or Chapel, with the Consent of the Bishop of the Diocese, to appoint the requisite Number of Trustees by the Deed of Endowment of such Church or Chapel required.

III. And be it further enacted, That in case such Endowment shall be formed in the whole or in part of Government Funds, it shall be lawful for such Trustees, as they shall think fit, to dispose of such Government Funds, and to invest the Produce thereof in the Purchase of Lands, Tenements, or Hereditaments held in Fee Simple, or for Lives with Covenant for perpetual Renewal, or for long Terms for Years of which at least Sixty Years shall be unexpired, in such Manner and subject to such Restrictions as in said Deed of Endowment shall be for that Purpose provided; and where such Endowment shall be formed in the whole or in part of any Estate or Interest in Lands or Tenements less than a Fee Simple it shall be lawful for such Trustees, as they shall see fit, to purchase any more extended Interest therein, or the Reversion or Inheritance therein, in such Manner and subject to such Restrictions, as in the said Deed of Endowment shall be for that Purpose provided.

IV. And be it further enacted, That the Bishop of the Diocese, with the Consent of the Incumbent, shall assign a particular District to every such Church or Chapel as shall be built or appropriated under the Provisions of this Act, or which has been or shall be built or appropriated under any other Statute, or under and by virtue of any Ecclesiastical Authority, except where from

Founders of Chapels may vest the Patronage in Trustees not exceeding Seven in Number.

Providing for Failure of Appointment of Trustees.

If Endowment be invested in Government Funds, Trustees may dispose of same, and invest the Produce in Purchase of Lands, &c.

Bishop may assign a District to a Chapel;

special

and determine whether Baptisms, &c. shall be performed.

special Circumstances he shall deem it not advisable to assign a District; and such District shall be under the immediate Care of the Minister who shall have been duly licensed to serve such Church or Chapel, so far as regards the Visitation of the Sick and other pastoral Duties: Provided always, that it shall be lawful for the Bishop also to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel or not; and the Bishop shall cause a Description of the Boundaries of the District assigned by him to such Church or Chapel to be registered in the Registry of the Diocese, and shall also cause his Order and Direction in Writing as to all Offices to be performed in any such Church or Chapel to be registered in the Registry of the Diocese.

Trustees to be the true Patrons.

V. And be it further enacted by the Authority aforesaid, That the Trustees to be so nominated and appointed by or in the Manner directed as aforesaid, by any Person or Persons, Bodies Politic or Corporate, who shall build or appropriate and endow any such Church or Chapel as aforesaid, shall from the Time of such Endowment be and be esteemed in Law to be Patron or Patrons of such Church or Chapel; and the Right of Presentation or Nomination thereto shall be and is hereby from thenceforth for ever after vested in the Trustees to be so nominated by or appointed in such Manner as aforesaid, by such Person or Persons, Bodies Politic or Corporate, who shall build or appropriate and endow the same as aforesaid; and that such endowed Church or Chapel shall be for ever after called and known by such Name as the said Founders of such Church or Chapel shall in and by their Deed of Endowment direct and appoint.

Appointment to such Chapel to render void any Benefice, &c. previously held, and not to be held with any other.

VI. And be it further enacted, That if any Minister already possessed of any Benefice, Living, or Curacy shall be nominated and appointed to officiate in any such Church or Chapel as aforesaid, and shall accept such Appointment, and be duly licensed thereunto, that then such Benefice, Living, or Curacy shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever, and it shall be lawful for the Archbishop, Bishop, or other Patron to collate or present thereto in like Manner and Form as if the former Incumbent had died; and in case any Minister who shall have been nominated and appointed to officiate in any such Church or Chapel as aforesaid, and who shall have accepted such Appointment, and have been duly licensed thereunto, shall be collated or instituted to any other Benefice, Living, or Curacy, that then the said Appointment of such Minister to officiate in such Church or Chapel as aforesaid shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever, and it shall be lawful for the Trustees for the Time being in the Deed of Endowment of such Church or Chapel named, or subsequently duly appointed as thereby directed, to nominate and appoint another Minister to officiate in such Church or Chapel in like Manner and Form as if the former Minister had died.

Chapelries founded to be Perpetual Cures.

VII. And be it further enacted by the Authority aforesaid, That all Churches or Chapels which shall at any Time hereafter be erected or appropriated and endowed by virtue of this Act shall be and are hereby declared and established to be from the  
Time

Time of such Endowment Perpetual Cures and Benefices Presentative, and the Ministers duly admitted and instituted or nominated and licensed thereunto, and their Successors respectively, shall be and shall be esteemed in Law Bodies Politic and Corporate, and shall have perpetual Succession by such Name and Names as in the Grant of such Endowment shall be mentioned, and shall have a legal Capacity, and are hereby enabled to take in Perpetuity to them and their Successors all such Lands, Tenements, and Hereditaments as shall be granted unto them respectively by virtue of this or any other Act, or any Deed or Endowment; any Law or Statute to the contrary notwithstanding.

VIII. And be it further enacted, That all Lands and Grounds which shall be granted and conveyed as and for the Sites of such Churches or Chapels as aforesaid, and upon which any such Church or Chapel shall be erected or appropriated as aforesaid, shall become and be and remain absolutely vested in the Trustees for the Time being in the Deed of Endowment of such Church or Chapel named, or subsequently duly appointed as thereby directed, free from all Demands or Claims of any Body Politic or Corporate, or Person or Persons whatever, and without being at any Time subject to any Question as to any Right, Title, or Claim thereto or in any Manner affecting the same.

Lands conveyed for the Site of Chapels not to be subject to Question.

IX. And be it further enacted by the Authority aforesaid, That no Deeds of Grant for any Erection, Appropriation, or Endowment to be made in pursuance of this Act shall be good and effectual in Law unless such Deeds be enrolled within Six Months from the Date thereof in His Majesty's Court of Chancery in *Ireland*.

No Deeds of Grant to be effectual Six Months from Date.

X. And be it further enacted by the Authority aforesaid, That all Churches or Chapels endowed by virtue of the Powers given by this Act, and all Ministers and Curates officiating therein, shall be subject to the Visitation and Jurisdiction of the Archbishop or Bishop of the Diocese wherein such Churches or Chapels are situated, to all Intents and Purposes of Law whatsoever.

Churches or Chapels, &c. subject to Visitation.

XI. And be it further enacted by the Authority aforesaid, That for continuing the Succession in such Perpetual Cures and Benefices, and that the same may be duly and constantly served, in case such endowed Cures or Benefices be suffered to remain void by the Space of Six Months without any Nomination within that Time of a fit Person to serve the same by the Person or Persons having a Right of Nomination thereto to the Archbishop, Bishop, or other Ordinary, within that Time to be licensed for that Purpose, the same shall lapse to the Archbishop, Bishop, or other Ordinary, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in Cases of Presentative Livings and Benefices, and the Right of Nomination to such endowed Benefice may be granted or recovered, and the Incumbency thereof may and shall cease and be determined, in like Manner and by the like Methods as the Presentation to or Incumbency in any Vicarage Presentative may now be respectively granted, recovered, and determined; and moreover, in case the Minister of such Church or Chapel shall be absent from his Cure for above the Space of Sixty-one Days in any One Year, without the Licence of the Archbishop, Bishop, or other Ordinary

If void Six Months without Nomination, the Right to lapse as in Presentative Livings.

Voidance in case of Absence of Minister without Licence;

first

first obtained for that Purpose, such Church or Chapel shall from thenceforth be and be esteemed in Law actually void.

but no Lapse  
thereby till Six  
Months after  
Notice in Writ-  
ing by the  
Ordinary.

XII. And be it further enacted by the Authority aforesaid, That no Lapse shall occur, in case such Church or Chapel becoming void by Want of such Residence of such Incumbent as aforesaid, till Six Months after Notice thereof in Writing given by the Bishop or other Ordinary to the Person or Persons having Right of Nomination to the same: Provided always, that in case the Person or Persons entitled to nominate to such endowed Benefice shall suffer a Lapse to incur, but shall after present or nominate to the same before any Advantage taken thereof by the Ordinary, Metropolitan, or Crown respectively, such Presentation or Nomination shall be as effectual as if made within Six Months, although so much Time be before elapsed as that the Title by Lapse be vested in the Crown.

With Consent  
of Bishop, &c.  
Persons may  
erect Chapel of  
Ease in any  
Parish.

XIII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, Bodies Corporate and Politic, with the Consent of the Bishop of the Diocese and the Incumbent, to erect and build a Chapel of Ease in any Parish, provided the Incumbent shall together with the Bishop of the Diocese give their Consent thereto by Writing under their respective Hands and Seals, to be deposited in the Registry in the Diocese; and when such Chapel shall have been erected and consecrated the Minister of the Parish in which the same is built shall be from Time to Time and for ever the Minister of said Chapel; provided that wherever there is a Mother Church at which the Minister is bound to officiate, he shall not be required to have Divine Service in said Mother Church and Chapel oftener than once on each *Sunday* or Holiday in each.

## C A P. XXXII.

An Act for the Regulation of Benefit Building Societies.

[14th July 1836.]

‘ **W**HEREAS certain Societies commonly called Building Societies have been established in different Parts of the Kingdom principally amongst the industrious Classes for the Purpose of raising by small periodical Subscriptions a Fund to assist the Members thereof in obtaining a small Freehold or Leasehold Property, and it is expedient to afford Encouragement and Protection to such Societies and the Property obtained therewith:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Number of Persons in *Great Britain* and *Ireland* to form themselves into and establish Societies for the Purpose of raising, by the monthly or other Subscriptions of the several Members of such Societies, Shares not exceeding the Value of One hundred and fifty Pounds for each Share, such Subscriptions not to exceed in the whole Twenty Shillings *per* Month for each Share, a Stock or Fund for the Purpose of enabling each Member thereof to receive out of the Funds of such Society the Amount or Value of his or her Share or Shares therein,

Societies may be  
established for  
the Purchase or  
Erection of  
Dwelling  
Houses.

to erect or purchase One or more Dwelling House or Dwelling Houses, or other Real or Leasehold Estate to be secured by Way of Mortgage to such Society until the Amount or Value of his or her Shares shall have been fully repaid to such Society with the Interest thereon, and all Fines or other Payments incurred in respect thereof, and to and for the several Members of each Society from Time to Time to assemble together, and to make, ordain, and constitute such proper and wholesome Rules and Regulations for the Government and Guidance of the same as to the major Part of the Members of such Society so assembled together shall seem meet, so as such Rules shall not be repugnant to the express Provisions of this Act and to the General Laws of the Realm, and to impose and inflict such reasonable Fines, Penalties, and Forfeitures upon the several Members of any such Society who shall offend against any such Rules, as the Members may think fit, to be respectively paid to such Uses for the Benefit of such Society as such Society by such Rules shall direct, and also from Time to Time to alter and amend such Rules as Occasion shall require, or annul or repeal the same, and to make new Rules in lieu thereof, under such Restrictions as are in this Act contained; provided that no Member shall receive or be entitled to receive from the Funds of such Society any Interest or Dividend, by way of annual or other periodical Profit upon any Shares in such Society, until the Amount or Value of his or her Share shall have been realized, except on the Withdrawal of such Member, according to the Rules of such Society then in force.

II. And be it enacted, That it shall and may be lawful to and for any such Society to have and receive from any Member or Members thereof any Sum or Sums of Money, by way of Bonus on any Share or Shares, for the Privilege of receiving the same in advance prior to the same being realized, and also any Interest for the Share or Shares so received or any Part thereof, without being subject or liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts of Parliament relating to Usury.

Bonus, &c. not to be usurious.

III. And be it further enacted, That it shall and may be lawful to and for any such Society, in and by the Rules thereof, to describe the Form or Forms of Conveyance, Mortgage, Transfer, Agreement, Bond, or other Instrument which may be necessary for carrying the Purposes of the said Society into execution; and which shall be specified and set forth in a Schedule to be annexed to the Rules of such Society, and duly certified and deposited as herein-after provided.

Rules may be made to provide Forms of Conveyance, &c.

IV. And be it further enacted, That all the Provisions of a certain Act made and 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 Friendly Societies*, and also the Provisions of a certain other Act made and 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*, so far as the same, or any Part thereof, may be applicable to the Purpose of any Benefit Building Society, and to the framing, certifying, enrolling,

Provisions of Friendly Society Acts of 10 G. 4. c. 56. and 4&5 W. 4. c. 40. extended to this Act.

enrolling, and altering the Rules thereof, shall extend and apply to such Benefit Building Society and the Rules thereof, in such and the same Manner as if the Provisions of the said Acts had been herein expressly re-enacted.

Receipt endorsed on Mortgage to be sufficient Discharge without Re-conveyance.

V. And be it further enacted, That it shall be lawful for the Trustees named in any Mortgage made on behalf of such Societies, or the Survivor or Survivors of them, or for the Trustees for the Time being, to endorse upon any Mortgage or further Charge given by any Member of such Society to the Trustees thereof for Monies advanced by such Society to any Member thereof, a Receipt for all Monies intended to be secured by such Mortgage or further Charge, which shall be sufficient to vacate the same, and vest the Estate of and in the Property comprised in such Security in the Person or Persons for the Time being entitled to the Equity of Redemption, without it being necessary for the Trustees of any such Society to give any Re-conveyance of the Property so mortgaged; which Receipt shall be specified in a Schedule to be annexed to the Rules of such Society duly certified and deposited as aforesaid.

Funds not to be invested in Savings Banks, &c.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize any Benefit Building Society to invest its Funds, or any Part thereof, in any Savings Bank, or with the Commissioners for the Reduction of the National Debt.

Benefit of Act to extend to all Societies established prior to June 1836.

VII. And be it further enacted, That all Building Societies established prior to the First Day of *June* One thousand eight hundred and thirty-six shall be entitled to the Protection and Benefits of this Act, on their present Rules being duly certified and deposited as directed by the said recited Acts; and no such Society shall be entitled to the Benefits of this Act until their Rules shall have been so certified and deposited; and that no such Society shall be required to alter in any Manner the Rules under which they are now respectively governed.

Exemption from Stamp Duties.

VIII. And be it further enacted, That no Rules of any such Society, or any Copy thereof, nor any Transfer of any Share or Shares in any such Society, shall be subject or liable to or charged with any Stamp Duty or Duties whatsoever.

Public Act.

IX. And be it further enacted, That this Act shall be deemed a Public Act, and shall extend to *Great Britain, Ireland, and Berwick-upon-Tweed*, and be judicially taken notice of as such by all Judges, Justices, and other Persons whatsoever, without the same being specially shown or pleaded.

### C A P. XXXIII.

An Act to amend and regulate the Law of *Scotland* as to Erasures in Instruments of Sasine and of Resignation ad remanentiam. [14th *July* 1836.]

1617. 16.

‘ WHEREAS an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and seventeen, intitled *Anent the Registration of Reversions, Seisins, and other Writs*, for the Purpose of establishing certain Public Registers, in which the various Sorts of Writings affecting Heritable Property therein enumerated or referred were to be made patent to the Lieges; and by Two other Acts of the Parliament of *Scotland*

‘ *land* passed in the Year One thousand six hundred and sixty-nine  
 ‘ and One thousand six hundred and eighty-one the Provisions  
 ‘ in the foresaid Act are extended to Instruments of Resignation  
 ‘ ad remanentiam, and to Writs affecting Heritable Property  
 ‘ within Royal Burghs: And whereas various Questions have  
 ‘ arisen as to the Validity of Instruments of Sasine and Resig-  
 ‘ nation ad remanentiam recorded in such Registers, founded on  
 ‘ alleged Erasures in the said Instruments not patent to the Lieges  
 ‘ nor appearing on the Record thereof, whereby a Want of  
 ‘ Confidence in the Security of the Land Rights of *Scotland* has  
 ‘ been produced, which ought to be removed:’ Be it therefore  
 enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the  
 Authority of the same, That no Challenge of any Instrument  
 of Sasine or Resignation ad remanentiam shall hereafter receive  
 Effect, either by Reduction or Exception, on the Ground that any  
 Part of the said Instrument is written on an Erasure, unless it shall  
 be averred and proved that such Erasure had been made for the  
 Purpose of Fraud, or the Record thereof is not conformable to the  
 Instrument as presented for Registration: Provided always, that  
 nothing herein contained shall affect any Judgment pronounced  
 before the Twelfth Day of *May* in the Year One thousand eight  
 hundred and thirty-five, but that all Parties who before the said  
 Twelfth Day of *May* in the Year One thousand eight hundred and  
 thirty-five shall have objected judicially to the Validity of any such  
 Instrument or Instruments, on the Ground of Erasure, in any  
 Suit in which Judgment was not pronounced on or before the  
 said Twelfth Day of *May* One thousand eight hundred and thirty-  
 five, shall be entitled to such Costs as the Court of Session in its  
 Discretion shall think fit to direct: Provided also, that nothing  
 herein contained shall extend or be construed to extend to Instru-  
 ments of Sasine or Resignation and Sasine propriis manibus;  
 provided also, that where any Feudal Title of Property or Title in  
 Security has been completed in order to remedy or supply Defects  
 arising from Erasures in Instruments of Sasine, the Validity of the  
 said Titles shall not be affected by any thing herein contained.

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

No Challenge of  
 Instruments of  
 Sasine or Resig-  
 nation ad re-  
 manentiam of  
 account of  
 Erasures.

Certain Judg-  
 ments and Titles  
 not to be  
 affected.

Act may be  
 altered this  
 Session.

#### C A P. XXXIV.

An Act to amend an Act passed in the Seventh and Eighth  
 Years of the Reign of His Majesty King *George* the Fourth  
 for the better Administration of Justice at the holding  
 of Petty Sessions by Justices of the Peace in *Ireland*.

[14th *July* 1836.]

‘ **WHEREAS** by an Act passed in the Seventh and Eighth  
 ‘ Years of the Reign of His late Majesty King *George* the  
 ‘ Fourth, intituled *An Act for the better Administration of Justice*  
 ‘ at the holding of Petty Sessions by Justices of the Peace in *Ire-*  
 ‘ land, it was enacted, that it should and might be lawful to and

7 & 8 G. 4. c. 67.

‘ for

‘ for the Justices of the Peace, save and except within the County  
 ‘ of *Cork*, within their respective Jurisdictions, at the *January*  
 ‘ Sessions to be holden next after the passing of that Act, to divide  
 ‘ the County, County of a City, or County of a Town for which  
 ‘ such Sessions should be holden into Districts for the Purposes of  
 ‘ that Act, in manner in the said Act mentioned: And whereas  
 ‘ there are some Counties in *Ireland* which were not so divided  
 ‘ at the *January* Sessions holden next after the passing of the said  
 ‘ Act, and it is expedient that the same should be so divided, not-  
 ‘ withstanding the Time for doing so has expired:’ Be it therefore  
 enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the Autho-  
 rity of the same, That it shall and may be lawful to and for the  
 Justices of the Peace, save and except within the County of *Cork*,  
 of any County, County of a City, or County of a Town, which has  
 not been divided into Districts for holding Petty Sessions under  
 the said recited Act, and they are hereby required, within their  
 respective Jurisdictions, at the *October* Sessions to be holden next  
 after the passing of this Act, or at any subsequent *January* Ses-  
 sions, to divide the County, County of a City, or County of a Town  
 for which such Sessions shall be holden into such Districts for the  
 Purposes of the said recited Act and of this Act as to them shall  
 seem most expedient, fixing within every such District a Place or  
 Places wherein the Petty Sessions shall be holden for such District  
 respectively; and every such Division may be altered, and such  
 Order in Writing shall be made, specifying the Boundaries thereof,  
 as is directed by the said recited Act, and the several other Matters  
 directed to be done in respect of any such Division by the said  
 recited Act shall be done and performed upon and in respect of  
 every such Division made under the Authority of this Act, and  
 every such Division shall be as valid and effectual to all Intents  
 and Purposes as if the same had been made at the *January* Ses-  
 sions next after the passing of the said recited Act, and every Petty  
 Sessions Court held in any such District shall be subject to all the  
 Rules and Regulations made and provided in and by the said  
 recited Act as to the Appointment of a Clerk to said Court, and  
 the taking of Fees therein, and to all other Matters to be done at  
 such Court, or by any Magistrate or Magistrates therein, as if the  
 same were expressly repeated in this Act and re-enacted herein,  
 save so far as the same are varied or altered by this Act.

Counties, &c.  
 (except the  
 County of  
 Cork,) not yet  
 divided into  
 Districts for  
 holding Petty  
 Sessions may be  
 so divided at the  
 October Sessions  
 after the pass-  
 ing of this Act  
 or at any Janu-  
 ary Sessions.

Justices to take  
 down the Evi-  
 dence in Cri-  
 minal Cases in  
 Writing.

II. And be it further enacted, That in every Case where any  
 Magistrate or Magistrates shall at any Petty Sessions Court  
 appointed under the said recited Act or this Act proceed in a  
 summary Way to try any Information or Complaint of a Criminal  
 Nature, or upon which any pecuniary or other Penalty may be  
 awarded, such Magistrate or Magistrates, or One of them if there  
 be more than One, shall take or cause to be taken a Note or  
 Minute in Writing of the Evidence given on Oath for the Prosecu-  
 tion and for the Defence, or of so much thereof as shall be  
 material, in a Book to be kept in said Court by the Clerk of the  
 said Petty Sessions, should the Plaintiff or Defendant so require it,  
 with the Registry or Record of the Proceedings done at such Petty  
 Sessions, and such Book shall be signed by the Justice or Justices  
 by



by whom such Information or Complaint shall have been heard on the Day on which such Complaint or Information shall have been determined.

III. And be it further enacted, That the Clerk of every Petty Sessions Court shall enter in the Book kept by him, containing a Record of the Proceedings at Petty Sessions, an Account in Writing of all Fines or Penalties, or Portions of Fines or Penalties, imposed at said Court, and paid to or deposited with him by Order of the Justices attending thereat or otherwise, and of the Appropriation thereof, and such Account shall be always open to the Inspection of any Justice at such Petty Sessions; and if he shall neglect to do so, or shall make any false Entry in such Account, he shall forfeit for every such Offence a Sum of Five Pounds, to be recovered by any Person who will sue for the same by Civil Bill before the Assistant Barrister of the County.

Clerk of Petty Sessions to keep an Account of Fines paid to him.

IV. And be it further enacted, That once in every Three Months after the passing of this Act the Clerk of every Petty Sessions Court shall make out and transmit to the Chief Secretary to the Lord Lieutenant of *Ireland*, or in his Absence to the Under Secretary for the Time being, a Return under his Hand, in the Form in the Schedule to this Act annexed, of the Proceedings at such Petty Sessions, and also the Appropriation of all Fees, Fines, Penalties, and Portions of Fines and Penalties received by the Justices or Clerk of such Petty Sessions; and that every such Clerk who shall wilfully make default in transmitting such Return, or shall wilfully make an untrue Statement therein, shall, on Conviction thereof before any Two Justices of the Peace of the said County, forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Person so offending.

Clerks of Petty Sessions to make Returns to the Chief or Under Secretary.

V. And be it further enacted, That from and after the passing of this Act every Information, Examination, and Recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in Petty Sessions, shall with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted to the Clerk of Petty Sessions of such District; and shall be by him laid before the Bench of Justices at the next Petty Sessions after he shall have received such Informations, Examinations, and Recognizances; and every Petty Sessions Clerk shall keep a distinct and separate List of the Informations, Examinations, and Recognizances so transmitted to him, containing the Subject Matter thereof, the Dates of the taking or acknowledging of the same and the Dates of the Receipt of the same by him respectively, and shall every Three Months transmit a Copy of such List to the Chief Secretary to the Lord Lieutenant, along with the Quarterly Return of the Proceedings at Petty Sessions.

Informations, &c. taken before Justices to be transmitted to Clerk of Petty Sessions, and a List thereof forwarded by him to Chief Secretary every Three Months.

VI. And be it further enacted, That from and after the passing of this Act every Information, Examination, and Recognizance sworn, taken, or acknowledged at any Petty Sessions in *Ireland* shall be transmitted by the Magistrates at such Sessions, or the Clerk of such Petty Sessions, to the Clerk of the Crown of the County, County of a City, or County of a Town in which such Sessions are holden, if the same shall relate to any Matter to be

Informations, &c. at Petty Sessions to be transmitted in 14 Days from the Committal or Bailment of the Accused.

9 G. 4. c. 54.

tried or inquired into at the Assizes, and if to any Matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such County, City, or Town, Fourteen Days at the latest from the Date of the Committal for Trial, or of the Bailment of the Party or Parties accused by or in such Informations, or of the taking of such Recognizance, as the Case may be, together with all such Informations, Examinations, and Recognizances taken by or before a Justice or Justices not sitting in Petty Sessions as may then be in the Hands of such Petty Sessions Clerk, any thing in the said recited Act, or in an Act made in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for improving the Administration of Justice in Criminal Cases in Ireland*, to the contrary thereof notwithstanding; and the Clerk of the Petty Sessions shall on every such Information and Recognizance endorse the true Date of its being so transmitted, and shall, on the Day before the Day for holding each Petty Session, enter in the Book containing an Entry of the Proceedings at the Petty Sessions, an Account in Writing stating the Particulars of the Informations so transmitted by him since the last Sitting of such Petty Sessions, and to whom transmitted, and shall sign such Account; and if any Clerk of Petty Sessions shall omit or neglect to transmit any such Examination, Information, or Recognizance to the Officer to whom it ought to be transmitted within the Time aforesaid, or to enter or sign such Account as aforesaid, he shall forfeit for every such Omission or Neglect a Sum of Five Pounds, to be recovered, by Civil Bill before the Assistant Barrister of the County, by any Person who will sue for the same.

One Justice may act at Petty Sessions in certain Cases.

VII. ‘ And whereas it is by the said recited Act amongst other Things enacted, “ that every Warrant, Information, Conviction, Committal, Recognizance, or Order of the Justices of Petty Sessions shall be signed by Two Justices at the least,” and in consequence of said Enactment requiring the Attendance of Two Justices at every Petty Sessions, frequent Adjournments of such Petty Sessions have taken place from the Non-attendance of a sufficient Number of Justices, although in many Cases One Justice would be legally competent to transact certain Parts of the Business to be disposed of at such Petty Sessions;’ for Remedy whereof in such Cases, be it therefore enacted, That in all Cases in which by Law any Warrant, Conviction, Committal, or Order may be made, or if that Act had not been passed might have been made by, or any Information or Recognizance taken before One Justice of the Peace alone, it shall and may be lawful to and for any One Justice of the Peace attending alone at the Time and Place fixed for holding any Petty Sessions to proceed in open Court, notwithstanding the Absence of any other Justice or Justices, to hear, determine, and dispose of all Complaints, Informations, Matters, and Things whatsoever then ready to be heard, determined, and disposed of at such Petty Sessions, which One Justice of the Peace is or may be by Law competent to hear, determine, or dispose of, or which might have been heard, determined, or disposed of by One Justice if that Act had not passed, and to sign any Warrant, Conviction, Order, or Committal, and to take any Information or Recognizance upon or relating

to every Suit, Complaint, Information, Matter, or Thing which by Law One Justice sitting alone is or may be empowered to sign or take, or could have signed or taken if that Act had not been passed.

VIII. And be it further enacted, That every Justice of the Peace at Petty Sessions or elsewhere, who shall receive any Information on Oath from any Person complaining of his or her having been assaulted, and who shall thereupon sign any Summons or Warrant against any Person or Persons in order to their attending at any Petty Sessions to answer such Complaint, shall be at liberty, if he shall think fit, before issuing such Summons or Warrant to be served or executed, to bind the Party or Parties Complainants in such Information, by Recognizance to our Lord the King, in a Sum not exceeding Twenty Shillings, to attend and prosecute their said Information at such Petty Sessions; and it shall and may be lawful for the Justices at such Petty Sessions or any One acting as aforesaid, if he or they shall think fit, to estreat any such Recognizance on Default of the Party or Parties thereto in not attending and prosecuting their said Complaint and Information, and to return the same to the Clerk of the Peace of the County, County of a City, or County of a Town; and it shall be lawful for the Assistant Barrister at the next Quarter Sessions, if he shall think fit, to issue his Decree for the levying of the whole of the Sums secured by such Recognizance, or such Part thereof as he shall think proper, and to direct the same to be paid to such Infirmary, Hospital, or Dispensary as he shall think fit, and such Decree shall have the Force of any Decree of such Assistant Barrister, and shall be in such Form as he shall think proper.

IX. And be it enacted, That in every Civil or Criminal Proceeding in which any Justice or Justices of the Peace has or have or shall under any Act to be hereafter passed have Jurisdiction to hear and determine any Complaint, such Justice or Justices shall have full Power and Authority to compel the Attendance of any Person resident or being within the County or District for which he or they is or are a Justice or Justices, as a Witness at any Petty Sessions on the Hearing of such Complaint, and to examine such Person as to the Matter of such Complaint, or the Defence thereto, and to punish such Person for Disobedience to any Summons requiring him to attend, or for refusing to be examined, as fully as any such Justice or Justices could do if such Person had been summoned to give Evidence at any General Sessions of the Peace in any Criminal Matter, and had refused to obey such Summons or to give Evidence.

X. And whereas by Law many Fines and Penalties and Portions of Fines and Penalties are made payable to the Infirmary of the County, City, Town, or Place wherein the Conviction shall take place, and it is in some Cases doubtful to what Infirmary the same should be paid, and it may be expedient from Time to Time to direct the Payment of such Monies to particular Local Charities; be it therefore further enacted, That it shall and may be lawful to and for the Justices at Petty Sessions, not less than Three being present, to declare and fix to what Infirmary or Infirmarys, Hospital or Hospitals, Dispensary or Dispensaries, supported in whole or in part by Presentment of any

Justices to bind Parties complaining of Assaults in Recognizances to attend Petty Sessions and prosecute.

Recognizances may be estreated if Party fail to attend.

Justices empowered to compel Witnesses to attend at Petty Sessions.

Justices at Petty Sessions may fix the Infirmary, &c. to which Fines at Petty Sessions are to be paid.

Grand Jury, the Fines and Penalties imposed at every or any Petty Sessions holden within such County, County of a City, or County of a Town, and payable by Law to the Infirmary of the County, City, Town, or Place wherein the Conviction shall take place, shall be paid, and from Time to Time to alter every such Place of Payment as they may think fit; and the Clerk of Petty Sessions shall insert all Receipts and Payments made, together with the Name of the Institution to which such Payments are made, in the proper Columns of the Schedule to be returned every Three Months to the Chief Secretary for *Ireland*, according to the Provisions of the Fourth Section of this Act and the Form of Return annexed, which Return is to be signed by the Clerk of the Petty Sessions, and countersigned by the Justices; and every such Infirmary, Hospital, and Dispensary so fixed by such Grand Jury shall be deemed entitled to the Payment of such Fine and Fines, and to all the Remedies for the Recovery and enforcing the Payment of and accounting for the same provided by Law for enforcing such Payment and Account to any County Infirmary.

Clerk of the Peace or Clerk of the Crown to keep an Office, to be attended by himself or some competent Person Three Hours a Day.

XI. And be it enacted, That from and after the passing of this Act every Person who now holds or shall at any Time hereafter hold the Office of Clerk of the Peace or Clerk of the Crown of any County, or County of a City, or County of a Town in *Ireland* shall keep, in the Place or Town in the County, City, or Town of which he shall be such Clerk of the Crown or Clerk of the Peace in which the Assizes for such County, Town, or City are or shall be holden, an Office in which he or some sufficient and competent Person appointed by him shall attend, and such Office shall be kept open every Day, except *Sunday, Good Friday, and Christmas Day*, from the Hour of Twelve of the Clock until Three of the Clock in the Afternoon; and if any Clerk of the Peace or Clerk of the Crown shall omit or neglect to keep such Office open, and to attend by himself or some sufficient Person in the same during the said Period of Three Hours in each Day, or any Part thereof, he shall, for every such Omission or Neglect, forfeit the Sum of Five Pounds to any Person who will sue for the same by Civil Bill before the Assistant Barrister having Jurisdiction to determine Causes by Civil Bill in the Place or District in which such Office is or ought to be kept, or by Action in any of the Superior Courts, and such Clerk of the Peace or Clerk of the Crown shall and may be fined (whether sued for such Penalty or not) by any Judge of Assize in such Place such Sum, not exceeding Ten Pounds, as he shall think proper for such Omission or Neglect.

Fee for engrossing Informations not to exceed Two Shillings.

XII. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Clerk of Petty Sessions in *Ireland* to demand or receive for engrossing or preparing any Number of Informations relating to the same Transaction any greater Fee or Reward than the Sum of Two Shillings, and that he shall not demand or receive from any Person any Fee for engrossing or preparing any Recognizance unless he shall be required by such Person, or some Person on his Behalf, to prepare the same.

**SCHEDULE.**

County of \_\_\_\_\_ Barony of \_\_\_\_\_  
 RETURN of PROCEEDINGS in PETTY SESSIONS held at \_\_\_\_\_ for the District of \_\_\_\_\_  
 during the Quarter ended the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

Clerk of Petty Sessions.  
 Date of Transmission to Chief or Under Secretary.

Attending Magistrates, and the Number of their respective Attendances in the Quarter.	Total Number of Informations submitted to the Magistrates.	Of which there were		Dates when returned and Number returned on each Day.	Number of Civil Cases.	Amount of Fees received, and how applied.	Amount of Fines and Penalties paid to the Clerk or Justices, and how disposed of.	Remarks.
		Adjudicated summarily.	Returned for Trial					
		To the Clerk of the Crown.	To the Clerk of the Peace.					
A. B. Esq. - 6								
C. D. Esq. - 4								
et cætera, et cætera.								

*N.B.*—In the Column of Remarks the Clerk of Petty Sessions must state the Number of Days on which Petty Sessions were holden in the Quarter, and also the Number of Days on which Petty Sessions were not holden in consequence of the Non-attendance of Magistrates.

## C A P. XXXV.

An Act for further improving the Road between *London* and *Holyhead*, by *Coventry*, *Birmingham*, and *Shrewsbury*.

[14th July 1836.]

55 G. 3. c. 152. ' **W**HEREAS an Act was passed in the Fifty-fifth Year of the  
 ' Reign of His late Majesty King *George* the Third, inti-  
 ' tuled *An Act for granting to His Majesty the Sum of Twenty*  
 ' *thousand Pounds to be issued and applied towards repairing*  
 ' *Roads between London and Holyhead by Chester, and between*  
 ' *London and Bangor by Shrewsbury*; and by the said Act certain  
 ' Commissioners were appointed for carrying the same into exe-  
 ' cution: And whereas an Act was passed in the First and Second  
 ' Years of the Reign of His late Majesty King *George* the Fourth,  
 1 & 2 G. 4. c. 30. ' intituled *An Act for further improving the Roads between London*  
 ' *and Holyhead, by Coventry, Birmingham, and Shrewsbury*: And  
 4 G. 4. c. 74. ' whereas an Act was passed in the Fourth Year of the Reign of  
 ' His late Majesty King *George* the Fourth, intituled *An Act for*  
 ' *vesting in Commissioners the Bridges now building over the Menai*  
 ' *Straits and the River Conway, and the Harbours of Howth and*  
 ' *Holyhead, and the Road from Dublin to Howth; and for the*  
 ' *further Improvement of the Road from London to Holyhead*; and  
 ' by the said Act certain Commissioners were appointed for carry-  
 ' ing the same into execution, and various Powers were given  
 ' to the said Commissioners: And whereas an Act was passed in  
 ' the Seventh Year of the Reign of His said late Majesty King  
 7 G. 4. c. 76. ' *George* the Fourth, intituled *An Act for further extending the*  
 ' *Powers of an Act for vesting in Commissioners the Bridges*  
 ' *building over the Menai Straits and the River Conway, and the*  
 ' *Harbours of Howth and Holyhead, and the Road from Dublin*  
 ' *to Howth, and for the further Improvement of the Road from*  
 ' *London to Holyhead*: And whereas an Act was passed in the  
 ' Seventh and Eighth Years of the Reign of His said late Ma-  
 7 & 8 G. 4. c. 35. ' jesty King *George* the Fourth, intituled *An Act for the further*  
 ' *Improvement of the Road from London to Holyhead, and of the*  
 ' *Road from London to Liverpool*: And whereas an Act was  
 ' passed in the Ninth Year of the Reign of His said late Majesty  
 9 G. 4. c. 75. ' King *George* the Fourth, intituled *An Act for the further Im-*  
 ' *provement of the Road from London to Holyhead, and of the*  
 ' *Road from London to Liverpool*: And whereas an Act was  
 ' passed in the Third and Fourth Years of the Reign of His  
 3 & 4 W. 4. c. 43. ' present Majesty, intituled *An Act for transferring to the Com-*  
 ' *missioners of His Majesty's Woods and Forests the several Powers*  
 ' *now vested in the Holyhead Road Commissioners, and for dis-*  
 ' *charging the last-mentioned Commissioners from the future Repairs*  
 ' *and Maintenance of the Roads, Harbours, and Bridges now*  
 ' *under their Care and Management*; and by the said Act it was  
 ' directed that the Commissioners of His Majesty's Woods, Forests,  
 ' Land Revenues, Works, and Buildings for the Time being, and  
 ' such other Person or Persons as should be nominated and ap-  
 ' pointed in manner therein mentioned, should be Commissioners  
 ' for carrying into execution the Powers and Provisions of the  
 ' several therein and herein before recited Acts and that Act:  
 ' And whereas an Act was passed in the Fourth and Fifth Years  
 ' of

of the Reign of His said present Majesty, intituled *An Act for* 4 & 5 W. 4. c. 66.  
*empowering the Commissioners of His Majesty's Woods, Forests,*  
*Land Revenues, Works, and Buildings to pay the net Proceeds*  
*of the Tolls of the Menai and Conway Bridges into the Receipt*  
*of His Majesty's Exchequer at Westminster, to the Account of*  
*the Consolidated Fund: And whereas an Act was passed in the*  
 First and Second Years of the Reign of His late Majesty King  
 George the Fourth, intituled *An Act for more effectually repairing* 1 & 2 G. 4. c. 107.  
*the Road from Dunstable in the County of Bedford to the Pond-*  
*yards in the County of Hertford: And whereas an Act was passed*  
 in the Fifty-fourth Year of the Reign of His said late Majesty  
 King George the Third, intituled *An Act for continuing and* 54 G. 3. c. 121.  
*amending an Act of His present Majesty, for repairing the Road*  
*from Dunstable to Hockliffe in the County of Bedford: And*  
 whereas an Act was passed in the Eleventh Year of the Reign of  
 His said late Majesty King George the Fourth, intituled *An Act* 11 G. 4. c. 83.  
*for more effectually repairing and maintaining the Road between*  
*Hockliffe in the County of Bedford and Stoney Stratford in the*  
*County of Buckingham: And whereas an Act was passed in the*  
 Third Year of the Reign of His said late Majesty King George  
 the Fourth, intituled *An Act for continuing and amending Three* 3 G. 4. c. 91.  
*Acts of His late Majesty, for repairing the Road from Old*  
*Stratford in the County of Northampton to Dunchurch in the*  
*County of Warwick: And whereas an Act was passed in the*  
 Fifth Year of the Reign of His late Majesty King George the  
 Fourth, intituled *An Act for repairing the Road from Dunchurch* 5 G. 4. c. 43.  
*to Stonebridge in the County of Warwick: 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 for vesting in* 59 G. 3. c. 30.  
*Commissioners the Line of Road from Shrewsbury in the County*  
*of Salop to Bangor Ferry in the County of Carnarvon, and for*  
*discharging the Trustees under several Acts of the Seventeenth,*  
*Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-*  
*seventh, and Fiftieth Years of His present Majesty from the future*  
*Repair and Maintenance thereof, and for altering and repealing*  
*so much of the said Acts as affects the said Line of Road: And*  
 whereas an Act was passed in the Fifth and Sixth Years of the  
 Reign of His present Majesty, intituled *An Act to amend and* 5 & 6 W. 4. c. 21.  
*alter an Act of the Fifty-ninth Year of His late Majesty King*  
*George the Third, for vesting in Commissioners the Line of Road*  
*from Shrewsbury in the County of Salop to Bangor Ferry in*  
*the County of Carnarvon, and for discharging the Trustees under*  
*several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-*  
*first, Forty-second, Forty-seventh, and Fiftieth Years of His then*  
*present Majesty from the future Repair and Maintenance thereof,*  
*and for repealing so much of the said Acts as affects the said*  
*Line of Road: And whereas an Act was passed in the First*  
 and Second Years of the Reign of His present Majesty, intituled  
*An Act to amend several Acts passed for authorizing the Issue of* 1 & 2 W. 4. c. 24.  
*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 an Act was passed in the Third*  
 and Fourth Years of the Reign of His present Majesty, intituled

3 &amp; 4 W. 4. c. 32.

‘ *An Act to amend the several Acts authorizing Advances for carrying on Public Works*: And whereas it would be of great public Benefit if the said Commissioners for the Issue of Exchequer Bills, acting in execution of the said Two last-recited Acts, were authorized and empowered to advance to the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty a Sum of Money in order that the Alterations and Improvements mentioned and specified in the Schedule marked (A.) to this Act annexed may be made, and the said Money applied for such Purpose to and amongst the several Trustees referred to in the said Schedule, in such Proportions as the said last-mentioned Commissioners may direct and appoint:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, and their Successors, shall be Commissioners for carrying into effect the Purposes of this Act, and making and completing the said several Alterations and Improvements on the said Roads described and set forth in the Schedule (A.) to this Act annexed.

Commissioners.

Exchequer Bill Commissioners to issue to the Commissioners under 3 & 4 W. 4. c. 43. the Sum of 64,500*l*.

II. And be it further enacted, That it shall and may be lawful to and for the said Commissioners for the Issue of Exchequer Bills, and they are hereby authorized, on Application being made to them by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, to advance to them the said last-mentioned Commissioners, or as they may direct or appoint, any Sum or Sums of Money in Exchequer Bills, not exceeding in the whole the Sum of Sixty-four thousand five hundred Pounds, upon the Terms and Conditions herein-after mentioned.

Such Commissioners there-upon to execute an Instrument acknowledging the Advance, and undertaking to apply the same as herein directed.

III. And be it further enacted, That upon the said Commissioners for the Issue of Exchequer Bills making such Advance to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, the said last-mentioned Commissioners, or any Three of them, shall execute an Instrument in Writing in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, in which Instrument the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty shall acknowledge the Receipt of the said Exchequer Bills, and shall undertake to apply the Produce thereof in the Manner in which the same ought to be applied in pursuance of the Directions herein-after contained, and shall also undertake to pay to them the said Commissioners for the Issue of Exchequer Bills, or as they may direct, such Sum or Sums of Money as the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty shall from Time to Time receive on account of the Repayment of any Advance, and the Interest thereof, when and as the same shall be received by them under the Powers herein-



herein-after contained, and shall further undertake to put in force, if necessary, the several Powers and Remedies herein-after given them for obtaining Payment thereof.

IV. And be it further enacted, That the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty shall apply the Sums so to be advanced to them by the said Commissioners for the Issue of Exchequer Bills as aforesaid in the Manner following; (that is to say,) any Sum not exceeding the Sum of Three thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule marked (A.) to this Act in the Road within the Limits and District of the *Dunstable* Trust; any Sum not exceeding the Sum of Ten thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Puddle Hill* Trust; any Sum not exceeding the Sum of Ten thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Hockliffe* and *Stratford* Trust; any Sum not exceeding the Sum of Thirty thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Stratford* and *Dunchurch* Trust, and in paying for other Improvements and Alterations within the said Trust; any Sum not exceeding the Sum of Seven thousand five hundred Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Dunchurch* and *Stonebridge* Trust; and any Sum not exceeding the Sum of Four thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Shrewsbury* and *Holyhead* Trust.

Manner in which the said Advances shall be applied.

V. And be it further enacted, That in case it shall be found that any or either of the Sums herein-before authorized to be appropriated by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, in making and completing the Alterations and Improvements in the Roads herein-before mentioned, shall be more than is required for the Purposes for which the same shall have been advanced, the Surplus thereof shall be applied by the said last-mentioned Commissioners in making such other Improvements as they shall think proper on any Part of the said Road from *London* to *Holyhead* which shall be within the same Trust.

Application of Surplus.

VI. And be it further enacted, That all the Powers and Authorities given by the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to the said Commissioners acting in execution thereof, either expressly or by reference to former Acts, and all the Clauses and Provisions therein contained, or such of the said Clauses and Provisions as are in any Manner applicable to the Purposes of this Act, shall be and they are hereby extended in such Manner as that the said Commissioners acting in execution of the said last-mentioned Act shall be enabled to make the Alterations and Improvements herein-before directed to be made, and shall have all Facilities and Advantages for enabling them

Powers of former Acts extended to this Act, and particularly the Power of purchasing Land.

them to make the same, as fully, amply, and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Clauses, and Provisions were repeated and re-enacted in and by this present Act with reference to the said Alterations and Improvements, and particularly that the said last-mentioned Commissioners shall have the same Power of taking and acquiring any Ground or Materials which may be required for the Purpose of making the said Alterations and Improvements as in and by the said recited Act of the Fifty-fifth Year of His late Majesty King *George* the Third is given to the Commissioners acting under that Act of taking and acquiring any such Ground or Materials as may be necessary for repairing, altering, making, or constructing the Roads in that Act mentioned or referred to; and all the Clauses and Provisions contained in the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, with respect to the taking or acquiring of any Ground to be so taken and acquired by the Commissioners acting under that Act, shall be and they are hereby extended and made applicable to the acquiring or taking by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty of any Ground which may be required for the Purpose of making the Alterations and Improvements herein-before mentioned.

Powers and Provisions of 7 G. 4. c. 76. as to Purchases extended to this Act.

VII. Provided always, and be it further enacted, That the several Clauses, Powers, and Provisions of the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth contained with respect to the purchasing or otherwise acquiring of and making Satisfaction for Injury or Damage to the Houses, Gardens, Lawns, Orchards, Grounds, and Lands by that Act authorized to be purchased, acquired, used, or taken by the Commissioners therein named, shall equally apply to the purchasing or otherwise acquiring by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, under the Powers of this Act, and to the paying and making Satisfaction for the Houses, Gardens, Lawns, Orchards, Grounds, and Lands by this Act authorized to be purchased, acquired, taken, or used, in the same Manner, or as nearly so as Circumstances will admit, as they would if the same were so purchased, acquired, taken, or used by the said Commissioners under the Powers and Provisions of the said Act of the Seventh Year aforesaid, for the Purposes in this Act mentioned.

Power to take down Houses in Schedule (B.) on giving Notice and tendering Satisfaction.

VIII. ' And whereas for the Purposes of making several of the ' Alterations and Improvements herein-before directed to be made ' it will be expedient and necessary to take and make use of the ' Gardens, Orchards, and Grounds specified and described in the ' Schedule marked (B.) to this Act annexed; be it therefore further enacted, That it shall and may be lawful for the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to take and make use of any of the Gardens, Orchards, or Grounds described in the said Schedule marked (B.), if they shall deem it necessary or expedient to take or make use of the same, for the Purpose of making the Alterations and Improvements in this Act mentioned; but

but the said last-mentioned Commissioners, previously to their taking any such Gardens, Orchards, or Grounds, shall give Six Months Notice in Writing to the Occupier or Occupiers thereof of their Intention so to do, and shall also first make such Satisfaction to the Owner or Owners, Occupier or Occupiers of such Gardens, Orchards, or Grounds, as shall be agreed upon between him, her, or them, and the said last-mentioned Commissioners, or as shall be ascertained by a Jury in the Manner directed by the said recited Act of the Seventh Year of the Reign of His late Majesty King *George the Fourth*.

IX. Provided always, and be it further enacted, That if any of the Gardens, Orchards, or Grounds mentioned and described in the said Schedule marked (B.) to this Act, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be omitted, mis-named, or inaccurately described, then and in such Case if it shall appear to any Two or more of His Majesty's Justices of the Peace for the County, City, or Place wherein the same shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, 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 making the Alterations and Improvements herein-before mentioned, as fully and effectually as if the same was or were properly named and described in the said Schedule.

X. And be it further enacted, That the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty shall and may and they are hereby empowered and required to make such Contracts and Agreements as they shall think proper, with skilful Persons and their Sureties, for the carrying on, making, and completing of the Alterations and Improvements herein-before mentioned, and to appoint such Person or Persons as they shall think proper, who shall from Time to Time, under such Regulations as the said Commissioners shall direct, draw for the necessary Sums to defray the Expences thereof; and such Payments shall from Time to Time be placed to the Account of the Trusts in the Limits or Districts of which the Expences shall be incurred; and all the said Alterations and Improvements herein-before directed to be made and completed on the said Roads shall be done by Contract, and in no other Way.

XI. And be it further enacted, That every new Piece of Road which shall be made, altered, or improved under the Provisions herein contained shall be open to the Public as soon as the same shall be completed, and shall from thenceforth be deemed and taken to be and shall become to all Intents and Purposes a Part of that Road to which the old Road or Part of a Road in lieu of or for the Improvement of which such new Piece of Road shall have been made did belong before the making of such new Piece of Road, and shall be vested in the Trustees or Commissioners in whom such old Road or Part of a Road shall have been vested, and shall be maintained and repaired by them, and shall be subject to all such Trusts, and to all such Acts of Parliament, and to all such Pro-

Omissions or Misnomers in the Schedule (B.) not to retard the Execution of the Act.

Commissioners required to make Contracts for making the Improvements.

New Roads, as soon as completed and opened to the Public, to become Part of the old Roads.

visions

visions contained in any Act or Acts of Parliament, as such old Road or Part of a Road shall have been subject to immediately before such new Piece of Road shall be completed and opened to the Public as aforesaid.

Power to the Trustees of the Dunstable Trust to take Tolls.

XII. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, when and so soon as the new Piece of Road mentioned in the Schedule (A.) to this Act, intended to be made within the *Dunstable* Trust, shall be opened to the Public, to cause a Toll Gate or Gates, or Bar or Bars, and Side Gate or Gates, with a Toll House or Toll Houses, to be erected and set up on or by the Side of such Part or Parts of the said new Road as to them shall seem most convenient, and on or by the Side of such Part or Parts of the old Road where the same shall form a Junction and unite with the said new Piece of Road; and it shall and may be lawful for the Trustees of the *Dunstable* Trust acting under and by virtue of the said recited Act of the First and Second Year of the Reign of His late Majesty King *George* the Fourth, and they are hereby authorized, empowered, and required, when and as soon as such Toll Gate or Gates, or Bar or Bars, and Side Gate or Gates, and Toll House or Houses shall be completed, to take, demand, and collect of the Person or Persons attending any Horses, Cattle, or Carriages passing through any of the said Toll Gates or Bars or Side Gates, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, the Tolls following; (that is to say,)

Tolls. For every Horse, Mule, Ass, Ox, or other Beast of Draught drawing any Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

Tolls to be paid but once a Day, except for Stage Coaches and Caravans.

Which respective Sums of Money hereby authorized to be taken as aforesaid shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed: Provided always, that no more than One Toll shall be demanded or taken from any Person or Persons for passing and repassing on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night, with the same Horse, Beast, Cattle, and Carriage, through the Toll Gates or Turnpikes to be erected by virtue of this Act (save and except from Stage Coaches and Caravans travelling for Hire, which shall pay each and every Time of passing through the said Toll Gates or Turnpikes).

Application of the Tolls to be collected by the Dunstable Trust in the new Line of Road.

XIII. And be it further enacted, That the Produce of the Tolls to be collected and taken by the Trustees of the *Dunstable* Trust under the Authority of this Act shall, after deducting the Expences of collecting and receiving the same, be annually accounted for and paid over by the said Trustees to the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, until the Amount of the Sum or Sums to be advanced under the Provisions of this Act, and applied in making and completing the said new Piece of Road, together with Interest for the same after the Rate of Four Pounds *per Centum per Annum*, to be computed on

on the said Sum or Sums from the Time of advancing the same, shall have been paid off and discharged; the said Interest of Four Pounds *per Centum per Annum* on so much of the said Principal Sum or Sums so to be advanced as aforesaid as shall from Time to Time remain due to be in the first place paid; and the Balance which shall from Time to Time arise from the said Tolls shall be applied, so far as the same may extend, in discharge of the said Principal Sum or Sums so to be advanced as aforesaid; and when and so soon as the said Principal Money, together with the Interest thereon, shall be fully paid off and discharged, the said Trustees of the *Dunstable* Trust shall cease to collect the said Tolls.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the Trustees of the *Dunstable* Trust, and they are hereby authorized and empowered, (by and with the Consent and Approbation of the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, such Consent to be testified in Writing under their Hands, or the Hands of any Three of them,) to take, demand, recover, and levy the said Tolls hereby authorized to be taken, collected, and received by them on the said last-mentioned new Road, at any other Turnpike or Gate in the Line of Road within the *Dunstable* Trust, in lieu of collecting and receiving the same at the Toll Gates or Bars and Side Gates and Toll Houses herein-before authorized to be erected and set up on such new Road as aforesaid; and such Tolls shall and may be demanded, taken, collected, and recovered by the said Trustees at such other Turnpike or Gate as aforesaid, by and under all such and the like Powers, Authorities, Provisions, and Remedies as are herein given to them for receiving, collecting, and recovering the same at the said Toll Gate or Gates, and Bar or Bars, and Side Gate or Gates herein-before authorized to be erected and set up as aforesaid.

XV. Provided always, and be it further enacted, That in case the old and new Tolls shall be collected and received at the same Gate, a separate and distinct Account shall be kept by the Trustees of the *Dunstable* Trust of the new Toll or Tolls herein-before authorized and directed to be collected and received by them in respect of the new Line of Road.

XVI. And be it further enacted, That when and so soon as the new Piece of Road, mentioned in the Schedule (A.) to this Act, herein-before authorized and directed to be made within the *Dunstable* Trust, shall be completed and opened to the Public, the said Trustees of the *Dunstable* Trust shall be and they are hereby discharged and freed from the future Repairs and Support of the old Piece of Road in lieu of which such new Piece of Road shall be made; and such old Piece of Road shall from thenceforth cease and be no longer continued as a Turnpike Road.

XVII. And be it further enacted, That when and so soon as the Alterations and Improvements, mentioned in the Schedule (A.) to this Act intended to be made on the Road within the *Puddle Hill* Trust, shall be completed by the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, the said Sum of Ten thousand

The new Tolls may be levied by the Trustees of the *Dunstable* Trust (with Consent of Commissioners under the Act of 3 & 4 W. 4.) at any Turnpike Gate within the *Dunstable* Trust.

Separate Accounts to be kept of old and new Tolls, &c.

Trustees of *Dunstable* Trust discharged from the Repair of the old Piece of Road.

The Loan to the *Puddle Hill* Trust to become a Charge on and to be paid out of the Tolls arising from the

Roads within  
their Trust.

thousand Pounds herein-before authorized and directed to be appropriated by the said Commissioners in making and completing such Alterations and Improvements shall become a Charge on the Tolls, Rates, and Duties authorized and directed to be collected and received by the said Trustees acting in execution of the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, for repairing the Road from *Dunstable* to *Hockliffe* in the County of *Bedford*, on the Roads within the said Trust; and the said Trustees shall and they are hereby authorized and required, with and out of the said Tolls, Rates, and Duties, to pay to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty the annual Sum of Eight hundred Pounds at the least, by Two equal half-yearly Payments on the First Day of *January* and {the First Day of *July* in each Year, the first of such half-yearly Payments to begin and be made on such of those Days as shall first happen next after the Alterations and Improvements herein-before mentioned shall be commenced, until the said Sum of Ten thousand Pounds, with Interest thereon, at the Rate of Four Pounds *per Centum per Annum*, to be computed on the said Sum or Sums from the Time of advancing the same, on such Part or Parts of the said Principal Money as shall from Time to Time remain due and unpaid, shall be fully paid off and discharged.

In case Trustees of the Puddle Hill Trust neglect to pay Instalments of Principal and Interest, the Commissioners may take possession of Toll Gates, and collect the Tolls.

XVIII. And be it further enacted, That if the said last-mentioned Trustees shall make Default in Payment of the said annual Sum of Eight hundred Pounds, or any Part thereof as aforesaid, then and in such Case it shall and may be lawful for the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to enter upon and take possession of the Toll Gates, Bars, and Toll Houses of the said Trustees, and to retain the same, and to collect, receive, take, and recover the Tolls arising upon the said Roads under the Care of such Trustees, subject nevertheless to the Expence of the necessary Repairs of such Road or Roads, until the said Principal Sum of Ten thousand Pounds, together with the Interest for the same, and the Expences of such Seizure, shall be fully paid and satisfied; and the said last-mentioned Commissioners shall and may and they are hereby authorized and empowered to exercise and put in force all the Powers, Authorities, Remedies, and Provisions which might be put in force by the said last-mentioned Trustees for the demanding, receiving, and recovering the said Tolls.

Power for Commissioners under Act of 3 & 4 W. 4. to agree with the Trustees of the Puddle Hill Trust that the Alterations in their Road may be done under their own Care and Management.

XIX. Provided always, and be it further enacted, That in case the said Trustees acting in execution of the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third shall be desirous to conduct and complete the Alterations and Improvements by this Act authorized and directed to be made on the Road within the Limits of their Trust, under their own Care and Management, it shall and may be lawful for the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, and they are hereby authorized and empowered, to make any Agreement they may think proper with the said Trustees for the making and completing

completing by them of such Alterations, Repairs, and Improvements, according to such Plan as shall be previously approved by the said last-mentioned Commissioners, and under the Direction and Superintendence of the Surveyor to be by them employed, and also to authorize and appoint the said Trustees, or some Person or Persons on their Behalf, from Time to Time, under such Regulations as the said Commissioners shall direct, to draw for the necessary Sums to defray the Expences thereof; and such Payments shall from Time to Time be placed to the Account of the said Trustees.

XX. And be it further enacted, That it shall and may be lawful to and for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby authorized, empowered, and required, to continue the additional Tolls by them imposed and raised, and now levied for the Purpose of paying off the Sum of Seven thousand Pounds advanced under the Powers and Provisions of the said first-recited Act of the First and Second Year of the Reign of His late Majesty King *George* the Fourth by the Commissioners for the Issue of Exchequer Bills to the Commissioners for executing that Act, on account of and appropriated to the making of certain Improvements, Repairs, and Alterations, specified and described in the Schedule (A.) to the said Act, in the Roads within the Limits of the said Trust, and also the further Sum of One thousand five hundred Pounds advanced under the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth on account of the said Improvements, Repairs, and Alterations, and in making other Improvements between *Hockliffe* and *Stratford*, and also the further Sum of Four thousand seven hundred Pounds advanced under the Powers and Provisions of the said recited Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth in making other Improvements in the said Road within the said Trust, and also such further Sum, not exceeding Two thousand five hundred Pounds, mentioned in the said recited Act of the Fourth and Fifth Year of the Reign of His present Majesty to have been laid out and applied by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth in further Improvements on the said Road between *Hockliffe* and *Stratford*, and all Interest due or to become due on the said Advances, until as well the said last-mentioned several Sums, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the Trustees of the *Hockliffe* and *Stratford* Road to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty as hereinafter directed, together with all Interest thereon, shall be fully paid off and discharged.

XXI. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby authorized and required, with and out of the said additional Tolls (but subject and without Prejudice to the Payment of the said several Sums of Seven thousand Pounds, One thousand five hundred Pounds, Four thousand seven hundred Pounds, and Two thousand five hundred Pounds, or such Part or Parts thereof respectively

Trustees of  
Hockliffe and  
Stratford Road  
to continue addi-  
tional Tolls.

Trustees of the  
Hockliffe and  
Stratford Road  
to pay to Com-  
missioners out of  
additional Tolls  
the Sums ad-  
vanced under  
this Act for

Improvements  
within their  
District.

spectively as may be due and unpaid, and the Interest thereon, or on such Part or Parts thereof respectively,) to repay to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in making and completing the Alterations and Improvements of the Road within the said Trust mentioned in the Schedule (A.) to this Act, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Commissioners  
under the Act  
of 3 & 4 W. 4.  
to erect Toll  
Gates, &c. on  
new Piece of  
Road within the  
Stratford and  
Dunchurch  
Trust.

XXII. And be it further enacted, That it shall and may be lawful for the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, and they are hereby authorized and required, when and so soon as the new Piece of Road, mentioned in the Schedule (A.) to this Act, intended to be made within the *Stratford* and *Dunchurch* Trust, shall be opened to the Public, to cause a Toll Gate or Gates, or Bar or Bars, and Side Gate or Gates, with a Toll House or Toll Houses, to be erected and set up on or by the Side of such Part or Parts of the said new Road as to them shall seem most convenient, and on or by the Side of such Part or Parts of the old Road where the same shall form a Junction and unite with the said new Piece of Road; and it shall and may be lawful for the Trustees of the *Stratford* and *Dunchurch* Trust, acting under and by virtue of the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth, and they are hereby authorized, empowered, and required, when and as soon as such Toll Gate or Gates, or Bar or Bars, and Side Gate or Gates, and Toll House or Houses, shall be completed, to take, demand, and collect of the Person or Persons attending any Horses, Cattle, or Carriages passing through any of the said Toll Gates or Bars or Side Gates, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, the Tolls following; (that is to say,)

Power for the  
Trustees of the  
Stratford and  
Dunchurch  
Trust to take  
Tolls.

Tolls.

For every Horse or Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Barouche, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such like Carriage, if drawn by more than Four Horses or other Beasts of Draught, the Sum of Sixpence; and if drawn by Four Horses or other Beasts of Draught, the Sum of Sixpence; and if drawn by Two Horses or other Beasts of Draught, the Sum of Seven-pence Halfpenny; and if drawn by One Horse or other Beast of Draught, the Sum of Seven-pence Halfpenny:

For every Horse, Mule, Ass, Ox, or Bullock drawing any Waggon, Wain, Drag, Cart, or other such like Carriage, the Sum of Five-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Timber Carriage or Drag so constructed as that the Distance between the Axletrees shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Three-pence



Halfpenny, over and above the Toll or Duty herein-before made payable for such Carriage and the Horses or Beasts of Draught drawing the same :

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Seven-pence *per* Score, and so in proportion for any greater or less Number of them :

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any greater or less Number of them :

And every Horse, Beast, or Cattle, Carriage or Thing, upon which any Toll is herein-before imposed, that shall pass through any Toll Gates or Turnpikes to be erected by virtue of this Act on every *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on the next succeeding Night, Double the Tolls or Sums of Money herein-before mentioned and made payable in respect thereof at any other Time :

Which respective Sums of Money hereby authorized to be taken as aforesaid shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed : Provided always, that no more than One Toll shall be demanded or taken from any Person or Persons for passing and re-passing on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, with the same Horse, Beast, Cattle, and Carriage through the Toll Gates or Turnpikes to be erected by virtue of this Act, save and except from Stage Coaches and Caravans travelling for Hire, which shall pay each and every Time of passing through the said Toll Gates or Turnpikes.

Tolls to be paid but once a Day, except for Stage Coaches and Caravans.

XXIII. And be it further enacted, That the Produce of the said Tolls to be collected and taken by the Trustees of the *Stratford* and *Dunchurch* Trust, under the Authority of this Act as herein-before mentioned, shall, after deducting the Expences of collecting and receiving the same, be annually accounted for and paid over by the said Trustees of the said *Stratford* and *Dunchurch* Trust to the Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, until the Amount of the Sum or Sums to be advanced under the Provisions of this Act, and applied in making and completing the said new Piece of Road, and in paying for other Improvements and Alterations within the said Trust as aforesaid, together with Interest for the same after the Rate of Four Pounds *per Centum per Annum*, to be computed on the said Sum or Sums from the Time of advancing the same, shall have been paid off and discharged ; the said Interest of Four Pounds *per Centum per Annum* on so much of such Principal Sum or Sums so to be advanced as aforesaid as shall from Time to Time remain due to be in the first place paid ; and the Balance which shall from Time to Time arise from the said Tolls shall be applied, so far as the same may extend, in discharge of the said Principal Sum or Sums so to be advanced as aforesaid ; and when and so soon as the said Principal Money, together with the Interest thereon, shall be fully paid off and discharged, the said Trustees of the *Stratford* and *Dunchurch* Trust shall cease to collect the said Tolls.

Application of the Money arising by the Tolls.

Trustees of Stratford and Dunchurch Trust to repay out of old Tolls the annual Sum of 600*l.* to the Commissioners under the Act of 3 & 4 W. 4.

XXIV. Provided always, and be it further enacted, That in addition to the Tolls herein-before authorized to be taken, collected, and received by the Trustees of the *Stratford* and *Dunchurch* Trust, and directed to be accounted for and paid over by them to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty as aforesaid, it shall and may be lawful for the said Trustees, and they are hereby authorized and required, with and out of the Tolls raised and levied by them within the Limits of their Trust under and by virtue of the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth as aforesaid, to pay to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty as aforesaid the annual Sum of Six hundred Pounds, until the said Principal Sum or Sums so to be advanced as aforesaid, and the Interest thereof, shall be fully paid off and discharged.

Trustees of the Stratford and Dunchurch Trust to continue additional Tolls.

XXV. And be it further enacted, That it shall and may be lawful for the Trustees of the *Stratford* and *Dunchurch* Trust, and they are hereby authorized and required, to continue the additional Tolls by them imposed and raised and now levied for the Purpose of paying off the Sum of Five thousand Pounds advanced by the Commissioners of His Majesty's Treasury to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, to be applied by them to the Use of the said Trustees of the *Stratford* and *Dunchurch* Trust, as directed by the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and all Interest due and to become due thereon, until as well the said Sum of Five thousand Pounds so advanced, and all Interest due and to become due thereon, as also the Principal Sum or Sums to be paid by the said Trustees of the *Stratford* and *Dunchurch* Trust to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of Stratford and Dunchurch Trust to apply additional Tolls, subject to existing Charges, in Repayment of Sums advanced under this Act.

XXVI. And be it further enacted, That it shall and may be lawful for the Trustees of the *Stratford* and *Dunchurch* Trust, and they are hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the said Sum of Five thousand Pounds, and the Interest thereon,) to repay to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in Repayment of the Money already expended by the said Trustees in Improvements and Alterations within the said Trust, and in making and completing the before-mentioned new Piece of Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

XXVII. Pro-

XXVII. Provided always, and be it further enacted, That when and so soon as the new Piece of Road, mentioned in the Schedule (A.) to this Act, herein-before authorized and directed to be made within the *Stratford* and *Dunchurch* Trust shall be completed and opened to the Public, the said Trustees of the *Stratford* and *Dunchurch* Trust shall be and they are hereby discharged and freed from the future Repairs and Support of the old Piece of Road in lieu of which such new Piece of Road shall be made, and such old Piece of Road shall from thenceforth cease and be no longer continued as a Turnpike Road.

Trustees of  
Stratford and  
Dunchurch  
Trust dis-  
charged from  
Repairs of old  
Piece of Road.

XXVIII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized, empowered, and required, to continue the several additional and other Tolls by them imposed and raised and now levied under the Powers and Authorities of the said recited Acts of the Seventh and Eighth and Ninth Years of the Reign of His late Majesty King *George* the Fourth for the Purpose of paying off the several Sums of Three thousand five hundred Pounds, Two thousand Pounds, Twelve thousand Pounds, and Four thousand Pounds in the said Acts mentioned, and a further Sum, not exceeding Two thousand five hundred Pounds, mentioned in the said recited Act of the Fourth and Fifth Year of the Reign of His present Majesty, and all Interest due and to become due on the said several and respective Sums, until as well the said last-mentioned several Sums, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the said Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, as herein-after directed, together with Interest thereon, shall be fully paid off and discharged.

Trustees of the  
Dunchurch and  
Stonebridge  
Trust to con-  
tinue additional  
and other Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized and required, with and out of the said additional and other Tolls, (but subject and without Prejudice to the Payment of the said several Sums of Three thousand five hundred Pounds, Two thousand Pounds, Twelve thousand Pounds, Four thousand Pounds, and Two thousand five hundred Pounds, or such Part or Parts thereof respectively as may be now due and unpaid, and the Interest thereon or on such Part or Parts thereof respectively,) to repay to the said Commissioners acting in the Execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in making and completing the Alterations and Improvements of the Road within the said Trust mentioned in the Schedule (A.) to this Act, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of the  
Dunchurch and  
Stonebridge  
Trust to repay,  
out of additional  
and other Tolls,  
the Sums ad-  
vanced under  
this Act for  
Improvements  
within their  
District.

XXX. And be it further enacted, That it shall and may be lawful to and for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized and required, if they shall think it expedient so to do, to remove and take down the Toll Gate

Trustees of  
Dunchurch and  
Stonebridge  
Trust may re-  
move Toll Gates  
or

in Much Park Street, and near Saint John's Church, in the City of Coventry, and levy Tolls at other Gates.

or Bar and Toll House now standing and being in *Much Park Street* in the City of *Coventry*, or to sell and dispose of the same, and to take, demand, recover, and levy at the Toll Gate or Bar called the *Ryton Gate*, within the *Dunchurch* and *Stonebridge* Trust, in addition to the Tolls now collected and taken by the said Trustees at such Gate, the Tolls now collected and taken by the said Trustees at the Toll Gate at *Much Park Street* aforesaid, and with and under the same Powers and Provisions in every respect; and also to remove and take down the Toll Gate or Bar and Toll House near *Saint John's Church* in the said City of *Coventry*, called The *Saint John's Church Gate*, or to sell and dispose of the same, and to take, demand, recover, and levy at the Toll Gates or Bars called the *Allesley Gates*, within the *Dunchurch* and *Stonebridge* Trust, in addition to the Tolls now collected and taken by the said Trustees at such last-mentioned Gates, the Tolls now collected and taken by the said Trustees at the said Toll Gate near *Saint John's Church* aforesaid, and with and under the same Powers and Provisions in every respect.

Commissioners of Shrewsbury and Holyhead Road empowered to take additional Tolls.

XXXI. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting in execution of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and they are hereby authorized and required, when and so soon as the Alterations and Improvements, mentioned in the Schedule (A.) to this Act, intended to be made in the Line of Road between *Shrewsbury* in the County of *Salop* and the Distance of Ten Miles from *Shrewsbury* on the Road to *Oswestry*, shall be completed, to demand and take, over and above and in addition to the other Tolls by the said last-mentioned Act directed to be taken, collected, and received by the said Commissioners at the respective Gates or Turnpikes which have been or shall be erected in or upon the said Line of Road between *Shrewsbury* and the Distance of Ten Miles from *Shrewsbury* on the Road to *Oswestry*, the following additional Tolls; (that is to say,)

Tolls.

For every Horse or Mule drawing any Coach, Chariot, Chaise, Chair, or such like Carriage, any Sum not exceeding Three-pence Halfpenny:

For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, any Sum not exceeding One Penny;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Halfpenny:

And the said additional Tolls shall be continued to be taken and collected until the said Sum of Four thousand Pounds hereinbefore authorized to be applied in making the Alterations and Improvements in the Road between *Shrewsbury* and the Distance of Ten Miles from *Shrewsbury* on the Road to *Oswestry*, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum*, shall be fully paid and satisfied.

Such additional Tolls to be applied in payment of the Sum of 4,000*l.* and Interest.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners acting in execution of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and they are hereby authorized and required, to apply the Monies arising from the said additional Tolls to be so collected as aforesaid in repaying to the said Commissioners acting in execution

cution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty the Sum of Four thousand Pounds, to be applied, under the Provisions herein-before contained, in making the Alterations and Improvements in the Road between *Shrewsbury* and the Distance of Ten Miles from *Shrewsbury* on the Road to *Oswestry*, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said Sum of Four thousand Pounds as shall be for the Time being due and unpaid, such Interest to be paid by Two half-yearly Payments in every Year; and when and as soon as the said Sum of Four thousand Pounds, together with the Interest thereon, shall be fully paid off and discharged, the said Commissioners acting in execution of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third shall cease to collect the said additional Tolls.

XXXIII. And be it further enacted, That in case the said Tolls on the Road between *Shrewsbury* and the Distance of Ten Miles from *Shrewsbury* on the Road to *Oswestry* shall be let, the said last-mentioned Commissioners shall keep distinct Accounts of the said additional Tolls, and of the ordinary Tolls by the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third authorized to be taken on the said Road.

XXXIV. And be it further enacted, That the several Tolls hereby authorized to be taken, collected, and received by the Trustees of the *Dunstable* Trust and the Trustees of the *Stratford* and *Dunchurch* Trust on the new Pieces of Road herein-before authorized and directed to be made within the Limits of those Trusts, and the additional Tolls hereby authorized to be taken, collected, and received, by the Commissioners acting in execution of the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, shall and may be demanded, taken, collected, and recovered by the said Trustees and Commissioners respectively by and under all such and the like Powers, Authorities, Provisions, and Remedies as other Tolls now are demanded, taken, collected, and recovered on the several Roads now under the Management of the said Trustees and Commissioners respectively; and all and every Act, and all Clauses, Exemptions, Penalties, Forfeitures, and Provisions, relating to the several Roads within the Limits and Districts of such Trustees and Commissioners respectively, and to the Tolls taken thereon, shall be in full Force, Operation, and Effect, as far as the same are applicable, to the said new and additional Tolls hereby authorized to be taken thereon respectively, and shall be exercised and put in force by the said Trustees and Commissioners respectively as fully and effectually as if the same were repeated and re-enacted in and by this Act with relation to the said new and additional Tolls hereby authorized to be collected; and also that the several additional and other Tolls which are and which are to be continued to be levied and raised by the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Stratford* and *Dunchurch* Trust, and the Trustees of the *Dunchurch* and *Stonebridge* Trust, as herein-before is directed, shall, during the Time that they are hereby required to be continued, respectively be levied and raised

Distinct Accounts to be kept of the additional Tolls so taken.

Tolls to be continued subject to existing Powers and Provisions, with Power for Commissioners under the Acts of 3 & 4 W. 4. to take possession of Toll Gates, in case of Default.

and be accounted for and paid over in the Manner and under the Powers and Provisions of the several Acts under which such additional and other Tolls are now collected and taken by such respective Trustees; and in case the said respective Trustees or Commissioners, or any or either of them, shall refuse or neglect to levy, collect, or continue the said additional or other Tolls respectively, or shall lower the same, or shall make default in payment of the Sum or Sums to be paid by them as herein-before directed, or the Interest thereof respectively, before the same Sums and the Interest thereof respectively shall be fully paid off and discharged, it shall and may be lawful for the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to enter upon and take possession of the Toll Gates, Bars, and Toll Houses of the Trustees or Commissioners making default, and to collect, take, receive, and recover the Tolls arising on the Roads under the Care of the Trustees or Commissioners making default, and to pay over and apply the same in manner directed by the said several Acts under which such additional and other Tolls are now raised, collected, and taken by such Trustees and Commissioners respectively, and by this Act, and to execute all the Powers, Provisions, and Authorities in and by the said several Acts in such Case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

In case any Act under which Trustees are appointed should expire, the Commissioners may take possession of Toll Gates, and levy Tolls until Money advanced is repaid.

XXXV. And be it further enacted, That in case any Act or Acts of Parliament, under the Powers and Authorities of which any of the Roads hereby intended to be altered and improved are now repaired and maintained, shall expire, and shall not be renewed, whereby any of the Trusts mentioned and specified in the said Schedule (A.) to this Act shall be dissolved, and the Trustees acting in the Execution of the Act or Acts of Parliament so expiring discharged, it shall and may be lawful for the said Commissioners for executing the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, and they are hereby authorized and empowered, to take possession of the Toll Gates or Bars and Toll Houses on the Road or Roads previously maintained and repaired under the Powers and Provisions of such expired Act or Acts, and to continue in possession thereof, and to take, collect, demand, and recover all such Tolls as the Trustees under the said expired Act or Acts of Parliament were, previously to the Expiration thereof, entitled to take, collect, demand, and recover, until the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty shall be repaid and reimbursed such Principal Sum of Money as shall under the Provisions of this Act be due and payable to them, at the Expiration of such Act or Acts, from the Trustees of the Road previously repaired under the Provisions of such expired Act or Acts, together with all Interest thereon, and the Charges and Expences of collecting the same; and all the Powers, Authorities, Provisions, Penalties, Forfeitures, and Remedies of such expired Act or Acts shall continue and be in force and available in Law, as far as the same may be necessary and required, for enabling the said Commissioners for executing the said recited Act of the Third and Fourth Year of

the Reign of His present Majesty to collect, demand, and recover the said last-mentioned Tolls, and until the said Principal Sum due and owing to the said last-mentioned Commissioners, together with the Interest thereof, and the Expences of taking possession of the said Toll Gates or Bars and Toll Houses, and of collecting and receiving the said Tolls, shall be fully paid off and discharged: Provided always, that nothing herein contained shall extend or be construed to extend to make liable the said Commissioners for executing the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to any Charges for the Repairs of any Road on which they shall collect and receive the Tolls.

Commissioners  
not liable for  
Repairs of  
Roads.

XXXVI. And be it further enacted, That in every Case where Power is herein-before given to the said Commissioners for executing the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to seize and collect the Tolls on any Road the Trustees or Commissioners of which shall neglect or refuse to levy, collect, or continue the said additional or other Tolls hereby directed to be taken, collected, and continued thereon, or shall lower the same, or shall make Default in the Payments hereby required to be made for paying off and discharging any Sum of Money by this Act charged on such Trustees or Commissioners, it shall and may be lawful for the said Commissioners for executing the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, and they are hereby authorized, to grant an Order under the Hands and Seals of any Three or more of them to any Person or Persons, authorizing and requiring such Person or Persons to seize the Tolls then collected and taken by the Trustees or Commissioners so refusing or making default; and the Person or Persons to whom such Order shall be directed is and are hereby authorized, immediately on receiving such Order, by himself or themselves, or such other Person or Persons as he or they shall employ for the Purpose, forthwith to take possession of the Toll Gates or Bars and Toll Houses of the Trustees or Commissioners so refusing or neglecting or making default as aforesaid, and to take, collect, and receive the Tolls which such Trustees or Commissioners would otherwise have taken, collected, and received; and the said Person or Persons so executing the said Order shall continue in possession of the said Toll Gates or Bars and Toll Houses, and continue to take, collect, and receive the said Tolls, and account for the same to the said Commissioners for executing the said first recited Act of the Third and Fourth Year of the Reign of His present Majesty, until the Principal Sum charged on and payable by the Trustees or Commissioners so refusing or neglecting or making default, together with the Interest thereon, shall be fully paid and discharged.

Commissioners  
may grant Order  
to seize and levy  
Tolls in Cases of  
Default of  
Trustees.

XXXVII. And be it further enacted, That the Person or Persons authorized to enter upon and take possession of the said Toll Gates or Bars as aforesaid shall hold possession thereof, and take, collect, demand, and recover the Tolls so entered upon and taken possession of, under all the Powers, Authorities, and Provisions, and by the same Remedies which the Trustees or Commissioners so neglecting or refusing or making default might have done if such Entry and Possession had not taken place; and if any Trustee, Commissioner,

Penalty for ob-  
structing Per-  
sons put in pos-  
session.

Collector, or other Person shall refuse to deliver up the Toll Gate or Toll Bar to the Person or Persons so authorized, or shall oppose, hinder, or obstruct him or them in entering upon and taking such Possession, or in the collecting, taking, receiving, or recovering any Tolls whatsoever authorized to be taken by any such Person under the Powers and Provisions of this Act, it shall and may be lawful for the Person or Persons so authorized to enter upon and take such Possession, and to collect and take such Toll or Tolls, forthwith to apprehend the Person or Persons making such Obstruction, and to convey him, her, or them before some Justice of the Peace acting for the County or District where such Obstruction shall take place, or, in case of being unable to apprehend such Offender, to apply to such Justice, who, on such Application, shall forthwith grant his Warrant to apprehend the Person or Persons making such Obstruction, and to cause him, her, or them to be brought before him; and it shall and may be lawful for the Justice before whom the Person or Persons making such Obstruction shall be brought, and he is hereby empowered, forthwith to inquire into the Truth of the Facts, and shall on Proof of the Party or Parties brought before him having been guilty of such Obstruction, such Proof to be on the Confession of the Party or Parties, or the Oath of One or more credible Witness or Witnesses, thereupon impose a Fine not exceeding the Sum of Five Pounds on every Person guilty of such Obstruction; and in default of the Payment of such Fine, or without imposing such Fine, the said Justice shall, if he shall think fit, commit the Person or Persons convicted of any such Obstruction to the Common Gaol or House of Correction of the County for which the said Justice shall act, there to remain, without Bail or Mainprize, for any Time not exceeding Fourteen Days; and the said Justice shall also, if required, issue his Warrant, directing the Constable or Constables of the Hundred within which the Turnpike Gate and Toll House to be seized shall be situated to assist the Person or Persons so authorized as aforesaid in seizing and taking possession of the same.

Application of the Money to be paid by the Dunstable and other Trusts to the Commissioners.

XXXVIII. And be it further enacted, That the several Sums of Money to be from Time to Time paid by the Trustees of the *Dunstable* Trust, the Trustees of the *Puddle Hill* Trust, the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Stratford* and *Dunchurch* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, and the Commissioners acting in execution of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, under the Provisions herein-before contained, to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, in the Repayment of the Money to be advanced pursuant to the Provisions of this Act, and the Interest thereof, shall be paid by them the said last-mentioned Commissioners to the said Commissioners for the Issue of Exchequer Bills; and the Receipts of the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, or any Three of them, for any Sums of Money to be so paid to them, shall be sufficient Discharges to the Trustees or Commissioners by whom



the same shall be paid, and shall protect them from being bound to see to the Application thereof, or from being answerable for the Misapplication or Nonapplication thereof.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the Lords Commissioners of His Majesty's Treasury, and they are hereby authorized and empowered, if they shall think proper so to do, at any Time or Times hereafter, by Warrant or Warrants under the Hands of any Three or more of them, to order and direct that the Rate of Interest then payable by the said Trustees of the *Dunstable* Trust, the Trustees of the *Puddle Hill* Trust, the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Stratford* and *Dunchurch* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, and the Commissioners acting in the Execution of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, or any or either of them, on the several Sums to be advanced by the Commissioners for the Issue of Exchequer Bills under the Powers and Provisions of this Act, or already advanced by the said Commissioners or the Commissioners of His Majesty's Treasury under the Powers and Provisions of any of the Acts heretofore passed for improving the Road between *London* and *Holyhead*, for making Alterations and Improvements in the Roads within the said several Trusts, shall be lowered and reduced to such Rate of Interest as shall be specified and directed in and by such Warrant or Warrants; and from and after the Time or Times to be mentioned in such Warrant or Warrants the said several Trustees or Commissioners named in such Warrant or Warrants shall be charged and chargeable with such reduced or lower Rate of Interest on the Sum or Sums therein specified, and such reduced or lower Rate of Interest shall from thenceforth be accepted and taken by the Commissioners for the Issue of Exchequer Bills or the Commissioners of His Majesty's Treasury, as the Case may be, in lieu and stead of the Interest which may at the Time of the issuing of such Warrant or Warrants be then payable on the said Sum or Sums.

XL. ' And whereas it was by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth enacted, that from and after the First Day of *September* One thousand eight hundred and twenty-three the Trustees acting in execution of the therein-recited Acts passed by the Parliament of *Ireland* in the Twenty-sixth, Twenty-eighth, Twenty-ninth, Thirty-first, Thirty-second, Thirty-third, and Thirty-eighth Years of the Reign of His then late Majesty King *George* the Third, and of the said therein-recited Act of the Fifty-sixth Year of the same Reign, passed by the Parliament of the United Kingdom of *Great Britain* and *Ireland*, and of any other Act or Acts passed respecting the Roads therein described, should be relieved from the Burden and Execution of the said Act or Acts so far as related to the Repairs of such Parts of the said Roads as were then or which should thereafter be travelled over by His Majesty's Mail Coaches passing to, from, and between the General Post Office in the City of *Dublin* and the new Packet Harbour at *Howth*, and that the said Parts of the said Roads should from and after the said First Day of *September*

Lords Commissioners of Treasury may reduce Rate of Interest on Loans.

Howth Roads and Harbour transferred to Commissioners for Public Works in Ireland, and former Commissioners discharged from acting therein.

' be

' be vested in the said Commissioners appointed by the now-  
 ' reciting Act, and should be repaired, supported, and maintained  
 ' by the said Commissioners; provided always, that the said Trus-  
 ' tees should continue to levy, demand, take, recover, and receive  
 ' the Tolls then collected by them at the several Turnpikes or  
 ' Toll Gates on the said Roads; and it was by the now-reciting  
 ' Act further enacted, that from and after the said First Day of  
 ' *September* One thousand eight hundred and twenty-three all  
 ' that Road commonly called the *North Strand*, commencing at  
 ' the Circular Road near to the City of *Dublin*, and ending at  
 ' *Annesley Bridge*, over which His Majesty's Mail Coaches then  
 ' or should thereafter travel, passing from the General Post Office  
 ' in the City of *Dublin* to the new Packet Harbour at *Howth*,  
 ' should be and become vested in the said Commissioners thereby  
 ' appointed; and it was thereby further enacted, that the said  
 ' Roads travelled over by His Majesty's Mail Coaches passing to,  
 ' from, and between the General Post Office in the City of *Dublin*  
 ' and the new Packet Harbour at *Howth*, therein-before vested in  
 ' the said Commissioners by that Act appointed, should be main-  
 ' tained, repaired, and supported under the Powers, Authorities,  
 ' and Provisions relating to Regulations and Repairs contained  
 ' in the said therein-recited Acts passed by the Parliament of  
 ' *Ireland* in the Twenty-sixth, Twenty-eighth, Twenty-ninth,  
 ' Thirty-first, Thirty-second, Thirty-third, and Thirty-eighth  
 ' Years of the Reign of His said then late Majesty, and in the  
 ' said therein-recited Act of the Fifty-sixth Year of the same  
 ' Reign, and in any other Act or Acts relating to the said Roads  
 ' in the said Acts described, all which Powers, Provisions, and  
 ' Authorities were thereby continued and extended to the said  
 ' Roads, and should and might be exercised and carried into effect  
 ' by the said Commissioners by that Act appointed upon the said  
 ' Mail Coach Roads thereby vested in them, for the procuring  
 ' Materials, and repairing and maintaining such Roads, as fully  
 ' and effectually as the same might have been by the Trustees  
 ' acting in execution thereof in case the now-recited Act had not  
 ' been passed, and the said Trustees should continue to exercise  
 ' all the other Powers of the said Acts in the recovering the Tolls  
 ' collected on the said Roads, and otherwise as they had there-  
 ' tofore done; and it was by the now-reciting Act further enacted,  
 ' that from and after the First Day of *September* One thousand  
 ' eight hundred and twenty-three the Commissioners appointed in  
 ' and by the therein-recited Act of the Fiftieth Year of the Reign  
 ' of His then late Majesty King *George* the Third, for improving  
 ' the Harbour on the North Side of the Hill of *Howth*, should be  
 ' discharged and freed from the future Care and Maintenance  
 ' thereof, and should cease to carry into execution the said therein-  
 ' recited Act, or any of the Powers thereof, and that from and  
 ' after the said First Day of *September* all the said Harbour, and  
 ' all Roads, Piers, Quays, Works, and other Erections and Build-  
 ' ings made, erected, or built by the said Commissioners, or which  
 ' should belong or appertain to the said Harbour, and the Ground  
 ' and Soil on which the same were built, and all Ground applied  
 ' for such Purposes or purchased by the said Commissioners for  
 ' improving the said Harbour, and all other Land and Ground,  
 ' Rock

‘ Rock or Soil, Stones and Sand, within the said Harbour and  
‘ forming Part thereof, whether overflowed by the Tide of the Sea  
‘ or not, together with all Roads, Railways, and Tools, Materials  
‘ and other Things belonging or relating to the said Harbour,  
‘ should be made over to the said Commissioners for executing  
‘ that Act, and should from thenceforth be and remain vested in  
‘ the said last-mentioned Commissioners and their Successors, and  
‘ should from thenceforth be repaired, maintained, and supported  
‘ by the said last-mentioned Commissioners, and from thence-  
‘ forth all the Powers and Authorities given by the therein-recited  
‘ Acts of the Forty-fifth Year of the Reign of His then late  
‘ Majesty King *George* the Third and of the Fiftieth Year of the  
‘ same Reign, or by any other Acts, or contained therein, relating  
‘ to the said Harbour of *Howth*, should be vested in the said  
‘ Commissioners appointed by the now-reciting Act, and should  
‘ be carried into effect and executed by the said Commissioners  
‘ thereby appointed for the future Improvements, Repair, and  
‘ Maintenance of the said Harbour of *Howth*, as fully and  
‘ effectually as the same had been or might be executed and  
‘ carried into effect by the said Commissioners appointed by the  
‘ said therein-recited Acts of the Forty-fifth Year of the Reign of  
‘ His said late Majesty and of the Fiftieth Year of the same  
‘ Reign, or might have been carried into effect by the Corpora-  
‘ tion of *Dublin*, in case the now-reciting Act had not been  
‘ passed: And whereas under and by virtue of the said first-recited  
‘ Act of the Third and Fourth Year of the Reign of His present  
‘ Majesty the said last-mentioned Roads and Harbour, and the  
‘ several Powers and Provisions by the said recited Act of the  
‘ Fourth Year of the Reign of His said late Majesty King *George*  
‘ the Fourth given to the said Commissioners thereby appointed  
‘ for the Improvement, Repair, and Maintenance thereof respec-  
‘ tively, are now vested in and exercised and exercisable by the  
‘ Commissioners acting in execution of the said first-recited Act  
‘ of the Third and Fourth Year of the Reign of His present  
‘ Majesty: And whereas it is expedient that the said last-mentioned  
‘ Roads and Harbour should be transferred to and vested in the  
‘ Commissioners herein-after named;’ be it therefore enacted,  
That from and after the passing of this Act the said Commis-  
sioners acting in execution of the said first-recited Act of the Third  
and Fourth Year of the Reign of His present Majesty shall be dis-  
charged and freed from the future Care, Maintenance, and Repair  
of the several herein-before mentioned Roads passing to, from, and  
between the General Post Office in the City of *Dublin* and the  
Harbour at *Howth*, and from the future Care and Maintenance of  
the said Harbour of *Howth*, and shall cease to carry into execution  
the said recited Act of the Fourth Year of the Reign of His late  
Majesty King *George* the Fourth, or any of the Powers thereof, so  
far as relates to the said Roads and Harbour; and from and after  
the passing of this Act the said last-mentioned Roads and Har-  
bour, and all Roads, Piers, Quays, Works, and other Erections  
and Buildings belonging or appertaining to the said Harbour, and  
the Ground and Soil on which the same are built, and all Ground  
applied for such Purposes or purchased for improving the said  
Harbour, and all other Land and Ground, Rock or Soil, Stones  
and

1 &amp; 2 W. 4. c. 33.

and Sand, within the said Harbour and forming Part thereof, whether overflowed by the Tide of the Sea or not, together with all Roads, Railways, and Tools, Materials, and other Matters and Things whatsoever belonging or relating to the said Harbour, now vested in the said Commissioners acting in execution of the first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, shall be and the same are hereby respectively transferred and made over to the Commissioners acting in execution of an Act made and passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, and shall from thenceforth be and remain vested in the said last-mentioned Commissioners, and their Successors, and shall from thenceforth be repaired, maintained, and supported by the said last-mentioned Commissioners so far as they shall be from Time to Time authorized by the Lords Commissioners of His Majesty's Treasury; and from thenceforth all the Powers and Authorities given by, and the Clauses, Enactments, and Provisions contained in the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth and by the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty to the Commissioners therein respectively named, either expressly or by reference to any other Act or Acts relating to the said Roads and Harbour, shall be vested in and exercised by the said Commissioners acting in execution of the said last-mentioned Act of the First and Second Year of the Reign of His present Majesty, and shall be carried into effect and executed by the said last-mentioned Commissioners or any Two of them as fully and effectually as the same have or might at any Time heretofore have been executed and carried into effect or exercised by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty in case this Act had not been passed, or as if the Commissioners acting in execution of the said last-mentioned Act of the First and Second Year of the Reign of His present Majesty had been named in the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty instead of the Commissioners thereby appointed.

Repeal of Part of 4 G. 4. c. 74. as to Payment of certain Sums by Trustees of Acts therein recited to Commissioners thereby named.

XLI. And be it further enacted, That so much of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth as enacts that out of the Tolls collected and received by the Trustees acting in execution of the therein-recited Acts passed by the Parliament of *Ireland* in the Twenty-sixth, Twenty-eighth, Twenty-ninth, Thirty-first, Thirty-second, Thirty-third, and Thirty-eighth Years of the Reign of His late Majesty King *George* the Third, and of the therein-recited Act of the Fifty-sixth Year of the same Reign, passed by the Parliament of the United Kingdom of *Great Britain* and *Ireland*, and of any other Act or Acts of Parliament passed respecting the said Roads therein described, under the Provisions of the said Acts, there shall be annually paid over by the said Trustees to the said Commissioners thereby appointed, by equal half-yearly Payments on the Days therein mentioned, a Sum or Sums of Money at and after the Rate of One hundred Pounds for each Mile of the said Roads thereby

thereby vested in the said Commissioners, to be by them applied in the necessary Repairs of the said Line of Road so vested in the said Commissioners, shall be and the same is hereby repealed as and from the First Day of *September* next.

XLII. And be it further enacted, That out of the Tolls collected and received by the said Trustees under the Provisions of the said last before-mentioned several Acts in execution of which they act, there shall be annually paid over by the said Trustees to the said Commissioners acting in execution of the said Act of the First and Second Year of the Reign of His present Majesty for the Extension and Promotion of Public Works in *Ireland*, by equal half-yearly Payments on the First Day of *September* and the First Day of *March* in each and every Year, the first Payment thereof to be made on the First Day of *September* next, such Sum or Sums of Money as the said last-mentioned Commissioners shall by Notice in Writing to the said Trustees require for the Purpose of keeping the said last-mentioned Road in good and sufficient Repair, not exceeding the annual Sum of One hundred Pounds for each Mile of the said Road, and so in proportion for less than a Mile; and in case the whole Monies so paid in any Half Year shall not be wholly expended for the Purposes aforesaid within the current Half Year, then the Surplus unexpended shall be carried over and be applicable to the future Expences of the Repair of the said Road.

Provision in lieu thereof;

XLIII. And be it further enacted, That in case Default shall be made in payment of the said Sum or Sums of Money so to be required by such Commissioners as aforesaid for the Space of Thirty Days after the same shall become payable, it shall and may be lawful to and for the said last-mentioned Commissioners from Time to Time to enter upon and take possession of the Toll Gates, Bars, and Toll Houses of the said Trustees, and to retain the same, and to collect, receive, take, and recover the Tolls arising on the said Roads until the Sum then due, and the Expences of such Seizure, shall be fully paid and satisfied.

Remedy in case of Default in payment of such Sums.

XLIV. And be it further enacted, That so much of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth as enacts that the Presenting Grand Jury of the County of the City of *Dublin* shall in each and every Year present a Sum or Sums of Money, at the Rate of the Sum of One hundred Pounds for each Mile or Part of a Mile of the Road commonly called the *North Strand*, commencing at the Circular Road near to the City of *Dublin* and ending at *Annesley Bridge*, to be applied as therein mentioned, shall be and the same is hereby repealed.

Repeal of so much of 4 G. 4. c. 74. as relates to Presentments for the North Strand Road.

XLV. And be it further enacted, That the Presenting Grand Jury of the County of the City of *Dublin* shall henceforth annually present such Sum or Sums of Money as the said Commissioners acting in execution of the said Act of the First and Second Year of the Reign of His present Majesty, for the Extension and Promotion of Public Works in *Ireland*, shall, by Notice in Writing to the said Grand Jury, require for the Purpose of keeping the said last-mentioned Road in good and sufficient Repair, not exceeding the annual Sum of One hundred Pounds for each Mile, and so in proportion for less than a Mile of the said Road, the said Sum

Provision in lieu thereof.

Sum or Sums to be paid over to the said Commissioners, or to such Person or Persons as shall be duly authorized by them to receive the same, and shall be applied to keeping the said last-mentioned Road in good and sufficient Repair; and in case the whole Monies so paid in any Year shall not be wholly expended for the Purposes aforesaid within the current Year, then the Surplus unexpended shall be carried over and be applicable to the future Expences of the Repair of the said Road.

Commissioners hereby appointed to stand in place of former Commissioners as to Loans, Debts, Claims, and Liabilities, &c. on Howth Roads and Harbour.

XLVI. And be it further enacted, That all Loans or Sums of Money which have been borrowed or raised, or which may be now due and owing by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, under or by virtue of the Provisions of the herein-before recited Acts or any of them, in respect or on account of the said last-mentioned Roads or Harbour, and all Interest due or to grow due thereon respectively, shall be paid and discharged by the Commissioners acting in execution of the said last mentioned Act of the First and Second Year of the Reign of His present Majesty, as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said last-mentioned Commissioners; and all and every Persons and Person who may owe or be subject or liable to the Payment of any Sum or Sums of Money in respect or on account of the said last-mentioned Roads or Harbour to the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty as aforesaid, or to any other Person or Persons for the Benefit of the said Commissioners, shall be liable to the Payment of all such Sum or Sums of Money to the said Commissioners acting in execution of the said last-mentioned Act of the First and Second Year of the Reign of His present Majesty; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities relating to the said last-mentioned Roads or Harbour, or to any Buildings, Lands, Grounds, Quarries, or Premises belonging thereto respectively, entered into by any Person or Persons to or with the Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, or to or with the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, as aforesaid, or to or with their Clerk, Treasurer, or other Officer, under or by virtue of the Powers or Directions of any of the said herein-before recited Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Commissioners acting in execution of the last-mentioned Act of the First and Second Year of the Reign of His present Majesty, and shall be vested in such last-mentioned Commissioners, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on in the Name of the Secretary for the Time being to the said last-mentioned Commissioners; and all Leases, Deeds, Assignments, Securities, Contracts, or Agreements relating to the said last-mentioned Roads or Harbour, or to any Buildings, Lands, Grounds, Quarries, or Premises belonging thereto respectively

tively as aforesaid, duly made or entered into by the said Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth or by the said Commissioners acting in execution of the said first-recited Act of the Third and Fourth Year of the Reign of His present Majesty, as aforesaid, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the said Commissioners acting in execution of the said last-mentioned Act of the First and Second Year of the Reign of His present Majesty, according to the Terms and Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the Secretary for the Time being to the said last-mentioned Commissioners.

SCHEDULE (A.) referred to in this Act;

SHOWING

The several IMPROVEMENTS to be made by the COMMISSIONERS acting under the 3 & 4 Will. 4<sup>th</sup> c. 43.; the TURNPIKE TRUSTS to which they belong; and the SUM to be applied to each IMPROVEMENT.

TRUST.	Description of Improvement or Alteration.	Sums to be expended in Improvements.
The Trustees of the Dunstable Trust, acting under 1 & 2 Geo. 4. c. 107. }	For making a new Road to avoid Flamsted Hill - - }	£ s. d. 3,000 0 0
The Trustees of the Puddle Hill Trust, acting under 54 Geo. 3. c. 121. }	For lowering Chalk Hill - - }	10,000 0 0
The Trustees of the Hockliffe and Stratford Trust, acting under 11 Geo. 4. c. 83. - }	For lowering High Ash Hill and the Denbigh Hall Hill - }	10,000 0 0
The Trustees of the Stratford and Dunchurch Trust, acting under 3 Geo. 4. c. 91. }	For lowering the Hills of Fosters, Booth, and Stowe, and making an Embankment across the Geese Bridge Valley, and in paying for other Improvements within their Trust, and widening or rebuilding the Bridges at Braunston and Weedon - - - }	30,000 0 0
The Trustees of the Dunchurch and Stonebridge Trust, acting under 5 Geo. 4. c. 43. }	For lowering Knightlow Hill, Wilenhall Hill, and the Windmill Hill - - - }	7,500 0 0
The Trustees or Commissioners of the Shrewsbury and Holyhead Road, acting under 59 Geo. 3. c. 30. - }	For lowering Mountford Hill, between Shrewsbury and the Ten Mile Stone on the Road to Oswestry, and widening the said Road - - - }	4,000 0 0

## SCHEDULE (B.) referred to in this Act.

Counties.	Parishes.	Owners Names.	Occupiers Names.	Description of Property.
Hertford -	Flamstead -	Late Thomas Pearce - (Estate in Chancery).	Matthew Leno -	Orchard and Rick Yard.
Northampton	Pattishall -	Thomas Drayson -	Thomas Drayson -	Osier Plantation.
Ditto	Grimscote -	Duke of Grafton -	Several Occupiers -	Yard or Garden.
Salop -	Saint Chad	Joseph Jones - -	Richard Humphreys -	Garden.
Ditto -	Ditto -	Ditto	George Hughes -	Garden.
Ditto -	Ditto -	William Cotton -	Thomas Cotton -	Garden.
Ditto -	Ditto -	Robert Burton, Esquire	John Stokes -	Garden.



## C A P. XXXVI.

An Act to amend an Act passed in the present Session of Parliament, for consolidating the Laws relating to the Constabulary Force in *Ireland*. [28th July 1836.]

WHEREAS an Act has been passed in this present Session of Parliament to consolidate the Laws relating to the Constabulary Force in *Ireland*, and it is expedient to amend the said Act in certain respects: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salary as to him or them may from Time to Time seem proper to be paid to each Paymaster appointed or to be appointed under the said Act, not exceeding Two hundred Pounds instead of not exceeding One hundred Pounds as limited by the said Act; and in like Manner to fix and appoint such annual Salary as to him or them may from Time to Time seem proper to be paid to each Sub-Constable appointed or to be appointed under the said Act, not exceeding Twenty-eight Pounds instead of not exceeding Twenty-five Pounds as limited by the said Act.

Salary of Paymasters under 6 W. 4. c. 13. to be 200*l.* instead of 100*l.*, and of Sub-Constables to be 28*l.* instead of 25*l.*

II. And be it enacted, That for the Purpose of calculating the Proportion of the Monies advanced out of the Produce of the Consolidated Fund under the Provisions of the said Act, to be raised by Grand Jury Presentment off the several Counties, Counties of Cities, and Counties of Towns liable to the Repayment of the same, as in the said Act mentioned, all such Sums as shall be or have been advanced for the Purposes herein-after mentioned, or any of them, shall, in addition to the Salaries and Expences by such Act directed to be excepted out of such Advances in calculating such Proportion as aforesaid, be deducted from the Amount of such Advances; (that is to say,) all such Sums as shall be or have been advanced for the Purchase or Repair of Arms, Ammunition, Accoutrements, and other Articles of Outfit, Horses, Forage, Livery, Grazing, Saddlery, and all other Horse Appointments and attendant Expences, Postage, Stationery, and Printing, or for the Salaries and necessary Expences of the Four County Inspectors to be appointed under the said Act; and a Moiety of the Residue only of the Amount of such Advances, after making therefrom such Deductions as by the said Act and this Act directed, shall be raised by Grand Jury Presentment off each County, County of a City, or County of a Town, as the Case may be, to which the same shall be declared by the said Lord Lieutenant or other Chief Governor or Governors to relate; any thing in the said recited Act contained to the contrary hereof notwithstanding.

Counties not to be liable for Expences of Horses, Arms, &c. nor of County Inspectors.

## C A P. XXXVII.

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.

[28th July 1836.]

8 G. 4. c. 106. **W**HEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Acts now in force relating to Bread to be sold in the City of London and the Liberties thereof, and within 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 preventing the Adulteration of Meal, Flour, and Bread within 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, within the aforesaid Limits, which have been found beneficial to the Public as well as to the Bakers within the said Limits: And whereas it is deemed expedient that the several Acts of Parliament 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, beyond the Limits aforesaid, should be altogether repealed, and that in lieu thereof the Regulations, Provisions, and Penalties herein-after contained, and which are similar to those contained in the said recited Act of the Third Year of the Reign of His said late Majesty King *George* 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and thirty-six all and every Acts or Act of Parliament now in force relating to the making and selling of Bread, or to 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, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, be and the same are hereby repealed; and there shall be no longer any Assize of Bread beyond the Limits aforesaid, or any Regulation respecting the Price thereof.

All Acts relating to the making and selling of Bread, &c. out of the City of London and beyond the Bills of Mortality, repealed.

II. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, 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 Flour or Meal of Wheat, Barley, Rye, Oats, Buck Wheat, Indian Corn, Peas, Beans, Rice,

or

or Potatoes, or any of them, and with any common Salt, pure Water, Eggs, Milk, Barm, Leaven, Potatoe or other Yeast, and mixed in such Proportions as they shall think fit, and with no other Ingredient or Matter whatsoever, subject to the Regulations herein-after contained.

III. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread beyond the Limits aforesaid 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.

Bakers to make Bread of any Weight or Size.

IV. And be it enacted, That from and after the Commencement of this Act all Bread sold beyond the Limits aforesaid shall be sold by the several Bakers or Sellers of Bread respectively beyond the said Limits by Weight; and in case any Baker or Seller of Bread beyond the Limits aforesaid 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.

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

Penalty.

Proviso for French and Fancy Bread and Rolls.

V. And be it enacted, That the several Bakers or Sellers of Bread respectively beyond the said Limits 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 Weight, and the several Gradations of the same, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, as the Magistrate or Magistrates, Justice or Justices before whom such Conviction shall take place shall from Time to Time order and adjudge.

Bakers to use Avoirdupois Weight.

Penalty for using any other.

VI. And be it enacted, That every Baker or Seller of Bread beyond the Limits aforesaid 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 all Bread there sold may from Time to Time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; 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, then and in every such Case he, she, or they shall for every such false Beam and Scales and Balance, or false Weight, forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates,

Bakers to provide in their Shops Beams, Scales and Weights, &c., and to weigh Bread, &c.

Penalty.

Justice or Justices before whom such Offender or Offenders shall be convicted shall order and direct.

Bakers and  
Sellers of Bread,  
&c. delivering  
by Cart, &c. to  
be provided with  
Scales, Weights,  
&c. for weigh-  
ing Bread.

VII. And be it enacted, That every Baker or Seller of Bread beyond the Limits aforesaid, and every Journeyman, Servant, or other Person employed by such Baker or Seller of Bread, who shall convey or carry out Bread for Sale in and from any Cart or other Carriage, shall be provided with and shall constantly carry in such Cart or other Carriage a correct Beam and Scales with proper Weights, or other sufficient Balance, in order that all Bread sold by every such Baker or Seller of Bread, or by his or her Journeyman, Servant, or other Person, may from Time to Time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread, or his or her Journeyman, Servant, or other Person, shall at any Time carry out or deliver any Bread without being provided with such Beam and Scales with proper Weights, or other sufficient Balance, or whose Weights shall be deficient in their due Weight according to the Standard in the Exchequer, or shall at any Time refuse to weigh any Bread purchased of him, her, or them, or delivered by his, her, or their Journeyman, Servant, or other Person, in the Presence of the Person or Persons purchasing or receiving the same, then and in every such Case every such Baker or Seller of Bread shall for every such 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 direct.

Penalty.

Adulterating  
Bread.

VIII. And be it enacted, That no Baker or other Person or Persons who shall make Bread for Sale beyond the Limits aforesaid, 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 beyond such Limits use any Mixture or Ingredient whatsoever in the making of such Bread, other than and except as herein-before mentioned, on any Account or under any Colour or Pretence whatsoever, 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 Ten Pounds nor less than Five Pounds, 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 shall be apprehended, there to remain for any Time not exceeding Six 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 and 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 which shall be printed or published in

Penalty.

Names of  
Offenders to be  
published.

in or near the City, County, Borough, or Place where the Offence shall have been committed, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

IX. And be it enacted, That if any Person beyond the Limits aforesaid shall put into any Corn, Meal, or Flour which shall be ground, dressed, bolted, or manufactured for Sale beyond such Limits, either at the Time of grinding, dressing, bolting, or manufacturing the same, or at any other Time, any Ingredient or Mixture whatsoever not being the real and genuine Produce of the Corn or Grain which shall be so ground; or if any Person shall beyond the Limits aforesaid knowingly sell or offer or expose for Sale, either separately or mixed, any Meal or Flour of one Sort of Corn or Grain as the Meal or Flour of any other Sort of Corn or Grain, or any Ingredient whatsoever mixed with the Meal or Flour so sold or offered or exposed for Sale; then and in every such Case every Person so offending shall, upon Conviction before any 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 for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, which such Magistrate or Magistrates, Justice or Justices before whom any such Offender or Offenders shall be convicted shall think fit and order.

Adulterating  
Corn, Meal, or  
Flour.

Selling Flour of  
one Sort of Corn  
as the Flour of  
another Sort.

Penalty.

X. And be it enacted, That every Person who shall make for Sale, or sell or expose for Sale, beyond the Limits aforesaid, 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 beyond the Limits aforesaid 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.

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

Penalty.

Proviso.

XI. And be it enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of their respective Jurisdictions, and also for any Peace Officer or Officers 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, Mill, Shop, Stall, Bakehouse, Bolting House, Pastry Warehouse, Outhouse, or

Magistrates or  
Peace Officers  
by their War-  
rants may search  
a Baker's Pre-  
mises, and if any  
adulterated  
Flour, Bread,  
&c. be found,  
the same may  
be seized, and

disposed of as  
herein men-  
tioned.

Ground of or belonging to any Miller, Mealman, or Baker, or other Person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for Reward or Sale, beyond the Limits aforesaid, and to search or examine whether any Mixture or Ingredient not the genuine Produce of the Grain 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, 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 Dough or Bread in the Possession of any such Baker or other Person, whereby any such 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 Officer or Officers authorized as aforesaid respectively, within the Limits of their respective Jurisdictions, to seize and take 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 Peace Officer or Officers 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, 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.

Penalty if In-  
gredients for  
Adulteration of  
Meal or Bread  
are found in  
any Premises.

XII. And be it enacted, That every Miller, Mealman, or Baker beyond the Limits aforesaid, in whose House, Mill, Shop, Stall, Bakehouse, Bolting House, Pastry Warehouse, Outhouse, Ground, or Possession any Ingredient or Mixture shall be found which shall, after due Examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been depos-  
ited

sited there for the Purpose of being used in adulterating Meal, Flour, or Bread, shall, on being convicted of any such Offence, either by his, her, or their own 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 Six 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 which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

First Offence ;  
Second Offence ;  
subsequent  
Offence.

Names of  
Offenders to be  
published.

XIII. 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 on 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 make Bread for Sale beyond the Limits aforesaid shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their Jurisdiction, and make 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 Person so making Complaint, then and in any such Case any such Magistrate or Magistrates, Justice or Justices, may and is or are hereby required to issue out his or their Warrant,

Obstructing  
Search.

Penalty.

Offences occa-  
sioned by wilful  
Default of  
Journeyman  
and Servants.

## Proceedings.

under his or their Hand and Seal or respective Hands and Seals, for bringing any such Journeyman or 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 or 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 any 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 or 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 by reason of the wilful Act, Neglect, or Default of any such Journeyman or Servant; and if any such Journeyman or 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 Jurisdiction, is or are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Journeyman or 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 or Servant shall be apprehended or convicted, to be there kept to hard Labour for any Term not exceeding One Calendar Month nor less than Ten Days from the Time of such Commitment, as to such Magistrate or Magistrates, Justice or Justices, shall seem reasonable, unless Payment shall be made of the Money ordered after such Commitment and before the Expiration of the said Term.

If Penalty on Journeyman is not paid, Magistrates may order Imprisonment, &c.

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

XIV. Provided always, and be it enacted, That no Master or Mistress, Journeyman, or other Person exercising or employed in the Trade or Calling of a Baker beyond the Limits aforesaid, shall on the Lord's Day, or on any Part thereof, make or bake any Bread, Rolls, or Cakes of any Sort or Kind, or shall on any other Part of the said Day after the Hour of Half-past One of the Clock in the Afternoon sell or expose for Sale, or permit or suffer to be sold 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, 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's baking; 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 Six Days from the



the Commission thereof, either upon the View of such Justice, or on Confession by the Party, or Proof by One or more 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 some One of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct), of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid; 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 and 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 the Space of Fourteen Days, and on a Third or any subsequent Offence for the Space of One Month, with or without hard Labour, unless the whole of the Penalty, Costs, and Expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful, for every Baker residing beyond the Limits aforesaid to deliver to his or her Customers on the Lord's Day any Bakings 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: Provided always, that the Provisions of this Act, so far as they authorize the baking and preparing Bread on *Sundays*, shall not extend to *Scotland*.

Penalty.  
First Offence;  
Second Offence;  
subsequent  
Offence.

Bakings may be  
delivered till  
Half past One  
on Sundays.

No Miller, Meal-  
man, or Baker  
to act as a Jus-  
tice of the Peace  
under this Act.

XV. Provided always, and be it enacted, That no Person who shall follow or be concerned in the Business of a Miller, Mealman, or Baker shall be capable of acting or shall be allowed to act as a 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, or Baker shall presume so to do, he or they so offending in

Penalty, 100*l*.

in the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who will inform or sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or more than One Impar lance shall be allowed.

Opposing Execution of the Act.

XVI. 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 any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such Offence.

Penalty.

Recovery and Application of Penalties and Forfeitures.

XVII. 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 Justice 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 on 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 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 the 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 Labour,

Distress.

Imprisonment.

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 be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to some one of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate, and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

XVIII. And be it further 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:

Form of Summons.

‘ To *A. B.* of  
 ‘ County of } WHEREAS Complaint and Information hath  
 ‘ to wit. } been made before me *C. D.*, one of His  
 ‘ Majesty’s Justices of the Peace [*or Magistrate*] for the said  
 ‘ County, &c., by *E. F.* of that, &c. [*here*  
 ‘ *state the Nature and Circumstance of the Case, as far as it shall*  
 ‘ *be necessary to show the Offence, and to bring it within the Au-*  
 ‘ *thority 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 other Justice  
 ‘ or Magistrate as shall be then and there present) at  
 ‘ in the said County, &c. on the Day of  
 ‘ next, at the Hour of in the noon, to answer  
 ‘ to the said Complaint and Information made by the said *E. F.*,  
 ‘ who is likewise directed to be then and there present to make  
 ‘ good the same. Herein fail not. Given under my Hand this  
 ‘ Day of

XIX. And be it further 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:

Form of Information.

‘ County of } BE it remembered, That on the  
 ‘ to wit. } Day of *A. B.* of  
 ‘ in the said County, informeth me  
 ‘ one of His 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 King *William* the Fourth,  
 ‘ intituled *An Act* [*set forth the Title of this Act*], which hath  
 ‘ imposed a Forfeiture of for the said Offence.  
 ‘ Taken the Day of before me, *C. D.*

XX. Pro-

Informations to be laid before acting Magistrates of District.

XX. Provided always, and be it enacted, That all Offences committed against this Act 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.

Power to summon Witnesses in prosecuting Offences.

XXI. And be it enacted, That if it shall be made appear by the 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 seasonable Time as in such Summons shall be fixed; and if any Person so summoned 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 and Magistrates, Justice and 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.

Tender of Expenses.

Examination upon Oath.

Committal.

False Evidence Perjury.

XXII. 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

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.

XXIII. And be it further 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,)

Form of Conviction.

‘ to wit. } **BE** it remembered, That on this Day  
 ‘ of in the Year of the  
 ‘ Reign of *A. B.* is convicted before  
 ‘ Majesty’s Justice of the Peace for the said County of  
 ‘ [or for the Division of the said County of or for  
 ‘ the City, Liberty, or Town of as the Case shall  
 ‘ happen to be], 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.’

XXIV. 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 removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*; 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 Damage (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.

Proceedings not to be quashed for Want of Form.

XXV. Provided always, and be it hereby 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 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, 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

Tender of Amends.

Appeal to Quarter Sessions.

Recognizance.

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, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if, upon hearing the said Appeal, the Judgment of the Magistrate or Magistrates, Justice or Justices, before whom the Appellant or Appellants shall have been convicted, shall be confirmed, such Appellant or Appellants shall forthwith pay down the Sum he, she, or they shall have been adjudged to have forfeited, together with such Costs as the said Justices in their said General or General Quarter Sessions shall award to be paid to the Prosecutor or Informer for defraying the Expences sustained by reason of any such Appeal; and in default of the Appellant's paying the same, any Two Justices, or any One Magistrate or Justice of the Peace, having Jurisdiction in the Place into which any such Appellant or Appellants shall escape, or where he, she, or they shall reside, shall and may, by Warrant under their Hands and Seals or his Hand and Seal, commit any such Appellant or Appellants to the Common Gaol of the City, County, Division, or Place where he, she, or they shall be apprehended, until he, she, or they shall make Payment of such Penalty, and of the Costs and Charges which shall be adjudged on the Conviction; but if the Appellant or Appellants in any such Appeal shall make good his, her, or their Appeal, and be discharged of the said Conviction, reasonable Costs shall be awarded to the Appellant or Appellants against such Informer or Informers who would (in case of such Conviction) have been entitled to a Moiety of the Penalty to have been recovered as aforesaid, and which Costs shall and may be recovered by the Appellant or Appellants against any such Informer or Informers in like Manner as Costs given at any General or General Quarter Sessions are recoverable: Provided always, that no Person shall be detained in Prison for any such Offence for any greater Length of Time than Three Calendar Months.

Determination to be final.

Costs.

Appellant not paying Sum adjudged against him to be committed.

Costs to Appellant making good his Appeal.

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

XXVI. Provided also, and be it enacted, That if any such Conviction shall happen to be made within Six Days before any General or General Quarter Sessions of the Peace shall be held for the City, County, Division, Town Corporate, Borough, or Place where such Conviction shall have been made, the Party or Parties who shall think him, her, or themselves aggrieved by any such Conviction shall and may, on entering into a Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or General Quarter Sessions of the Peace which shall be held for any such County, Division, City, Town Corporate, Borough, Liberty, or Place where any such Conviction shall have been made.

XXVII. And be it enacted, That in *Scotland* all Penalties incurred under the Provisions of this Act or of any of the before-recited Acts shall be recoverable, with Expences, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court, or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges and such Remuneration to the Person prosecuting as the said Judges shall think fit, shall be paid to the Poor of the Place where such Penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences decerned for failing Payment within Fourteen Days after Conviction, by Pointing, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

As to Penalties in Scotland.

XXVIII. And be it enacted, That in *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Commissioners of Justiciary at the next Circuit Court, or where there is no Circuit Court, to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in Scotland*, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him or them by the Sentence or Sentences appealed from, in the event of the Appeal or Appeals being dismissed, together with any additional Expences which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way than as herein provided.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

20 G. 2. c. 43.

XXIX. And be it further enacted, That every Action or Suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any Peace Officer or Officers, for any Matter or Thing done or committed by virtue of or under this Act, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the City, County, or Place where the Matter in dispute shall arise, and not elsewhere; and that the Statute made in the

Limitation of Actions.

Twenty-

Part of 24 G. 2.  
c. 44. extended  
to this Act.

Service of Writ  
upon Peace  
Officer.

Tender of  
Amends.

Costs.

In Actions for  
executing Act,  
General Issue  
may be pleaded.

Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*, so far as the said Act relates to the rendering the Justices more safe in the Execution of their Office, shall extend and be construed to extend to the Magistrate and Magistrates, Justice and Justices of the Peace acting under the Authority or in pursuance of this Act; and that no Action or Suit shall be had or commenced against, nor shall any Writ be sued out or Copy of any Writ be served upon, any Peace Officer or Officers for any thing done in the Execution of this Act until Seven Days after a Notice in Writing shall have been given to or left for him or them at his or their usual Place of Abode, by the Attorney for the Party intending to commence such Action, which Notice in Writing shall contain the Name and Place of Abode of the Person intending to bring such Action, and also of his Attorney, and likewise the Cause of Action or Complaint; and any Peace Officer or Officers shall be at liberty, and may by virtue of this Act, at any Time within Seven Days after any such Notice shall have been given to or left for him, tender or cause to be tendered any Sum or Sums of Money as Amends for the Injury complained of to the Party complaining or to the Attorney named in such Notice; and if the same be not accepted, the Defendant or Defendants in any such Action or Actions may plead such Tender in bar of such Action or Actions, together with the General Issue or any other Plea, with Leave of the Court in which the Action shall be commenced; and if, upon Issue joined on such Tender, the Jury shall find the Amends tendered to have been sufficient, they shall find a Verdict for the Defendant or Defendants; and in every such Case, or if the Plaintiff shall become Nonsuit or discontinue his Action, or if Judgment shall be given for the Defendant or Defendants upon Demurrer, or if any Action or Suit shall be brought after the Time limited by this Act for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, and the Defendant or Defendants shall be entitled to his or their Costs; but if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient, or shall find against the Defendant or Defendants on any Plea or Pleas by him or them pleaded, they shall then give a Verdict for the Plaintiff, and such Damages as they shall think proper; and the Plaintiff shall thereupon recover his Costs against every such Defendant or Defendants.

XXX. And be it further enacted, That if any Action or Suit shall be commenced against any other Person or Persons than a Magistrate, Justice, or Peace Officer, for any thing done in pursuance of this Act, the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or if a Verdict shall be recorded for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall



have appeared, or if Judgment shall be given upon a Verdict or Demurrer against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Action shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law for the Recovery of his, her, or their Costs.

Treble Costs.

XXXI. Provided also, and be it further enacted, That no Person shall be convicted of any Offence under this Act unless the Complaint is made within Forty-eight Hours 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; 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.

Limitation of Information.

XXXII. And be it also enacted, That all 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 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 (or in case there be no such Person informing then the whole thereof) shall go and be paid to some one of the Overseers of the Poor, or to some other Officer, (as the convicting Justice or Justices may direct,) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

Application of Penalties.

XXXIII. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend in any way to affect, lessen, or infringe upon any Right or Custom of the Universities of *Oxford* or *Cambridge* or either of them, or of any Lord or Lords of any Leets, or the Rights of any Clerk or Clerks of the Market in any Place which may be exercised and enjoyed by them or any of them by virtue of any Charter, Bye Laws, Prescriptions, Usages, Customs, Privileges, Grants, or Acts of Parliament, except so far as relates to the Assize of Bread and the Regulations of the Price and Weight thereof; but that all such Rights and Privileges shall be held, exercised, and enjoyed, by the Parties respectively entitled thereto, as fully and amply to all Intents and Purposes as the same were held, exercised, and enjoyed before the passing of this Act, any thing herein contained to the contrary notwithstanding.

Proviso for Rights of particular Persons.

XXXIV. And be it further enacted, That this Act shall commence and take effect from and after the said First Day of *October* One thousand eight hundred and thirty-six.

Commencement of Act:

not to extend to Ireland ; may be altered this Session.

XXXV. And be it enacted, That nothing in this Act contained shall extend to *Ireland*.

XXXVI. 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.

C A P. XXXVIII.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider by Retail, in Ireland.*

[28th July 1836.]

3 & 4 W. 4. c. 68.

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland*: And whereas it is expedient to amend the said Act in certain Particulars, and to make other Regulations in respect of the Sale of Wine, Spirits, Beer, and Cider by Retail in *Ireland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* in the Year One thousand eight hundred and thirty-six it shall and may be lawful to and for the proper Officers of Excise, and they are hereby directed, to require from all and every Person and Persons applying for such Licence, as in the said Act mentioned, to sell Beer, Cider, and Spirits by Retail, to be consumed in any House specified in said Licence, being the same House as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, in addition to the Certificate of Six Householders of the Parish in the said recited Act mentioned, a Certificate to the same Purport and Effect from the Chief Constable of the Constabulary Force acting in and for the District in which such House may be situate, or in lieu thereof a Certificate from Two of the Overseers appointed or to be appointed, as provided in and by the said recited Act or by this Act, for the Parish in which such House is situate; and in such Certificate the said Two Overseers shall state the Time of their Appointment, and that they acted as such Overseers at least for One Month in the Year immediately preceding the Date of such Certificate; and such Certificate shall be signed by the said Overseers without Fee or Reward.

Proper Officers of Excise, before granting Licences to Persons licensed in the Year preceding, shall require a Certificate of good Character in addition to the Certificate required by the recited Act.

Process Servers not to be licensed to retail Spirits.

II. And be it further enacted, That no Person appointed to serve Civil Bill Processes shall be capable, while he holds such Office, of receiving or holding a Licence to sell Beer, Cider, Wine, or Spirits by Retail.

Certain Persons not to retail Spirits to be consumed on the Premises.

III. And be it further enacted, That from and after the passing of this Act no Person in *Ireland* who shall be duly licensed under any Act or Acts for granting Excise Licences to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, nor any Person deemed a Grocer within the Meaning of the Laws of the Excise in

in force in *Ireland* at or immediately before the passing of this Act, shall be entitled to take out any Licence to retail Spirits in the House or on the Premises of such Retailer, or in any House or on any Premises within One Quarter of a Mile of the House or Premises of such Retailer, other than a Licence to retail Spirits in Quantities not less at one Time than One Pint, and to be consumed elsewhere than in the House or on the Premises of such Retailer; and any Licence to retail Spirits in any other Manner granted after the passing of this Act to any such Grocer or Person so licensed as aforesaid shall be wholly null and void to all Intents and Purposes whatsoever.

IV. And be it further enacted, That from and after the passing of this Act no Person selling or licensed to sell Beer or Cider, Spirits or Wine, by Retail, to be drunk or consumed on the Premises, shall have or keep his House or other Place of Sale (not being a Booth or Tent at any lawful or accustomed Fair, or at any public Races,) open for the Sale of Spirits, Wine, or Beer, nor shall sell or retail Spirits, Wine, or Beer, nor shall suffer any Spirits, Wine, or Beer to be drunk or consumed in or at such House or other Place, at any Time between the Hours of Nine of the Clock in the Night of *Sunday* and Nine of the Clock in the Morning of *Monday*; and if any such Person shall keep his House or other Place of Sale open for selling or shall sell Spirits, Wine, or Beer, or suffer Spirits, Wine, or Beer to be sold, drunk, or consumed in or at such House or other Place, at any Time between the Hour of Nine of the Clock at Night on *Sunday* and the Hour of Nine of the Clock in the Morning of *Monday*, such Person shall forfeit the Sum of Two Pounds for any such Offence; and every separate Sale shall be deemed a separate Offence, and all Sales on any One Day shall be deemed and considered and may be prosecuted as separate Offences: Provided always, that nothing herein contained shall extend to prohibit the Sale of Spirits, Wine, or Beer to a Traveller.

V. And be it further enacted, That no Person selling or licensed to sell Beer or Cider and Spirits or Wine by Retail, to be drunk or consumed on the Premises, or otherwise, shall have or keep any Booth or Tent or other Place, not being a House duly licensed for the Sale of Spirits at any lawful or accustomed Fair or at any public Races, open for the Sale of Spirits, Wine, or Beer, nor shall sell or retail Spirits, Wine, or Beer, nor shall suffer any Spirits, Wine, or Beer to be sold, drunk, or consumed in or at such Booth or Tent or other Place, between the Hours of Six of the Clock in the Evening and Nine of the Clock in the Morning at any Time between the First Day of *April* and the First Day of the following Month of *October*, or between the Hours of Three of the Clock in the Afternoon and Nine of the Clock in the Morning at any Time between the First Day of *October* and the First Day of the following Month of *April*, nor at any Time whatsoever on any *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and if any such Person shall keep such Booth or Tent or other Place open for selling or shall sell Spirits, Wine, or Beer, or shall suffer any Spirits, Wine, or Beer to be drunk or consumed in or at such Booth or Tent or other Place, at any Hour or Time at which the same are hereby

Retailers  
Houses shall not be open for the Sale of Spirits between Nine at Night of *Sunday*, and Nine in the Morning of *Monday*.

Exception as to Travellers.

Booths and Tents at Fairs, &c. not to be open for the Sale of Spirits, Wine, or Beer at any Hour between Six in the Evening and Nine in the Morning in Summer, and Three in the Afternoon and Nine in the Morning in Winter.

respectively prohibited, such Person shall forfeit the Sum of Two Pounds for any such Offence; and every separate Sale shall be deemed a separate Offence; and all Sales on any One Day shall be deemed and considered and may be prosecuted as separate Offences; and this Prohibition shall be deemed and taken to extend to the Sale of Spirits, Wine, or Beer to a Traveller as well as to any other Person.

Justices and Constables may enter into any House, &c. in which Spirits or Beer is sold, and put out Persons tipping or gambling at prohibited Hours.

Persons not quitting, or resisting Justices, &c. may be apprehended.

VI. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Churchwarden or Overseer in the said recited Act or hereinafter mentioned, or for any Constable authorized for the Purpose by any such Justice, within the Limits of his Jurisdiction, to enter into any House, Booth, Tent, or other Place kept by any Person selling or having a Licence to sell Spirits, Wine, or Beer by Retail, at any Time or Hour during which the Sale of Spirits, Wine, or Beer is by this Act prohibited therein, and to remove from and put out of such House, Booth, Tent, or other Place any Person who shall be found within such prohibited Hours in such House, Booth, Tent, or other Place (not being a Lodger or Inmate thereof), and who shall appear to be or to have recently been drinking, tipping, or gaming therein; and that if any such Person shall not, when thereto required by such Justice of the Peace, Chief or other Constable, Churchwarden or Overseer as aforesaid, remove from and quit such House, Booth, Tent, or other Place, or shall forcibly resist such Justice, Constable, Churchwarden, or Overseer, or shall be found drunk therein, it shall and may be lawful for any Constable, Churchwarden, or Overseer to apprehend and take into Custody any such Person so offending, and to carry and convey or cause to be carried and conveyed every and any such Person so apprehended before any Justice of the Peace within whose Jurisdiction such House, Booth, Tent, or other Place shall be situate, to be dealt with according to Law; and every such Person who shall so neglect or refuse to remove from or quit such House, Booth, Tent, or other Place, or shall so forcibly resist such Justice, Constable, Churchwarden, or Overseer, or be so found drunk in such House, Booth, Tent, or other Place, being duly convicted of such Offence, shall thereupon for every such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings; and if any Offender so convicted shall not forthwith pay the Sum so forfeited, such Offender shall be committed to the Common Gaol or any House of Correction or Bridewell of the County or Place for any Time not exceeding One Week.

If a Soldier offends, Justice to communicate the same to his Commanding Officer.

VII. And be it enacted, That if any Offender convicted in manner aforesaid shall be a Soldier on full Pay, and attached to any Regiment in His Majesty's Service stationed or being within the Jurisdiction of such Justice, a Communication of such Conviction shall be forthwith made by said Justice to the Commanding Officer of such Regiment, and the Offender so convicted shall be detained until delivered over to the Commanding Officer or his Order, to be amenable to Military Discipline.

Retailers shall not permit illegal Assemblies in their

VIII. And be it further enacted, That no Person licensed to sell Spirits by Retail to be consumed on the Premises or otherwise shall knowingly permit any Body, Union, Society, or Assembly of Persons declared to be illegal or prohibited by any Law in force

force at the Time of the passing of this Act, or any Body, Union, Society, or Assembly of Persons who shall require from Persons about to be admitted or being admitted thereto, or into the said Body, Union, Society, or Assembly, any Oath, Test, solemn Declaration or Affirmation not expressly allowed and required by Law, or who shall observe on the Admission of Members or on any other Proceeding any religious or other solemn Mystery, Rite, or Ceremony, or seeming or pretended religious or other solemn Mystery, Rite, or Ceremony not sanctioned by Law, or who shall wear, bear, or display on Occasions of their meeting or assembling together any Arms, Flags, Colours, Symbols, Decorations, or Emblems whatsoever, to meet or assemble or hold a Meeting or Assembly on any Occasion or Pretence whatsoever in the House or other Place of Sale of such Person so licensed, nor shall on any Occasion or Pretence whatsoever hang out or display, or suffer to be hung out or displayed, on, from, or out of such House or other Place of Sale any Sign, Flag, Symbol, Colour, Decoration, or Emblem whatsoever, except the known and usual and accustomed Sign of such House or other Place of Sale usually fixed thereto in the Way of Business; and if any such Person shall knowingly permit any such Body, Union, Society, or Assembly to meet or assemble or hold any Meeting or Assembly on any Occasion or Pretence whatsoever in the House or Place of such Person, or shall hang out or display, or suffer to be hung out or displayed, on, from, or out of such House or Place of Sale any such Sign, Flag, Symbol, Colour, Decoration, or Emblem whatsoever, except as aforesaid, any such Person so offending shall forfeit and pay for every such Offence the Sum of Two Pounds, and the Licence of such Person convicted of such Offence shall not be renewed by the proper Officer of Excise without the Certificate of the Justices at Quarter Sessions assembled, and of the Assistant Barrister attending said Quarter Sessions, that they consider such Person to be, notwithstanding such Conviction, a fit Person to be licensed, on condition of his not again committing a like Offence; and if any such Person so convicted and obtaining a Renewal of his Licence on said Certificate shall be again convicted of a like Offence, such Licence shall immediately on such Second Conviction become null and void to all Intents and Purposes whatsoever, and such Person shall not be capable at any Time thereafter of obtaining such Licence: Provided however, that nothing herein contained shall extend to any Meeting of Persons consisting exclusively of Freemasons or Members of the Society called the Friendly Brothers.

Houses, or hang out Flags or Emblems therefrom.

IX. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Constable authorized for the Purpose by any such Justice or Chief Constable, within the Limits of his Jurisdiction, to enter into any House or Place kept by any Person selling or having a Licence to sell Spirits, Wine, or Beer by Retail to be consumed on the Premises or otherwise, in which such Justice or Chief Constable shall, from Information on Oath or otherwise, have Reason to believe or suspect that any such Body, Union, Society, or Assembly is met or held, or on or from which any such Sign, Flag, Symbol, Colour, Decoration, or Emblem shall be hung out

Justices and Constables may enter any House in which Spirits or Beer is sold, and put out Persons found or assembled, and remove Banners, &c.

or displayed, and to remove from and put out of such House or Place any Person who shall be found met or assembled therein with or as Members of or belonging to any such Body, Union, Society, or Assembly, and to remove and take away and destroy, if he shall think proper, any Arms, Banners, Flags, Colours, Symbols, Emblems, or Decorations found on or with such Persons, or hanging out or displayed on or from such House or other Place, and to require every such Person so found to state truly to him his Name and Place of Abode, and to require the immediate Inspection of and take possession of any Book of Proceedings or other Book used at such Meeting or brought thereto, and to detain such Book for such Time as he may think proper, not exceeding Fourteen Days; and that if any such Person shall not, when thereto required by such Justice of the Peace, Chief or other Constable as aforesaid, remove from and quit such House, or if any Person whatsoever shall forcibly resist such Justice or Constable, it shall and may be lawful for any Constable to apprehend and take into Custody any Person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such Person so apprehended before any Justice of the Peace within whose Jurisdiction such House or Place shall be situate, to be dealt with according to Law; and every such Person who shall so neglect or refuse to remove from or quit such House, or shall so forcibly resist such Justice, Constable, Churchwarden, or Overseer, or who shall refuse to state his Name and Place of Abode, or shall not truly state the same, being duly convicted of such Offence, shall thereupon for every such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings; and if any Offender so convicted shall not forthwith pay the Sum so forfeited, such Offender shall be committed to the Gaol, Bridewell, or House of Correction for any Time not exceeding One Week.

Persons not quitting, or resisting Justices, &c., may be apprehended.

Penalty on Persons selling Beer and opposing the entering of Justices.

X. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer by Retail, or any Person aiding or assisting such Retailer, shall prevent or endeavour to prevent by Threats or Violence, or otherwise, any such Justice or Chief or other Constable, Churchwarden, or Overseer in that Behalf authorized under this Act or the said Act of the Third and Fourth Years of the Reign of His present Majesty from entering any House or Place or from making any Search therein authorized by this Act, or shall assault or otherwise resist any such Justice or Chief or other Constable, Churchwarden, or Overseer as aforesaid, every such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Ten Pounds: Provided always, that nothing herein contained shall exempt any such Person so offending or any other Person resisting said Justice, Chief or other Constable, Churchwarden, or Overseer, on any Occasion in the Exercise of any Power given by this Act, from any other Punishment or Penalty, by Information, Indictment, or otherwise, to which he or she may be liable by Law for any such Offence, or be construed in any way to affect or repeal any Law or Laws providing any Punishment for such Offence.

Penalty on refusing to admit Justices.

XI. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer by Retail shall, on Demand made of Entrance, delay to admit any Justice or Chief or other Constable,

Constable, Churchwarden, or Overseer as aforesaid, into any House or Place of such Person, for the Purpose of making such Search as aforesaid, or for any other Purpose for which by this Act or any other Law in force in *Ireland* such Justice, Chief or other Constable, Churchwarden, or Overseer is or may be entitled to Admittance into such House or Place, such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Two Pounds, unless Proof shall be made, to the Satisfaction of Two Justices who may hear the Complaint, that there was reasonable Cause for giving such Delay.

XII. And be it further enacted, That every Person selling or licensed to sell Spirits, Wine, or Beer by Retail, in whose House or Place any Person shall be found to be or to have been recently drinking, tipping, or gaming at any Hour or Time at which the Sale of Spirits or Beer is prohibited by this Act, shall, upon Conviction thereof, forfeit and pay the Sum of Ten Shillings; and any Person found drunk, at any Hour of the Day or Night, in any Street, Square, Lane, Road, Way, or other public Thoroughfare or Place, shall, upon Conviction thereof, forfeit and pay any Sum not exceeding Five Shillings, and in default of Payment thereof shall and may be committed to the Common Gaol of the County or Place, or to any neighbouring House of Correction or Bridewell, for any Time not less than Twelve nor more than Forty-eight Hours; and every Person so found drunk in any Street, Square, Lane, Road, Way, or other public Thoroughfare or Place, shall and lawfully may be apprehended by any Justice, Constable, Peace Officer, Churchwarden, or Overseer as aforesaid, and forthwith carried and conveyed before any Justice of the Peace within whose Jurisdiction he shall be so found, to be dealt with according to Law.

XIII. And be it further enacted, That instead of appointing such Number of Persons, not exceeding Five, to be Overseers of Persons and Houses, as in the said recited Act of the Third and Fourth Years of the Reign of His present Majesty is provided, it shall and may be lawful for any Parishioners of the several Parishes in *Ireland* in Vestry assembled, and they are hereby required, once in every Year, or oftener if necessary, to appoint such Number of Persons, not exceeding Twenty nor less than Ten, as to them shall seem meet, to be Overseers of Persons and Houses in which Spirits or Beer shall be sold by Retail within every such Parish respectively; and every Overseer so appointed shall have as full and ample Power and Authority for carrying the Provisions of this Act and the said recited Act into execution as any Constable or other Peace Officer hath or may have by virtue of this or the said recited Act, or as any Overseer appointed under the said recited Act; and every such Overseer shall, for the Purposes of this Act and of the said recited Act, be and be deemed and taken to be a Constable or Peace Officer; and the said Overseers, when so appointed, shall forthwith meet and make such proper Arrangements together as to them shall seem necessary for the Performance of their Duties under this Act and the said recited Act, and for the due Inspection and visiting the several Houses within their Jurisdiction as such Overseers; and the said Arrangements shall be so made that at least Two of the said

Penalty if Persons are found tipping or gaming at prohibited Hours, and on Persons found drunk.

Number of Overseers under 3 & 4 W. 4. c. 68. increased.

Overseers to be Constables.

Penalty on their not acting.

said Overseers shall be appointed to and perform the said Duty for each Month; and every Person who shall be appointed such Overseer who shall neglect or refuse (not being prevented by Sickness or other unavoidable Accident) to act as such Overseer shall forfeit and pay the Sum of One Pound.

Two Justices at Petty Sessions may appoint Overseers if the Parishioners do not.

XIV. And be it further enacted, That if the Parishioners of any Parish in *Ireland* shall not appoint such Overseers on or before the First Day of *August* in any Year, or within One Week after the Termination of the Office of any Overseer already appointed or to be appointed under this Act or the said recited Act, it shall and may be lawful to and for any Two Justices of the County, County of a City, County of a Town, or Town and Liberties in which such Parish shall be situated, assembled at any Petty Sessions or Divisional or other Office of Police for the District in which such Parish shall be situate, to appoint such Number of Overseers as aforesaid to act as such Overseers for One Year; and the Persons so appointed shall have all the Powers of any Overseer or Overseers appointed under this or the said recited Act, and shall perform the like Duties and be liable to the like Penalty for Non-performance thereof as is herein-before provided in respect of the Overseers to be appointed by the Parishioners as aforesaid.

Informations to be exhibited within Twelve Months.

XV. And be it further enacted, That every Information for any Penalty incurred under this or the said recited Act shall and may be exhibited within Two Calendar Months next after the Offence alleged in said Information shall have been committed, any thing in the said recited Act to the contrary thereof notwithstanding.

Licences may be annulled when licensed Persons shall have offended Three Times.

XVI. And be it enacted, That so much of the said recited Act as provides, that if any Person licensed to sell Beer, Cider, or Spirits by Retail shall during the Continuance of such Licence be duly convicted of any Three several Offences under the Provisions of said Act or any of them, which Three Offences shall have been committed within the Space of Two Months, it should and might be lawful for Two Justices of the Peace within whose Jurisdiction such Person should have been licensed to annul the Licence of such Person, shall be and the same is hereby repealed; and that from and after the passing of this Act if any Person licensed to sell Beer, Cider, or Spirits by Retail shall during the Continuance of such Licence be duly convicted of Three several Offences under the Provisions of said recited Act or of this Act, or of both, which Three Offences shall have been committed within the Space of Six Months, it shall be lawful for Two Justices of the Peace within whose Jurisdiction such Person shall be licensed, assembled at any Quarter Sessions or Adjournment thereof, by Order made in open Court, after Notice served Six Days before on the Person so licensed of the Intention to apply for such Order, to annul the Licence held by such Person; and if any Person whose Licence shall be so annulled shall at any Time after the making of such Order sell any Beer, Cider, or Spirits without having obtained a new Licence, he shall be subject to all the Penalties to which any Person is or may be subject for selling Beer, Cider, or Spirits without having obtained a Licence for that Purpose.

Justices to grant Warrant for the

XVII. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace in Petit Sessions assembled,



assembled, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for suspecting that Spirits are sold in any House within the County not licensed for the Sale thereof, to grant a Warrant under their Hands and Seals, authorizing any Justice of the Peace for said County, with his Assistants, to enter such House at all Times in the Day between Sunrise and Sunset to search for Spirits, and if any such shall be found without a Permit or other legal Authority justifying the keeping thereof to seize and deliver the same to the next Excise Officer of the District; and such Warrant shall continue in force for Seven Days from the Day of the Date thereof, and shall be a sufficient Authority to the Justice of the Peace therein named and his Assistants, in his Presence, to enter into such House and seize all Spirits there illegally being, and to carry away and deliver same to the next Revenue Officer, to be dealt with according to Law.

Seizure of Spirits sold in Places not being licensed.

XVIII. And be it enacted, That if any Person not licensed to sell Beer, Cider, or Spirits to be consumed on the Premises shall after the passing of this Act permit or suffer any Beer, Cider, or Spirits to be consumed on any Premises occupied by him or in which his Trade or Business is carried on, he shall for every such Offence forfeit a Sum not exceeding Two Pounds; and such Sum shall and may be recovered in like Manner in all respects as any other Penalty under said recited Act or this Act.

Penalty on Persons allowing Beer to be consumed on unlicensed Premises.

XIX. And be it enacted, That if any Person not being duly licensed to sell Beer, Cider, or Spirits shall at any Time after the passing of this Act sell any Beer, Cider, or Spirits, he shall for every such Offence, in addition to any other Penalty to which he is liable, forfeit a Sum not exceeding Two Pounds, and such Sum shall and may be recovered as any other Penalty under the said recited Act or this Act; and in every Proceeding to recover such Penalty it shall be sufficient to prove the Sale of such Beer, Cider, or Spirits, and the Person charged shall be thereupon convicted, unless he shall prove that at the Time of such Sale he was duly licensed to sell the Beer, Cider, or Spirits so sold.

Penalty on unlicensed Persons selling Beer.

XX. And be it enacted, That in any Proceeding to recover a Penalty against any Person charged as being licensed to sell Beer, Cider, or Spirits it shall not be necessary to call for or require the Production of the Licence, and the Notice by said Act directed to be served on the Clerk of the Peace, or Evidence of his having been at the Time at which the Offence charged against him was committed acting as the Owner of a licensed House, shall be sufficient Evidence of the Fact of his being licensed, unless he shall prove that he was not duly licensed, and if he shall on the hearing of any such Complaint prove that he was not duly licensed at the Time at which the Sale complained of was made, it shall be lawful for the Justices before whom such Proof may be made to convict him of having made such Sale without being duly licensed.

Production of Licence not necessary on Proceedings.

XXI. And be it enacted, That in every Proceeding under this or the said recited Act the Person who may inform or who shall sue for the Penalty shall be a competent Witness to prove any Fact, notwithstanding any Provision by which he may become entitled to receive any Portion of the Penalty sought to be recovered.

Persons competent as Witnesses though entitled to Part of Penalty.

XXII. And

Service of  
Summons.

XXII. And be it enacted, That in every Case in which any Proceeding shall be taken to recover any Penalty under the said recited Act or under this Act, or under both, or for any other Purpose, the Delivery or Service of a Copy of any Notice or Summons to the Person charged with the Offence at any Place, or to his Wife, Servant, Clerk, Manager, or Child, such Child being of the Age of Sixteen Years or upwards, at or upon the Premises used or occupied by any such Person for carrying on his or her Trade or Business, or on the Premises on which any such Offence shall have been or shall be charged to have been committed, shall be deemed and taken to be a sufficient Service and Delivery of such Summons or Notice to the Person or Persons to whom the same may be directed.

Recited Act  
3 & 4 W. 4. c. 68.  
to be in force  
save as altered  
by this Act.

XXIII. And be it further enacted, That, except so far as is herein otherwise provided, all Penalties and Forfeitures imposed by this Act shall be sued for, levied, recovered, mitigated, and distributed by such Ways, Means, and Methods, and in such Manner, as by the said recited Act of the Third and Fourth Years of the Reign of His present Majesty is directed, provided, and enacted; and that in every respect, save where it is expressly repealed or altered by this Act, the said recited Act, and every Clause, Matter, and Thing therein contained, shall be and remain in full Force, and shall apply to the several Penalties and Forfeitures imposed by this Act, and to the several Offences hereby created, as if the same were herein re-enacted.

General Form  
of Conviction.

XXIV. And be it further enacted, That every Conviction to be had under this Act or the said recited Act shall and lawfully may be drawn up in the Form following, or in any other Form of Words to the same Effect: (that is to say,)

‘ to wit. } **B**E it remembered, That on the  
‘ Day of in the Year of our Lord  
‘ *A.B.* is convicted before  
‘ us, Two of His Majesty’s Justices of the Peace of the said  
‘ County, [*or City or Town, as the Case may be,*] on the Oaths  
‘ of *C.D.*, &c. [*as the Case may be,*] in the Sum of  
‘ for that [*here specify the Offence, and when*  
‘ *and where committed*]. Given under our Hands and Seals the  
‘ Day and Year above written.’

Act may be  
altered this  
Session.

XXV. And be it further enacted, That this Act or any of the Provisions thereof may be altered, varied, or repealed by any Act to be passed in this Session of Parliament.

### C A P. XXXIX.

An Act to 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*. [28th July 1836.]

‘ **W**HEREAS 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

47 G. 3. Sess. 2.  
c. 54.  
50 G. 3. c. 109.

‘ 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 10 G. 4. c. 47.  
 ‘ and further continued until a Time when the same expired : And  
 ‘ whereas by another Act passed in the First and Second Years of 1&2 W. 4. c. 47.  
 ‘ His present Majesty’s Reign the said recited Acts were revived  
 ‘ and continued : And whereas by Two other Acts passed respec- 2&3 W. 4. c. 70.  
 ‘ tively in the Second and Third and Fourth and Fifth Years of 4&5 W. 4. c. 53.  
 ‘ the Reign of His present 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  
 King’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 the said recited Act 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 present 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 thence-  
 forth until the End of the then next Session of Parliament.

Four first recited Acts continued for One Year.

II. ‘ And whereas an Act was passed in the First Year of the  
 ‘ Reign of His present Majesty, intituled *An Act to regulate for* 1 W. 4. c. 44.  
 ‘ *One Year the Importation of Arms, Gunpowder, and Ammunition* continued for  
 ‘ *into Ireland, and the making, removing, selling, and keeping of* One Year.  
 ‘ *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, That the said recited Act of the First Year  
 of the Reign of His present 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. XL.

An Act to continue for One Year, and from thence to the  
 End of the then next Session of Parliament, the several  
 Acts for regulating the Turnpike Roads in *Ireland*.

[28th July 1836.]

‘ **W**HEREAS the several Acts for making, amending, and  
 ‘ repairing the Turnpike Roads in *Ireland* were by an Act  
 ‘ passed in the Fourth and Fifth Years of His present Majesty’s 4&5 W. 4. c. 91.  
 ‘ Reign continued for the Term of One Year, and thenceforth  
 ‘ until the End of the present Session of Parliament, and it is ex-  
 ‘ pedient that the said Acts should be further continued :’ Be it  
 therefore enacted by the King’s most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled, and  
 by

All expiring Acts respecting the Repair of Turnpike Roads in Ireland further continued.

by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Road or Roads in *Ireland* which will expire during or with the present Session of Parliament shall be and the same is and are hereby continued for One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

### C A P. XLI.

An Act to abolish the Commissary Court of *Edinburgh*, and to regulate the Mode of taking Proofs in Consistorial Causes in *Scotland*. [28th July 1836.]

1 W. 4. c. 69.

‘ WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, 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*, whereby various Alterations and Reductions were made in the Consistorial Court of *Scotland*, with a view to the Abolition of the said Court, and the Transference of the remaining Jurisdiction thereof to the Sheriff of the County of *Edinburgh*: And whereas it is expedient that the remaining Jurisdiction of the Commissary Court of *Edinburgh* should be abolished, and the Mode of taking Proofs in Consistorial Causes should be regulated:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissary Court of *Edinburgh* shall be and the same is hereby abolished, and the whole remaining Powers and Jurisdiction of the said Court shall be and the same are hereby transferred to the Sheriff of the County of *Edinburgh*, who shall possess and exercise such Powers and Jurisdiction in all respects, except in so far as regards taking Proofs in Consistorial Causes; and the whole Clauses, Powers, and Provisions of an Act passed in the Fourth Year of the Reign of His late 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 the inferior Commissaries in Scotland*, shall apply to the Sheriffdom of the County of *Edinburgh*, and to the Clerks and Officers of the said Commissary Court, in the same Way as such Provisions apply to the other Sheriffdoms of *Scotland*: Provided always, that the Salaries of the existing Commissaries of the said Commissary Court shall be saved and reserved to each of them during their several Lives; provided further, that such Salary or Salaries shall be accounted *pro tanto* of any subsequent Salary to which any of the said Commissaries may hereafter acquire Right by virtue of his or their Appointment to any other Public Office.

Commissary Court abolished, and Duties of Commissioners transferred to Sheriff of *Edinburgh*.

4 G. 4. c. 97.

Sheriffs may take Proofs.

Agents authorized to practise

II. And be it enacted, That where it shall be necessary to take Proofs in Consistorial Causes, such Proofs shall be taken by the Sheriffs to be appointed for that Purpose in the Manner directed by the said recited Act.

III. And be it enacted, That it shall be lawful for all Agents duly qualified to practise as such before the Court of Session to

practise as Agents in the Sheriff Court of *Edinburgh*, in so far as relates to any of the Proceedings which are transferred by this Act to the Sheriff, in the same Manner and to the same Extent as they might have practised in respect of such Matters in the Commissary Court before the passing of this Act. in Sheriff Court of Edinburgh.

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

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

### C A P. XLII.

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.

[28th July 1836.]

‘ **W**HEREAS by an Act of the Parliament of *Scotland* made in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, it is statuted and declared that it shall be lawful to His Majesty's Subjects to tailzie or entail their Lands and Estates, and to substitute Heirs in their Tailzies or Entails, with such Provisions and Conditions as they shall think fit, and to affect the said Entails with irritant and resoluteive Clauses, whereby it shall not be lawful to the Heirs of Entail to sell, analzie, or dispose of the said Lands or any Part thereof, to contract Debt, or do any other Deed whereby the same might be apprized, adjudged, or evicted from the other Substitutes in the Entail, or the Succession frustrate or interrupted, declaring all such Deeds to be in themselves null and void; and Provision is made by the said Act for the recording of such Entails in the Manner therein set forth: And whereas it is expedient that certain Powers should be conferred upon Heirs of Entail in relation to granting Tacks and making Excambions, and to selling Portions of Entailed Estates for Payment of the Entailer's Debts: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any prohibitory, irritant, and resoluteive Clauses contained in any Entails already made and established, or which may hereafter be made and established, pursuant to the Directions of the said Act passed in the Parliament of *Scotland* in the Year One thousand six hundred and eighty-five, it shall be lawful for the respective Heirs of Entail in Possession to grant Tacks of any Parts of the Lands, Estates, or Heritages therein contained, for the fair Rent of such Lands or Heritages at the Period of letting, either by public Auction or private Bargain, and notwithstanding any Prohibition against Diminution of the Rental, for any Period not exceeding Twenty-one Years, and to grant Tacks of any Mines and Minerals contained in such Lands and Estates for any Period not exceeding Thirty-one Years: Provided always, that nothing herein contained shall authorize any Heir of Entail in Possession

Heirs of Entail in Possession empowered to grant Tacks of any Part of Entailed Estates under the Restrictions herein contained.

Possession of any Entailed Lands, Estates, or Heritages to take any Grassum or valuable Consideration, other than the Tack Duty or Rent, for granting any Tack, or to grant any Tack of the Home Farm, nor of the Mansion House and Offices, or of the Garden, Lawn, Park, or Policy attached thereto, for any Period beyond his own Life; and in case any such Grassum or Consideration shall be taken, or in case any Tack hereby prohibited shall be granted, such Tack shall be null and void.

Act not to re-  
strain more ex-  
tensive Powers  
contained in  
any Entail.

Heirs in Posses-  
sion may make  
Excambions of  
Entailed Estates  
in the Mode  
herein named.

II. Provided also, and be it enacted, That nothing herein contained shall prevent or be construed to prevent any Heir of Entail in Possession from exercising any Power of granting Tacks which may be contained in the Entail under which he possesses more extensive than the Power of granting Tacks hereby conferred.

III. And be it enacted, That, notwithstanding any prohibitory, irritant, and resolutive Clauses contained in any Entail already made and established, or which may hereafter be made and established, pursuant to the Directions of the said Act passed in the Parliament of *Scotland* in the Year One thousand six hundred and eighty-five, it shall be lawful for the respective Heirs of Entail in Possession of any Entailed Lands, Estates, or Heritages, having made up a Feudal Title thereto, to make Excambion, without the Consent of any other Heir, of any Portion of the Entailed Lands, Estates, or Heritages, for an Equivalent in Lands, Estates, or Heritages lying contiguous to the same or to some other Part of the said Entailed Estate, or being convenient to be holden with the same, and whether the same shall belong to himself in Fee Simple or to any other Person, and that although the Heritages to be given and taken in Exchange may consist of different Descriptions of Heritable Property: Provided always, that Notice of the Intention to make such Excambion shall, Three Months previous to the Application to the Court of Session to that Effect, as herein-after required, be given to the Five Heirs of Entail, or to the whole Heirs of Entail if their Number be less than Five, of the said Entailed Lands, Estates, or Heritages next in the Order of Succession to the Heir so applying; and if any of the said Five Heirs of Entail shall be under Age, or under any mental or other legal Disability, then to the legal Guardians, Curators, or Administrators of such Heirs; and if Three or more of the said Five Heirs shall be under Age, or under any mental or other legal Disability, then to their respective Guardians, Curators, or Administrators, and also to the Two Heirs next in the Order of Succession after such Five Heirs, who shall be of lawful Age and not under any mental or other legal Disability; and if any of the said Heirs to whom Notice is thus directed to be given shall be forth of the United Kingdom, then to the known Agent or Factor of such absent Heir or Heirs; and for ascertaining and adjusting the Value of the Lands, Estates, or Heritages proposed to be exchanged an Application shall be made for that Purpose by the Heir of Entail in Possession, and feudally vested in such Lands, Estates, or Heritages, after such Notice as is herein directed to be given, by summary Petition, setting forth the Objects of the said Excambion, and the Advantages expected to be derived therefrom, to one or other of the Divisions of the Court of Session, praying for such Excambion; and the said Court shall,

shall, after Proof made to them of Notice to the Heirs of Entail as aforesaid, take into consideration the Expediency of such Excambion, and the other Circumstances of or affecting the Lands, Estates, or Heritages proposed to be excambed, and the Interests of the succeeding Heirs of Entail therein, and after such Notice as is herein-after directed to be given, and hearing any Party having a Title and Interest to be heard, if any such shall appear, shall appoint Two or more skilful Persons to inspect and adjust the Value and settle the Marches of the said Lands, Estates, or Heritages proposed to be excambed; and upon receiving the Report upon Oath of such Persons, and being satisfied of the respective Values of such Lands, Estates, or Heritages, and of the Expediency of such Excambion, the said Court shall thereupon give Judgment authorizing the said Excambion; and thereupon the Contract of Excambion shall be executed at the Sight and with the Approbation of the said Court, and recorded in the Sheriff Court Books of each of the Shires or Stewartry in which the Lands or Heritages to be excambed are situated, and also within Three Months in the Register of Tailzies: Provided also, that after hearing any Party having a Title or Interest, and appearing as aforesaid, it shall be competent to the said Court to discern the Expences to be incurred by such Party in such Appearance to be borne either by such Party or by the Heir of Entail applying for the Excambion, as to the said Court shall seem just.

IV. Provided further, and be it enacted, That it shall not be lawful to excamb the principal Mansion House or Offices, or the Garden, Park, Lawn, Home Farm, or Policy of any Entailed Estate, nor more than One Fourth in Value of such Entailed Lands, Estate, or Heritages in all; and declaring that after Excambions have been made under the Authority of this Act to the Extent in all of One Fourth Part in Value of the whole Entailed Lands, Estates, or Heritages, it shall not be in the Power of any Heir of Entail to make any further Excambions of any Part of the said Lands, Estate, or Heritages.

V. And be it enacted, That all Contracts of Excambion executed and recorded in Terms of this Act shall be effectual to all Intents and Purposes; and the Lands and Heritages given or received in Excambion shall be held to be a Part of the Entailed Estate or of the Entailed Estates respectively, and shall be subject to all the prohibitory, irritant, and resolute Clauses of the Entail or Entails, in the same Manner as if it or they had been originally a Part of such Estate or Estates respectively; and the Lands and Heritages given from the Entailed Estate or Estates shall from thenceforth be held as out of the Entail or Entails under which it was previously held, and be liberated from all the prohibitory, irritant, and resolute Clauses thereof: Provided always, that no Debt contracted by any Heir of Entail during the Period between the Execution of any such Contract of Excambion and the recording of such Contract in the Register of Tailzies as aforesaid shall affect or be capable of affecting the Lands contained in such Contract, and thereby added to the Entailed Estate: And provided further, that if in any such Excambion as aforesaid there shall be any Excess of Value on either Side, not exceeding Two hundred Pounds, such Excess shall go and be paid to the Proprietor, whether

Provision as to  
Excambion of  
Mansion  
Houses, &c.

Tenure of ex-  
cambed Lands.

Providing for  
Excess of Value  
in any Excamb-  
ion, &c.

whether Heir of Entail in Possession or Proprietor in Fee Simple, to whom the Lands of smaller Value shall be awarded; and that if any Party to any such Excambion shall give or shall receive any Consideration or Value of any Kind whatever, other than the Lands to be exchanged, or such Excess as aforesaid not exceeding Two hundred Pounds, such Excambion shall be null and void.

As to Excambion of Entailed Estates under more than One Entail.

10 G. S. c. 51.

Part of Entailed Estates may be sold for Payment of Entailer's Debts affecting the Estate.

Court of Session to inquire into the Particulars, and direct what Portion of Estate shall be sold;

VI. Provided always, and be it further enacted, That where any such Heir in Possession shall apply as aforesaid for the Excambion of any Part or Parts of any Entailed Estate or Estates under more than One Deed of Entail, descendible to the same Series of Heirs, such Deeds of Entail shall in reference to such Application be held and construed to be One Deed of Entail, and the Estates settled by such Entail to be One Entailed Estate: Provided also, that an Act passed in the Tenth Year of the Reign of His Majesty King George the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail*, shall remain in full Force and Effect, excepting in so far as the same is altered or repealed by any of the Provisions of this Act.

VII. And for effecting the Sale of Portions of Entailed Estates for Payment of the Entailer's Debts, be it enacted, That from and after the passing of this Act it shall and may be lawful for the Heir of Entail in the Possession of any Entailed Estate liable to be adjudged or evicted for the Debts or Obligations of the Maker of the Entail, and for the Tutors or Curators or legal Guardians of any such Heir, if under Twenty-one Years of Age or under any mental or other legal Disability, to apply by summary Petition to the Court of Session in either of the Divisions of the said Court, setting forth the Entail, and the Debts or Obligations affecting or which may be made to affect the Lands or Heritages contained in the said Entail as aforesaid, and praying the said Court that so much of the said Lands or Heritages may be sold as will produce a Sum adequate to discharge the Debts so affecting the said Estate.

VIII. And be it enacted, That it shall and may be lawful for the Judges of the said Court, sitting in either of the Divisions thereof, and they are hereby authorized and required, upon such Petition presented to them as aforesaid, to direct due Notice, according to the Practice of the said Court, to be given of such Petition to all concerned, to hear all Parties that shall appear for their Interest, to inquire into and take an Account of the Debts, Obligations, and other Burdens due by or binding upon the Entailer of such Estate, which affect or may be made to affect such Estate as aforesaid, and to fix and ascertain the Amount of such Debts, Obligations, and Burdens, and Interest, if any, due thereupon, by Interlocutors or Judgments, and thereupon to inquire into and ascertain, by the Investigation and Evidence or Report of such Surveyors or other skilful Persons as the said Court shall think fit to nominate and appoint for that Purpose, what Portions of such Entailed Estate sufficient to produce a Price adequate to the Payment of all such Debts, Obligations, and Burdens affecting or capable of being made to affect the said Entailed Estate as aforesaid may be sold with the least Detriment or Injury to the Remainder of such Estate, and to take all necessary Proof thereof, and



and of the Value at which such Portions of such Estate ought either in Whole or in Lots to be exposed to Sale, and thereupon to order and decern that such Portions of such Estate shall be sold by public Roup or Auction.

IX. And be it enacted, That the said Judges shall cause Notice of the intended Sale or Auction of such Portions of such Estates to be inserted in one of the Newspapers published in the County or Counties in which the Lands or Heritages to be sold lie, and also in Three of the Newspapers published in *Edinburgh*, Three Times, at least Three Weeks previous to the Day of Sale, and shall otherwise advertise and notify such Sale as to the said Judges shall seem necessary and proper; and the Articles and Conditions of Roup or Sale of such Portions of such Estates shall be adjusted at the Sight and with the Approbation of the said Judges, and the Lands or Heritages be exposed to Sale in such Manner as the said Judges shall direct; and the said Judges may authorize and direct such Sales respectively to be adjourned from Time to Time, and to be again from Time to Time advertised and notified as herein-before directed.

X. And be it enacted, That upon the Sale of such Portions of such Estates as aforesaid the said Judges shall adjudge and decern the same, freed from all the Burdens, Conditions, Restrictions, and Provisions, Clauses irritant and resolute, and other Clauses of such Entail, to belong to and be the Property of the Purchaser or respective Purchasers thereof, when and as soon as such Purchaser or Purchasers shall have completed such Purchase or Purchases by Payment or Consignation of the Purchase Money, or Price or Prices at or for which he, she, or they shall have purchased the same, to or with the Treasurer, Cashier, or Manager or other proper Officer of the Bank of *Scotland*, the Royal Bank of *Scotland*, Bank of the *British Linen Company of Scotland*, Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, to whom the said Judges shall order such Payment or Consignation to be made, to be placed to an Account to be raised in the Books of such Bank in the Name or Names of such Person or Persons as the said Judges shall direct; and which Monies shall, when so paid in, produce the highest Interest that can be obtained for the same, which Interest shall by such Person or Persons be annually accumulated and added to the Principal Sum, to carry Interest together, until applied, by a Warrant or Warrants of the said Judges in either Division of the said Court as aforesaid, for the Purposes of this Act; and the said Judges shall further pronounce such Interlocutor or Interlocutors and hold such other Proceedings in the said Matter as the Judges of the Court of Session are in use to pronounce and hold in Judicial Sales, or as shall appear to the said Judges necessary for fully carrying the Purposes of this Act into execution.

XI. And be it enacted, That the Purchaser or Purchasers in pursuance of this Act, and their Heirs and Assignees, shall, by the Interlocutors or Decrees of Sale to be pronounced by the said Judges, and upon full Payment of the Price or Prices for which they shall respectively purchase to such Person or Persons or in such Way as they shall by the Articles and Conditions of Sale be taken bound to pay the same, have a good and undoubted Right to

and cause Notice of Sale to be given, and adjust the Conditions thereof.

Court of Session to adjudge the Lands sold to the Purchaser, and direct the Disposition of the Purchase Money.

Purchasers upon Payment of the Money, to have a good Right to the Lands, &c. freed from the Entail.

the Lands and Heritages so to be purchased by them, freed and discharged of all the Conditions, Provisions, Limitations, and Restrictions of such Entail, and of all the Debts, Obligations, and Burdens by which the said Lands and Heritages were affected, and from every other Incumbrance, Defect of Title, or Ground of Eviction whatsoever, in as full and ample a Manner, Sort, and Form as any Purchaser of Lands at a Judicial Sale before the Court of Session may, can, or ought to have by the Law and Practice of *Scotland*; and the Heir of Entail of the Estate for the Time being, or his or her Tutors or Curators or other legal Guardians as aforesaid, shall and is or are hereby required to execute and deliver, under the Authority of the said Judges of the Court of Session in either Division thereof as aforesaid, all such Dispositions and Conveyances of such Portions of such Estates as shall be so sold, containing Procuratories of Resignation, Precepts of Sasine, and other usual and necessary Clauses as shall by the said Judges be deemed necessary and proper, in favour of such Purchaser or Purchasers, his, her, or their Heirs and Assignees, without incurring any Irritancy or Forfeiture, any thing in such Deed of Entail to the contrary notwithstanding.

Lands not sold to continue subject to the Entail.

XII. Provided always, and be it enacted, That such Parts of such Entailed Estate as shall not be sold under the Authority of this Act, in the Manner herein directed, shall remain and continue settled and entailed to and upon the same Series of Heirs, under the same prohibitory, irritant, and resolute Clauses, Provisions, and Conditions as are contained in such Deed of Entail, but subject to the Powers and Provisions herein-before given by this Act.

Court of Session to direct Purchase Money to be applied to Payment of Debts, &c.

XIII. And be it enacted, That after such Sale or Sales are accomplished, and the Purchase Money paid or consigned as aforesaid, the said Judges of the Court of Session in either Division thereof shall issue their Warrants or Decrees for Payment, out of the Money so paid or consigned, of the Expences of the Proceedings attending such Petition, Inquiry, and Sale, and also of the Amount of such Debts, Obligations, or Burdens affecting or which might be made to affect such Entailed Estate as aforesaid of which such Portions have been sold as aforesaid; and every Creditor in such Debt, Obligation, or Burden shall upon receiving Payment be obliged to execute a complete Discharge of his or her Debt, Right, or Claim; and the several Discharges shall be registered in the Books of Council and Session.

By whom the Costs of Parties interested and appearing shall be paid.

XIV. Provided always, and be it enacted, That if any Party interested in such Entailed Estate shall have appeared and been heard before the said Court, it shall be competent for the said Court to decern the Expences incurred by such Party in such Appearance and Hearing to be borne, either by such Party, or by the Heir applying for such Sale, either out of the Price of the Lands to be so sold, or otherwise as to the said Court shall seem just.

Any Surplus exceeding 200*l.* to be laid out in Purchase of other Land, to be limited to same

XV. Provided always, and be it enacted, That if any Surplus exceeding Two hundred Pounds shall remain of the Price of the Lands and Heritages so sold, after defraying such Expences, Debts, Obligations, or Burdens directed to be paid as aforesaid, the said Judges of the said Court in either of the Divisions thereof shall and

and they are hereby empowered and required to direct and order that such Surplus shall be laid out and employed in the Purchase of other Lands or Heritages, which shall be limited and settled to the same Uses and Purposes, and under the like prohibitory, irritant, and resolute Clauses, as by the Deed of Entail in relation to which such Proceedings have been held the Lands and Heritages therein described stand limited and settled.

Uses, &c. as  
Lands sold;

XVI. And be it enacted, That when such Surplus shall be laid out and employed in the Purchase of other Lands or Heritages to be settled as aforesaid, the Disposition, Deed, or Settlement of Entail thereof to or in favour of the Heir of Entail in Possession for the Time being, and the other Heirs of Entail entitled to succeed to the Entailed Estate to which the Lands or Heritages so purchased are to be added, shall be framed at the Sight and with the Approbation of the Judges of the said Court, and shall be so framed as to bind the Heir in Possession or Person in whose Favour the same is executed as well as the succeeding Heirs of Entail.

and the Deed of  
Entail thereof  
to be framed at  
the Sight of the  
Court of Session;

XVII. And be it enacted, That after such Disposition, Conveyance, or Entail shall be so made and executed, the same shall be directed by the said Judges to be forthwith recorded in due Form in the Register of Tailzies, for the Benefit of all the Persons interested therein, and Infeftment shall be taken by virtue of the Procuratory of Resignation or the Precept of Sasine therein contained, and shall be registered agreeably to the Forms and Practice of the Law of *Scotland*, upon all which the said Court shall interpose its Authority by declaring that the Directions by this Act given have been complied with according to the true Intent and Meaning thereof.

and recorded in  
Register of  
Tailzies, &c.

XVIII. And be it enacted, That until such Surplus as aforesaid shall be applied in the Purchase of other Lands or Heritages as aforesaid, the said Judges shall order and direct that the same shall remain in one or other of the aforesaid Banks respectively, subject to the Direction of the said Judges of that Division of the said Court to which Application shall have been originally made, in the Name of such Person or Persons as they shall have appointed, who shall receive the highest Interest which can be got for the same; and the Interest arising from the Money so paid in shall be laid out in the Name or Names of such Persons as aforesaid, and shall annually accumulate and be added to the Principal Sum so that they may carry Interest together until a proper Purchase in Lands or Heritages shall be found, to be limited and settled in the Manner herein-before directed, and until the same shall be ordered to be paid by the Treasurer, Cashier, or Manager or other proper Officer of the Bank of *Scotland*, the Royal Bank of *Scotland*, Bank of the *British Linen Company of Scotland*, Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, for completing the said Purchase in such Manner as the said Court shall think just and direct; and if the Money arising by the Principal and accumulated Interest of such Sum or Sums shall exceed the Amount of the original Purchase Money, then and in that Case only the Surplus which shall remain, after discharging the Expence of the Applications to the Court, shall be paid to the Person or Persons respectively who would have been entitled

Application of  
surplus Monies  
till invested in  
Land.

to receive the Rents and Profits of the Entailed Lands or Heritages.

If under 200l. to be paid to Heir in Possession.

XIX. And be it enacted, That if such Surplus as aforesaid shall be under Two hundred Pounds Sterling, the same shall be paid, by Order of the said Court, to the Heir in Possession of such Entailed Estate for the Time being.

Definition of Terms used in the Act.

XX. And be it enacted, That any Matter or Thing permitted or prohibited to be done by any Heir of Entail by virtue of this Act is and shall be permitted or prohibited to be done by any Trustees or Trustee holding Lands in Trust under Obligations to entail the same; and that where the Words "Heir" or "Heirs of Entail" are used in any Part of this Act, such Word or Words shall be held and construed to include the Institute equally as any Substitute Heir of Entail.

How Notices to be given of Applications under this Act to Court of Session, &c.

XXI. Provided always, and be it further enacted, That Notice of all Applications, either to the Court of Session or any Lord Ordinary of the said Court, or to any Sheriff of any County, under the Provisions of this Act, by any Heir of Entail, shall be inserted once at least in the *London* and *Edinburgh* Gazettes, and in Two or more Newspapers published in *Edinburgh* and usually circulated in the Part of *Scotland* in which the Entailed Lands and Estates to which such Application relates lie, and also in any One Newspaper published (if any so be) in such Part of *Scotland* at least Three Months previous to the making such Application; and where such Application shall be to the Court of Session, the said Court or the Lord Ordinary shall, if they or he shall see Cause, cause such further Intimation thereof to be made in the Minute Book of the said Court or on the Walls of the Parliament House, or otherwise, as the said Court or Lord Ordinary shall think proper.

### C A P. XLIII.

An Act to provide for the taking of Judicial Ratifications of *Scottish* Deeds on Oath as heretofore.

[28th July 1836.]

5 & 6W.4. c.62.

‘ WHEREAS an Act was passed in the Fifth and Sixth Year of the Reign of His present Majesty, 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: And whereas by the said recited Act it is enacted, that from and after the Commencement thereof it should not be lawful for any Justice of the Peace or other Person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice or other Person hath not Jurisdiction or Cognizance by some Statute in force at the Time being: And whereas by the Law and Practice of *Scotland* Judicial Ratifications by Married Women upon Oath are Acts of voluntary Jurisdiction which may be

‘ be proceeded in before any Judge : And whereas the said recited Act may be construed to apply to the Oaths taken in such Ratifications, and it is expedient that such Law and Practice should not be affected or rendered doubtful :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in the said recited Act contained shall prevent or be construed to prevent the taking of Oaths in Judicial Ratifications by Married Women as the same might by the Law and Practice of *Scotland* have heretofore been taken, nor shall any thing in the said recited Act contained invalidate or be construed to invalidate any such Ratification on Oath taken according to such Law and Practice since the Commencement of the said recited Act ; and every such Ratification taken under a Declaration since the passing of the said recited Act shall be of the same Force and Effect as if such Ratification had been taken on Oath.

Nothing in recited Act to prevent the taking of Oaths by Married Women in Judicial Ratifications, as heretofore.

## C A P. XLIV.

An Act to continue the Laws for the Relief of Insolvent Debtors in *England* until the First Day of *June* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament.

[28th July 1836.]

‘ **W**HEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws for the Relief of Insolvent Debtors in England* : And whereas a certain other Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to continue and amend the Laws for the Relief of Insolvent Debtors in England*, whereby, amongst other Things thereby enacted, the said first-mentioned Act was continued for a certain Time therein mentioned : And whereas a certain other Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act to continue for Three Years, and to amend, the Laws for the Relief of Insolvent Debtors in England* : And whereas it is expedient to continue the said Acts :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall be and the same are hereby continued.

7 G. 4. c. 57.

1 W. 4. c. 38.

2 W. 4. c. 44.

Recited Acts continued.

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

Act may be altered this Session.

III. And be it further enacted, That the said recited Acts and this Act shall continue in force until the First Day of *June* One thousand eight hundred and thirty-seven, and from thence until the End of the then next Session of Parliament.

Term of Act.

## C A P. XLV.

An Act to transfer the Collection and Management of the Duties in *Great Britain* on Horses let for Hire, and on Licences relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

[28th July 1836.]

‘ **W**HEREAS by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof; and also to consolidate and amend the Laws relating thereto*, certain Duties in *Great Britain* were, amongst others, granted for and in respect of every Horse let for Hire, as in the said Act is mentioned, and for every Licence relating to the same, which Duties were thereby placed under the Management of the Commissioners of Stamps, and were denominated and deemed to be Stamp Duties: And whereas by an Act passed in the Fourth and Fifth Years of His said Majesty’s Reign, intituled *An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes*, it was amongst other Things enacted, that the several Persons appointed as therein mentioned Commissioners of Stamps for the United Kingdom of *Great Britain* and *Ireland* and Commissioners for the Affairs of Taxes in *Great Britain* respectively should be and become One Consolidated Board of Commissioners, and be called “The Commissioners of Stamps and Taxes,” and that from thenceforth all the several Duties, Matters, and Things which then were collected by or under the Care and Management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively should be collected by and should be under the Care and Management of the Commissioners of Stamps and Taxes in the same Manner as such Duties, Matters, and Things respectively had theretofore been collected by or had been under the Care and Management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively: And whereas it is expedient to transfer the Collection and Management of the said Duties on Horses let for Hire, and on Licences relating to the same, from the said Commissioners of Stamps and Taxes to the Commissioners of Excise;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *January* One thousand eight hundred and thirty-seven the Care and Management of the Rates and Duties granted and made payable by the said first-recited Act in and throughout *Great Britain* for and in respect of every Horse let for Hire, and every Licence relating to the same, and mentioned and described in the said Schedule (A.) to the said Act annexed, shall be and the same are hereby transferred from the Commissioners of Stamps and Taxes to the Commissioners of Excise

2&3W.4. c.120.

4 & 5W.4. c.60.

From 31st Jan. 1837 the Care and Management of the Duties on Horses let for Hire, and on Licences relating to the same, transferred from the Commission-

Excise in *Great Britain* for the Time being; and the said Rates and Duties shall thenceforth be denominated and deemed to be Duties of Excise, and shall be raised, levied, collected, and paid and accounted for by and under the Authority, Care, and Management of the said Commissioners of Excise.

ers of Stamps and Taxes to the Commissioners of Excise.

II. And be it further enacted, That all the Powers, Provisions, Regulations, and Directions contained in the said first-recited Act shall be executed and enforced by the Commissioners of Excise and their Officers respectively, for securing and collecting the said Duties, as fully and effectually as if such Powers, Provisions, Regulations, and Directions had been originally given to the said Commissioners of Excise and their Officers respectively, and as if the same were repeated and re-enacted in this Act, and that all the Powers, Provisions, Regulations, and Directions, Forfeitures, Pains, and Penalties contained in and imposed by the said Act, and all the Provisions, Powers, Regulations, and Directions, Forfeitures, Pains, and Penalties contained in and imposed by any Act or Acts in force immediately before the passing of this Act, in relation to any of the Duties of Excise, so far as such last-mentioned Provisions, Powers, Regulations, Directions, Forfeitures, Pains, and Penalties shall be applicable to the said Duties on Horses let for Hire, or on Licences relating to the same, and so far as the same shall not be inconsistent with the special Powers, Provisions, Regulations, and Directions, Forfeitures, Pains, and Penalties contained in the said first-recited Act, shall be of full Force and Effect, and shall be applied and put in execution for securing, collecting, recovering, and paying the said last-mentioned Duties, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Regulations, and Directions, Forfeitures, Pains, and Penalties were repeated and specially enacted in this Act; and wherever in the said first-recited Act the Head Office for Stamps, or the Solicitor of Stamps in *England* or *Scotland* respectively, or any Officer of Stamp Duties, is mentioned or designated, the same shall, so far as relates to the Duties on Horses let for Hire and on Licences relating to the same, be deemed and taken to mean the Chief Office of Excise in *London*, the Solicitor of Excise in *England* or in *Scotland*, as the Case may be, and any Officer of Excise respectively; and the Account by the said Act directed to be kept and to be intituled "Stamp Office Weekly Account" shall be intituled "Excise Office Weekly Account."

Powers, &c. of 2&3W.4. c.120. to be executed by the Commissioners of Excise, and Powers, &c. of Excise Acts to be of full Force for collecting the Duties transferred.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prevent the Commissioners of Stamps and Taxes, or any Collector or other Person appointed by them, or any Farmer of the said Duties on Horses let for Hire under any Demise or Contract which shall be existing on the said Thirty-first Day of *January* One thousand eight hundred and thirty-seven, or any Assignee of such Farmer, from doing or causing to be done at any Time after the said Thirty-first Day of *January* all or any such Acts, Matters, and Things whatsoever as shall or may be necessary or expedient for raising, levying, collecting, recovering, and paying all or any of the Duties on Horses let for Hire, and

Proviso for collecting Duties accrued before 31st January 1837.

on Licences to let such Horses, and all Penalties and Forfeitures relating thereto, which shall accrue due or be incurred respectively on or before the said Thirty-first Day of *January*, and all or any Sum or Sums of Money due and payable to His Majesty, His Heirs or Successors, in respect of any of such Duties or Penalties; but that all such Duties, Sum and Sums of Money, and all Penalties and Forfeitures whatsoever in relation thereto, shall and may be raised, levied, collected, sued for, recovered, and paid by the same Ways and Means, and in such and the same Manner in all respects, as if this Act had not been passed.

Act may be altered this Session.

IV. 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.

### C A P. XLVI.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His late Majesty, for the Administration of Justice in *New South Wales* and *Van Diemen's Land*.  
[28th July 1836.]

9 G. 4. c. 83.

‘ **W**HEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof; and for other Purposes relating thereto*: And whereas the said Act will expire at the End of the Session of Parliament next following the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and it is expedient to continue the said Act for a limited Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby continued until the Thirty-first Day of *December* One thousand eight hundred and thirty-seven, and thenceforward until the End of the then next Session of Parliament.

Recited Act continued.

### C A P. XLVII.

An Act to continue until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.  
[28th July 1836.]

9 G. 4. c. 73.

‘ **W**HEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies, until the First Day of March One thousand eight hundred and thirty three*: And whereas a certain other Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act to continue until the First Day of March One thousand*

2 W. 4. c. 43.



‘ *thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty for the Relief of Insolvent Debtors in India,* whereby the said first-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend the Law relating to Insolvent Debtors in India:* And whereas it is expedient that the said first-mentioned Act, as amended by the said last-mentioned Act, should be continued: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall be and the same are hereby continued until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence until the End of the then next Session of Parliament.

5 W. 4. c. 79.

Recited Acts continued.

II. ‘ And whereas it may have happened that divers Acts have been done since the First Day of *March* last pursuant to the Provisions in the said recited Acts contained, and Doubts may be entertained of the Validity or Efficacy of such Acts, or of some of them, and it is expedient that such Doubts should be removed; be it therefore enacted and declared, That all Acts, Deeds, Matters, and Things whatsoever which shall have been made or done on or subsequent to the said First Day of *March* last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed, and taken to be, as valid and effectual to all Intents and Purposes as if the said recited Acts had not expired, and this Act had passed on the Twenty-ninth Day of *February* last.

Acts and Deeds done subsequent to the Expiration of recited Acts to be deemed valid.

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

Act may be altered this Session.

## C A P. XLVIII.

An Act to indemnify the Governors and others of the Islands of *Antigua, Saint Christopher, Nevis,* and *Montserrat* for having permitted the Importation of certain Articles Duty-free.  
[28th July 1836.]

‘ **W**HEREAS the Islands of *Antigua, Saint Christopher, Nevis,* and *Montserrat* in the *West Indies,* were in the Month of *August* One thousand eight hundred and thirty-five visited with a most violent and destructive Hurricane, whereby the Inhabitants experienced very great Distress, in consequence of which it had been deemed expedient to permit for a limited Time the Importation into those Islands, in Vessels of all Nations, of Beef salted, Bread, Biscuit, Boards, Corn, Corn Meal, Horned Cattle, Flour, Fish pickled, salted, or dried, Wood Hoops, Lumber of all Kinds, Mill Timber, Oats, Pease, Pulse, Pork salted, Plank, Rice, Shingles, Staves, and Scantling Duty-free:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Beef salted, Bread, Biscuit, Boards, Horned

Certain Articles declared Duty-free.

Horned Cattle, Corn, Corn Meal, Flour, Fish pickled, salted, or dried, Wood Hoops, Lumber of all Kinds, Mill Timber, Oats, Pease, Pulse, Pork salted, Plank, Rice, Shingles, Staves, and Scantling which may have been imported Duty-free under any Proclamation of any of the Governors of the said Islands, is hereby declared to be free of Duty accordingly.

Governors, &c.  
indemnified.

II. And be it further enacted, That the respective Governors of the said Islands, and the respective Collectors and other Officers of the Customs in the said Islands, and all Persons whatever acting or having acted under their Orders and Directions, shall be and are hereby indemnified for any Orders which they may have respectively given upon or after the Time on which the Hurricane in the said Islands took place, by reason of which any Duty that was then legally due and payable on the Importation into the said Islands respectively of the several Articles before enumerated ceased to be levied and collected, and for any Omission on their Parts to cause such Duty to be levied and collected since such Hurricane.

### C A P. XLIX.

An Act to enable the Master of the Rolls to demise Part of the Rolls Estate to the Society of Judges and Serjeants.

[28th July 1836.]

‘ **W**HEREAS the present Chambers of the Judges are insufficient for the Accommodation of the Public and for the necessary Transaction of the Business therein, and it is expedient that new Chambers should be erected for Use of the Judges on the Rolls Estate; but the same cannot be done without the Aid of Parliament:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Master of the Rolls, by and with the Consent and Approbation of any Three of the Lords Commissioners of His Majesty’s Treasury for the Time being, testified by their being Parties to such Lease, to grant to the Society of Judges and Serjeants at Law, at a Peppercorn Rent, a Lease for a Term not exceeding Ninety-nine Years of such Part of the said Rolls Estate as may be necessary for the Erection of commodious Chambers for the Use of the Judges for Judicial Purposes, together with convenient Avenues and Approaches to the same from *Serjeants Inn*; such Lease nevertheless to contain such Covenants, Provisoes, and Restrictions as Three of the said Lords Commissioners of His Majesty’s Treasury for the Time being shall order and direct.

Master of the  
Rolls may demise Part of the  
Rolls Estate to  
the Society of  
Judges and  
Serjeants.

## C A P. L.

An Act to authorize the placing of the Horse Patrol now acting under the Authority of the Chief Magistrate of the Public Office in *Bow Street* under the Authority of the Justices appointed for the Metropolitan Police District.

[13th *August* 1836.]

‘ **W**HEREAS it is expedient that the Horse Patrol now acting under the Authority of the Chief Magistrate of the Public Office in *Bow Street* should be placed under the Authority of the Justices appointed by virtue of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of His Majesty’s Principal Secretaries of State to direct that such Horse Patrol shall be under the Authority of the said Justices for the Time being; and it shall be lawful for One of the said Justices to administer to such Horse Patrol an Oath to act as Constables for the Preservation of the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall, within the Counties of *Middlesex, Surrey, Hertford, Essex, and Kent*, and within all Liberties therein, and within the Royal Palaces of His Majesty, His Heirs and Successors, and Ten Miles thereof, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any of the said Justices for conducting themselves in the Execution of their Office.

10 G. 4. c. 44.

Horse Patrol to be under the Authority of the Justices appointed under the recited Act.

II. And be it further enacted, That it shall be lawful for His Majesty to appoint the said Justices to be Justices of the Peace of the Counties of *Berks* and *Bucks* and of all Liberties therein, and for the said Justices so appointed to execute the Duties of a Justice of the Peace for the said Counties of *Berks* and *Bucks* and for all Liberties therein, although they may not have any such Qualification by Estate as is required by Law in the Case of any other Person being Justices of the Peace for any County: Provided always, that no such Person shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying into execution the Purposes of this Act.

Such Justices to act also in the Counties of *Berks* and *Bucks*.

III. And be it further enacted, That the said Justices may from Time to Time, subject to the Approbation of One of His Majesty’s Principal Secretaries of State, appoint fit and proper Persons to act as such Horse Patrol, and may frame such Orders and Regulations

The said Justices to appoint the Persons to act as Horse Patrol.

lations as they shall deem expedient relative to the general Government of the said Horse Patrol, the Places of their Residence, the Classification, Rank, and particular Service of the several Members, their Distribution and Inspection, the Description of Arms, Accoutrements, and other Necessaries to be furnished them, and all such other Orders and Regulations relative to the said Horse Patrol as the said Justices shall from Time to Time deem expedient; and the said Justices may at any Time suspend or dismiss from his Employment any Man belonging to the said Horse Patrol whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed or cease to belong to the said Horse Patrol all Powers vested in him as a Constable by virtue of this Act shall immediately cease and determine.

Penalty for  
assaulting Horse  
Patrol.

IV. And be it further enacted, That if any Person shall assault or resist any Person belonging to the said Horse Patrol in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being convicted thereof before Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the said Justices shall think meet, and in default of immediate Payment shall suffer Imprisonment with or without hard Labour for any Time not exceeding Two Months.

Punishing  
Horse Patrol  
for Disobedience  
of Orders.

V. And be it further enacted, That if any of the said Horse Patrol shall be guilty of any Disobedience of Orders, Neglect of Duty, or of any Misconduct as such Constable, and shall be convicted thereof before Two Justices of the Peace, he shall forfeit any Sum not exceeding Ten Pounds, and in default of immediate Payment shall suffer Imprisonment, with or without hard Labour, for any Time not exceeding Three Months: Provided always, that nothing herein contained shall prevent any such Person from being proceeded against by way of Indictment for any Offence committed by him as a Constable, so as that no Person shall be proceeded against both by Indictment and also under this Act for the same Offence.

Penalty on  
Victuallers  
harbouring  
Horse Patrol.

VI. And be it further enacted, That if any Victualler, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Man belonging to the said Horse Patrol, or permit such Man to abide or remain in his House, Shop, Room, or other Place during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as they shall think meet.

Receiver of  
Police Offices to  
pay over a cer-  
tain Sum for the  
Support of the  
Horse Patrol.

VII. And be it further enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State to direct that the Receiver for the Time being of the Police Offices established in the Parishes of *Saint Margaret Westminster*, *Saint James Westminster*, *Saint Marylebone*, *Saint Andrew Holborn*, *Saint Leonard Shoreditch*, *Saint Mary Whitechapel*, and *Saint John of Wapping*, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, to pay over, out of the Monies issued to him out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*,

*Ireland*, to the Receiver of the Metropolitan Police District for the Time being, an annual Sum, not exceeding Ten thousand Pounds, for the Support and Maintenance of the said Horse Patrol.

VIII. And be it further enacted, That the said Receiver of the Metropolitan Police District shall pay over all Monies so received by him on account of the said Horse Patrol into the Hands of the Governor and Company of the Bank of *England*, and shall keep a separate and distinct Account of such Monies, and of all Sums expended by him in respect of the said Horse Patrol.

Such Monies to be paid into the Bank of England.

IX. And be it further enacted, That all the Provisions and Enactments contained in the aforesaid Act relative to the drawing and accounting for Monies which may come into the Hands of the said Receiver of the Metropolitan Police District for the Purposes of that Act, and for the auditing the Accounts of the said Receiver, and the Powers and Liabilities of the said Receiver, shall be deemed and taken to extend to the said Receiver in respect to the said Horse Patrol, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

Extending certain Powers of Act 10 G. 4. to this Act.

X. And be it further enacted, That the said Receiver of the Metropolitan Police District shall stand possessed of all the Horses, Arms, Accoutrements, and other Necessaries which have been furnished and are in the Use or Possession of the said Horse Patrol, and make all such Contracts or Disbursements as shall be necessary for renting any Land or Buildings, or for erecting, fitting up, furnishing, or repairing any Buildings for the Purposes of this Act, in such Manner as One of His Majesty's Principal Secretaries of State shall direct; and of all Lands and Buildings so to be rented, and of the Fixtures and Furniture thereof, and of all Goods and Chattels whatsoever to be from Time to Time held or purchased for the Purposes of this Act, the Property acquired therein shall be vested in the said Receiver for the Time being; and the said Receiver may, by the Directions of such Principal Secretary of State, sell, assign, or dispose of the Whole or any Part of such Property as aforesaid, and shall execute all such lawful Matters for carrying this Act into execution as such Principal Secretary of State shall from Time to Time direct.

Horses, Arms, &c. of Horse Patrol vested in Receiver of Metropolitan Police.

XI. And be it further enacted, That the said Receiver of the Metropolitan Police District, out of the Monies so received by him on account of the said Horse Patrol, shall from Time to Time pay to the Horse Patrol such Salaries, Wages, and Allowances, and at such Periods, as One of His Majesty's Principal Secretaries of State shall direct, and also any extraordinary Expences which they shall appear to have necessarily incurred in apprehending Offenders, and executing the Orders of either of the Justices, such Expences being first examined and approved by One of the said Justices; and the Receiver shall likewise pay any further Sums which such Principal Secretary of State shall direct to be paid to any of the Persons belonging to the said Horse Patrol, as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out

The said Receiver to pay Wages of Horse Patrol, and Expences connected therewith.

by

by Length of Service, and he shall also pay all other Charges and Expences which such Principal Secretary of State shall direct to be paid for carrying this Act into execution.

Certain Provisions of recited Act extended to this Act.

XII. And be it further enacted, That all the Provisions contained in the herein-before mentioned Act for the Punishment of Offences and Recovery and Application of Penalties shall be deemed and taken to extend to any Offence committed against this Act, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

Horse Patrol not to be allowed to vote, or otherwise interfere in Elections, except in discharge of their official Duties.

XIII. And be it enacted, That no Person who after the passing of this Act may be appointed to the said Horse Patrol shall, during the Time that he shall continue a Member thereof, or within Six Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, or *Kent*, or for any City or Borough within the Metropolitan Police District, nor shall, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, or Borough; and if any such Person belonging to the said Horse Patrol shall offend therein he shall forfeit the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same by Action of Debt to be commenced within Six Calendar Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Receiver for the Metropolitan Police District, to be by him added to and applied as Part of the Funds for the Purposes of the said Horse Patrol: Provided always, that nothing in this Enactment contained shall subject any such Person belonging to the said Horse Patrol to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

Act may be altered.

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

### C A P. LI.

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*. [13th August 1836.]

‘ WHEREAS it is necessary to make better Provision than now exists for the Accommodation and Classification of Prisoners in the County of the City of *Dublin*, and to make other Provisions respecting the Prisons in the said County of the City of *Dublin*: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time after the passing of this Act, by Warrant under his or their Hand and

The Lord Lieutenant may transfer the Richmond General Peni-

Seal, to grant and convey the Prison called the *Richmond* General Penitentiary, and the Site thereof, and the Courts, Yards, Out-offices, Buildings, and Appurtenances belonging thereto, to the Commissioners appointed in the last *Hilary* Term by the Grand Jury of the County of the City of *Dublin* for causing an additional Prison for Male Felons to be built within the Boundary Walls of the *Richmond* Bridewell, their Heirs and Assigns, in Trust for the Uses and Purposes of this Act, and of an Act made and passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*; and the said *Richmond* General Penitentiary, and the Site thereof, and the Courts, Yards, Out-offices, Buildings, and Appurtenances thereto belonging, shall thereupon become and be vested in the said Commissioners accordingly, and shall be deemed and taken to be, to all Intents and Purposes, Part of the said County of the City of *Dublin*, and to be one of the Prisons of and for the said County of the City of *Dublin*, and be subject to all the Rules, Regulations, and Provisions contained in the said recited Act, or any other Act or Acts passed or to be passed for the Regulation of the Prisons within the said City, and the Classification and Custody of Prisoners therein, and the Duty of the several Officers and Attendants belonging thereto, save as the same may be altered by this Act; and the Removal of any Prisoner who might by Law be confined in any Prison within the County of the City of *Dublin* to or from the said *Richmond* General Penitentiary shall not be deemed an Escape of such Prisoner, although in such Removal he or she may be brought into or through some Part of the County of *Dublin*.

tentiary to the Commissioners appointed by the Grand Jury.

7 G. 4. c. 74.

II. And be it further enacted, That all and every the Expence of altering, enlarging, and repairing the said Prison, and of paying the Salaries and Allowances of the Gaolers, Keepers, Local Inspectors, Matrons, Servants, Turnkeys, and their Assistants, Medical and other Officers to be appointed to the said Prison, or to any House of Correction within the same, or within the Boundary Wall thereof, and of the providing Food, Fuel, Furniture, Utensils, Bedding, Clothing, and other Necessaries for the Prisoners therein, shall be raised by Presentment of the Grand Jury of the County of the City of *Dublin*; and in case such Grand Jury shall at any Time refuse or neglect to make such Presentment or Provision after having been properly called upon and directed by the Court or Judges to make the same, then and in every such Case the said Court or Judges are hereby empowered and required to direct that the Amount of the Sum which ought to have been presented shall be added to the Warrant of the Treasury of the said County of the City of *Dublin*, and the same shall be raised, levied, apportioned, and assessed in like Manner as any Presentment duly made upon the said County.

The Expences of repairing Buildings, Salaries of Officers, and Support of Prisoners to be paid by Grand Jury Presentment.

III. And be it further enacted, That the Local Inspector, Chaplains, Surgeon, Physician, and Apothecary of the said Prison shall be appointed from Time to Time by the Grand Jury of the County of the City of *Dublin* as provided by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth for the Prisons now established in the said County of the City of *Dublin*,

Local Inspector, Chaplains, and Medical Officers to be appointed by the Grand Jury; Gaolers, Matrons, &c. by

the Lord Lieutenant.

*Dublin*, and that the Keepers, Matrons, and other Attendants, Servants and Turnkeys, and their Assistants, of and for the said Prisons, shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, according to such Establishment and with such Salaries and Allowances as shall be certified from Time to Time by the Inspectors General of Prisons, under their Hands, to the said Lord Lieutenant or other Chief Governor or Governors, and approved of by him or them as being sufficient and necessary for the Care and Management of the said Prison and the Prisoners therein: Provided always, that the Sheriffs of the County of the City of *Dublin* shall not be answerable for the safe Custody of any Prisoner confined in the said Prison or any Part thereof, or any Building situate within the Walls thereof; and provided also, that the Keeper or Gaoler of the said Prison shall not be entitled to any Presentment for or in lieu of Fees on the Acquittal, Conviction, or Discharge of any Prisoner.

The Lord Lieutenant may discontinue the *Smithfield* Penitentiary as a Prison for the County of *Dublin*.

IV. ' And whereas upon the Establishment of the said Prison ' under this Act it will be unnecessary to continue the *Smithfield* ' Penitentiary as a Place of Confinement for Prisoners for the ' County of the City of *Dublin*, and the same may be conveniently employed as a Depôt for Prisoners convicted and sentenced to Transportation, or for other Purposes; ' be it therefore further enacted, That when the said Prison hereby directed to be vested in the said Commissioners shall be made fit for the Reception and safe-keeping of such Prisoners as may be lawfully confined therein, and the Inspectors General of Prisons shall certify the same under their Hands to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and to the Grand Jury of the County of the City of *Dublin*, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by Warrant under his or their Hand, that the said *Smithfield* Penitentiary shall thenceforth be discontinued to be and shall no longer be used as a Bridewell or Prison for Prisoners of or from the County of the City of *Dublin*, and to direct the Removal of the Prisoners then confined therein to such other Prison or Prisons in the County of the City of *Dublin* as to him or them may seem fit, and from thenceforth no Presentment shall be made by the Grand Jury of the County of the City of *Dublin* for or on account of the said *Smithfield* Penitentiary, or of any other Expenditure connected therewith; and the same, and all Yards, Grounds, Outhouses, Offices, and Buildings connected therewith, shall and may be employed, under the Orders of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, as a Depôt for Convicts sentenced to Transportation, or for such other Purposes as he or they may think fit; and the same shall become and be legally vested in such Person or Persons as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may direct, in Trust for the Purposes of this Act.

So much of 48 G. 3. c. 140. as relates to the Exercise of any Power by Divi-

V. And be it further enacted, That from and after the passing of this Act such Parts of an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice*



*Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis*, as relate to the Appointment of any Officer, or to the Exercise of any Power or Authority in any Gaols, Houses of Correction, Marshalseas, Bridewells, or other Prisons within the County of the City of *Dublin* by the Divisional Justices of the Castle Division of the Head Office of Police, be and the same are hereby repealed.

sional Justices over Gaols, &c. repealed.

VI. And be it further enacted, That so much of the said recited Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth as excepts the County of the City of *Dublin* from the Operation of that Part of the said Act under which the Grand Jury of every County, County of a City, or County of a Town throughout *Ireland* is authorized and required to appoint a Board of Superintendence, with certain Powers and Duties as in the said Act set forth, be and the same are hereby repealed; and that the Grand Jury of the County of the City of *Dublin* aforesaid shall and may, at the next Presenting Term after the passing of this Act, and at every succeeding Presenting Term, and they are hereby authorized and required, to appoint a Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within the said County of the City of *Dublin*, supported in part or in the whole by Grand Jury Presentment, under the same Regulations, possessing the same Powers, and to perform the same Duties as are specified and set forth in the said last-recited Act respecting the Boards of Superintendence appointed in the several Counties, Counties of Cities, and Counties of Towns respectively throughout *Ireland*; and that all the Provisions of the said last-recited Act relating to Boards of Superintendence shall apply to and have full Force and Effect in all Things relating to such Prisons of the said County of the City of *Dublin* in the same Manner as in those of every other County, County of a City, or County of a Town throughout *Ireland*; and in case any of the said Offices to which the said Grand Jury are by this Act authorized to appoint shall become vacant between Two Presenting Terms, then and in every such Case it shall be lawful for the said Board of Superintendence to appoint a new Officer to fill such Vacancy, who shall hold and exercise such Office until a new Appointment shall be made thereto by the said Grand Jury, as fully and effectually as such provisional Appointment might have been heretofore made by the Sheriff of the said County of the City of *Dublin*: Provided that nothing in this Act contained shall interfere with the Regulations in the said recited Act contained respecting the Appointment or Salaries of Medical Officers or Chaplains by the Grand Jury of the County of the City of *Dublin* aforesaid.

Part of 7 G. 4. c. 74. repealed.

Grand Jury of the County of the City of *Dublin* to appoint a Board of Superintendence as in other Counties under the 7 G. 4. c. 74.

VII. And be it enacted, That the Provisions of the said recited Act with respect to Prisoners who shall not be of sufficient Ability to procure Food and other Necessaries, and also with respect to Prisoners confined or detained at the Suit of any Creditor or Creditors for any Debt less than the Sum of Ten Pounds, and for the Payment to them by such Creditor or Creditors of any weekly Sum, and for their Discharge in default of such Payment, shall be deemed and taken to apply and extend to Prisoners confined in the Marshalsea of the City of *Dublin* as fully as to Prisoners confined in any other Prison in *Ireland*.

Provisions in recited Act regarding poor Prisoners to extend to Prisoners confined in the Marshalsea, Dublin.

## C A P. LII.

An Act to repeal the Duties and Drawbacks of Excise on Paper printed, painted, or stained in the United Kingdom ; and to reduce the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Paste-board, and Scale-board, made in the United Kingdom, of the First Class ; and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar. [13th August 1836.]

43 G. 3. c. 69.

‘ WHEREAS by an Act passed in the Forty-third Year of the Reign of His Majesty King *George the Third*, for repealing the Duties of Excise payable in *Great Britain*, and for granting other Duties in lieu thereof, certain Duties of Excise were granted and imposed for every Yard Square of Paper which should be printed, painted, or stained in *Great Britain* to serve for hanging or other Uses, over and above the Duties payable for such Paper before the printing, painting, or staining thereof, and certain Drawbacks were made payable on the Exportation of Paper so printed, painted, or stained ; and by an Act

5 G. 4. c. 55.

‘ passed in the Fifth Year of the Reign of His late Majesty King *George the Fourth*, for assimilating the Duties and Drawbacks on Hides, Skins, Leather, Parchment, Paper, and Paper-hangings manufactured in *Ireland* to the Duties and Drawbacks payable on the like Articles in *Great Britain*, and for equalizing the Measures and Weights whereby the Duties of Excise and Customs should be payable throughout the United Kingdom, the like Duties and Drawbacks were granted, imposed, and made payable on Paper printed, painted, or stained in *Ireland* : And whereas it is expedient that the said Duties and Drawbacks, with the Duties payable on Licences taken out by Printers, Painters, and Stainers of Paper, should be repealed : And whereas by the said recited Acts respectively the Duties of Excise on Paper and other Articles of Paper or Paper Materials made in *Great Britain* and *Ireland* are imposed and charged on such Paper and other Articles according to the Class or Denomination thereof, whether First Class or Second Class, distinguished by the Materials from which such Paper or other Articles may be made : And whereas the said Distinction of First and Second Class Paper is found inconvenient ; and it is therefore expedient to reduce the Duties, Allowances, and Drawbacks of Excise now payable on Paper and other Articles of the First Class made in the United Kingdom, and, in lieu thereof, to render the same liable only to the Duty now payable on Paper of the Second Class, so as to impose one uniform Duty, and to reduce the Allowances and Drawbacks in proportion : Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority, of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-six all the Duties of Excise on Paper printed, painted, or stained in the United Kingdom, and all Drawbacks on such Paper exported therefrom, and all Duties on

Duties and Drawbacks on stained Paper repealed.

on Licences to be taken out by any Printer, Painter, or Stainer of Paper, shall be and the same are hereby repealed: Provided always, that any of the said Duties which may have been charged on or before the said Fifth Day of *July* One thousand eight hundred and thirty-six, and any Arrear thereof, and any Drawback which may be payable on any such printed, painted, or stained Paper duly exported on or before the said Fifth Day of *July* One thousand eight hundred and thirty-six, shall be payable and paid; and all such Duties and Drawbacks, and all Fines, Forfeitures, Pains, and Penalties incurred in relation to the Duties and Drawbacks hereby repealed, on or before the said Fifth Day of *July* shall and may be sued for, levied, and recovered and paid in the same Manner as if this Act had not been passed.

Proviso as to Duties charged and Drawbacks payable before 5th July 1836.

II. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-six, the Duties, Allowances, and Drawbacks of Excise now payable on Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board made in the United Kingdom of Materials of the First Class, shall cease and determine: Provided always, that any of the said Duties which may have been charged on or before the said Tenth Day of *October* One thousand eight hundred and thirty-six, and any Arrear thereof, and all Allowances on any such Paper which shall become due or payable on or before that Day, and all Drawbacks in respect of any Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Books, exported on or before the said Tenth Day of *October* One thousand eight hundred and thirty-six, payable at the higher Rate of the First Class, shall be paid at such Rate, and may be sued for, levied, and recovered in the same Manner as if such Duties, Allowances, and Drawbacks had not been repealed.

Duties and Drawbacks on the several Papers herein mentioned to cease after 10th October 1836.

Proviso respecting Arrears.

III. And be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and thirty-six the Duty of One Penny Halfpenny for every Pound Weight Avoirdupois now charged and payable on Paper of the Second Class shall be charged and paid on all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board, of whatever Kind or Description, which shall be made in the United Kingdom, without reference to the Sort, Kind, or Quality of the Materials employed in the Manufacture thereof.

Duty of 1½d. per Pound Weight to be charged on all Paper, &c. made in the United Kingdom.

IV. And be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and thirty-six the Allowances and Drawbacks of Excise payable on Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board made in the United Kingdom of Materials of the First Class, and on Books, shall be reduced and paid at the Rate of One Penny Halfpenny for every Pound Weight Avoirdupois thereof, being the Duty now payable on Paper of the Second Class, and hereafter to be charged on all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board of every Description.

Allowances and Drawbacks on all Paper, &c. to be paid at 1½d. per Pound.

Drawback on Stained Paper exported to be 2d. for every Dozen Square Yards.

Duties, Allowances, and Drawbacks to be collected and paid under former existing Regulations.

Makers not to be required to write on the Label the Class of Paper.

Penalty for not obliterating or defacing Labels reduced from 200l. to 10l. for each Label.

V. ' And whereas it is difficult to weigh Paper printed, painted, or stained, and it is therefore necessary to grant the Drawback thereon in respect of the Duty charged on the Paper when made by the Square Yard;' be it therefore further enacted, That for every Dozen Square Yards of Paper printed, painted, or stained in the United Kingdom, and exported as Merchandize, there shall be granted and paid a Drawback of Two-pence.

VI. And be it further enacted, That the said Duties by this Act extended and made general shall continue under the Management of the Commissioners of Excise, and that the said Duties and the Allowances and Drawbacks hereby reduced shall continue to be respectively raised, levied, collected, and recovered, allowed, and paid, in such and the like Manner as heretofore, and all and every Pain, Penalty, Fine, and Forfeiture of any Nature or Kind whatever for any Offence committed against or in breach of any Act or Acts of Parliament on and immediately before the Commencement of this Act, for securing the Revenue of Excise, or any Duties under the Management of the Commissioners of Excise respectively, or for the Regulation or Improvement thereof, and the several Clauses, Powers, and Directions therein contained, shall be and are hereby directed and declared to continue and to extend to, and the same shall be respectively applied, practised, and put in execution for and in respect of the said several Duties, Allowances, and Drawbacks of Excise, in as full and ample a Manner as if all and every the said Acts, Clauses, Provisoos, Powers, Directions, Pains, Penalties, Fines, and Forfeitures were particularly repeated and re-enacted in the Body of this Act.

VII. And be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and thirty-six no Maker shall be required to write on the Label affixed on the Wrapper or Cover of any Ream or Parcel of Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, or Scale-board, the Class or Denomination thereof, any thing in any Act or Acts to the contrary notwithstanding.

VIII. ' And whereas by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing the Excise Duties on Paper and Paste-board*, every Stationer and other Person is required, upon opening any Ream of Paper, or Parcel of Mill-board, Button-board, Button Paper, Glazed Paper, Sheathing Paper, Paste-board, or Scale-board, forthwith to permanently cancel, deface, and obliterate the Label, and the several Stamps and Impressions of Stamps thereon, and on the Wrappers and Covers of every such Ream or Parcel, and every Part of such Label, Stamps, and Impressions respectively, without separating, detaching, or taking such Label from off such Cover or Wrappers, under a Penalty of Two hundred Pounds for each such Wrapper, Cover, or Label: ' And whereas such Penalty of Two hundred Pounds is excessive;' be it therefore further enacted, That every Stationer and other Person shall, on opening any Ream or Parcel of Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, or Scale-board, immediately write in large Letters in Ink upon the Label attached to the Cover or Wrapper the Word "Opened,"

“Opened,” or shall cross such Label with Ink, or otherwise permanently cancel, obliterate, and deface the same, so as to prevent the said Label from being again made use of by any Manufacturer, and every Stationer or other Person who shall not, on opening any such Ream or Parcel as aforesaid, immediately so write on, cross, or otherwise cancel, obliterate, or deface such Label, or in whose Possession any such Label, whether attached or not to any Wrapper or Cover which shall have been opened, shall be found not so written upon, crossed, or otherwise cancelled, obliterated, or defaced, shall forfeit for each such Label Ten Pounds, and every such Label, with any Wrapper or Cover to which the same may be attached, shall also be forfeited.

IX. And be it further enacted, That so much of the said Act passed in the First Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for better securing the Excise Duties on Paper and Pasteboard*, as enacts, “that every Maker and Manufacturer of Paste-board (not made at any Mill) from Paper of the First Class and Denomination only, for being cut into and sold by him or her as Cards, not exceeding the Size of Sixty-four Square Inches, or Playing Cards, and every Maker of Bottle-stands, Spectacle Cases, Tea-trays, or any other Wares or Articles of Merchandize made from or with Paper pasted or united together and moulded into such Articles, shall be deemed a Paste-board Maker, and shall be subject and liable to take out and pay for a Licence as a Paste-board Maker, and to make Entry of his or her Premises as such at the proper Office of Excise, and that every such Maker and Manufacturer shall from Time to Time give Notice as a Paste-board Maker, and as required by Law of Paste-board Makers, of opening any Reams of Paper for the Purpose of the Sheets thereof being pasted or united together as aforesaid, and shall at the End of every such Quarter of a Year as aforesaid make and render to the proper Officer of Excise an Entry in Writing, signed by such Maker or his Foreman with his Christian and Surname, of the whole Weight of the Paper, distinguishing the Class or Denomination thereof, used and employed by him or her in such Quarter as aforesaid, and that he and she respectively have not in such Quarter used or employed, or permitted to be used or employed as aforesaid, any other than such Paper as was opened in the Presence of the proper Officer, and is mentioned and entered in such quarterly Account as aforesaid; and if any such Maker or Manufacturer as aforesaid shall neglect or refuse to take out and pay for such Licence as aforesaid, or to make such Entry at the proper Office of Excise as aforesaid, or to make or render such quarterly Entry or Account as aforesaid, or shall not make true and faithful Entries and Accounts as aforesaid, or any such Paste-board Maker for Cards as aforesaid shall use or employ any other than First Class Paper for that Purpose, or shall make or sell any Paste-board except cut into Cards, not exceeding the Size of Sixty-four Square Inches, or Playing Cards, every such Maker or Manufacturer shall for every such Offence forfeit and lose the Sum of One hundred Pounds, and no such Maker or Manufacturer as aforesaid who shall take out and pay for such Licence and make such Entry at the next Office of Excise, and make and render such quarterly

So much of  
1 G. 4. c. 53.  
as requires  
Paste-board  
Maker  
to take out a  
Licence and  
make Entry of  
his Premises,  
&c. repealed.

Account as aforesaid, and observe, fulfil, and keep the Conditions herein-before mentioned, shall be subject or liable to any other of the Rules or Regulations relating to Makers of Paste-board, any thing to the contrary thereof in any other Act or Acts notwithstanding," shall be and the same is hereby repealed.

So much of  
58 G. 3. c. 65.  
as authorizes  
the Survey of  
Dealers in and  
Retailers of  
Vinegar re-  
pealed.

X. 'And whereas it is deemed unnecessary to continue the Survey by the Officers of Excise on Dealers in and Retailers of Vinegar;' be it therefore enacted, That so much of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing the Duties of Excise on Verjuice and Vinegar, and granting other Duties in lieu thereof, and for more effectually securing the Duties of Excise on Vinegar or Acetous Acid*, as enacts, "that all and every Dealer in, Retailer, or Seller of Vinegar or Acetous Acid shall make Entry at the nearest Office of Excise of his, her, or their Warehouse, Storehouse, Cellar, Shop, or other Place or Places in which he, she, or they shall store, deposit, or keep such Vinegar or Acetous Acid or Liquor aforesaid, and before receiving any Vinegar or Acetous Acid or Liquors aforesaid for Sale; and that every such Dealer in, Retailer, or Seller (not being a Vinegar Maker or Makers at any entered Place or Places within the Distance of a Quarter of a Mile from such Warehouse, Storehouse, Cellar, Shop, or other Place or Places,) shall, upon Demand, receive from the proper Officer of Excise a Book or Books, to be prepared with proper printed Forms and Titles for the Purposes herein-after mentioned, and to be kept by every such Dealer in, Retailer, and Seller of Vinegar or Acetous Acid in some public and open Part of his, her, or their entered Premises, and that from and after the Tenth Day of *October* One thousand eight hundred and eighteen no Vinegar or Acetous Acid exceeding Ten Gallons at any one Time shall be sold, sent out, or delivered by any such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid to any Person or Persons whatsoever without being accompanied by a Certificate filled up and cut out progressively from the printed Forms of such Certificates contained in such Book as aforesaid, signed by such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid selling, sending out, or delivering the same, or some Person or Persons on his, her, or their Behalf, certifying the Date thereof, the Quantity of such Vinegar or Acetous Acid, and the Strength thereof (if above Proof), to whom sold, from whose Stock delivered, and that the Duty has been paid thereon; and that every such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid selling, sending out, or delivering any Vinegar or Acetous Acid exceeding Ten Gallons at any one Time as aforesaid shall at the same Time make a correspondent Entry thereof, containing the same Particulars, in such Book as aforesaid, and that such Book with such Entries so made therein as aforesaid shall at all Times lie open and exposed in the entered Premises of such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid as aforesaid. to the Perusal of any Officer or Officers of Excise, and shall be delivered by such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid as aforesaid to any Officer or Officers of Excise upon Demand; and if any such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid shall refuse or neglect to make such Entry

Entry as aforesaid of all his, her, or their Warehouses, Storehouses, Cellars, Shops, and other Places for storing or keeping Vinegar or Acetous Acid, or shall at any Time obstruct or hinder any Officer or Officers of Excise from entering therein, or inspecting, surveying, weighing, or taking an Account of his, her, or their Stock of Vinegar or Acetous Acid, or shall conceal any Part of such Vinegar or Acetous Acid from the Sight or View of the Officer or Officers, or shall sell, send out, or deliver any Quantity of Vinegar or Acetous Acid exceeding Ten Gallons at any one Time unaccompanied by such Certificate as aforesaid, or making such Entry in such Book as aforesaid, or shall convey away or conceal any such Book or Books as aforesaid, or cancel, obliterate, destroy, or tear out any Leaf or Leaves therefrom or Entry or Entries therein, or shall make any false Entry or Entries therein, or shall oppose, molest, obstruct, or hinder any Officer or Officers of Excise in inspecting any such Book or Books or any such Entry or Entries therein as aforesaid, or shall at any Time neglect or refuse when required to give up to any Officer or Officers such Book or Books as aforesaid, all and every such Dealer in, Retailer, or Seller of Vinegar or Acetous Acid so offending shall for every such Offence severally forfeit and lose the Sum of One hundred Pounds; and all Vinegar or Acetous Acid exceeding Ten Gallons removing or removed from the Stock of any such Dealer or Dealers as aforesaid without being accompanied by such Certificate as aforesaid, and all Vinegar or Acetous Acid found in the Possession of any unentered Dealer in, Retailer, or Seller of Vinegar or Acetous Acid, or in any unentered Warehouse, Storehouse, Cellar, Shop, or other Place of any Dealer in or Retailer or Seller of Vinegar or Acetous Acid, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise, and the Person or Persons removing, carrying, or conveying the same, or aiding or assisting therein, or in whose Custody the same shall be found, shall forfeit and lose the Sum of One hundred Pounds," shall be and the same is hereby repealed.

XI. ' And whereas it is expedient to make Provision for allowing Paper and Paste-board of the First Class, and Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, and Scale-board, which may be charged with Duty and received by Stationers, Makers of Paste-board, or Printers or Stainers of Stained Paper on or before the said Tenth Day of *October* One thousand eight hundred and thirty-six, to be sent into consumption or made use of after the said Tenth Day of *October* at the reduced Rate of Duty;' be it therefore enacted, That it shall be lawful for any Maker of Paper who shall sell or send out to any Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper, any Paper or Paste-board of the First Class, or any Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board which shall be charged with Duty before the said Tenth Day of *October*, to give Notice to the Officer of Excise under whose Survey he shall be, that he intends to send out such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, with a Certificate for enabling the Person to whom the same is to be sent, describing such Person in such Notice, to obtain a Remission

Paper Makers sending to Stationers, Paste-board Makers, and Paper Stainers First Class Paper charged with Duty before the 10th *October*, may, upon Notice, send with it a Certificate, on which, after 10th *October*, the Holder may obtain a Remission of the Duty to the reduced Rate.

of the Duty thereon, and requiring such Officer to attend and take an Account of the same, at a Time to be mentioned in such Notice, not being less than Six Hours from giving the same; and the Officer of Excise receiving such Notice shall attend at the Time mentioned therein, and such Maker of Paper shall produce to such Officer of Excise all the said Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board so intended to be sent out, duly tied up in Reams or Bundles, and labelled and charged with Duty, and also a Certificate signed by such Maker or his chief Workman in form following; (that is to say,)

Form of Certificate.

Quarter 1836.  
Rounds 1836.

Collection.  
Division.

‘ THIS is to certify, That *A.B.*, Maker of Paper, herewith sends  
‘ from his Mill, N<sup>o</sup> at to *C.D.*,  
‘ Stationer [or Paste-board Maker or Paper Stainer, as the Case  
‘ may be,] at Reams {or Bundles} of  
‘ weighing , and that the same were charged  
‘ with Duty at the Rate of per Pound or  
‘ per Hundred Weight on the Day of One  
‘ thousand eight hundred and thirty-six, the Particulars of the  
‘ Numbers and estimated Weight as under. Dated this  
‘ Day of One thousand eight hundred and thirty-six.  
‘ Progressive N<sup>o</sup>. (Signed) *A.B.*, Paper Maker.  
‘ Estimated Weight.

Manner of proceeding with Certificate.

And the said Officer of Excise having examined and taken an Account of the said Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, and ascertained that the same corresponds in all Particulars with the said Certificate, and is in all respects correct, shall sign the said Certificate, and make Entry thereof in his Survey Book, and such Certificate shall then be transmitted with the said Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board to the Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper to whom such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board is to be removed, and on all such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, and Scale-board which shall be so removed with Certificate, and which shall after the said Tenth Day of *October* One thousand eight hundred and thirty-six be produced to the Officers of Excise, it shall be lawful for the Commissioners of Excise to allow a Remission of the Duty under the Regulations of this Act to the Extent of the Difference between the Duty charged and the reduced Amount of Duty hereafter payable under this Act.

Sample of Paper, &c. intended to be removed to be delivered to the Officer of Excise.

XII. And be it further enacted, That every Maker of Paper shall at the Time of producing such Certificate to the Officer of Excise also produce and deliver to him a Sample Sheet of the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, intended to be removed with such Certificate, which Sample the said Officer shall



shall receive, and enter thereon the Particulars of the Certificate, and retain the same in his Possession, to be disposed of as the Commissioners of Excise shall direct, and if such Officer shall have any Doubt of such Sample being a true Sample it shall be lawful for him to open any Ream or Bundle and examine and compare such Sample with the Contents of such Ream or Bundle.

XIII. And be it further enacted, That the Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper by whom any such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board shall be received with Certificate as aforesaid, shall keep the same in his Stock separate and apart from all other Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, with the Wrappers unopened (except as herein-after provided), and free to the Inspection of any Officer of Excise until after the said Tenth Day of *October* One thousand eight hundred and thirty-six: Provided always, that in case any Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper shall require to sell or make use of any such Paper, Pasteboard, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board before the said Tenth Day of *October*, it shall be lawful for him so to do, and in such Case such Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper shall specify on the Certificate received with such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board the particular Ream or Reams or Bundle or Bundles sold, opened, or made use of.

Stationer, &c. receiving such Paper to keep it apart, &c., unless it is wanted for immediate Consumption, when a Memorandum of the Reams made use of shall be made on the Certificate.

XIV. And be it further enacted, That every Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper, who shall be desirous of obtaining the said Remission of Duty on any such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board in his Possession, shall, after the said Tenth Day of *October* One thousand eight hundred and thirty-six, make Application for the same, if within the Limits of the Chief Office of Excise to the Commissioners of Excise, and out of the said Limits to the Supervisor of Excise of the District, and every such Application shall be in the Form following; (that is to say,)

After 10th October Claim to be made for the Allowance in the following Form.

‘ I *C.D.*, Stationer, [*or Paste-board Maker or Paper Stainer, as the Case may be,*] do claim an Allowance of *per*  
 ‘ Pound [*or per Hundred Weight*] on *Reams [or*  
 ‘ Bundles] of *weighing* *Pounds [or Hun-*  
 ‘ dred Weights], Amount *; and I do declare the said*  
 ‘ *Reams [or Bundles] to be* *Reams [or*  
 ‘ Bundles] [*or Part of* *Reams or Bundles] of*  
 ‘ received by me on the *Day of* *from the*  
 ‘ Mill of *A.B.* Paper Maker, at *with a Certificate*  
 ‘ bearing Date the *Day of* ‘ (Signed) *C.D.*’

And the Officers of Excise appointed for that Purpose by the Commissioners of Excise within the Limits of the Chief Office of Excise, and the Supervisors of Excise to whom such Application shall be made out of the said Limits, shall attend at the respective Houses

Proceedings upon Claim made.

Houses or Premises of the Stationers, Makers of Paste-board, or Printers or Stainers of Stained Paper making such Applications, and every such Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper shall produce to the Officer or Supervisor so attending all the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, and Scale-board in respect of which the Allowance shall be claimed, and the Certificates received with the same; and every such Officer and Supervisor shall examine all the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, and Scale-board so produced, and shall weigh and take an Account of the same, and shall compare the same with the Certificates produced; and if on such Examination and Compare such Officer or Supervisor shall be satisfied that the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board produced is the same which was received with the Certificates, such Officer or Supervisor shall make out and deliver to the Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper claiming the Allowance a Certificate in such Form and with such Particulars as the Commissioners of Excise shall direct, setting forth that such Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper is entitled to the Allowance on the Number of Pounds or Hundred Weight weighed and ascertained by such Officer or Supervisor to be paid to such Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper by the Commissioners or Collector of Excise, and the Officer or Supervisor giving such Certificate shall take into his Custody and Possession all the Certificates produced to him, and shall dispose of the same in such Manner as the Commissioners of Excise shall direct.

Allowances to be payable Twelve Weeks after the Charge of Duty.

XV. ' And whereas the Duties on Paper are not payable by the Makers of Paper until several Weeks after the same are charged, whereby a Loss may arise to the Revenue if all such Allowances were to be paid immediately after the Tenth Day of *October* ;' be it therefore enacted, That the Officers and Supervisors of Excise in making out the said Certificates given for the receiving of the said Allowances shall specify therein the Time when the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board in respect of which such Allowance shall be claimed respectively shall have been charged with Duty, and also the Time when each Amount of Allowance shall be payable, such Time being not less than Twelve Weeks after the Date of the Charge of Duty ; and if any Maker of Paper who shall have sent out any Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, with Certificate as aforesaid, shall fail to pay the Duty charged thereon, so that the same shall be lost to His Majesty, the Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper to whom such Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board shall have been sent shall not be entitled to receive the Allowance thereon.

Penalty on fraudulently obtaining or

XVI. And be it further enacted, That if any Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper; shall receive

any Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board under any false or untrue Certificate, or shall produce to any Officer of Excise any false or untrue Certificate, or any Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board, not entitled to the Allowance, in order to claim an Allowance thereon, or shall by any Deceit, Art, or Contrivance fraudulently obtain or attempt to obtain any Allowance to which such Party shall not be entitled, or to a greater Amount than he ought to receive, every such Stationer, Maker of Paste-board, or Printer or Stainer of Stained Paper shall forfeit all the Paper, Paste-board, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, or Scale-board produced by him, with all Allowances claimed by him, and Five hundred Pounds.

attempting to obtain the Allowance.

XVII. And be it further enacted, That all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board (except Scale-board made from Wood), of whatever Materials made, and whether made by the Materials being reduced to Pulp and moulded or by being pressed or otherwise manufactured, shall be deemed and taken to be Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board within the Meaning of this Act, and the Acts for securing the Duties of Excise on Paper, and shall be charged with Duty accordingly; and the Makers thereof shall and are hereby declared to be subject and liable to all the Laws, Enactments, Rules, and Regulations, Fines, Penalties, and Forfeitures, in force to which Makers of Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board are subject and liable under the Laws of Excise: Provided always, that until the Eleventh Day of *October* One thousand eight hundred and thirty-eight nothing herein contained shall extend to subject to a Duty or to any Regulations of the Excise on any Goods, Wares, or Articles manufactured under a Patent bearing Date the Fourteenth Day of *February* in the Third Year of the Reign of His present Majesty granted to *Thomas Robertson Williams* Esquire late of *Norfolk Street, Strand*, for securing to the said *Thomas Robertson Williams* and his Assigns the Benefit of an Invention, as set forth in the said Patent, of a new Combination of fibrous Materials, forming by means of Machinery artificial Skins which may be applied to the Purposes for which Skins, Leather, Vellum, and Parchment are used, and which Patent is now by Assignment vested in *Charles Stanbridge* and *William Forbes Marshall* of the Parish of *St. Luke's* in the County of *Middlesex*.

All Paper, Glazed Paper, Sheathing Paper, Button-board, Mill-board, Paste-board, and Scale-board, of whatever Materials and in whatever Manner manufactured to be subject to Duty.

Proviso.

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

Act may be altered this Session.

## C A P. LIII.

An Act for enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island, Singapore, and Malacca.* [13th August 1836.]

‘WHEREAS it is expedient that His Majesty’s Court of Judicature of *Prince of Wales's Island, Singapore, and Malacca* should have Jurisdiction as a Court of Admiralty; be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, by Charter or Letters Patent under the Great Seal of the United Kingdom of *Great Britain and Ireland*, to grant and commit to the said Court of Judicature of *Prince of Wales's Island, Singapore, and Malacca*, Powers and Authorities for the Exercise of Admiralty Jurisdiction to the same Extent in all respects as His Majesty’s Supreme Court of Judicature at *Fort William in Bengal* is now by virtue of any Charter or Acts of Parliament authorized to exercise any Admiralty Jurisdiction.

Admiralty Jurisdiction existing at Fort William extended to Prince of Wales’s Island, &c.

By whom the Warrant to be countersigned.

II. And be it further enacted, That when it shall please His Majesty to issue any Charter or Letters Patent by virtue of this Act, the Warrant for such Charter or Letters Patent shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other Person.

## C A P. LIV.

An Act to consolidate and amend the Laws relating to the Conveyance of Newspapers by the Post.

[13th August 1836.]

‘WHEREAS the Laws now in force relating to the Conveyance of Newspapers by the Post are contained in various Acts of Parliament passed in a Series of Years, and it is expedient that the same should be consolidated and amended: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Fourth Year of the Reign of King *George the Third*, intituled *An Act for preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from the Duty of Postage*; and of an Act passed in the Ninth Year of the Reign of King *George the Third*, intituled *An Act for discontinuing upon the Exportation of Iron imported in Foreign Ships the Drawback of such Part of the Duties payable thereon as exceeds the Duties payable upon Iron imported in British Ships*; to prohibit the Exportation of Pig and Bar Iron and certain Naval Stores unless the Pre-emption thereof be offered to the Commissioners of the Navy; to repeal so much of an Act made in the Sixth Year of His present Majesty’s Reign as discontinued the Drawback upon Foreign rough Hemp exported; for providing a Compensation to the Clerks in the Office of the Principal Secretaries of State for the Advantages such

Repeal of so much of the Acts 4 G. 3. c. 24.

9 G. 3. c. 35.

*such Clerks enjoyed before the Commencement of an Act made in the Fourth Year of the Reign of His present Majesty, for preventing Frauds and Abuses in relation to the sending and receiving Letters and Packets free from the Duty of Postage, and to explain and amend the said Act; and of an Act passed in the Twenty-fourth Year of the Reign of King George the Third, intituled *An Act for establishing certain Regulations concerning the Postage and Conveyance of Letters and Packets by the Post between Great Britain and Ireland*; and of an Act passed in the Thirty-fifth Year of the Reign of King George the Third, intituled *An Act for further regulating the sending and receiving Letters free from the Duty of Postage; for allowing Non-commissioned Officers, Seamen, and private Men in the Navy and Army whilst on Service to send and receive Letters at a low Rate of Postage; and for permitting Patterns and Samples of Goods to be transmitted by the Post at an easier Rate than is now allowed by Law*; and of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled *An Act to authorize the sending and receiving of Letters and Packets, Votes, Proceedings in Parliament, and printed Newspapers by the Post free from the Duty of Postage by the Members of the Two Houses in Parliament of the United Kingdom, and by certain Public Officers therein named, and for reducing the Postage on such Votes, Proceedings, and Newspapers when sent by any other Persons*; and of an Act passed in the Forty-fifth Year of the Reign of King George the Third, intituled *An Act for granting certain additional Rates and Duties in Great Britain on the Conveyance of Letters*; and of an Act passed in the Fifty-ninth Year of King George the Third, intituled *An Act to repeal so much of an Act passed in the Fifty-fifth Year of His present Majesty as relates to the Postage and Conveyance of Letters to and from the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies, and to make other Regulations respecting the Postage of such Letters and Packets, and other Letters and Packets sent by the Post*; and of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Conveyance of printed Votes and Proceedings in Parliament, and printed Newspapers, by Packet Boats between Great Britain and Ireland and the British Colonies, and also in the United Kingdom*; and of an Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled *An Act to amend the Laws relating to the Duties of Postage in Great Britain and Ireland*; and of an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to regulate the Conveyance of printed Newspapers by Post between the United Kingdom, the British Colonies, and Foreign Parts*; and of an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office*, as relates to the Conveyance of Newspapers by the Post, shall from and after the passing of this Act be repealed, except so far as the same may repeal the Whole or any Part of any other Acts, and except so far as respects any Sums of Money, Arrears of Duties, Fines, Penalties, Forfeitures, Matters, or Things which at any Time before the passing of this Act shall have become due or owing*

24 G. 3. c. 6.

35 G. 3. c. 53.

42 G. 3. c. 63.

45 G. 3. c. 11.

59 G. 3. c. 111.

6 G. 4. c. 68.

7 &amp; 8 G. 4. c. 21.

4 & 5 W. 4. c. 44.  
and5 & 6 W. 4. c. 25.  
as relates to the  
Conveyance of  
Newspapers by  
the Post.  
Exceptions.

owing or recoverable, or been had, made, or done under or by virtue or in pursuance of any of the said Acts herein-before referred to, or any of the Powers or Authorities therein contained; and all which Sums of Money, Arrears of Duties, Fines, Penalties, Matters, and Things shall and may be had, sued for, recovered, received, and dealt with as if this Act had not been passed; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Newspapers  
to go free  
within the U. K.

II. And be it further enacted, That from and after the passing of this Act all printed Newspapers liable to the Stamp Duty and duly stamped shall and may be sent by the General Post to and from any Post Towns and Places within the United Kingdom free of the Duty of Postage.

Newspapers sent  
by the General  
Post and deli-  
vered by the  
Penny or Two-  
penny Post, and  
vice versâ, to go  
free.

III. And be it further enacted, That every printed Newspaper liable to the Stamp Duty and duly stamped addressed to any Person within the United Kingdom, originally sent by the General Post from one Post Town to another Post Town within the United Kingdom, and directed to Places beyond the Delivery of the General Post, and afterwards delivered by the Penny or Two-penny Post of any City, Town, or Place to which the same shall be sent, and also every such Newspaper originally sent by the Penny or Two-penny Post of any City, Town, or Place within the United Kingdom, and afterwards passing through the General Post from one Post Town to another Post Town within the United Kingdom, shall be delivered to the Person or Persons to whom the same shall be addressed, within the said United Kingdom, free from all Duty of Postage whatsoever, as well in respect of the said General as of the said Penny or Two-penny Post.

Newspapers  
sent by Two-  
penny Post only  
to pay 1d.;

IV. And whereas it is expedient to authorize the Conveyance of Newspapers by the Two-penny Post at a reduced Rate of Postage; be it therefore further enacted, That all printed Newspapers liable to the Stamp Duty and duly stamped which shall not have passed or be intended to pass through the General Post, shall and may be sent by the Penny or Two-penny Post of any City, Town, or Place within the United Kingdom at the Rate of One Penny each; and that all printed Newspapers liable to the Stamp Duty and duly stamped, put into the Post Office or any General Post Receiving-house of any Post Town or Place within the United Kingdom, addressed to any Person within the Limits of the same Town or Place or the Suburbs thereof, shall and may be sent and conveyed within such Town or Place at the like Rate of One Penny each; and the said respective Rates shall and may be demanded, had, received, and taken by the Postmaster General, his Deputy and Deputies, to and for the Use of His Majesty, His Heirs and Successors accordingly.

and may be sent  
within Post  
Towns at the  
like Rate.

Newspapers sent  
from the United  
Kingdom by  
Packets to the  
Colonies to go  
free; and also  
from the Colo-  
nies to the  
United King-  
dom.

V. And be it further enacted, That it shall and may be lawful to and for His Majesty's Postmaster General, and his Deputy and Deputies, in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped for Conveyance by Packet Boats from the United Kingdom to any of His Majesty's Colonies and Possessions beyond the Seas, and to forward and convey the same accordingly free of the Duty of Postage; and for His Majesty's Postmaster General, and his Deputy and Deputies, in His Majesty's Colonies and Possessions beyond

beyond the Seas, to receive Newspapers printed and published within such Colonies or Possessions for Conveyance by Packet Boats to the United Kingdom, and to deliver the same by the Post within the United Kingdom free of the Duty of Postage.

VI. And be it further enacted, That it shall be lawful to and for His Majesty's Postmaster General, and his Deputy and Deputies, in any of His Majesty's Colonies and Possessions beyond the Seas, to receive Newspapers printed and published within such Colonies or Possessions for Conveyance by Packet Boats, directed to any Person or Place within any other of His Majesty's Colonies or Possessions beyond the Seas, to pass through the United Kingdom, and the same shall be forwarded and conveyed accordingly free of the Duty of Postage.

Newspapers from one Colony to another, via U. K. by Packet Boat, free.

VII. And be it further enacted, That it shall and may be lawful for His Majesty's Postmaster General, and his Deputy and Deputies, in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, directed to Places within any of His Majesty's Colonies and Possessions beyond the Seas, and to forward the same by any Ships or Vessels that he in his Discretion may think fit (not being Packet Boats), and to demand, have, receive, and take for every Newspaper which shall be delivered to him or his Deputies for Conveyance in manner last aforesaid the Sum of One Penny.

Newspapers sent from the U. K. to the Colonies by private Ships to pay 1d.

VIII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take for the Conveyance of every Newspaper printed within His Majesty's Colonies or Possessions beyond the Seas, and brought into the United Kingdom by any Ship or Vessel (other than a Packet Boat), and delivered by the Commander of any such Ship or Vessel at any Post Office, the Sum of One Penny on Delivery thereof within the United Kingdom to the Person to whom the same shall be addressed.

Newspapers brought into the U. K. from the Colonies by private Ships to pay 1d.

IX. And be it further enacted, That it shall and may be lawful for His Majesty's Postmaster General, and his Deputy and Deputies, in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped for Conveyance by Packet Boats, or by any Ship or Vessel other than a Packet Boat, from the United Kingdom to any Port out of the United Kingdom (other than His Majesty's Colonies and Possessions beyond the Seas), and to demand, have, receive, and take for the Conveyance of every such Newspaper to any Foreign Port the Sum of Two-pence, to be paid when the same shall be put into the Post Office; and also to demand, have, receive, and take for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty's Colonies and Possessions), and brought into the United Kingdom by Packet Boats, or by any Ship or Vessel other than a Packet Boat, and delivered by the Commander of any such last-mentioned Ship or Vessel at any Post Office within the United Kingdom (if printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise), the Sum of Two-pence, on Delivery thereof to the Person to whom the same shall be addressed,

Newspapers to or from Foreign Countries to pay 2d.

dressed, over and above and in addition to any Postage charged thereon by any Foreign Post Office.

In case satisfactory Proof is given that any Foreign State receives or sends Newspapers to or from the United Kingdom free of Duty, then no Duty to be charged on Newspapers to or from such State, if by Packet Boat ;

X. And be it further enacted, That in case satisfactory Proof shall be laid before the Postmaster General that Newspapers printed and published within the United Kingdom, addressed to any Person or Place within any Foreign Kingdom or State, are allowed to pass by the Post within any such Foreign Kingdom or State free of Postage, and also that Newspapers addressed to any Person or Place in the United Kingdom from any such Foreign Kingdom or State are allowed to pass by the Post within such Foreign Kingdom or State free of Postage, it shall be lawful for the said Postmaster General and his Deputy and Deputies, after such satisfactory Proof shall be so laid before him, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, addressed to any Person or Place in any such Foreign Kingdom or State, for Conveyance by Packet Boats from the United Kingdom to any Port out of the United Kingdom other than His Majesty's Colonies and Possessions, and to forward the same accordingly free from the Duty of Postage ; and also to receive from any such Foreign Kingdom or State printed Newspapers sent by Packet Boats, addressed to any Person or Place within the United Kingdom, and deliver the same free from the Duty of Postage (provided that such Newspapers be printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise) ; and also to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, for Conveyance by Ships or Vessels, other than Packet Boats, to any Port out of the United Kingdom other than His Majesty's Colonies and Possessions, and to forward the same accordingly, and to demand, have, receive, and take for every Newspaper which shall be delivered to him, or his Deputy or Deputies, for Conveyance in manner last aforesaid, the Sum of One Penny only, to be paid when the same shall be put into the Post Office ; and also to demand, have, receive, and take for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty's Colonies and Possessions), and brought into the United Kingdom by any Ship or Vessel other than a Packet Boat, and delivered by the Commander of any Ship or Vessel at any Port within the United Kingdom (if printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise), the Sum of One Penny only, on Delivery thereof within the United Kingdom to the Person to whom the same shall be addressed.

or if by other Vessels then only 1d.

One Penny to be paid Masters of private Ships for each Newspaper.

XI. And be it further enacted, That it shall be lawful for the Postmaster General to allow and pay the Masters and Commanders of Ships and Vessels, other than Packet Boats, the Sum of One Penny on every printed Newspaper which shall be brought into the United Kingdom from any Port or Place out of the United Kingdom under the Provisions of this Act, and be delivered by them at the Post Office of the Post Town at which they shall touch or arrive, and the like Sum of One Penny on every printed Newspaper which shall be delivered by the Postmaster General or his Deputies to any such Masters or Commanders for Conveyance to  
any



any Port or Place out of the United Kingdom under the Provisions of this Act.

XII. And be it further enacted, That notwithstanding the several Enactments herein-before contained, and notwithstanding any Rate of Postage which may be payable within any Foreign Kingdom or State on Newspapers sent to or received from the United Kingdom, it shall and may be lawful for the Postmaster General, and his Deputy and Deputies, in the United Kingdom, in such Cases as the Postmaster General, with the Consent of the Lords Commissioners of His Majesty's Treasury or any Three or more of them, signified by Writing under their Hands, or under the Hand of any One of the Secretaries or Assistant Secretaries to the Treasury for the Time being, shall deem expedient, to forward printed Newspapers, liable to the Stamp Duty and duly stamped, addressed to any such Foreign Kingdom or State, from the United Kingdom to any Foreign Port by Packet Boat free from any Duty of Postage, and by any Ship or Vessel other than a Packet Boat at the aforesaid Rate of One Penny each, and to receive from any such Foreign Kingdom or State printed Newspapers addressed to any Person or Place within the United Kingdom, and deliver the same (if sent by Packet Boat) free from the Duty of Postage, and if sent by any Ship or Vessel other than a Packet Boat then at the aforesaid Rate of One Penny each; provided such last-mentioned Newspapers be printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded; or in any of the said Cases, at the Option of the Postmaster General, to demand, receive, and take for every Newspaper so forwarded to or received from any Foreign Kingdom or State in which any Postage shall be payable on Newspapers sent to or received from the United Kingdom, and whether sent by Packet Boat or by any Ship or Vessel other than a Packet Boat, such a Rate or Rates of Postage as the Postmaster General shall or may, with such Consent as aforesaid, consider equal in Amount or equivalent to the Rate or Rates of Postage from Time to Time payable within any such Foreign Kingdom or State on Newspapers sent to or received from the United Kingdom, and to be (in case such Newspaper shall be sent by any Ship or Vessel other than a Packet Boat) in addition to the aforesaid Rate of One Penny chargeable on each such Newspaper.

XIII. And whereas Circumstances may arise which may render it expedient again to impose and demand the said respective Rates of Two-pence herein-before granted after the same or some Part thereof shall have ceased to be demanded by the Postmaster General; now be it further enacted, That it shall be lawful for His Majesty's Postmaster General, by and with the Consent of the Lords Commissioners of His Majesty's Treasury or any Three or more of them, signified as aforesaid, at any Time after any of the respective Rates of Two-pence payable on Newspapers sent or brought to or from the United Kingdom from or to any Foreign Kingdom or State by Packet Boats, or sent or brought to or from the United Kingdom from or to any Foreign Kingdom or State by any Ships or Vessels not being Packet Boats as aforesaid, or any Part thereof, shall have ceased to be demanded by the Postmaster General, again to impose, demand, and receive the said

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respective

Powers of Postmaster General as to Newspapers sent to or received from Foreign States.

Power for the Postmaster General again to impose the Rates of 2d. herein-before granted.

respective Rates of Two-pence for the Conveyance of any such printed Newspaper to any Foreign Port by Packet Boat or other Ship or Vessel as aforesaid, and on the Delivery of any such printed Newspaper brought from any Foreign Kingdom or State by Packet Boat or other Ship or Vessel, whenever it shall be deemed expedient so to do.

Power to extend the Provisions of this Act to Newspapers sent from or to any of the Colonies to or from any Foreign Kingdom or State, via the United Kingdom.

XIV. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General in his Discretion, with the Consent of the Lords Commissioners of His Majesty's Treasury or any Three or more of them, signified by Writing under their Hands, or under the Hand of any One of the Secretaries or Assistant Secretaries to the Treasury for the Time being, to extend all and every the Provisions, Exemptions, Clauses, Duties, Payments, Penalties, Forfeitures, Regulations, and Enactments, Matters, and Things in this Act contained or referred to relative to Newspapers, and to or from the United Kingdom from or to any Foreign Kingdom or State, to Newspapers printed and published in any of His Majesty's Colonies or Possessions beyond the Seas, and sent through the United Kingdom to any Foreign Kingdom or State, and to Newspapers printed and published in any Foreign Kingdom or State, and sent through the United Kingdom to any of His Majesty's Colonies and Possessions beyond the Seas; any thing to the contrary thereof in anywise notwithstanding.

Newspapers to be sent without Cover or in open Cover.

XV. And be it further enacted, That no Newspaper shall be sent by the Post under the Provisions of this present Act unless every such Newspaper shall be sent without a Cover, or in a Cover open at the Sides, so that the same may be duly examined.

No Writing or Marks other than the Name and Address allowed.

XVI. And be it further enacted, That no Words or Communication shall be printed on any such Newspaper after the same shall have been published, nor any Writing or Marks be put or placed upon any such Newspaper or the Cover thereof, nor any printed Words or Communication be put or placed on the Cover thereof, other than the Name and Address of the Person to whom it is sent, and no Letter, Paper, or Thing shall be enclosed or concealed in or with such printed Paper or the Cover thereof.

To be put into Post Office within Seven Days after Date if going out of the United Kingdom.

XVII. And be it further enacted, That every printed Newspaper to be sent out of the United Kingdom under the Provisions of this Act shall in all Cases be put into a Post Office or Receiving-house in the United Kingdom within Seven Days next after the Day on which the same shall be published (the Day of Publication to be ascertained by the Date of such Paper); and in case any such Paper shall be put into any Post Office at any Time after the Expiration of such Seven Days it shall and may be lawful for His Majesty's Postmaster General, or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper, or to forward the same by the Post charged with the full Duty of Letter Postage according to the Rates now established by Law.

Power for the Postmaster General to search, &c.;

XVIII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General and his Deputy or Deputies, and any Officers of the Post Office employed under him or them respectively, to examine and search any printed Newspaper which under the Provisions of this Act shall be sent by the Post without a Cover, or in a Cover open at the Sides as aforesaid, in order to discover whether any Words or Communication have or has

has been printed on such Paper after the same was published, or whether there is any Writing or Mark upon such printed Newspaper or the Cover thereof, or any printed Words or Communication on the Cover thereof, other than the Name and Address of the Person to whom it is sent, or whether there is any Paper or Thing enclosed or concealed in or with such printed Newspaper or the Cover thereof, and also to ascertain in what Language any Newspaper brought into the United Kingdom from any Foreign Kingdom or State shall be printed, and also in order to discover whether Newspapers printed and posted in the United Kingdom are duly stamped; and in case any Words or Communication shall be found to have been printed on any such Paper after the same was published, or any Writing or Mark shall be found on any such printed Paper or the Cover thereof, or any printed Words or Communication shall be found on the Cover thereof, other than the Name and Address of the Person to whom it is sent, or any other Paper or Thing shall be found to be enclosed or concealed in or with such printed Paper or the Cover thereof as aforesaid, the whole of every such Newspaper addressed and delivered to any Person within the United Kingdom shall be charged with Treble the Duty of Letter Postage according to the Rates now established by Law; and as to every such Paper going out of the United Kingdom it shall be lawful for the Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper, or to forward the same by the Post charged with Treble the Duty of Letter Postage; and in case any Newspaper printed and posted in the United Kingdom, and sent by the Post under the Provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at *London* or *Dublin*, as the Case may be.

and to charge  
Treble Postage,  
&c.

XIX. And in order to prevent Frauds on the Revenue of the Post Office, be it further enacted, That if any Person shall enclose or conceal, or cause or procure to be enclosed or concealed, in any Newspaper sent or to be sent by the Post any Letter, Paper, or Thing, or shall print or cause to be printed any Words or Communication upon any such Newspaper after the same shall have been published, or upon the Cover thereof, or put or place, or cause to be put or placed, any Writing or Marks upon any such Newspaper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, or shall knowingly send or cause to be sent by the Post, or tender or deliver in order to be sent by the Post, any Newspaper having enclosed or concealed therein any Letter, Paper, or Thing, or having any Words or Communication printed on such Paper after the same was published, or on the Cover thereof, or having any Writing or Marks upon such Newspaper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, every Person so offending shall forfeit and pay to His Majesty, His Heirs and Successors, such a Sum of Money as will be equal to Treble the Duty of Letter Postage which, according to the Rates established by Law for the Conveyance of Letters by the Post, would have been payable on such Newspaper or Packet in case the same had been a Letter sent by the Post, which Treble Duty shall be recovered and re-

Sender to be  
liable to Treble  
Duty on At-  
tempt to evade  
the Duty of  
Postage.

recoverable, with Costs, in the same Manner as any Sums due for Postage not exceeding Twenty Pounds are herein-after directed to be recovered, or such Person shall, at the Option of the Postmaster General, be prosecuted for a Misdemeanor.

Postmaster General to regulate the Time of Delivery.

XX. And be it further enacted, That all printed Papers to be conveyed by the Post under the Provisions of this Act shall be delivered to the Postmaster General or his Deputy or Deputies at such Hours in the Day and under all such Regulations as the Postmaster General shall, in his Discretion, from Time to Time appoint.

Not compulsory to send Newspapers through the Post.

XXI. And be it further enacted, That nothing herein contained shall be construed to oblige any Person or Persons to send any printed Newspapers through His Majesty's Post Office, but that it shall and may be lawful for all Persons to send any such printed Newspapers in any Manner they may find practicable or convenient.

Newspapers re-directed to be forwarded free of Postage if not opened.

XXII. And be it further enacted, That in case any Person to whom any printed Newspaper brought into the United Kingdom under the Provisions of this Act shall be directed shall have removed from or quitted the Place to which such Newspaper shall be addressed prior to the Delivery thereof at such Place, any such Newspaper, on arriving or Delivery at the Place of its Address, shall and may (provided the same shall not have been opened or used, but not otherwise,) be re-directed and forwarded by the Post to such Person at any other Place within the United Kingdom free of any Charge for such extra Conveyance; but if any such Newspaper shall have been opened or used, the same shall on Re-direction be charged and chargeable with the Rate of a single Letter from the Place at which such Newspaper shall be re-directed or re-posted to the Place at which it shall be ultimately delivered.

Application of Monies.

XXIII. And be it further enacted, That the several Rates and Duties herein-before granted shall be paid from Time to Time into the Hands of the Receiver General for the Time being in *England* and *Ireland* of the Revenue of the Post Office, who shall pay the same (the necessary Charges for collecting, paying, and accounting for the same being first deducted,) into the Receipt of His Majesty's Exchequer on such Days and Times and in such Manner as the Rates and Duties of Postage, by any Act or Acts in force at or immediately before the passing of this Act, are directed to be paid; and the said Duties so to be paid into the said Receipt as aforesaid shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Recovery of Sums under 20l.

XXIV. And be it further enacted, That all Sums of Money, not exceeding Twenty Pounds, which shall be due from any Person in *Great Britain* or *Ireland* under this Act for the Postage of any Newspaper or Packet, or which shall be due from any Deputy, Agent, or Letter Carrier in *Great Britain* or *Ireland* for the Post of any Newspapers or Packets to him intrusted for Delivery under the Authority of the Postmaster General, or from any other Person or Persons employed or to be employed in receiving or collecting the Postage of Newspapers and Packets payable under the Provisions of this Act, shall and may be recovered and recoverable, by Distress or otherwise, in like Manner in all respects as in

and by the said recited Act of the Fifth and Sixth Years of the Reign of His present Majesty is provided for the Recovery of Sums of Money not exceeding Twenty Pounds due or owing to the Revenue of the Post Office.

XXV. And be it further enacted, That wherever the Term "Postmaster General" occurs in this Act, the same shall be construed to mean and include the Postmaster General for the Time being; and that wherever the Term "Officer of the Post Office" occurs in this Act the same shall be construed to mean and include any Deputy, Agent, Officer, Clerk, Letter Carrier, or other Person employed by or under the Post Office, whatever may be his particular Office or Employment; and that wherever the Term "Packet Boat" occurs in this Act, the same shall be construed to include any Ship or Vessel by which the Postmaster General shall contract or agree or have contracted or agreed for the Conveyance of Mails of Letters, as well as Packet Boats belonging to or hired by the Crown; and that wherever the Term "His Majesty's Colonies and Possessions beyond the Seas" occurs in this Act, the same shall be construed to include every Port and Place within the Territorial Acquisitions now vested in the *East India Company* in Trust for His Majesty, His Heirs and Successors, the *Cape of Good Hope*, and the Islands of *Saint Helena*, *Guernsey*, *Jersey*, and *Isle of Man*, as well as His Majesty's other Colonies and Possessions beyond the Seas; and that wherever in this Act, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons as well as one Person, Females as well as Males, Bodies Corporate or Politic as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Explanatory  
Clause.

XXVI. And be it further enacted, That in all Cases in which any Dispute, Controversy, or Question shall arise whether any printed Paper sent or offered to be sent by the Post under the Provisions of this Act is to be considered and deemed a Newspaper within the Intent and Meaning of this Act, or whether any such printed Paper is entitled to the Exemptions and Privileges of a Newspaper, so far as to authorize the Transmission of the same by the Post free of Postage, or subject to such reduced Rate of Postage as herein provided, the Question shall be referred to the Judgment and Determination of the Postmaster General, whose Decision, with the Concurrence of any Three or more of the Lords Commissioners of His Majesty's Treasury, signified as aforesaid, shall be final and conclusive on all Persons whomsoever.

Disputes to be  
referred to the  
Postmaster  
General.

XXVII. And be it further 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 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 County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to

Limitation of  
Actions.

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 if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other Court 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; or if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if upon 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.

Act may be altered, &c.

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

#### C A P. LV.

An Act to amend the Laws relating to Loan Societies in *Ireland*.  
[13th August 1836.]

‘ WHEREAS certain Institutions for establishing Loan Funds have been and may be established in *Ireland* for the Benefit and Advantage of the industrious Classes of His Majesty’s Subjects; and it being expedient to give Protection to the Funds of such Institutions, and also to afford Encouragement to the Formation of other Institutions of a like Kind, be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Number of Persons in *Ireland* to form themselves into and to establish a Society in *Ireland*, for the Purpose of raising from Time to Time, by Loans from the Members of such Society or from other Persons at a Rate of Interest not exceeding Six *per Cent. per Annum*, or by Donations, a Stock or Fund for the Purpose of granting Loans to the industrious Classes resident therein, and receiving back Payment for the same by Instalments, with Interest thereon, as herein-after provided, and to and for the several Members of each Society from Time to Time to assemble together, and make, ordain, and constitute such proper and wholesome Rules for the better Government and Guidance of the

Loan Societies may be formed in *Ireland*; and such Societies may make Rules, &c. under Restrictions in this Act.

same as to the major Part of the Members of such Society so assembled together shall seem meet, and to impose such reasonable Fines upon the several Persons obtaining Loans from the Funds of any such Society who shall offend against such Rules as shall be just and necessary for duly enforcing the same, to be respectively paid to such Uses for the Benefit of such Society as the Rules shall direct, so as such Rules shall not be repugnant to the Laws of this Realm, nor to any of the express Provisions or Regulations of this Act; and also from Time to Time to alter and amend such Rules as Occasion shall require, or to annul and repeal the same, and to make new Rules in lieu thereof, under such Restrictions as are in this Act contained; and that if any Society so to be formed, or any Society already formed for the like Objects, shall be desirous of having the Benefit of this Act, such Society, or Persons forming or about to form the same, shall cause the Rules framed or to be framed for the Management of such Society, or any Alteration or Amendment thereof, to be certified, transmitted, and enrolled in manner herein-after directed, and thereupon shall be deemed and be entitled to and shall have the Benefit of the Provisions contained in this Act.

Rules of Societies already formed, or to be formed, to be enrolled.

II. And be it further enacted, That, for the general Control and Superintendence of all Loan Fund Societies established or to be established in *Ireland* under the Authority of this Act, there shall be One permanent Central Board in *Dublin*, to be denominated "The Loan Fund Board," the Members of which shall be chosen by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and which Board shall have Power to inquire into the Proceedings of all such Societies in order to ascertain whether the Rules so to be certified and enrolled as aforesaid have been duly attended to, and that the Funds of such Societies are applied to the Purposes for which the same are intended, and such Board may, where necessary, appoint Inspectors and other Officers, who shall have Power at all reasonable Times to inspect the Books, Accounts, and Papers of or belonging to such Societies.

A Central Board to be formed in *Dublin*, to be called The Loan Fund Board.

III. And be it further enacted, That in case any of the Members of the Board as aforesaid shall happen to die, or be minded and desirous to be discharged from the Duties or Offices thereof, then that it shall and may be lawful for the Lord Lieutenant or Chief Governor of *Ireland* for the Time being to appoint any other fit and proper Person or Persons in the Room and Stead of the Person or Persons so happening to die, or be minded and desirous to be discharged as aforesaid; and the Individual or Individuals so chosen as last aforesaid shall from Time to Time, to all Intents and Purposes, be as full and efficient to discharge the necessary Duties of such Board as the Person or Persons so happening to die, or be minded and desirous of being discharged from the Duties or Offices thereof.

In case of Death or Resignation, fresh Members to be chosen.

IV. And be it further enacted, That Three Transcripts, fairly written on Paper or Parchment, of all Rules or of any Alteration or Amendment thereof made in pursuance of this Act, signed by Two Members and countersigned by the Clerk or Secretary, with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering,

Three Transcripts of the Rules to be submitted to the Barrister appointed by the Board, and if

conformable to Law to be so certified by him.

Fee to Barrister not to exceed One Guinea at any one Time.

or amending thereof, shall be submitted to such Barrister as may be appointed by the said Loan Fund Board, which Barrister the said Board is hereby authorized and required to appoint for the Purpose of ascertaining whether the said Rules of such Society, or Alteration or Amendment thereof, are calculated to carry into effect the Intention of the Parties framing such Rules, Alterations, or Amendments, and are in conformity to Law and to the Provisions of this Act; and that the said Barrister shall advise with the said Clerk or Secretary, if required, and shall give a Certificate on each of the said Transcripts that the same are in conformity to Law and to the Provisions of this Act, or point out in what Part or Parts the said Rules are repugnant thereto, and on what Grounds and for what Reasons they are so repugnant, and how and in what Manner they can be made conformable thereto; and that the Fee payable to such Barrister for advising as aforesaid, and perusing the Rules or Alterations or Amendments of the Rules of each respective Society, and giving such Certificates as aforesaid, and stating such Grounds or Reasons, or suggesting such Alterations as aforesaid, shall not at any one Time exceed the Sum of One Guinea, which, together with the Expence of conveying the Rules to and from the said Barrister, shall be defrayed by each Society respectively; and one of such Transcripts, when certified by the said Barrister, shall be returned to the Society, and another of such Transcripts shall be transmitted by such Barrister to the said Loan Fund Board, and the other of such Transcripts shall be transmitted to the Clerk of the Peace for the County wherein such Society shall be formed, and by him laid before the Justices for such County at the General Quarter Sessions or Adjournment thereof held next after the Time when such Transcript shall have been so certified and transmitted to him as aforesaid, and in the County of *Cork* before the Justices at the General Sessions or Adjournment thereof which shall be so held in the Riding in which such Society shall have been formed, and the Justices then and there present are hereby authorized and required, without Motion, to allow and confirm the same; and such Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward; and that all Rules, Alterations and Amendments thereof, from the Time when the same shall be certified by the said Barrister, or certified, confirmed, and allowed by the Justices as herein-after provided, shall be binding on the several Members or Officers of the said Society, and all other Persons having Interest therein.

Barrister not entitled to further Fee within Three Years in respect of the same Rules.

V. Provided always, and be it enacted, That the said Barrister shall be entitled to no further Fee for or in respect of any Alteration or Amendment of any Rules upon which One Fee has been already paid to the said Barrister within the Period of Three Years: Provided also, that if any Rules, Alterations, or Amendments are sent to such Barrister accompanied with an Affidavit of being a Copy of any Rules or Alterations or Amendments of the Rules of any other Society which shall have been already enrolled under the Provisions of this Act, the said Barrister shall certify and return the same as aforesaid without being entitled to any Fee for such Certificate.

VI. Pro-



VI. Provided always, and be it further enacted, That in case any such Barrister shall refuse to certify all or any of the Rules so to be submitted for his Perusal and Examination, it shall then be lawful for any such Society to submit a Transcript of the same to the Court of Quarter Sessions, together with the Reasons assigned by the said Barrister, in Writing, for any such Rejection or Disapproval of any One or more of such Rules; and that the Justices at the said Quarter Sessions shall and may, if they think fit, certify, confirm, and allow the same notwithstanding any such Rejection or Disapproval by any such Barrister; and such Transcript so certified, confirmed, and allowed shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody without Fee or Reward, and a Copy of such Rules so filed shall be forthwith transmitted by such Society to said Loan Fund Board.

On Refusal of Barrister to certify Rules, Transcript to be submitted to Quarter Sessions, who may certify it.

VII. And be it further enacted, That all the Rules of any Society to be 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 certain 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.

Rules to be certified, transmitted, and enrolled, pursuant to 4 & 5 W. 4. c. 40.

VIII. And be it further enacted, That every such Loan Fund Society shall and may from Time to Time at any of their usual Meetings, or by their Committee if any such shall be appointed for the Society, which Committee such Society is hereby authorized to appoint, elect and appoint such Persons into the Offices of Trustee, Manager, Treasurer, Officer, Clerk, or Servant of such Society, as they shall think proper and necessary to carry into execution the Purposes of such Society, for such Space of Time and for such Purposes as shall be fixed and established by the Rules of such Society, and from Time to Time to elect and appoint others in the Room of those who shall vacate, die, or be removed.

Society may appoint Officers.

IX. And be it enacted, That all Rules from Time to Time made and in force for the Management of any such Society as aforesaid, and duly enrolled, shall be entered in a Book or Books to be kept by an Officer of such Society, to be appointed for that Purpose,

Rules to be entered in a Book to be kept by the Officer of the Society.

Purpose, and which Book or Books shall be open at all reasonable Times, at least One Day in the Week, for the Inspection of Persons obtaining Loans from or granting Loans to such Society, and such Rules and Regulations shall be binding on the several Members and Officers of such Society, and on the several Persons obtaining Loans from or granting Loans to the same, and their Representatives, as well as those Parties who may become the Sureties for the Repayment of any Loan, all of whom shall be deemed and taken to have full Notice thereof by such Entry and filing with the Clerk of the Peace; and the Entry of such Rules in such Book or Books as aforesaid, or the Transcript thereof filed with the Clerk of the Peace, or a true Copy of such Transcript examined with the Original, and proved to be a true Copy, shall be received as Evidence of such Rules respectively in all Cases; and no Certiorari shall be brought or allowed to remove any such Rules into any of His Majesty's Courts of Record; and every Copy of any such Transcript filed with any Clerk of the Peace as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy, and such Copy shall not be subject to any Stamp Duty.

X. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatsoever belonging to such Society shall be vested in the Trustee or Trustees of such Society for the Time being, for the Use and Benefit of such Society and the respective Members thereof, their respective Executors and Administrators, according to their respective Claims and Interest, and after the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the surviving or succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever; and also shall for all Purposes of Action or Suit, as well Criminal as Civil, in Law or Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Society for the Time being, in his or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right of Claim aforesaid of such Society, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of such Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names for the Benefit of or to be reimbursed from the Funds of such Society.

XI. Pro-

Property of  
Society vested  
in Trustees.

XI. Provided also, and be it further enacted, That no such Society as aforesaid shall have the Benefit of this Act unless it shall be expressly provided by the Rules for the Management thereof that no Person or Persons, being Manager or Trustee of such Society, shall directly or indirectly receive any Salary or other Remuneration for Attendance, or for any other Services performed for such Society, nor shall any Expence be incurred or Salary or other Allowance made unless such as shall be expressly provided for by the Rules of the Society, or shall be necessary for the due Management of the Society according to such Rules.

No Manager or Trustee to receive any Remuneration.

XII. And be it further enacted, That if any Treasurer or other Officer or Officers, or other Person whatsoever, who shall be intrusted with the Receipt or Custody of any Sum or Sums of Money the Property of such Society, or any Interest or Dividend arising from Time to Time thereby, shall be required by the Rules of such Society to become bound, with Sureties, for the just and faithful Execution of such Office or Trust, in such Sum or Sums of Money as shall be required by the Rules of such Society, such Security shall and may be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, County of a Town, or Place where such Society shall be established for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees of such Society to sue upon such Bond or Bonds in the Name of the Clerk of the Peace for the Time being, and to carry on such Suit at the Costs and Charges of and for the Use of the said Society, fully indemnifying and saving harmless such Clerk of the Peace from all Costs and Charges of such Suit or Suits, or in respect thereof; and no Bond or Security so to be given shall be subject to or chargeable with any Stamp Duty whatsoever.

Treasurer to give Security.

XIII. And be it further enacted, That it shall not be lawful to and for any such Society to make any Loan on personal Security to any One Individual at any One Time exceeding in Amount the Sum of Ten Pounds; and that no second or other Loan shall be made to the same Individual until the previous Loan is repaid.

Amount of Loan not to exceed 10*l*.

XIV. And be it further enacted, That no Note or other Security or Undertaking which may be entered into for the Repayment of any Loan made by any Society established under the Provisions of this Act, nor any Receipt or Entry in any Book of Receipt for Money lent or paid, nor any Draft or Order, nor any Appointment of any Agent, nor any other Instrument or Document whatever, required to be given, issued, made, or provided in pursuance of the Rules of the Society, shall be subject to or chargeable with any Stamp Duty whatsoever.

No Note or Security to be chargeable to Stamp Duty.

XV. And be it further enacted, That it shall and may be lawful to and for the Trustees or Managers of any Society established under the Provisions of this Act to demand and receive from the Person to whom any Loan may be made, at the Time of making the same, the full Amount of Interest up to the Time fixed for Payment of the last Instalment which would be due on the whole Money so advanced, at a Rate not exceeding Sixpence in the Pound for Twenty Weeks, and to receive the Amount of the Principal by Instalments at such Time or Times and in such Proportion or Proportions as the said Trustees or Managers may think

Rate of Interest to be demanded.

think fit, and to take a Note or Security for the whole Amount of the Loan, the same to be sued for and recovered immediately on Failure of the Payment of any of the Instalments, without being subject or liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts relating to Usury.

Recovery of  
Loan before  
Justices of the  
Peace.

XVI. And be it further enacted, That all Notes and Securities entered into for the Payment of such Loans shall be made payable to the Treasurer or Clerk for the Time being of the said Society; and if the Party or Parties liable to pay the same shall fail in the Payment of any of the Instalments, as agreed to by the Conditions or Terms of the Loan, according to the Rules of the Society, it shall and may be lawful for any One of His Majesty's Justices of the Peace for the County, Riding, City, Division, or Place where such Party or Parties, or any One of them, so liable, shall or may happen to be or reside, and such Justice is hereby required, upon Complaint made by or on behalf of such Treasurer or Clerk as aforesaid, to summon the Person or Persons against whom such Complaint shall be made to appear either before himself or before the Justices assembled at the Petty Sessions of the District, and after his, her, or their Appearance, or, in default thereof, upon due Proof upon Oath of such Summons having been duly served, such Justice or Justices shall proceed to hear and determine the said Complaint, and award such Sum to be paid by the Person or Persons respectively liable to the Payment of any such Note or Security, to such Treasurer or Clerk as aforesaid, as shall appear to such Justice or Justices to be due thereon, together with such a Sum for Costs, not exceeding the Sum of Two Shillings, as to such Justice or Justices shall seem meet; and if any Person or Persons shall refuse or neglect to pay or satisfy such Sum of Money as upon such Complaint as aforesaid shall be adjudged, such Justice or Justices shall, by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied by Distress and Sale of the Goods of the Party so neglecting or refusing as aforesaid, together with all Costs and Charges attending such Distress and Sale, and returning the Overplus (if any) to the Owner; and no such Proceedings shall be removed by Certiorari or otherwise into any of His Majesty's Superior Courts of Record.

Societies vio-  
lating enrolled  
Rules, or the  
Provisions of  
this Act, to be  
deprived of the  
Benefits thereof.

XVII. Provided always, and be it further 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 Fund Societies as aforesaid, or other Societies entitled to the Benefit of this Act, have not strictly adhered to their Rules so enrolled as aforesaid, or that they have applied any of their Funds or done any Matter or Thing contrary to the Provisions of this Act, such Loan Fund Board shall cause an Advertisement to be inserted to that Effect in some County Paper circulating in such District, and shall also notify the same to the Clerk of the Peace with whom the Rules may be filed, and after the Space of Six Months after such Advertisement has appeared in such Paper it shall no longer be lawful for the Treasurer, Clerk, or other Officer of any such Society to avail himself of the special Provisions of this Act, nor for any Justice or Justices of the Peace to award any Sum to be paid to him in consideration of any such Note or Security as aforesaid.

XVIII. And

XVIII. And be it further enacted, That no Clerk, Officer, or Servant of any Loan Fund Society hereafter to be established in *Ireland* under the Provisions of this Act, or entitled to the Benefit thereof, shall, directly or indirectly, have, receive, or take any Bonus, Gratuity, or Present from any Borrower from such Loan Fund Society; and in case any such Clerk, Officer, or Servant shall offend herein he shall be liable to a Penalty of Twenty Pounds, to be recovered by the Treasurer or Clerk for the Time being in the same Manner as is herein-before provided for the Recovery of any Loan granted by such Society; the said Penalty, when recovered, to be applied in aid of the Funds of such Society.

No Clerk or other Servant shall receive any Present of any Description from any Borrower.

Penalty 20*l*.

XIX. And with a view to Economy, and in order to prevent any Tendency or Disposition to Extravagance or Dissipation, be it further enacted, That all and every the Affairs and Business of any Loan Fund Society to be established in *Ireland*, or any Part thereof, shall on no Account or Pretence whatever be conducted, carried on, or transacted at any Hotel, Tavern, Public House, Beer Shop, or House of Entertainment; and any Clerk or Servant respectively of the Society who shall offend herein shall forfeit the Sum of Ten Pounds, to be recovered by the Treasurer or Clerk for the Time being in the same Manner as is herein-before provided for the Recovery of any Loan granted by such Society; the said Penalty, when recovered, to be applied in aid of the Funds of the Society.

No Business to be transacted at any Hotel or Public House, under the Fine of 10*l*.

XX. And be it further enacted, That any Person who shall have advanced any Sum of Money by way of Loan to any such Loan Fund Society as aforesaid shall be authorized, and he or they are hereby respectively authorized and allowed, to dispose of and transfer any Part or the Whole of the Amount of the Money so advanced by him as aforesaid, and such Transfer shall 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 shall be made as aforesaid shall, so soon as the Order or Transfer shall 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 to accrue therefrom, as fully and to all Intents and Purposes as if he or they had been the Parties who had originally advanced the Sum to such Loan Fund Society; and such Transfer, Authority, Document, or Order shall not be liable to any Stamp Duty or Parliamentary Imposition whatever.

Any Person advancing Money on Loan to Society may dispose of or transfer the same.

XXI. And be it further enacted, That if any Society or Societies now or hereafter to be formed for the Purpose of establishing charitable Pawn or Deposit Offices, at which Money may be lent to the industrious Poor upon Pledge, shall be desirous of having the Benefit of this Act, such Society or Societies shall in like Manner cause the Rules framed or to be framed for their Management respectively to be certified, deposited, and enrolled in manner herein-before directed with reference to Loan Fund Societies desiring the Benefit of this Act, and thereupon such Societies respectively shall be deemed and be entitled to and shall have the Benefit of the Provisions contained in this Act, so far as the same are

Societies for establishing charitable Pawn Offices, &c. shall cause their Rules to be certified.

are applicable to the Objects of such charitable Pawn or Deposit Offices.

Loans to  
Fishermen.

XXII. And be it further enacted, That it shall and may be lawful to and for the Trustees and Managers of any charitable Pawn Society entitled to the Benefit of this 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 shall 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 shall 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 shall have been made, shall 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 thereof shall be valid unless the Principal Money and Interest then due thereon to any such Society shall be first repaid out of the Purchase Money for the same.

Abstract of  
Accounts to be  
made out yearly  
and sent to the  
Loan Fund  
Board.

XXIII. And be it further enacted, That the Trustees of every Society established under the Provisions of this Act, or which may become entitled to the Benefit thereof, shall cause an Abstract of the Accounts of such Society for each Year to be made out up to and ending the Thirty-first of *December*, together with a Statement of the Funds and Effects and of the Debts or Liabilities of such Society, and an Estimate of the clear net Profit or Loss up to that Period, which Abstract, Statement, and Estimate shall be in such Forms, and shall contain such Particulars connected with the Accounts and Transactions of such Society, as the said Loan Fund Board shall from Time to Time direct; and a Copy of such Abstract, Statement, and Estimate, duly certified to be correct by the Secretary, Treasurer, and at least One Trustee, shall sometime in the Month of *January* in each Year be transmitted to the said Loan Fund Board.

Profits shall be  
applied to  
charitable Pur-  
poses.

XXIV. And be it further enacted, That the Trustees of any such Society 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: Provided always, that no Part of any such net Profits, after deducting Losses, shall be appropriated in any Way for the Advantage or Benefit of any Member of the Society, or of the Persons managing or conducting the same, or for any Purpose whatsoever, except as Part of or in aid of the Funds of the Society, to be used according to the Rules of such Society, or for charitable Purposes as herein-before provided; and that in the event of the Dissolution of any such Society, or that such Society shall cease to act for the Purposes for which it was established, or shall be deprived of the Benefit of this Act, the whole of the clear net Profits, not previously appropriated for some charitable Purpose, after Payment  
of

of all Debts of or Claims on such Society, and of all Losses, shall be appropriated to such Hospital or Infirmary or to such other local charitable Purpose as the Trustees, with the Approbation of the Loan Fund Board, shall think proper.

XXV. And be it further enacted, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Society enrolled under the Authority of this Act, or in any Proceedings before any Justice of the Peace, any Trustee, Manager, Member, Officer, Clerk, or Servant of such Society shall be a competent Witness, and shall not be objected to on account of any Interest he may have in the Result of such Action, Indictment, or other Proceeding.

Members, &c.  
to be competent Witnesses.

XXVI. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons, without the same being specially shown or pleaded.

Public Act.

### C A P. LVI.

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 Cases. [13th August 1836.]

‘ WHEREAS it is expedient to regulate the Process of Cessio bonorum in the Court of Session in *Scotland*, and to extend the Jurisdiction of the Sheriff to such Processes;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *October* One thousand eight hundred and thirty-six every Sheriff within *Scotland* shall possess Jurisdiction in Processes of Cessio bonorum brought before him in manner herein-after provided as fully as in any other Action presently by Law competent before him, and the Sheriff Clerk and Messengers at Arms and all Sheriff Officers in the several Sheriffdoms in *Scotland* shall have Power to act in their respective Offices in relation to such Processes.

Sheriffs to have Jurisdiction as to Cessio bonorum, and Sheriff Clerks and Officers to act therein.

II. And be it enacted, That, if a Debtor has been or shall be charged to pay a Civil Debt, and a Warrant to imprison him has been issued, or if he be liable to Imprisonment under a Decree of a Small Debt Court, or be in Prison or imprisoned and afterwards liberated in respect in these several Cases of a Civil Debt, it shall be competent to such Debtor, on or after the said Thirty-first Day of *October*, to apply for interim Protection and for Decree of Cessio bonorum in the Manner herein-after provided.

A Debtor against whom a Warrant is issued, &c. may apply for Decree of Cessio.

III. And be it enacted, That after the said First Day of *October* such Debtor may present to the Sheriff of the County in which he has his ordinary Domicile a Petition, setting forth that he has been charged, and that a Warrant to imprison has been issued against him, or that he is liable to Imprisonment under a Small Debt Decree, or that he is in Prison, or has been imprisoned and afterwards liberated, in respect of a Civil Debt; that he is unable to pay his Debts, and is ready to surrender his Estates for Behoof of his Creditors, and praying for interim Protection against the Execution

Debtor may present to the Sheriff of the County in which he lives a Petition praying for Decree of Cessio.

Execution of Diligence, and for Decree of Cessio bonorum ; in which Petition he shall insert a List of all his Creditors, specifying their Names and Designations and Places of Residence, so far as known to him ; and with such Petition he shall produce (as the Case may be) the Schedule of an expired Charge, or a Copy certified by the Clerk of the Small Debt Court, of the Warrant on which he is liable to Imprisonment, or if he be in Prison or imprisoned and thereafter liberated, a Certificate from the Keeper of the Prison of such Imprisonment, and the Date thereof, and of the Liberation.

Proceedings upon such Petition.

IV. And be it enacted, That on such Petition being presented the Sheriff shall issue a Warrant appointing the Debtor to publish a Notice in the *Edinburgh Gazette*, intimating that such Petition has been presented, and requiring all his Creditors to appear in Court on a certain Day, being not less than Thirty Days from the Date of the Gazette Notice, and within Five Days after the Date of such Notice to send Letters to all the Creditors specified in the Petition, containing a Copy of the said Notice (paying the Postage thereof), or, in his Option, to cite them in Terms of Law, and which the Debtor shall do accordingly, and the Sheriff shall farther ordain him to appear on the Day so appointed for the Compearance of the Creditors in Presence of the Sheriff or his Substitute for public Examination ; and the Debtor shall, on or before the Sixth lawful Day prior to the Day so appointed, lodge, to be patent to all concerned, a State of his Affairs subscribed by himself, and all his Books, Papers, and Documents relating to his Affairs, in the Hands of the Sheriff Clerk, together with a Copy of the said Gazette, and if the Letters have been sent through the Post Office a Certificate subscribed by his Agent, or by a Messenger or Sheriff Officer and a Witness, stating the Date and the Place where the Letters were put into the Post Office, that the Postage was paid, and that they were severally addressed as specified in the Petition, or an Execution subscribed by a Messenger or Sheriff Officer and One Witness, of Citation of the Creditors to whom such Letters have not been so sent.

Debtor to undergo Examination before Sheriff.

V. And be it enacted, That on the said Day appointed for the Compearance of the Creditors the Debtor shall appear in Public Court in Presence of the Sheriff for Examination as to his Affairs, and the Sheriff shall have Power to put him on Oath or Affirmation (as the Case may be), and the Debtor shall be bound to answer all pertinent Questions put to him by the Sheriff, or by any Creditor with the Approbation of the Sheriff, under Certification that if, without lawful Cause, he refuse to be put on Oath or Affirmation, or to answer any such Question, or to subscribe his Examination, Decree of Cessio shall be refused *in hoc statu* ; and it shall be competent to the Sheriff to adjourn the Examination for such Time as to him shall appear fit and reasonable.

Sheriff, after Examination, to decide in Cases originating before him.

VI. And be it enacted, That the Sheriff shall, on such Examination being taken, allow a Proof to the Parties if it shall appear necessary, and hear Parties *vivâ voce*, and shall make a Note of any Objections that may be stated on the Part of the Creditors, and either grant Decree or refuse the same *in hoc statu*, or grant it subject to a Declaration that it shall not be extractable or available as a Protection to the Debtor, for such Time as shall appear



appear proper, or make such other Orders as may be necessary for the due Administration of Justice; provided that where the Sheriff shall grant Decree under such Limitation, or refuse Decree *in hoc statu*, he shall state the Grounds of his Decision, and the most summary Despatch consistent with the Forms of Court shall be given, and the Sheriff's Note of the Objections shall form Part of the Process.

VII. And be it enacted, That if such Decree be pronounced by the Sheriff Substitute it shall be competent to any Person aggrieved to present a reclaiming Petition against the same, provided that the Petition be lodged within Six Days from the Date of the Judgment, and the Sheriff Substitute shall do therewith as shall be just; and in case the Complainer shall intimate his Desire in the Petition that if the Sheriff Substitute be disposed to refuse the Petition it may be laid before the Sheriff, it shall be transmitted to the Sheriff, who shall do therein as shall be just.

VIII. And be it enacted, That it shall be lawful, either after such reclaiming Petition has been disposed of or without presenting such Petition, for any Person aggrieved to bring the Judgments under the Review of the Court of Session by lodging with any One of the Clerks of that Division of the Court under whose Review he wishes to bring the Cause a reclaiming Note, having such Division marked thereon, reciting the Judgment or Judgments complained of: Provided always, that the said Note shall be lodged within Ten Days from the Date of the Judgment or the last of the Judgments complained of, unless the Judgment be pronounced by the Sheriff of *Orkney*, in which Case the reclaiming Note shall be lodged within Twenty Days from the Date of the Judgment or the last of the Judgments as aforesaid; and a Copy of the said Note shall in all Cases be delivered within the said respective Periods to the Respondent or his known Agent, which shall be held to be due Service, and a Copy thereof, certified by the said Clerk of Session, shall be a sufficient Warrant to the Sheriff Clerk to transmit to the said Clerk the Proceedings in the Process.

IX. And be it enacted, That if the Court of Session be sitting the reclaiming Note shall be enrolled as soon as conveniently can be, and the Court shall pronounce Judgment, or remit the Cause to the Sheriff with such Instructions as to them shall seem fit, or to the Lord Ordinary on the Bills during Vacation or during the *Christmas* Recess.

X. And be it enacted, That if the Court of Session be not sitting when the reclaiming Note has been lodged, the Cause shall, as soon as thereafter may be convenient, be transmitted to the Bill Chamber Clerk, and enrolled in a Roll to be kept for that Purpose in the Bill Chamber; and the Lord Ordinary on the Bills shall, on a Day to be specified in that Roll, hear Parties *vidv voce*, and pronounce Judgment as herein-before provided; and for the Purposes of this Act he shall possess during the Vacation and the *Christmas* Recess the Powers competent to the Inner House during Session, but his Judgment shall be subject to Review in manner herein-after mentioned; and if the Proceedings have not been brought to a Termination before the Lord Ordinary on the Bills at the Commencement of the ensuing Session, the Cause shall

Reclaiming  
Petition.

Review of Sher-  
riff's Judgments  
by Court of  
Session.

Reclaiming  
Note to be en-  
rolled, and  
Court to pro-  
nounce Judg-  
ment, &c.

Lord Ordinary  
on Bills may  
judge during  
Vacation or  
*Christmas* Re-  
cess, subject to  
Review.

shall be re-transmitted and enrolled before the Inner House, which may give Judgment therein as if it had been enrolled or had continued without Interruption before the Inner House.

Proceedings in Cases originating in the Court of Session.

XI. And be it enacted, That where a Summons of Cessio bonorum is raised before the Court of Session the Debtor shall publish a Notice in the *Edinburgh Gazette*, intimating that the said Summons has been raised, specifying in which Division of the Court it is to be enrolled, and requiring all his Creditors to appear within Thirty Days from the Date of the said Gazette Notice; and he shall also send Letters through the Post Office (paying the Postage thereof) to each of the Creditors specified in the Summons to the same Effect, or, in his Option, cite them in Terms of Law; and on or before the Sixth lawful Day prior to the Expiration of the said Thirty Days he shall lodge, to be patent to all concerned, a State of his Affairs subscribed by himself, and all his Books, Papers, and Documents relating to his Affairs, in the Hands of the Clerk to the Process, together with a Copy of the said Gazette; and if the Letters have been sent through the Post Office he shall produce a Certificate subscribed by his Agent, or by a Messenger or Sheriff Officer and a Witness, stating the Date and the Place where the Letters were put into the Post Office, that the Postage was paid, and that they were severally addressed as specified in the Summons, or an Execution subscribed by a Messenger and One Witness of Citation of the Creditors to whom such Letters have not been so sent.

Court of Session may remit to the Sheriff, who shall take Proceedings thereupon, and report.

XII. And be it enacted, That on Expiration of the said Thirty Days the Process shall forthwith be enrolled in the Rolls of the Division of the Inner House, specified in the said Notice, without the Necessity of being called or enrolled in the Outer House; and it shall be competent to the Inner House to remit to the Sheriff of the County in which the Debtor's Domicile is, to take his Examination in Presence of his Creditors, and for that Purpose on a Day appointed the Debtor shall appear in Presence of the Sheriff, who shall have Power to put him on Oath or Affirmation (as the Case may be), and the Debtor shall be bound to answer all pertinent Questions put to him, under Certification that if, without lawful Cause, he refuse to be put on Oath or Affirmation, or to answer any such Question, or to subscribe his Examination, Decree of Cessio shall be refused *in hoc statu*; and the Sheriff shall thereupon report to the said Inner House, who may either grant Decree or refuse the same *in hoc statu*, or grant it subject to a Declaration that it shall not be extractable or available as a Protection to the Debtor for such Time as shall appear proper, or issue such other Orders as may be necessary for the due Administration of Justice.

Lord Ordinary on the Bills may judge on the Report during Vacation or Christmas Recess.

XIII. And be it enacted, That if the Court of Session be not sitting at the Time when the said Report has been made by the Sheriff, the Cause may be enrolled in a Roll to be kept for that Purpose in the Bill Chamber, and the Lord Ordinary on the Bills shall, on a Day to be specified in that Roll, hear Parties *viva voce* and pronounce Judgment; and if the Court of Session be sitting when the Report of the said Examination is made, but the Proceedings cannot be brought to a Termination before the Expiration of the Session, or before the Commencement of the *Christmas Recess*,

Recess, the Inner House may remit the Cause to the said Lord Ordinary to proceed therein during Vacation or the *Christmas* Recess, in the same Way as if the Cause had been enrolled in the Bill Chamber in manner above provided; and if the Proceedings have in any Case not been brought to a Termination before the Lord Ordinary on the Bills at the Commencement of the ensuing Session, the Cause shall be enrolled before the Inner House, which may give Judgment therein as if it had been enrolled, or had continued without Interruption before the Inner House; and for the Purposes of this Act the Lord Ordinary on the Bills shall possess, during the Vacation and the *Christmas* Recess, the Powers competent to the Inner House during Session; but his Judgment shall be subject to Review in manner herein-after mentioned.

XIV. And be it enacted, That it shall be competent for any Person aggrieved by any Judgment pronounced by the Lord Ordinary on the Bills to bring the same under the Review of the Inner House by a reclaiming Note, provided the Note be lodged within Ten Days after the Date of the Judgment, and duly intimated to the Agent of the Respondent, and the Inner House shall proceed with all Despatch to hear Parties *viva voce* thereon, and may give Judgment as aforesaid, or issue such other Orders as may be necessary for the Purposes of Justice.

Judgment of the Lord Ordinary on the Bills subject to Review.

XV. And be it enacted, That if the Debtor be in Prison it shall be competent for the Inner House during Session, and for the Lord Ordinary on the Bills during the Vacation or the *Christmas* Recess, whether the Case has been originally instituted in the Court of Session or before the Sheriff (provided that it be under Review of the said Court), and for the Sheriff, where the Petition has been presented to and is depending before him, on Production of a Copy of the said Gazette containing the Notice aforesaid, and of the Certificate of Transmission of the Letters or Execution of Citation, to grant Warrant to liberate the Debtor, and if the Debtor is not in Prison to grant Warrant for his personal Protection against the Execution of Diligence for such Space of Time as shall be proper; provided that before any such Warrant be issued the Debtor shall lodge with the Clerk of Court a Bond with a sufficient Cautioner, binding themselves that he shall attend all Diets of Court whenever required under such Penalty as may be reasonable, and which, if forfeited, shall be divided among the Creditors; and it shall be competent for the Inner House, or the said Lord Ordinary, or the Sheriff respectively, in all Cases to grant Warrant to bring the Debtor before them for Examination, and also to carry him back to Prison; and such Warrant, as well as the Warrant of Liberation and the Warrant of personal Protection, shall be good and lawful Warrants in all Parts of *Scotland* to the Effect therein specified; and it shall not be competent, where the Warrant of Liberation or Protection is granted by the Lord Ordinary on the Bills or the Sheriff, to suspend the Effect thereof by lodging a reclaiming Note or Petition complaining of the same: Provided nevertheless, that a reclaiming Note or Petition may be lodged as herein-before provided, and it shall be competent to the Inner House or the Sheriff (as the Case may be), on hearing Parties, to recall the Warrant of Liberation and Protection.

Power to grant interim Protection or Liberation.

Decree to operate as an Assignment to Creditors, or Disposition omnium bonorum to be granted.

XVI. And be it enacted, That the Decree pronounced by the Inner House, or by the Lord Ordinary on the Bills, or by the Sheriff, granting the Benefit of Cessio bonorum, shall operate as an Assignment of the Debtor's Moveables in favour of any Trustee mentioned in the Decree for Behoof of the Creditors: Provided always, that it shall be optional to the Creditors to require the Debtor to execute a Disposition omnium bonorum, as has been hitherto granted in Processes of Cessio before the Court of Session, in favour of the Trustee, the Expence of which Deed shall be paid out of the readiest of the Funds thereby conveyed.

Provision where Decree refused in hoc statu.

XVII. And be it enacted, That if the Decree of Cessio be refused *in hoc statu* either by the Court of Session or the Sheriff, the Debtor may at any Time thereafter, without the Necessity of raising any new Summons or presenting any new Petition, apply to have Decree of Cessio pronounced in his Favour; and if the Decree has, on Review by the Court of Session, been refused *in hoc statu*, the Debtor may either apply to that Court for Decree, or present a new Petition to the Sheriff, in which latter Case Proceedings shall take place as if no former Petition had been presented, and the Debtor shall in all Cases of a renewed Application give Notice thereof in such Manner as shall be appointed either by the Court of Session or Sheriff respectively.

Dyvours Habit abolished.

XVIII. And be it enacted, That it shall not be lawful to ordain the Debtor to wear the Dyvours Habit; and he shall be required to prove his Insolvency (if the same shall be denied) as by Law presently established; and he shall be bound to make Oath or Affirmation, in Cases before the Sheriff as well as in those before the Court of Session, in the same Terms as the Oath hitherto administered in Processes of Cessio in the Court of Session; and an Act of the Parliament of *Scotland*, passed in the Year Sixteen hundred and ninety-six, intituled *An Act for declaring notour Bankrupts*, shall be and is hereby repealed in so far as the said Act bears that "the Lords of Session are hereby discharged to dispense any Bankrupt as to the Habit, unless in the Summons and Process of Cessio the Bankrupt's failing through Misfortune be libelled, sustained, and proven."

Oath to be taken, and Insolvency proved if denied.

Act of 1696. c. 5. in part repealed.

Regulation of Appeals to the House of Lords.

XIX. And be it enacted, That nothing herein contained shall exlude an Appeal to the House of Lords against the Judgment of the said Inner House, either granting or refusing Decree of Cessio: Provided always, that the Petition of Appeal be lodged within Ten Days from the Date of the Judgment during the Sitting of Parliament, if it shall continue to sit for so many Days, and if Parliament be not sitting, or, if sitting, there be not so many Days, then the Petition of Appeal shall be presented within Six Days after the next Session of Parliament shall have met.

No Fee Fund Dues or Government Duties exigible.

XX. And be it enacted, That no Fee Fund Dues shall be exigible in respect of any of the Proceedings mentioned in this Act, nor shall any Stamp Duty or other Government Duty be eligible in respect of any Notices or Advertisements authorized by this Act to be inserted in the *Edinburgh Gazette*, nor in respect of any Disposition which the Debtor shall be ordained to execute in Terms of this Act; any Law or Statute to the contrary notwithstanding.

Court of Session Agents may

XXI. And be it enacted, That it shall be lawful for all Agents duly qualified to practise before the Court of Session to practise as Agents

Agents in all Sheriff Courts in so far as relates to any of the Proceedings which are authorized by this Act to be carried on before the Sheriff; provided that they shall not be entitled to Payment of any other or higher Fees than those legally exigible by other Agents before such Courts.

practise in Sheriff Courts.

XXII. And be it enacted, That this Act may be repealed, altered, or amended by any Act or Acts passed during the present Session of Parliament.

Act may be repealed this Session.

### C A P. LVII.

An Act for the Prevention and Punishment of Offences committed by His Majesty's Subjects within certain Territories adjacent to the Colony of the *Cape of Good Hope*.  
[13th August 1836.]

‘ WHEREAS the Inhabitants of the Territories adjacent to the Colony of the *Cape of Good Hope* to the Southward of the Twenty-fifth Degree of South Latitude being in an uncivilized State, Offences against the Persons and Property of such Inhabitants and others are frequently committed by His Majesty's Subjects within such Territories with Impunity;’ for Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Laws which are now or which shall hereafter be in force in the Colony of the *Cape of Good Hope* for the Punishment of Crimes therein committed shall be and the same are hereby extended and declared applicable to all His Majesty's Subjects within any Territory adjacent to the said Colony and being to the Southward of the Twenty-fifth Degree of South Latitude, and that every Crime or Offence committed by any of His Majesty's Subjects within any such Territory in contravention of any such Laws shall be cognizable in any such Courts, and shall be inquired of, tried, and prosecuted, and on Conviction punished, in such and the same Manner as if the same had been committed within the said Colony.

Laws in force at the Cape of Good Hope for Punishment of Crimes extended to British Subjects in adjacent Territories.

II. ‘ And whereas it is necessary to prevent as far as may be the Commission of Crimes by His Majesty's Subjects within such Territories as aforesaid, and to provide for the Arrest, Commitment, and bringing to Punishment of any of His Majesty's Subjects by whom any such Crimes may be perpetrated;’ be it therefore enacted, That it shall be lawful for the Governor of the said Colony to address to any One or more of His Majesty's Subjects being within or about to resort to any such Territories as aforesaid One or more Commission or Commissions, authorizing him or them to exercise within such Territories the Office of a Magistrate for the Purpose of preventing the Perpetration therein by any of His Majesty's Subjects of any Crimes or Offences, and for the Purpose of arresting, committing to Custody, and bringing to Trial before such Courts as aforesaid any of His Majesty's Subjects charged on sufficient Evidence before him or them with the Commission of any such Crimes or Offences within any such Territories; and it shall also be lawful to the Governor of the said

Governors may address Commissions to Persons to act as Magistrates in such Territories.

Powers of such Magistrates.

Colony, by any such Commission or Commissions as aforesaid, to define with all practicable and convenient Precision the local Limits within which the Jurisdiction of any such Magistrate or Magistrates shall be so exercised, and to which it shall so extend; and within the Limits so to be defined as aforesaid every such Magistrate shall have, exercise, and enjoy all such Powers and Authorities over and in reference to His Majesty's Subjects inhabiting or being within the same as shall by any such Commission or Commissions be specially granted: Provided always, that no such Powers or Authorities shall be so granted by any such Commission or Commissions, save only such as shall be necessary for accomplishing the Purposes aforesaid with Promptitude and Effect.

Commissions to be in force only during the King's Pleasure.

III. And be it further enacted, That all such Commissions as aforesaid shall be made to continue in force only during His Majesty's Pleasure; and the Governor for the Time being of the said Colony shall be and he is hereby bound and required to transmit a Copy of every such Commission by the earliest Opportunity to His Majesty, through One of His Majesty's Principal Secretaries of State, for His Approbation or Disallowance.

Act not to extend constructively to His Majesty's Dominions.

IV. And be it further enacted, That nothing herein or in any such Commission or Commissions contained shall extend or be construed to extend to invest His Majesty, His Heirs or Successors, with any Claim or Title whatsoever to Dominion or Sovereignty over any such Territories as aforesaid, or to derogate from the Rights of the Tribes of People inhabiting such Territories, or of Chiefs or Rulers, to such Sovereignty or Dominion.

Who shall be deemed the Governor.

V. And be it further enacted and declared, That for the Purposes of this Act any Person lawfully administering the Government of the said Colony shall be deemed and taken to be the Governor thereof.

### C A P. LVIII.

An Act for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured. [13th August 1836.]

‘ WHEREAS Bills of Exchange are occasionally accepted supra Protest for Honour, or have a Reference thereon in case of Need: And whereas Doubts have arisen when Bills have been protested for Want of Payment as to the Day on which it is requisite that they should be presented for Payment to the Acceptors or Acceptor for Honour, or to the Referees or Referee, and it is expedient that such Doubts should be removed;’ be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be necessary to present such Bills of Exchange to such Acceptors or Acceptor for Honour, or to such Referees or Referee, until the Day following the Day on which such Bills of Exchange shall become

Bills of Exchange need not be presented to Acceptors for Honour or

become due; and that if the Place of Address on such Bill of Exchange of such Acceptors or Acceptor for Honour, or of such Referees or Referee, shall be in any City, Town, or Place other than in the City, Town, or Place where such Bill shall be therein made payable, then it shall not be necessary to forward such Bill of Exchange for Presentment for Payment to such Acceptors or Acceptor for Honour, or Referees or Referee, until the Day following the Day on which such Bill of Exchange shall become due.

Referees till the Day following the Day on which they become due.

II. And be it further enacted and declared, That if the Day following the Day on which such Bill of Exchange shall become due shall happen to be a *Sunday, Good Friday, or Christmas Day*, or a Day appointed by His Majesty's Proclamation for Solemn Fast or of Thanksgiving, then it shall not be necessary that such Bill of Exchange shall be presented for Payment, or be forwarded for such Presentment for Payment, to such Acceptors or Acceptor for Honour, or Referees or Referee, until the Day following such *Sunday, Good Friday, Christmas Day*, or Solemn Fast or Day of Thanksgiving.

If the following Day be a Sunday, &c. then on the Day following such Sunday, &c.

### C A P. LIX.

An Act to extend the Protection of Copyright in Prints and Engravings to *Ireland*. [13th August 1836.]

‘ **W**HEREAS an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases*: And whereas it is desirable to extend the Provisions of the said Act to *Ireland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions contained in the said recited Act of the Seventeenth Year of the Reign of His late Majesty King *George* the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of *Great Britain and Ireland*.

17 G. 3. c. 57.

Provisions of recited Act extended to *Ireland*.

II. And be it further enacted, That from and after the passing of this Act, if any Engraver, Etcher, Printseller, or other Person shall, within the Time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any Engraving or Print of any Description whatever, either in whole or in part, which may have been or which shall hereafter be published in any Part of *Great Britain or Ireland*, without the express Consent of the Proprietor or Proprietors thereof first had and obtained in Writing, signed by him, her, or them respectively, with his, her, or their own Hand or Hands, in the Presence of and attested by Two or more credible Witnesses, then every such Proprietor shall and may, by and in a separate Action upon the Case, to be brought against the Person so offending in any Court of Law in *Great Britain or Ireland*, recover such Damages as a

Penalty on engraving or publishing any Print without Consent of Proprietor.

Jury on the Trial of such Action or on the Execution of a Writ of Inquiry thereon shall give or assess, together with Double Costs of Suit.

C A P. LX.

An Act to amend the Laws relating to the Customs.

[13th August 1836.]

‘ **W**HEREAS several Acts were passed in the Third and Fourth Years of the Reign of His present Majesty, 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 King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for all the Purposes mentioned therein.

Commencement of Act.

*Regulation.*

Goods the Property of Persons resident Abroad may be entered by Bill of Store if Property be not changed.

3 & 4 W. 4. c. 52.

II. ‘ And whereas by one of the said Acts, intituled *An Act for the general Regulation of the Customs*, Provisions are made permitting the Re-importation of certain Goods legally exported from the United Kingdom, and it is expedient to alter such Provisions in the Manner herein mentioned;’ be it therefore enacted, That any Goods which have been legally exported from the United Kingdom, and which shall afterwards be re-imported into the same, the real Proprietor thereof being then absent therefrom, shall upon such Re-importation be permitted to be entered by Bill of Store, provided the Goods be such as are entitled to that Privilege, on Production of a Declaration subscribed by such real Proprietor setting forth the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation from the United Kingdom, and will be at the Time of Re-importation thereinto, the Proprietor of such Goods, and that the same have not during such Time been sold or disposed of to any other Person; such Declaration to be made before *British* Consul, Vice Consul, or other *British* Authority residing in or near the Place of Residence of such real Proprietor, and upon such further Proof of the Identity of the Goods as the Commissioners of the Customs shall require, and upon Compliance with all the other Regulations required by Law on the Entry of Goods by Bill of Store.

Repeal of Provision in 3 & 4 W. 4. c. 52. as to certain wrecked Goods.

III. ‘ And whereas by the said last-mentioned Act it is provided, that all such Foreign Goods, Derelict, Jetsam, Flotsam, and Wreck, as cannot be sold for the Amount of Duty due thereon, shall be delivered over to the Lord of the Manor, or other Person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to and shall be charged with Duty accordingly: And whereas it is expedient that such Proviso should be repealed;’ be it therefore enacted, That so much of the above-recited Act shall be and the same is hereby repealed: Provided always, that it shall be lawful for the Commissioners of His Majesty’s Customs, or for the Officers of the Customs acting under their Directions, to inquire into and receive Proof of the Extent to which any such Goods shall have been damaged, and to make

Commissioners of Customs empowered to abate Duty.



make such Abatement of the Duties payable thereon as to them shall appear to bear a just Proportion to the Damage so ascertained to their Satisfaction; any thing in the said Act in respect of certain Descriptions of Goods to the contrary notwithstanding.

IV. ' And whereas by the said last-mentioned Act all Spirits, not being perfumed or medicinal Spirits, or Rum of and from the *British* Possessions, are required to be imported into the United Kingdom in Casks containing not less than Forty Gallons, and Tobacco and Snuff in certain Cases are also required to be imported in Hogsheads, Casks, Chests, or Cases, each of which shall contain of net Tobacco or Snuff Four hundred and fifty Pounds Weight; be it enacted, That the said Restrictions shall not extend to any such Spirits in Casks of not less than Twenty Gallons, nor to any such Tobacco or Snuff in Hogsheads, Casks, Chests, or Cases, each of which shall contain of net Tobacco or Snuff Three hundred Pounds Weight.

V. ' And whereas the Importation and Exportation of certain Goods into and from the United Kingdom and other Dominions of His Majesty by the Laws now in force is restricted to Vessels of Seventy Tons Burthen or upwards: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom*, Vessels are required to be admeasured according to the Rules set forth in that Act, and in consequence thereof it has become expedient to reduce the Tonnage to which such Importations and Exportations are restricted; be it therefore enacted, That it shall be lawful to import into or export from the United Kingdom, and other Dominions of His Majesty, any such Goods in Vessels of Sixty Tons Burthen and upwards, provided such Vessels have been admeasured according to the Rules prescribed by the last-mentioned Act.

VI. ' And whereas by the said last-mentioned Act it is provided that the Collectors and Controllers of Customs in certain Cases may grant for any Coasting Ship a general Transire, to continue in force for any Time not exceeding One Year; and it is found expedient, for the greater Accommodation of the Coasting Trade, that this Provision should be extended; be it therefore enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, whenever it shall appear to them to be necessary, to grant general Transires, under such Regulations and for such Time as they may see fit, for the lading of any Goods, and for the clearing the Ship in which the Goods shall be laden, and for the unloading of the Goods at the Place of Discharge: Provided always, that such Transires shall be written in the Cargo Books required by Law to be kept by the Masters of Coasting Vessels; provided also, that if the said Commissioners shall at any Time revoke such Transires, and Notice thereof shall be given to the Master or Owner of the Ship, or shall be given to any of the Crew when on board the Ship, or shall be entered in the Cargo Book by any Officer of the Customs, such Transires shall be void, and shall be delivered up by the Master or Owner of the Ship.

*Regulation.*  
—

Spirits may be imported in Casks of 20 Gallons, and Tobacco or Snuff in Hogsheads, &c. containing 300 lbs.

Goods may be exported in Vessels of 60 Tons.

5 & 6 W.A. c. 56.

Commissioners of Customs to grant general Transires.

VII. ' And

*Regulation.*

Goods reported to Customs as Jetsam, Flotsam, or Lagan, and not claimed within Twelve Months, to be deemed condemned as Droits of Admiralty.

VII. ' And whereas Goods found Derelict, and Articles under ' the Denomination of Goods Jetsam, Flotsam, and Lagan, are ' frequently picked up at Sea and brought into the Ports of this ' Kingdom, which, if not claimed by any Owner within the Period ' limited by Law, belong of right to His Majesty in His Office of ' Admiralty, but by reason of the Smallness of their Value would, ' if prosecuted to Condemnation in the High Court of Admiralty, ' be wholly unproductive; be it therefore enacted, That whenever any such Goods, whether picked up at Sea or on the Shore within the Flow of the Sea, shall be reported to the Officers of the Customs, Notice thereof shall be forthwith given by them to the Receiver General of Droits of Admiralty, and all such Goods shall be placed at his Disposal, subject however to the Payment of the Duties with which they shall be respectively chargeable; and in case the rightful Owner thereof shall prove his Claim thereto to the Satisfaction of the said Receiver General within the Period of Twelve Calendar Months from the Day on which they shall be so reported, such Goods shall be restored to the Owner on Payment of the Duties and necessary Charges attending the Care of the same, and a reasonable Compensation, to the Amount of One Third of the net Value (after abating the Duties and Charges aforesaid), to the Salvors thereof; but if no such Claim shall be established within the Period aforesaid, then such Goods shall be deemed and taken and be condemned to His Majesty as Droits of Admiralty, and may be sold by the said Receiver General, without any Process from the High Court of Admiralty; and the net Proceeds thereof, after Payment of Duties, Salvage, and other Charges as aforesaid, shall be disposed of by him, and carried to the Credit of the Consolidated Fund, in like Manner as Droits of Admiralty are by an Act passed in the First Year of His present Majesty's Reign for the Support of His Majesty's Household, and the Honour and Dignity of the Crown, directed to be applied; any thing in any Act or Acts contained, or any Law, Statute, or Usage, to the contrary thereof notwithstanding.

*Smuggling.*

Boats used in fishing on the Coast of Scotland not required to have Licences.  
3 & 4 W. 4. c. 53.

VIII. ' And whereas by one other of the said Acts, intituled *An Act for the Prevention of Smuggling*, all Boats belonging in the ' whole or in part to His Majesty's Subjects found within certain ' Limits are forfeited, unless the Owners thereof have obtained a ' Licence for navigating the same from the Commissioners of ' His Majesty's Customs: And whereas it is expedient to dispense ' with such Licences for Boats used in fishing on the Coasts of ' *Scotland*; be it therefore enacted, That from and after the passing of this Act the Owners of Boats solely engaged in fishing on the Coasts of *Scotland* shall not be required to obtain Licences for navigating the same from the Commissioners of His Majesty's Customs under the Provisions of the same recited Act.

Magistrates to commit Offenders convicted of Offences against Customs Laws to nearest House of Correction.  
4 W. 4. c. 13.

IX. ' And whereas by an Act passed in the Fourth Year of the ' Reign of His present Majesty, intituled *An Act to repeal so much ' of an Act of the then last Session of Parliament for the Prevention ' of Smuggling as authorizes Magistrates to sentence Persons ' convicted of certain Offences to serve His Majesty in His Naval ' Service, and to alter and amend the said Act*, Persons duly con- ' victed of certain Offences in that Act mentioned before any ' Two

*Smuggling.*

‘ Two Justices of the Peace are to be adjudged by such Justices  
 ‘ to be imprisoned in any House of Correction, and there kept  
 ‘ to hard Labour for certain Terms in that Act mentioned: And  
 ‘ whereas there are certain Counties, Cities, Boroughs, Divisions,  
 ‘ Franchises, and Towns Corporate in the United Kingdom which  
 ‘ have not any House of Correction situate within or near the  
 ‘ same;’ be it therefore enacted, That when any Person shall have  
 been duly convicted of any of the Offences in the said Act men-  
 tioned before any Two Justices of the Peace within whose  
 Jurisdiction there is no House of Correction, it shall and may  
 be lawful for such Justices and they are hereby authorized and  
 required, by Warrant under their Hands and Seals, to commit  
 such Offender to any of His Majesty’s Gaols within their Juris-  
 diction wherein the Sentence of hard Labour is or can be executed,  
 or to the House of Correction nearest to the Place where such  
 Offender is convicted, for such Time as is set forth in the said  
 Act for a First, Second, and Third Offence respectively; and the  
 Governor or Keeper of such House of Correction is hereby  
 required to receive such Offender, and to obey such Warrant in all  
 respects as if such House of Correction was within the Jurisdiction  
 of the said Justices.

X. And be it further enacted, That wherever any Person shall  
 have been detained and taken before any Justice of the Peace  
 for unshipping, or for aiding, assisting, or being concerned in the  
 unshipping, of any Spirits or Tobacco liable to Forfeiture, under  
 any Act relating to the Customs or Excise, or for carrying, con-  
 veying, or concealing, or for aiding, assisting, or being concerned  
 in the carrying, conveying, or concealing, of any such Spirits or  
 Tobacco, and it shall appear to such Justice that the Quantity  
 of Spirits in respect of which such Person has been so detained  
 does not exceed One Gallon, or that the Quantity of Tobacco in  
 respect of which such Person has been so detained does not  
 exceed Six Pounds Weight, it shall and may be lawful for such  
 Justice and he is hereby authorized to proceed summarily upon  
 the Case without any Information, and although no Direction shall  
 have been given by the Commissioners of His Majesty’s Customs,  
 and to convict such Person of such Offence, and to adjudge that  
 such Person shall, in lieu of any other Penalty, forfeit any Sum  
 of Money not exceeding Five Pounds, and in default of Payment  
 of such Sum of Money to commit such Person to any of His  
 Majesty’s Gaols for any Time not exceeding One Month.

Authorizing  
 Magistrates to  
 proceed to Con-  
 viction of Smug-  
 glers in certain  
 Cases without  
 an Order from  
 the Board of  
 Customs.

XI. ‘ And whereas by another Act passed in the Third and  
 ‘ Fourth Years of the Reign of His present Majesty, intituled  
 ‘ *An Act for the Prevention of Smuggling*, Spirits found on board  
 ‘ Vessels within certain Distances of the Coast of the United  
 ‘ Kingdom, not being in Casks or Packages containing Forty  
 ‘ Gallons at the least, or any Tobacco or Snuff, not being in a  
 ‘ Cask or Package containing Four hundred and fifty Pounds  
 ‘ Weight at least, are made liable to Forfeiture, and the Persons  
 ‘ found or discovered to have been on board such Vessels to De-  
 ‘ tention and Prosecution on account thereof;’ be it therefore  
 enacted, That in all Cases where Casks or Packages containing  
 Spirits, Tobacco, or Snuff, found on board Vessels within any  
 such Distances, are of such Size or Dimensions as may be legally  
 imported

Prosecutions  
 not to be insti-  
 tuted in Cases  
 where Spirits,  
 &c. are found  
 on board Ves-  
 sels in legal  
 Packages, &c.  
 3 & 4 W.4. c. 53.

imported into the United Kingdom, no such Forfeiture, Detention, and Prosecution shall take place, but that in all other respects the Forfeitures, Detentions, and Prosecutions set forth in the said Act shall attach and be in force as if this Act had not been made.

*Duties.*

Table of new  
Duties.  
3 & 4 W. 4. c. 56.

XII. ' And whereas one other Act was passed in the said Third ' and Fourth Years of the Reign of His present Majesty, intituled ' *An Act for granting Duties of Customs*, and it is expedient to ' amend the same in the 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," the several Duties set forth in Figures in the Table herein-after contained, and denominated "Table of New Duties, One thousand eight hundred and thirty-six," shall, in respect of such Goods as are mentioned therein, be raised, levied, collected, and paid unto His 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,)

TABLE OF NEW DUTIES, 1836.

	£	s.	d.
Aristolochia - - - - - the lb.	0	1	
Beads of Glass - - - - - the lb.	1	0	
Box Wood - - - - - the Ton	0	10	0
Bugles - - - - - the lb.	0	1	0
Cassia Fistula - - - - - the lb.	0	0	1
Cedar - - - - - the Ton	0	10	0
Chalk; viz <sup>t</sup> . prepared or otherwise manufactured the 100 <sup>l</sup> . of Value	10	0	0
Chalk, unmanufactured - - - the 100 <sup>l</sup> . of Value	5	0	0
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz <sup>t</sup> . Raw or kiln-dried - - - the Cwt.	1	0	0
Roasted or ground - - - the Cwt.	2	16	0
Clinkers, called Dutch Clinkers - - - the 1,000	0	10	0
Drugs, not particularly enumerated or charged with Duty in this or any other Act - - - the Cwt.	0	2	0
Ebony, the Produce of or imported from any Foreign Country - - - - - the Ton	0	10	0
Feathers; viz <sup>t</sup> . Ostrich, undressed - - - the lb.	0	1	0
Paddy Bird - - - - - the lb.	0	1	0
Flower Roots - - - - - the 100 <sup>l</sup> . of Value	5	0	0
Ginger, preserved; the Produce of or imported from any Foreign Country - - - - - the lb.	0	0	6
Horns and Horn Tips - - - - - the Ton	0	1	0
Lignum Vitæ - - - - - the Ton	0	10	0
Mahogany, imported from any Foreign Country, en- tered after the 5th of July 1837 - - - the Ton	5	0	0
Maps or Charts, or Parts thereof; viz <sup>t</sup> . Plain - - - - - each	0	0	1
Coloured - - - - - each	0	0	2
Marmalade, the Produce of or imported from any Foreign Country - - - - - the lb.	0	0	6

	£	s.	d.	Duties.
Morphia and its Salts - - - the lb.	0	16	0	—
Nickel; viz Arsenate of Nickel, in Lumps or Powder, being in an unrefined State - the 100℥. of Value	5	0	0	
Nickel, metallic, refined, and Oxide of Nickel the 100℥. of Value	20	0	0	
Nuts, viz. Castor Nuts or Seed - - - the Ton	0	1	0	
Oil, viz. Castor Oil - - - - the Cwt.	0	1	3	
Olive Wood, the Produce of or imported from any Foreign Country - - - - the Ton	2	10	0	
Opium - - - - - the lb.	0	1	0	
Orange Flower Water - - - - the lb.	0	0	1	
Plate, old, not battered up, having been in the private Use of the Importer while residing Abroad, and intended for his private Use in this Kingdom, vizt.				
— Silver - - - - - the oz.	0	2	6	
— Gold - - - - - the oz.	1	0	0	
Quinine, Sulphate of - - - - the oz.	0	0	6	
Rags, viz. old Woollen Rags - - - the Ton	0	1	0	
Rice, rough and in the Husk, imported from the West Coast of Africa - - - - the Quarter	0	0	1	
Rose Wood - - - - - the Ton	6	0	0	
Sebadilla Seeds - - - - - the Cwt.	0	4	0	
Speckled Wood, the Produce of or imported from any Foreign Country - - - - the Ton	2	10	0	
Spices, viz.				
— Cloves - - - - - the lb.	0	0	6	
— Mace - - - - - the lb.	0	2	6	
— Pepper - - - - - the lb.	0	0	6	
— Pimento - - - - - the lb.	0	0	3	
Succades, the Produce of or imported from any Foreign Country - - - - the lb.	0	0	6	
Sweet Wood, the Produce of or imported from any Foreign Country - - - - the Ton	2	10	0	
Teak Wood - - - - - the Load	0	10	0	
— imported from any British Possession within the Limits of the East India Company's Charter - - - - - the Load	0	0	1	
Teeth; viz. Elephant's, Sea Cow, Sea Horse, or Sea Morse Teeth - - - - - the Cwt.	0	1	0	
Verdigris - - - - - the lb.	0	0	6	
Water; viz. Mineral Water - - - the Gallon	0	0	1	
Wax; viz. Bees Wax unbleached, the Produce of the West Coast of Africa, and imported from thence the Cwt.	0	10	0	

XIII. ' And whereas by 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*, certain Duties of Customs on Goods imported from Places within the Limits of the exclusive Trade of that Company, and also certain Duties of Tonnage on Vessels trading between those Limits and the United Kingdom were imposed: And whereas it is expedient to repeal

Repealing certain Duties imposed by 55 G. 3. c. 57

‘ the said Duties;’ be it therefore enacted, That the said Duties shall be and the same are hereby repealed, save and except such of the same as shall have become due prior to the passing of this Act.

*Possessions  
Abroad.*

Packages for the  
Importation and  
Exportation of  
Segars into or  
from the Islands  
of Jersey, &c.

XIV. ‘ And whereas by one other of the said Acts, intituled *An Act to regulate the Trade of the British Possessions Abroad*, no Tobacco is permitted to be imported into or exported from the Islands of *Jersey, Guernsey, Alderney*, or *Sark*, or either of them, or 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, unless in a Cask or Package containing Four hundred and fifty Pounds Weight;’ be it enacted, That the said Restriction shall not extend to any Segars in Packages of not less than One hundred Pounds Weight.

Certain Exports  
from Guernsey  
and Jersey  
permitted.

XV. ‘ And whereas it is expedient to allow any Sort of Craft, Food, Victuals (except Spirits), and any Sort of Clothing and Implements and Materials fit and necessary for the *British Fisheries in America*, to be imported in *British Ships* into any Port or Place in the *British Possessions in North America* at or from whence the said Fisheries are carried on, although such Port or Place be not a free Port;’ be it therefore enacted, That it shall be lawful to import from the Islands of *Guernsey* and *Jersey* in *British Ships* into such Places in *America* the Articles before enumerated and described, any Law, Custom, or Usage to the contrary notwithstanding.

Bill of Entry;  
Duplicate  
thereof to be  
delivered also.

XVI. ‘ And whereas by the said last-mentioned Act the Person entering any Goods is required to deliver to the Collector or Comptroller, or other proper Officer, a Bill of the Entry thereof, containing the several Particulars set forth in the said Act;’ be it enacted, That such Person shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures, and the Particulars to be contained in such Bill of Entry shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such as the Collector and Comptroller shall require.

C A P. LXI

An Act to assimilate the Law of *Ireland* to that of *England* in respect to the Liability of Owners of Vessels for Losses by Fire. [13th August 1836.]

‘ WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to settle how far Owners of Ships shall be answerable for the Acts of the Master or Mariners*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain and amend an Act made in the Seventh Year of His late Majesty's Reign, intituled ‘ An Act to settle how far Owners of Ships shall be answerable for Acts of the Master or Mariners,’ and for giving further Relief to the Owners of Ships*: And whereas another Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to limit the Responsibility of Ship Owners in certain Cases*:

7 G. 2. c. 15.

26 G. 3. c. 86.

53 G. 3. c. 159.

‘ And whereas Doubts have existed whether the said Two first-mentioned Acts apply to that Part of the United Kingdom called *Ireland*: And whereas it is expedient that all the said several herein-before recited Acts should be deemed and taken to apply to *Ireland*:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Provisions of the said several herein-before recited Acts and of each of them shall be deemed and taken to extend and apply to that Part of the United Kingdom called *Ireland*.

Provisions of  
recolted Acts  
extended to  
*Ireland*.

Public Act.

II. 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 other Persons whomsoever.

### C A P. LXII.

An Act for continuing until the First Day of *June* One thousand eight hundred and thirty-eight the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or the next Session of Parliament. [13th August 1836.]

‘ WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-seven should be continued for a limited Time:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-seven shall be and the same is and are hereby continued until the First Day of *June* One thousand eight hundred and thirty-eight, or if Parliament shall then be sitting until the End of the then Session of Parliament.

Turnpike Acts  
further con-  
tinued.

II. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Wood-bridge to Eye in the County of Suffolk, and for repairing certain other Roads to communicate therewith.*

Act not to  
extend to  
54 G. 3. c. xvi.

## C A P. LXIII.

An Act to facilitate, until the Nineteenth Day of *March* One thousand eight hundred and thirty-seven, the Recovery of certain Arrears of Highway Rates and Composition in lieu of Statute Duty. [13th *August* 1836.]

5 & 6 W. 4. c. 50.

Surveyor under recited Act may recover Highway Rates or Compositions due under Acts thereby repealed.

Application of Money recovered.

Continuance of Act.

Act may be amended this Session.

‘ **W**HEREAS in and by an Act made and passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, certain Statutes relating to Highways in that Part of *Great Britain* called *England* were repealed: And whereas at the Time of the Repeal of the said Statutes certain Rates and Composition in lieu of Statute Duty made under and by virtue of the said repealed Acts, some or one of them, were legally due and owing, and still remain unpaid: And whereas it is expedient to provide a Remedy for the Recovery thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Surveyor and Surveyors appointed under the said Act made and passed in the Fifth and Sixth Years of His present Majesty shall and may and are hereby authorized and required forthwith to proceed for the Recovery of any Rate or Composition in lieu of Statute Duty which was duly made under and by virtue of the said repealed Acts, some or one of them, previous to the same being repealed, and which still remains unpaid, and for that Purpose shall have the same Powers and Authorities as if the Rate or Composition in lieu thereof had been made under and by virtue of the said Act made and passed in the Fifth and Sixth Years of His present Majesty, and shall apply the Money which he or they may so recover, after deducting the Costs and Expences of such Recovery, to the Payment and Discharge of any Debts which may be legally due and owing from the Surveyor or Surveyors under the said repealed Acts, some or one of them, and the Overplus, if any, towards carrying into effect the several Purposes of the said Act made and passed in the Fifth and Sixth Years of the Reign of His present Majesty.

II. And be it further enacted, That this Act shall continue in force until the Nineteenth Day of *March* One thousand eight hundred and thirty-seven.

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



## C A P. LXIV.

An Act to explain and amend an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.

[13th August 1836.]

‘ **W**HEREAS by an Act passed in this present Session of Parliament, intituled *An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons*, it is amongst other Things enacted, that whenever any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian should thereafter grant any renewed Lease of any House, Land, Tithes, or other Hereditaments, Parcel of the Possessions of his or their See, Chapter, Dignity, Canonry, Prebend, Benefice, or Hospital, such Lease should contain such Recital or Statement as therein mentioned, every such Recital or Statement should, so far as relates to the Validity of the Lease so to be granted, be deemed and taken to be conclusive Evidence of the Truth of the Matter so recited or stated; and it is thereby further enacted, that if any Lease contrary to the said Act should have been granted since the First Day of *March* in this present Year, or should be granted after the passing of the said Act, every such Lease should be void to all Intents and Purposes: And whereas Doubts have been entertained whether Leases granted since the said First Day of *March* in this Year, or to be hereafter granted, by any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master or Guardian, and which do not contain such Recital or Statement as aforesaid, are not made absolutely void by the aforesaid Enactment; and it is expedient that all such Doubts should be removed:’ Be it therefore declared and enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Lease granted or to be hereafter granted by any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master, or Guardian, shall be deemed or taken to be void under the Provisions of the said Act by reason only of its not containing such Recital or Statement as therein mentioned: Provided always, that whenever any Archbishop, Bishop, Ecclesiastical Corporation Sole or Aggregate, Dignitary, Canon, Prebendary, Spiritual Person, Master or Guardian, shall hereafter grant any renewed Lease of any Manor, Messuage, Land, Tithes, or Hereditaments, Parcel of the Possessions of his or their See, Chapter, Dignity, Canonry, Prebend, Benefice, or Hospital, and such Lease shall contain such Recital or Statement as in the said Act is mentioned, every such Recital or Statement shall, so far as relates to the Validity of the Lease so to be granted, be deemed and taken to be conclusive Evidence of the Truth of the Matter so recited.

6 W. 4. c. 20.

Leases granted by Spiritual Persons under the Provisions of the recited Act not void by reason of not containing such Recital as is mentioned in that Act.

## C A P. LXV.

An Act for granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain Cases, and to regulate the charging of the Duty payable for taking or killing Game in *Great Britain*; and to provide for the Collection of certain Local Taxes in *Scotland*.

[13th August 1836.]

‘ **W**HEREAS it is expedient to grant Relief from certain of the Duties of Assessed Taxes in the several Cases herein- after particularly mentioned:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon all Assessments made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-six the Duties of Assessed Taxes granted and now payable under Schedule (D.), Number 3., of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King *George* the Third, upon or in respect of Carriages with Four Wheels kept for the Purpose of being let to Hire, with Horses to be used therewith, as in the said Schedule is mentioned, shall, so far as the same relate to any such Carriage drawn by One Horse, Mare, Gelding, or Mule, cease and determine, and in lieu thereof there shall be granted and paid upon or in respect of every such Carriage so drawn as last aforesaid the reduced annual Duty of Four Pounds Ten Shillings, which said reduced Duty shall be assessed, raised, levied, collected, and paid in like Manner, and under and subject to the like Rules, Regulations, and Conditions, as the Duties now in force.

Duties on Four- wheeled Carriages let to Hire and drawn by One Horse reduced.

Former Ex- emptions in re- spect of certain Carriages with less than Four Wheels drawn by One Horse repealed. 3 & 4 W. 4. c. 39. s. 5.

Exemption granted in lieu thereof.

II. ‘ And whereas by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to reduce certain of the Duties on Dwelling Houses, and to repeal other Duties of Assessed Taxes*, Exemptions were granted from the Duties of Assessed Taxes for and in respect of certain Carriages with less than Four Wheels, constructed and used as therein described: And whereas it is expedient to give further Relief by granting a more extended Exemption in lieu thereof, as herein-after mentioned;’ be it therefore enacted, That upon all such Assessments as aforesaid the said Exemptions contained in the said last-recited Act for and in respect of any Carriages with less than Four Wheels shall be and the same are hereby repealed, and in lieu thereof there shall be granted the following Exemption; (that is to say,) no Duty of Assessed Taxes shall be charged or chargeable for or in respect of any Carriage with less than Four Wheels, kept by any Person for his or her own Use, and not for Hire or Profit (except for the Conveyance of Prisoners or Paupers, as herein-after mentioned), and drawn by One Horse, Mare, Gelding, or Mule only, and not otherwise, whatever may be the Form or Construction of such Carriage, or the Materials with which the same shall be built or fitted up; provided that the Price or Value of such Carriage, together with the Cushion or Cushions, and every or any other Article or Thing used therewith or

or belonging thereto, shall not exceed or at any Time have exceeded the Sum of Twenty-one Pounds; and provided also, that such Carriage shall have the Christian Name and Surname and Place of Abode and Occupation or Calling of the Owner and of every Owner thereof painted in Words at Length and in legible and conspicuous Roman Letters or Characters Two Inches at the least in Height, and of a proper and proportionate Breadth, in One or more straight and horizontal Line or Lines in White upon a Black Ground or in Black upon a White Ground, on a plain and even Surface on the Outside of such Carriage, that is to say, upon the Back Part of the Body thereof; or if there shall be no such Back Part, then upon the Panel on the Right or Off-side of the Body; or if there shall be no such Panel, then upon some other conspicuous Part of such Side; or if there be no such Side, then upon the outer Part of the Right or Off-side Shaft; and in such plain and conspicuous Manner that the same shall be at all Times visible and legible.

III. And be it enacted, That no Carriage of any Description whatsoever, nor any Horse or Horses drawing the same, nor any Person employed to drive such Horse or Horses, shall be charged or chargeable with any of the Duties of Assessed Taxes on account or by reason of such Carriage being used for Hire or Profit, or otherwise, in conveying any Prisoner or Prisoners to or from any Prison, or in conveying any Pauper or Paupers at the Expence of any Parish, Township, or Union, or of any Person who may have contracted with any Parish, Township, or Union for the Conveyance of Paupers.

IV. And whereas by the said Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, Schedule (C.), Number 1., the Duties thereby granted and made payable for Male Servants are declared to extend to all Servants employed in any of the Capacities therein mentioned, except, amongst others, the Drivers employed by Persons licensed to sell Wine, Ale, or other Liquors by Retail to drive their Carriages with Horses let out to Hire; and it is expedient to grant Relief from such Duties for all such Drivers, whether employed by such licensed Persons or not; be it therefore enacted, That upon all such Assessments as aforesaid the said last-mentioned Duties shall not be charged or chargeable for or upon any Driver employed by any Person duly licensed to let Horses for Hire to drive his Carriage or Carriages with a Horse or Horses let out to Hire, in such Manner that the Duty on Horses let for Hire shall be payable by Law in respect of the Horse or Horses so let out to Hire with every such Carriage.

V. And whereas it is expedient that the Soldiers allowed by the Regulations of the Public Service to be employed as Servants by General Officers and Officers of the Staff in the Army should not be chargeable to such Officers with the Duties of Assessed Taxes; be it therefore enacted, That upon all such Assessments as aforesaid all General Officers and all Officers of the Staff in the Army shall be exempt from the Duties of Assessed Taxes for so many Male Servants, being actually Soldiers in the Army, employed by such Officers respectively, as are or may be allowed to them respectively by the Regulations of the Public

Carriages, &c. conveying Prisoners or Paupers exempted from Duties of Assessed Taxes.

Drivers of Carriages let to Hire by Persons licensed to let Horses for Hire exempted.

Soldiers employed as Servants by General Officers and Officers of the Staff exempted from Duties of Assessed Taxes.

Service, in whatever Capacity such Soldiers may have been or may be employed, and without regard to any other Male Servants retained or kept by such Officers, and for which they may be respectively liable to be assessed; provided that all such Servants for which such Exemption as aforesaid is hereby granted shall be duly returned to the Assessor, and the said Exemption shall be claimed in the Manner directed by the Laws in force with regard to other Exemptions from the Duties of Assessed Taxes.

Extending the Exemption granted by 52 G. 3. c. 93. to certain Officers of the Navy.

VI. ' And whereas under and by virtue of the said Act of the ' Fifty-second Year of the Reign of King *George* the Third ' Exemption from the Duties payable for Male Servants retained ' or employed in the several Capacities mentioned in Schedule (C.), ' Numbers 1. and 2., to the said Act annexed, is granted to every ' Officer in His Majesty's Navy under the Rank of a Master and ' Commander in actual Employ for One Servant borne upon the ' Books of the Ship to which such Officer shall belong: And ' whereas it is expedient to extend the said Exemption in the ' Manner herein-after mentioned; ' be it therefore enacted, That upon all such Assessments as aforesaid the said Exemption shall be and is hereby extended and granted to every Officer of His Majesty's Navy, of whatever Rank, in actual Employ, for any Number of Servants borne upon the Books of the Ship to which such Officer shall belong and employed by him, in whatever Capacity any such Servant may be employed, and without regard to any other Male Servants retained or kept by such Officer, and for which he may be liable to be assessed: Provided always, that all such Servants shall be duly returned to the Assessor, and the Exemption claimed in the Manner directed by Law with regard to other Exemptions from the Duties of Assessed Taxes.

Carriages for carrying Passengers travelling at a Rate less than Four Miles an Hour not to be deemed Stage Carriages. 2 & 3 W. 4. c. 120.

VII. ' And whereas by an Act passed in the Second and Third ' Years of the Reign of His present Majesty, intituled *An Act to ' repeal the Duties under the Care and Management of the Com- ' missioners of Stamps on Stage Carriages and on Horses let for ' Hire in Great Britain, and to grant other Duties in lieu thereof, ' and also to consolidate and amend the Laws relating thereto*, it is ' enacted that every Carriage used or employed as therein men- ' tioned, and which when passing along any Highway or other ' Road shall travel at the Rate of Three Miles or more in the ' Hour, shall be deemed and taken to be a Stage Carriage within ' the Meaning of the said Act, provided as therein also mentioned: ' And whereas it is expedient to permit certain Carriages to travel ' at a Rate exceeding Three Miles in the Hour without being ' deemed to be Stage Carriages; ' be it therefore enacted, That from and after the passing of this Act no Carriage shall by reason of the Rate of travelling be deemed or taken to be a Stage Carriage within the Meaning of the said Act unless the same shall travel at the Rate of Four Miles or more in the Hour.

VIII. ' And whereas by an Act passed in the Fifth Year of the ' Reign of His late Majesty King *George* the Fourth, intituled *An ' Act for allowing Persons to compound for their Assessed Taxes ' for the Remainder of the Periods of Composition limited by former ' Acts, and for granting Relief in certain Cases*, the Inspectors or ' Surveyors acting in the Execution of the Acts relating to the ' Duties of Assessed Taxes are authorized and empowered to ' charge

‘ charge according to the Provisions of the said Acts any Person  
 ‘ chargeable with the Duty payable by Persons in respect of their  
 ‘ taking or killing Game, or doing other Acts by which they are  
 ‘ rendered liable to the said Duty, and who shall have omitted to  
 ‘ pay the said Duty and obtain a Certificate as by the said Acts  
 ‘ directed without any previous Information and Conviction of the  
 ‘ Offender in the Penalty for any such Offence, provided every  
 ‘ such Charge be made within a Period limited by the said Acts  
 ‘ and in the single Duty only: And whereas Doubts have arisen  
 ‘ as to the Period limited by the said Acts for making any such  
 ‘ last-mentioned Charge, and it is expedient to remove such  
 ‘ Doubts, and to amend the said last-recited Enactment in the  
 ‘ Manner herein-after mentioned;’ be it therefore enacted, That  
 where any Person who shall be chargeable with the said Duty  
 payable by Persons in respect of their taking or killing Game, or  
 doing other Acts by which they are rendered liable to the said  
 Duty, shall omit to pay the said Duty or to obtain a Certificate as  
 by the said Acts is directed, it shall be lawful for any such In-  
 spector or Surveyor as aforesaid to charge any such Person with  
 the said Duty at any Time on or before the Fifth Day of *April*  
 next after such Person shall have become so chargeable, and  
 whether such Person shall have been previously convicted of any  
 such Offence as aforesaid or not, subject nevertheless to Appeal  
 according to the Provisions and Directions of the said Acts;  
 and upon every such Charge as last aforesaid, which shall be  
 allowed or confirmed by the said Commissioners of Taxes, the  
 Assessment shall be made in Double the Rate of Duty charge-  
 able; and it shall not be lawful for the said Commissioners to  
 remit or strike off any Part of the said Double Duty; any thing  
 in any Act or Acts contained to the contrary in anywise notwith-  
 standing.

Surcharges for  
 the Game Cer-  
 tificate Duty to  
 be made on or  
 before the  
 5th April next  
 after the Duty  
 is incurred.

Assessments  
 thereon to be  
 made in Double  
 Duty.

IX. ‘ And whereas by an Act passed in the First and Second  
 ‘ Years of the Reign of His present Majesty, intituled *An Act to*  
 ‘ *amend the Laws in England relative to Game*, it is enacted that  
 ‘ where any Person shall be charged on the Oath of a credible  
 ‘ Witness with any Offence punishable upon summary Conviction  
 ‘ by virtue of the said last-mentioned Act before a Justice of the  
 ‘ Peace the Justice may summon the Party charged to appear  
 ‘ before himself or any One or Two Justices of the Peace, as the  
 ‘ Case may require, at a Time and Place to be named in such  
 ‘ Summons, and if such Party shall not appear accordingly, then  
 ‘ the Justice or Justices may proceed in the Case in the Manner  
 ‘ directed by the said Act; and it is expedient to explain and  
 ‘ amend the said Enactment as herein-after mentioned;’ be it  
 therefore enacted and declared, That upon any Information made  
 or exhibited before a Justice of the Peace of any such Offence as  
 aforesaid it shall not be necessary that the Charge contained in  
 such Information should be made on the Oath of the Informer or  
 Prosecutor in such Case; provided that before any Proceeding  
 shall be had or taken upon such Information, either for summoning  
 the Party accused or compelling his Appearance to answer the  
 same, the Charge contained in such Information shall be deposed  
 to on the Oath of some other Person or Persons being a credible  
 Witness or credible Witnesses.

Information on  
 Oath not neces-  
 sary in first  
 instance under  
 1 & 2W. 4. c. 32.

Local Taxes in Scotland heretofore collected by the Collector of the Land Tax to be collected by the Collectors of County Assessments.

X. ' And whereas by Law the Appointment of Collectors of Land Tax in *Scotland* is now vested in the Lords Commissioners of His Majesty's Treasury, and by certain Statutes it is provided that the Collection of certain local and other Taxes and Assessments and the Performance of certain Acts should be made and done by Collectors of the Land Tax, and it is expedient in such Matters to substitute for the Collectors of the Land Tax the Collectors of County, City, and Town Assessments respectively, or such other Person or Persons as the Commissioners of Supply shall appoint in that Behalf; be it therefore enacted, That with respect to all local Taxes and Assessments, and other Matters and Duties in *Scotland* not affecting His Majesty's Revenue of Land or Assessed Taxes, as to which the Collector of the Land Tax is mentioned, or has Matters or Things to do or has Powers granted to him, such Matters or Things shall be and are hereby required to be done by, and such Powers shall be and are hereby granted to the principal Collector or Collectors, or Officer or Officers of the Nature of principal Collector or Collectors of County, City, or Town Assessments respectively, or to such other Person or Persons as the Commissioners of Supply shall appoint in that Behalf, as fully and effectually to all Intents and Purposes as if in such Statutes respecting local and other Matters the Words principal Collector of County, City, or Town Assessments respectively, or Officer of the Nature of such principal Collector, or such Person or Persons as the Commissioners of Supply shall appoint in that Behalf, had been inserted as to such Matters instead of the Words Collector of the Land Tax or other Words descriptive of the Office of Collector of the Land Tax.

Appointment of Collectors of County Assessments in Scotland to be vested in the Commissioners of Supply.

XI. Provided also, and be it declared, That notwithstanding the Transfer of the Appointment of Collectors of the Land Tax in *Scotland* to the said Lords Commissioners of His Majesty's Treasury, the Commissioners of Supply or other Persons by whom Collectors of the Land Tax were appointed before such Transfer continue to have and shall have full Power to appoint Collectors and other Officers in regard to the County, City, or Town Assessments formerly collected by Collectors of the Land Tax; and such Collectors of County, City, or Town Assessments, and other Officers, shall have in regard to such Assessments all the Powers exercised in regard to such Assessments by the Collectors of the Land Tax.

Counties and Burghs in Scotland not liable for Deficiency in Taxes occasioned by Default of Collectors appointed by Treasury.

XII. ' And whereas the Collectors of the Land and Assessed Taxes in *Scotland* are now appointed by the Lords Commissioners of His Majesty's Treasury, and Doubts have arisen touching the Liability of the several Counties and Burghs in *Scotland* charged with the raising, collecting, and paying over of the said Taxes to answer for the Failure or Default of such Collectors so appointed; and it is just and reasonable that such Counties and Burghs should be relieved from such Liability as aforesaid, and that all Doubts touching the same should be removed; be it therefore enacted and declared, That no County or Burgh in *Scotland* shall be liable to make good or to be assessed or re-assessed for any Defalcation or Deficiency in the Collection of the Land Tax or Assessed Taxes which shall or may be occasioned

sioned by the Failure or Default of any Collector or Collectors appointed or to be appointed as aforesaid.

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

Act may be altered, &c. this Session.

### C A P. LXVI.

An Act to prevent the advertising of Foreign and other illegal Lotteries. [13th August 1836.]

‘ WHEREAS the Laws in force are insufficient to prevent the advertising of Foreign and other illegal Lotteries in this Kingdom, and it is expedient to make further Provision for that Purpose:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act if any Person shall print or publish, or cause to be printed or published, any Advertisement or other Notice of or relating to the drawing or intended drawing of any Foreign Lottery, or of any Lottery or Lotteries, not authorized by some Act or Acts of Parliament; or if any Person shall print or publish, or cause to be printed or published, any Advertisement or other Notice of or for the Sale of any Ticket or Tickets, Chance or Chances, or of any Share or Shares of any Ticket or Tickets, Chance or Chances, of or in any such Lottery or Lotteries as aforesaid, or any Advertisement or Notice concerning or in any Manner relating to any such Lottery or Lotteries, or any Ticket, Chance, or Share, Tickets, Chances, or Shares thereof or therein; every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty’s Courts of Record in *Westminster* or *Dublin* respectively, or in the Court of Session in *Scotland*; one Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof to the Use of the Person who shall inform or sue for the same.

Penalty for advertising Foreign or illegal Lotteries, 50*l*.

### C A P. LXVII.

An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories. [13th August 1836.]

‘ WHEREAS His Majesty was pleased, on the Fourth Day of *February* and on the Sixth Day of *June* in the Year One thousand eight hundred and thirty-five, to issue Two several Commissions to certain Persons therein respectively named, directing them to consider the State of the Established Church in *England* and *Wales* with reference to Ecclesiastical Duties and Revenues: And whereas the said Commissioners have, in pursuance of such Directions, made Four several Reports to His Majesty, bearing Date respectively the Seventeenth Day of *March* One thousand eight hundred and thirty-five, and the Fourth Day of *March*, the Twentieth Day of *May*, and the

‘ Twenty-fourth Day of *June* One thousand eight hundred and  
 ‘ thirty-six, and have in the last of such Reports, amongst other  
 ‘ Things, recommended that the Chapter of each Cathedral Church  
 ‘ in *England*, except at *Oxford*, of the Collegiate Church of *West-*  
 ‘ *minster*, and of His Majesty’s Royal Chapel of *Windsor*, consist  
 ‘ hereafter of a Dean and Four Canons only; that the Chapter of  
 ‘ *Christ Church* in *Oxford* consist hereafter of a Dean and Six  
 ‘ Canons only; that the Chapters of *Saint Asaph* and *Bangor*  
 ‘ respectively consist hereafter of a Dean and Two Canons only;  
 ‘ that the Chapter of *Saint David’s* consist hereafter of a Pre-  
 ‘ centor and Two Canons only, and that the Chapter of *Llandaff*  
 ‘ consist hereafter of an Archdeacon and Two Canons only; and  
 ‘ that no new Appointment be made to any of the Prebends,  
 ‘ Dignities, or Offices, not being residentiary, in the several Cathed-  
 ‘ ral and Collegiate Churches, except as therein specified, nor to  
 ‘ the Deanery of *Wolverhampton*; and that all Ecclesiastical  
 ‘ Rectories without Cure of Souls, except such as are in the  
 ‘ Patronage of any College in either of the Universities, or of any  
 ‘ private Patron, be suppressed: And whereas the said Commis-  
 ‘ sioners have also recommended various other Measures, some of  
 ‘ which are connected with and dependent upon the foregoing  
 ‘ Recommendations, and it is expedient that the Reports of the  
 ‘ said Commissioners in these respects should be further considered  
 ‘ in the next Session of Parliament:’ Be it therefore enacted by  
 the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That all future Appointments to any Ecclesiastical Dignity,  
 Place, or Office referred to in the above-mentioned Recommendations  
 be made subject to such Measures and Regulations as may  
 hereafter be enacted respecting the same, except as herein-after  
 excepted; no Appointment, Presentation, or Collation be made to  
 any Canonry, Prebend, or Dignity in any Cathedral Church in  
*England* or *Wales*, or in His Majesty’s Royal Chapel of *Windsor*,  
 or in the Collegiate Churches of *Westminster* and *Ripon*, or to  
 any Benefice without Cure of Souls in *England* or *Wales*, which  
 is now vacant or which shall hereafter become vacant during the  
 Continuance of this Act: Provided always, that nothing herein  
 contained shall be construed to apply to any Archdeaconry, nor  
 to any Deanery, except the Deanery of *Wolverhampton*, nor to  
 the Dignity of Precentor in the Cathedral Church of *Saint David’s*,  
 nor to any of the Canonries in the Cathedral Churches of *York*,  
*Saint Paul’s* in *London*, *Carlisle*, *Chichester*, and *Lincoln*, nor  
 to either of the Two Canonries of *Christ Church*, which are  
 respectively annexed to the Regius Professorships of Divinity and  
 Hebrew in the University of *Oxford*, nor to the Prebend in the  
 Cathedral Church of *Worcester*, which is annexed to the Lady  
*Margaret’s* Professorship of Divinity in the same University, nor  
 to the Two Prebends in the Collegiate Church of *Westminster*,  
 which the said Commissioners have in their said Reports recom-  
 mended to be annexed to the Parishes of *Saint Margaret* and  
*Saint John* in the City of *Westminster* respectively, nor to the  
 Fourth Prebend in the Cathedral Church of *Durham*, which is  
 by an Act passed in the Second Year of His present Majesty’s  
 Reign

Future Ap-  
pointments.

Vacancies in  
Canonries,  
Prebends, or  
Dignities not to  
be filled up.

Proviso.



Reign to be annexed to the Archdeaconry of *Durham*, nor to the Prebends in the Cathedral Churches of *Gloucester*, *Norwich*, and *Rochester*, which are respectively annexed to the Masterships of *Pembroke* College in *Oxford* and of *Catherine* Hall in *Cambridge*, the Provostship of *Oriel* College in *Oxford*, and the Archdeaconry of *Rochester* respectively, nor to any Prebend now enjoyed by the Bishops of *Lincoln*, *Lichfield*, *Exeter*, and *Salisbury* in the Chapters of their respective Sees, nor to any Benefice without Cure of Souls which is in the Patronage of any College in either of the Universities or of any private Patron, nor to any Canonry in the Chapter of *Christ Church* in *Oxford* by the Vacancy of which the Canonries in the said Chapter shall be reduced below the Number of Six, nor to any Prebend or Canonry in the Chapter of any other Cathedral or Collegiate Church in *England*, or of His Majesty's Royal Chapel of *Windsor*, or of the Collegiate Churches of *Westminster* or *Ripon*, by the Vacancy of which the Prebends or Canonries in such Chapters respectively shall be reduced below the Number of Four, nor to any Canonry in the Chapter of either of the Cathedral Churches of *Wales* by the Vacancy of which the Canonries in such Chapter shall be reduced below the Number of Two.

II. ' And whereas an Act was passed in the last Session of Parliament, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales;*' be it enacted, That nothing herein contained shall be construed to prejudice or affect the said Act, excepting such Part thereof as provides that nothing therein contained shall prevent His Majesty, or any Archbishop, Bishop, or other Patron of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls which at the Time of the passing of the said Act might have or should thereafter become vacant, from appointing a Successor thereto in case he should think proper to do so, but that such last-mentioned Provision, except so far as it relates to any Canonry, Prebend, Dignity, or Benefice herein-before excepted from the Operation of this Act, be and the same is hereby repealed.

Act not to affect Act 5 & 6 W. 4. c. 30.

III. And be it enacted, That all the Provisions of the said Act, except as herein excepted, shall remain in full Force during the Continuance of this Act.

Recited Act to continue in force with this Act.

IV. And be it enacted, That this Act shall continue and be in force for One Year from the passing thereof, and if Parliament shall be then sitting, until the End of the Session of Parliament.

Duration of Act.

### C A P. LXVIII.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty, for providing for the Government of His Majesty's Settlements in *Western Australia*, on the Western Coast of *New Australia*.

10 G. 4. c. 22.

[13th August 1836.]

C A P.

## C A P. LXIX.

An Act to fix the Standard Qualities of Gold and Silver Plate in *Scotland*, and to provide for the assaying and marking thereof. [13th August 1836.]

‘ WHEREAS it is expedient that all Gold and Silver Plate and Wares wrought, sold, or exchanged in *Scotland* should be respectively of certain Standard Qualities, and should be assayed and marked in manner herein-after mentioned:’ Be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and thirty-six no Goldsmith, Silversmith, or other Person in *Scotland* shall work or make, or cause or procure to be wrought or made, any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever, less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy; nor work or make, or cause or procure to be wrought or made, any Silver Vessel, Plate or Manufacture or Ware, whatsoever, less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy; nor sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever, wrought or made after the said First Day of *October* One thousand eight hundred and thirty-six, less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy; nor sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Silver Vessel, Plate or Manufacture or Ware of Silver whatsoever, wrought or made after the said First Day of *October* One thousand eight hundred and thirty-six, less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy; and every Goldsmith, Silversmith, or other Person who shall after the said First Day of *October* One thousand eight hundred and thirty-six work or make, or cause or procure to be wrought or made, or sell, exchange, keep, or expose for Sale, or export or attempt to export out of *Scotland*, any Gold or Silver Vessel, Plate or Manufacture or Ware of Gold or Silver, less in Fineness respectively than is herein-before directed, shall for each Piece of Gold or Silver Plate so sold, exchanged, or kept or exposed for Sale, or exported or attempted to be exported as aforesaid, forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

II. And be it enacted, That on or before the First Day of *October* One thousand eight hundred and thirty-six every Goldsmith, Silversmith, or Plate-worker, or other Person carrying on any of the said Trades in *Scotland*, and also every Person who at any Time after the said First Day of *October* One thousand eight hundred and thirty-six shall follow the Trade of a Goldsmith, Silversmith, or Plate-worker, before he shall exercise the same, shall send or deliver, either to the Wardens of the Incorporation of Goldsmiths of the City of *Edinburgh*, or to the Wardens of the *Glasgow* Goldsmiths Company, a written Statement of his Christian

and

Goldsmiths not to work Gold or Silver Plate inferior to certain Standard Qualities.

Goldsmiths to send their Names, Descriptions, and Marks to the Goldsmiths Incorporation of *Edinburgh* or the Goldsmiths Company of *Glasgow*.

and Surnames, and also, if he shall carry on Trade in Copartnership, of the Style or Firm of the said Copartnership, and of his Place of Abode and Business, and of his Mark to be used as is herein-after provided, which said Mark shall be the Initial Letters of his Christian and Surnames, or, in the Case of Members of a Partnership, the Initial Letters of the Words composing the Style or Firm under which the Business of such Partnership shall be carried on, and shall also from Time to Time, when any Alteration of Circumstances shall take place in any of the said Particulars, send or deliver in as aforesaid a like Statement of such Alteration within Two Months after the same shall take place; and such Statements respectively shall be entered by the said Wardens, without Fee or Reward, in the respective Books or Registers of the said Incorporation or Company; and every such Goldsmith, Silver-smith, or Plateworker who shall neglect or refuse to send or deliver such Statement, or who shall use or strike any other Mark on such Plate or Ware as aforesaid than that which he shall so send or deliver, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

III. And be it further enacted, That every such Goldsmith, Silversmith, and Plate-worker, or Person carrying on any of the said Trades in *Scotland*, shall first strike or stamp his Mark upon all Gold and Silver Plate or Ware (except as is herein-after excepted) which he shall make or work, or cause or procure to be wrought or made, after the said First Day of *October* One thousand eight hundred and thirty-six, and shall then bring or send the same to the Assay Office of the Incorporation or Company to which he shall have sent or delivered his Name and Firm, Place of Abode and Business, and Mark as aforesaid, together with a Note or Memorandum in Writing specifying the Day of the Month and Year when such Plate is so sent to be assayed, the Place of Business and the Christian and Surnames of Worker or Maker, or the Style or Firm of the Workers or Makers of such Plate, the several Species in each Parcel of Plate, and the Number of Pieces of each Species, with the total Weight of such Pieces, and the Standard or Quality for denoting which the Worker or Maker shall require such Pieces respectively to be marked; and such Plate or Ware shall be assayed at such Assay Office in manner herein-after directed; and such Gold Plate or Ware as shall be ascertained to be not less in Fineness than Twenty-two Carats of fine Gold in every Pound Weight Troy, and such Silver Plate or Ware as shall be ascertained to be not less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy, shall be marked at such Assay Office as follows; that is to say, with the Mark of the Thistle, and with a distinct variable Letter, denoting the Year in which such Plate shall be marked, and also with the Mark or Marks used or to be used by the Incorporation or Company at whose Assay Office the same shall be assayed; and such Gold Plate or Ware as shall be ascertained to be not less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy shall be marked with the Figures 18, in addition to the said several Marks herein-before required; and such Silver Plate or Ware as shall be ascertained

Goldsmiths to strike their Mark on Plate and send it to the Assay Office to be assayed, and if found Standard marked with certain Marks.

to

to be not less in Fineness than Eleven Ounces and Ten Penny-weights of fine Silver in every Pound Weight Troy shall be marked with the Figure of *Britannia*, in addition to the several other Marks herein-before required.

Assayers em-  
powered to levy  
Rates upon  
Plate sent to be  
assayed.

IV. And be it further enacted, That it shall and may be lawful to and for the Assayer of such Assay Office, or such other Person or Persons as shall be appointed for that Purpose by the Incorporation or Company to which such Assay Office shall belong, and he and they are hereby authorized and empowered, to demand, levy, and receive from such Person and Persons as shall bring to such Assay Office any Gold or Silver Plate or Ware to be assayed and marked, for the assaying and marking thereof, such Sums of Money as shall be found necessary for defraying the Expences of such Assay Office, and such Sums shall or may be levied in respect of such Plate or Ware, either in proportion to the Weight thereof, or by the Piece upon any single Piece of such Plate or Ware which shall not exceed, if of Gold the Weight of One Ounce, or if of Silver the Weight of Three Ounces; provided always, that such Sums, where the same shall be levied by Weight, shall not exceed the Rate of One Shilling for every Ounce of Gold, and One Penny for every Ounce of Silver, and so in proportion for any greater or less Quantity; and that such Sums, where the same shall be levied by the Piece, shall not exceed One Shilling for each Piece of Gold Plate or Ware, or Three-pence for each Piece of Silver Plate or Ware; and such Incorporation and Company respectively shall from Time to Time fix and appoint such Sums so to be levied upon each Ounce Weight or upon each Piece, according to the Nature and Description thereof, and hang up and maintain in their Assay Office a Table of the Rates for the Time exigible by the Assayer for the assaying and marking of Plate and Ware, which Rates so fixed from Time to Time shall, with the Exceptions herein-after mentioned, be charged and levied equally in respect of all Plate and Ware of the same Species and Weight or Description which shall be assayed and marked at such Assay Office; and no Reduction or Advance which may be made, as herein-after provided, in the said Rates shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Class of Persons, but every such Reduction or Advance shall extend to all Plate and Ware of the same Species and Weight or Description and to all Persons sending the same to be assayed and marked as aforesaid: Provided always, that such Assayer or other Person aforesaid shall deduct from the Amount of the Rates or Sums demanded in respect of any Parcel of Plate or Ware which shall be sent to such Assay Office from any Distance greater than Thirty Miles therefrom a Sum not greater than One Third of the Amount of such Rates or Sums for or in respect of the Expence of the Carriage of such Parcel to and from such Assay Office.

Plate of objec-  
tionable Manu-  
facture to be  
returned with-  
out Assay.

V. And be it enacted, That all Gold and Silver Plate and Ware which shall be brought to either of the said Assay Offices shall be weighed and examined by the Assayer; and if it shall appear that the same is not all of one Quality of Gold or Silver, or if it be not marked with the Worker's Mark, or if it be charged with unnecessary Solder, or if all the Pieces be not affixed together which  
it

it shall appear are intended to be affixed together, then in any of such Cases, if no Intention of Fraud shall appear, such Plate or Ware shall be returned to the Owner thereof without being marked; but if such Plate or Ware shall be found free from all the Objections aforesaid, there shall be drawn or scraped so much from each Piece, in proportion to the Weight thereof, as will not exceed in the whole the Rate of Eight Grains for every Pound Weight Troy, and such Drawings or Scrapings shall immediately afterwards be divided into Two equal Portions, one whereof shall be kept by the Assayer and used by him for the Purpose of making his Assays, and the other Portion shall be locked up, with Two different Locks, in Boxes to be provided for that Purpose, which shall be called the Assayer's Boxes, the one of which shall be the Box for Gold and the other the Box for Silver, and in each of which Boxes there shall be Two Compartments; and the respective Keys of each of such Boxes shall be kept by the Deacon of the said Incorporation, or by the Chairman or Preses of the said Company respectively, and by the Assayer of the said Incorporation or Company.

Drawings to be taken for Assay and Diet.

VI. And be it further enacted, That if, on view of any wrought or manufactured Plate or Ware of Gold or Silver brought to either of the said Assay Offices to be assayed and marked, the Assayer shall suspect that too great a Quantity of base Metal or Solder is contained or concealed in such Plate or Ware, or has been used in or about the Manufacture thereof, or shall discover or suspect that any Fraud or Deceit has been practised or intended in such Manufacture by joining together Metals of different Standards of Fineness in the same Article, it shall be lawful for the said Assayer, in the Presence of any Two or more of the Wardens, whom in that Case he is hereby directed to call in for the Purpose, to break, cut asunder, or otherwise test such Article; and if it shall appear that an undue Quantity of base Metal or Solder is contained or present in any Part thereof, or that the same has been fraudulently or deceitfully manufactured by joining together Metals of different Standards of Fineness, some of such Metals being worse than the Standard with the Marks denoting which such Article shall have been required by the Worker to be marked, such Plate shall be defaced, and the same or the Value thereof, together with the Money paid or left for the Assay and Touch thereof, shall be forfeited to the said Incorporation or Company to whose Assay Office the same shall be brought, to be by them applied towards the Expences of their said Assay Office: Provided always, that if on cutting, breaking, unsoldering, or otherwise testing the Quality or Manufacture of any such Plate under the Authority aforesaid, no unnecessary Solder or other base Metal shall be found therein, and no such Fraud or Deceit shall appear to have been practised in the Manufacture thereof, the Assayer and Wardens so testing the same shall forthwith make Recompence and Satisfaction in Money to the Owner of such Plate to the full Amount of the Damage done thereto, and charge the same to the Account of the Expences of the Assay Office to which such Article shall have been so brought; and in the event of the Owner of such Plate being dissatisfied with the Judgment of the said Assayer and Wardens, the Matter shall be settled and determined by Two Jus-

Assayer may test Plate.

Compensation to be made for Damage.

Disputes to be settled by Two Justices.

tices

tices or Magistrates of the City in which such Assay Office shall be situate, upon Complaint being made to them by the Party alleged to be injured; and such Justices or Magistrates may proceed by Examination of Witnesses on Oath, if necessary, which Oath they are hereby empowered to administer; and such Sum as they shall see fit to award as the Amount of Damage shall be recoverable as a Debt due from the said Wardens, Assayer, or other Officer, to the Party so injured as aforesaid.

Portion of Drawings to be assayed, and if inferior to Standard, Plate to be defaced; if equal, to be marked.

VII. And be it enacted, That the Portion of the Drawings or Scrapings of each Piece of Gold or Silver Plate or Ware so taken by the Assayer as aforesaid for the Purpose of making his Assays shall be assayed by him, and if the same shall be found to be of a Quality inferior to that Standard with the Marks denoting which the Owner or Owners thereof shall have required the Piece wherefrom such Drawings or Scrapings shall have been taken to be marked, such Piece shall be broken and defaced, and in such defaced State returned to the Owner; and such Pieces as the said Assayer shall ascertain to be of equal or superior Fineness to the Standard for denoting which the said Owner or Owners shall have required the same to be marked shall be marked by the Assayer with the Marks hereby directed to be provided in that Behalf, and delivered to the Owner or Bringer of such Plate (he paying for the Assay and marking thereof such Sums as are hereby authorized to be charged and levied for assaying and marking such Plate); and the Drawings or Scrapings belonging to such Piece so marked shall be taken out of the Assayer's Box, and shall be deposited in Boxes to be called the Diet Boxes to be provided for that Purpose, the one of which shall be the Box for Gold and the other the Box for Silver, and in each of which Boxes there shall be Two Compartments in such Part thereof as shall be appropriated to the Standard the Marks of which shall have been stamped on the Piece from which such Drawings or Scrapings shall have been taken, and each of such Diet Boxes shall be locked with Two different Locks, the respective Keys whereof shall be kept by the said Deacon and Chairman or Preses respectively and by the Assayer, and the said Boxes shall not be opened except in the Presence of the said Court of Wardens and the said Assayer, and none of the Scrapings or Drawings shall be taken out of either of such Boxes except for the Purpose of Trial of the Diet annually as herein-after directed; and the other Portion of the said Scrapings or Drawings, or so much thereof as shall remain after the Assay thereof, shall be deposited together in the Assayer's Box in the Part thereof to be appropriated for that Purpose, and the same shall be disposed of in manner herein-after directed.

Assayer to weigh and sell Drawings from Plate assayed.

VIII. And be it further enacted, That the Assayer of the said Incorporation or Company respectively shall, in the Presence of the respective Wardens thereof, Four Times in every Year duly weigh all the Drawings and Scrapings deposited in the Assayer's Boxes, and enter the true Weight thereof in a Book to be kept for that Purpose; and it shall then be lawful for the said Wardens to sell such Drawings and Scrapings; and the Produce of such Sale shall be entered in their Book of Receipts and Payments for and on the Account of their said Assay Office, and shall be applied toward the Expences of such Office.

IX. And

IX. And be it further enacted, That the Diet Boxes belonging to the said Incorporation and Company respectively shall once in every Year be opened in Presence of the Assayer and Wardens thereof, who shall cause the Diets contained therein, with a Note of the alleged Standards thereof respectively, to be delivered to such Person or Persons as shall from Time to Time be appointed by the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or the Commissioners of His Majesty's Treasury or any Three or more of them, for the Trial of Gold and Silver Plate in *Scotland*, and such Person or Persons shall give to the Assayer whose Diets are to be tried Notice of the Time and Place appointed for such Trial, in order that he may be present thereat if he thinks fit; and if upon such Trial the said Diets shall be found equal or superior to the alleged Standards thereof respectively, then and in such Case such Person or Persons shall return the said Diets to or to the Order of the Wardens of the said Incorporation and Company respectively, who are hereby authorized to sell and dispose thereof, and, having entered the Produce thereof in the Book of Receipts and Payments of their said Assay Office, to pay and apply such Produce for and towards the Expences of such Assay Office.

Diets to be tried annually.

X. Provided always, and be it enacted, That if on the said Trial the said Diets or any of them shall be found inferior in Fineness to the alleged Standards thereof respectively, the Assayer belonging to the said Incorporation or Company whose Diets shall be so tried shall forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Penalty on Assayer if Diets found inferior to Standards.

XI. And be it further enacted, That every Warden and Assayer to be hereafter appointed by the said Incorporation of Goldsmiths of *Edinburgh or Glasgow* Goldsmiths Company, shall before entering upon their respective Offices take an Oath *de fidei administratione*, which Oath the Deacon or Clerk of the said Incorporation or Company respectively is hereby required and empowered to administer to the said Wardens and Assayers respectively.

Wardens and Assayers to take Oaths before Entry upon Office.

XII. And be it further enacted, That the Assayers, Wardens, or other Officers of the said Incorporation and Company respectively shall not discover, by Description in Words or otherwise, to any Person or Persons whatsoever any Pattern, Design, or Invention of any Piece of Gold or Silver Plate brought or to be brought to their respective Assay Offices to be assayed as aforesaid, or permit the same to be viewed or seen by any Person whatsoever except by the Persons necessarily employed or to be employed in their said Assay Offices; and such Assayers respectively shall keep a Book or Books wherein shall be entered the Names of every Owner of Plate brought to be assayed, and the several Species and Standards of Plate assayed, and an Account of the Money received for the assaying thereof, and likewise an Account of the Monies arising from the Drawings and Scrapings of Plate, and the Times when the same shall be sold in manner herein-before directed, and also an Account of the Salaries and Wages of the Officers and Servants, and of the other incidental Expences attending the carrying of this Act into execution; and every Member of such Incorporation and Company respectively shall have free Access to and

Assayers and Wardens not to discover Patterns of Plate.

Assayers to keep proper Books.

and Inspection of such Books; and if any such Warden, Assayer, or other Officer shall, contrary to the true Intent and Meaning of this Act, discover any Pattern or Invention as aforesaid, such Warden, Assayer, or other Officer shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Custody of Dies.

XIII. And be it further enacted, That the Dies, Punches, or marking Instruments of the said Incorporation and Company shall be respectively locked up in a Box, whereof the Key shall be kept by the Assayer of the said Incorporation or Company, to be used by him for the Purpose of marking Plate which shall have been assayed and ascertained to be of the proper Standard; and if such Assayer shall mark or cause to be marked with any Mark or Impression of the said Incorporation or Company any Plate that has not been duly assayed and found of the proper Standard, such Assayer shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned, and shall also be deprived of his Office, and be for ever afterwards incapable of exercising the Office of Assayer.

Penalty on Assayer for marking Plate not duly assayed.

Incorporation and Company may make Bye Laws for the Regulation of their Assay Offices.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Incorporation and Company, and each of them, or the major Part of such Incorporation or Company, and they are hereby empowered, from Time to Time to make Bye Laws, Rules, and Orders for the well Government and Management of their respective Assay Offices, and for fixing the Salaries and Emoluments of their Officers employed therein, and for prescribing the Time and Manner for receiving and returning Plate brought to be assayed, and for every other Purpose relative to the Conduct and Management of their respective Assay Offices.

Overplus of Rates to be applied in Prosecution of Offenders.

XV. Provided also, and be it enacted, That in case the said Sums or Rates hereby allowed to the said Incorporation and Company respectively for the assaying and marking of Plate shall in the whole be more than sufficient to defray the Expences of such Assay Offices respectively, the Overplus shall be applied by such Incorporation or Company to which such Assay Office shall belong in the Prosecution of suspected Offenders against this Act; and if such Overplus shall be more than shall be required for that Purpose, such Incorporation or Company shall respectively reduce their Rates or Sums hereby authorized to be levied as aforesaid, or such of them as they in their Discretion shall think proper to be reduced, to such Rates or Sums as will answer the Purposes before mentioned without bringing any Profit to such Incorporation or Company: Provided always, that if such reduced Rates shall at any Time be found insufficient for the Purposes before mentioned, the same may be raised again as much as shall be necessary for such Purposes, such Rates however never exceeding the Rates herein-before authorized to be levied; and the said Assayers of the said Incorporation and Company respectively are hereby authorized and empowered to levy and take such reduced or raised Rates or Sums in manner herein-before provided with respect to Rates or Sums which may be originally imposed.

Rates may be reduced or raised.

Exception as to certain Gold Wares.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to render it necessary that any of the following



following Wares of Gold should be stamped or marked with any of the Marks hereby required; (that is to say,) Rings, Collets for Rings or other Jewels, Chains, Necklace Beads, Lockets, Medals, hollow or raised Buttons, Sleeve Buttons, Thimbles, Coral Sockets and Bells, Ferrils, Pipe Lighters, Cranes for Bottles, very small Book Clasps, Stock or Garter Clasps jointed, very small Nutmeg Graters, Rims of Snuffboxes whereof the Tops and Bottoms are made of Shell or Stone, Sliding Pencils, Toothpick Cases, Tweezer Cases, Pencil Cases, Needle Cases, any Filigree Work, any Sorts of Tippings or Swages on Stone or Ivory Cases, any Mounts, Screws, or Stoppers to Stone or Glass Bottles or Phials, any small or light Ornaments put to Amber or other Eggs of Urns, any wrought Seals, or Seals with Cornelian or other Stones set therein, or any Gold, Vessel, Plate, or Manufacture so richly engraved, carved, or chased, or set with Jewels or other Stones, as not to admit of an Assay to be taken thereof, or a Mark to be struck thereon, without damaging, prejudicing, or defacing the same, or such other Things as by reason of the Smallness or Thinness thereof are not capable of receiving the Marks hereby required, or any of them, and not weighing Ten Pennyweights of Gold each.

XVII. And be it further enacted, That nothing in this Act contained shall extend to render it necessary that any of the following Wares of Silver should be stamped or marked with any of the Marks hereby required; (that is to say,) Chains, Necklace Beads, Lockets, any Filigree Work, Shirt Buckles or Brooches, stamped Medals, or Spouts to China, Stone, or Earthenware Teapots, or any of them, of any Weight whatsoever, or Tippings, Swages, or Mounts, or any of them, not weighing Ten Pennyweights of Silver each, or any Necks or Collars for Castors, Cruets, or Glasses appertaining to any Sort of Stand or Frame, or any Ware of Silver whatsoever, not weighing Five Pennyweights of Silver each, or any Buttons to be affixed or set on any Wearing Apparel, solid Sleeve Buttons, and solid Studs, not having a bisseled Edge soldered on, wrought Seals, blank Seals, Bottle Tickets, Shoe Clasps, Patch Boxes, Buckles, or any Pieces to garnish Cabinets of Knife Cases or Tea Chests, or Bridles, or Stands, or Frames.

Exception as to certain Silver Wares.

XVIII. And be it further enacted, That if any Goldsmith, Silversmith, or Worker or Dealer in Plate, or other Person, shall knowingly sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Gold or Silver Plate or Ware (except as herein is excepted) made or wrought after the said First Day of *October* One thousand eight hundred and thirty-six which shall not respectively be marked with the proper Marks herein-before required to be stamped on the Kind and Standard Quality of which such respective Plate or Ware shall be, every Person so offending shall for each Piece of Gold or Silver Plate so sold, exchanged, or kept or exposed for Sale, or exported or attempted to be exported as aforesaid, forfeit and pay a Sum not exceeding One hundred Pounds, and shall also forfeit all such Plate and Ware not duly marked as aforesaid which shall be so sold, exchanged, or exposed or kept for Sale, exported or attempted to be exported, such Penalties and Forfeitures to be levied, recovered, and applied in manner herein-after mentioned.

Penalty for selling or exporting Plate not duly marked.

Forging or imitating Dies or Marks, stamping with forged Dies, &c., and fraudulently using the lawful Dies, declared Felony.

XIX. And be it further enacted, That if any Person shall forge, or counterfeit, or shall cause or procure to be forged or counterfeited, any Die, Punch, or other marking Instrument, or any Part of any Die, Punch, or marking Instrument, used or provided or to be used or provided for striking or impressing any Mark or Impression by this Act directed to be used, or which in pursuance of this Act hath been or shall or may be used, by or under the Direction of the said Incorporation or Company respectively, or by any Maker or Worker of Gold or Silver Plate, or by or under the Direction of any other Person or Persons legally authorized in that Behalf, for the Purpose of stamping or marking Gold or Silver Plate; or if any Person shall forge, counterfeit, or imitate, or shall cause or procure to be forged, counterfeited, or imitated, upon any Gold or Silver Plate, or upon any Ware or Manufacture, of base Metal or Mixture of Metals, the Stamp, Mark, or Impression, or any Part of the Stamp, Mark, or Impression, of any such Die, Punch, or other marking Instrument as aforesaid; or if any Person shall stamp or mark, or shall cause or procure to be stamped or marked, any Gold or Silver Plate, or any Ware or Manufacture of base Metal, with any such forged or counterfeit Die, Punch, or marking Instrument, or Part of a Die, Punch, or marking Instrument as aforesaid; or if any Person shall transpose or remove, or shall cause or procure to be transposed or removed, from any Piece of Gold or Silver Plate to any other Piece of Plate either of Gold or Silver, or to any Ware or Manufacture of base Metal, any Mark or Impression directed to be used or which hath been or shall or may be used as aforesaid; or if any Person shall sell, exchange, or expose for Sale, or shall export or attempt to export out of any Part of *Scotland*, or shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any Gold or Silver Plate, or any Ware or Manufacture of base Metal, having thereupon the Mark or Impression of or from any such forged or counterfeit Die, Punch, or marking Instrument as aforesaid, or having thereupon any such forged or counterfeit Mark or Impression as aforesaid, or any Mark or Impression which shall have been so transposed or removed as aforesaid, knowing the same respectively to be forged, counterfeit, transposed, or removed; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any such forged or counterfeit Die, Punch, or marking Instrument, or Part of a Die, Punch, or marking Instrument as aforesaid; or if any Person shall cut out of or sever from any Piece of Plate of Gold or Silver any Mark or Impression, or any Part of any Mark or Impression, made with any such Die, Punch, or marking Instrument as aforesaid, with Intent that such Mark or Impression, or Part of a Mark or Impression, shall or may be placed upon or joined or affixed to any other Piece of Plate either of Gold or Silver, or to any Ware or Manufacture of base Metal; or if any Person shall place upon or join or affix to any Piece, of Plate, either of Gold or Silver, or any Ware or Manufacture of base Metal, any such Mark or Impression, or any Part of any such Mark or Impression, which hath been or shall have been cut out of or severed from any Piece of Plate of Gold or Silver;

or

or if any Person shall privately or secretly employ or use, or cause or procure to be employed or used, any genuine or lawful Die, Punch, or marking Instrument so used or provided or to be used or provided as aforesaid; then and in every such Case every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and, being 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 nor less than Two Years, as the Court shall award.

XX. And be it enacted, That upon Information given before any Justice of the Peace upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), that there is reasonable or probable Cause to suspect any Person of being or having been engaged or concerned in making any false or counterfeit Die, Punch, or other Instrument, for the Purpose of unlawfully marking any Gold or Silver Plate, or any Ware or Manufacture of base Metal or Mixture of Metals, or of being or having been engaged or concerned in the unlawful stamping or marking of any such Plate, Ware, or Manufacture as aforesaid, or of being or having been unlawfully possessed of any such false or counterfeit Die, Punch, or Instrument as aforesaid, or of any such Plate, Ware, or Manufacture as aforesaid with any counterfeit Mark or Impression thereon, or of being or having been engaged or concerned in fraudulently or unlawfully, or without due Authority, marking or impressing any genuine or lawful Die, Punch, or Instrument on any such Plate, Ware, or Manufacture, or of being or having been unlawfully possessed of any such genuine or lawful Die, Punch, or Instrument, or of being or having been engaged or concerned in the Commission of any other felonious or fraudulent Act or Offence with relation to the assaying and marking of Gold or Silver Plate, it shall be lawful for such Justice and he is hereby required, on the Application of any Warden or other Officer of the said Incorporation or Company, to grant a Warrant under his Hand, directed to any Constable, Peace Officer, or other Person or Persons named in such Warrant, authorizing or empowering him or them, with such other Person or Persons as he or they shall call to his or their Assistance, to enter and search any House, Room, Shop, Warehouse, Outhouse, Building, or other Place belonging to such suspected Person, or where such Person shall be suspected of being or having been engaged or concerned in the Commission of any such Offence as aforesaid, or where any such Die, Punch, or Instrument, or Plate, Ware, or Manufacture as aforesaid, shall be or shall be suspected to be, and there to search for, seize, and take away all such Dies, Punches, or Instruments, and all such Plate, Wares, and Manufactures as aforesaid, in order that the same may be given in Evidence against any such Offender; and all Plate, Wares, and Manufactures which shall be lawfully seized as forfeited under any of the Provisions of this Act by any Officer of the said Incorporation or Company, or which shall be lawfully seized under any such Warrant as aforesaid, granted on the Application of any such Officer, shall be forfeited to the Incorporation

Upon Information on Oath against Persons suspected of felonious Offences, Justices may grant Search Warrants.

Plate, Wares, and Manufactures forfeited, how to be disposed of.

or Company to which such Officer shall belong, and shall be disposed of as such Incorporation or Company shall think fit.

Penalty on striking Letters on base Metal.

XXI. And be it enacted, That if any Goldsmith, Silversmith, or Worker or Dealer in wrought Gold or Silver Plate, or any Worker or Dealer in any other Metal, shall stamp or cause to be stamped any Letter or Letters upon any Article or Thing made of Metal plated or covered with Gold or Silver, or of any Metal or Mixture of Metals made or intended to resemble Gold or Silver, every such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Penalties how to be recovered and applied.

XXII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act shall be recovered by any Person or Persons who shall sue for the same before any Two Justices of the Peace having Jurisdiction within the County, City, Borough, or Place in which the Offence shall have been committed or where the alleged Offender shall reside, or before the Sheriff of any such County; and it shall be lawful for such Justices or Sheriff to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of immediately before them or him, and on Proof by the Confession of the Offender, or on the Oath of One or more credible Witness or Witnesses or other legal Evidence, forthwith to determine and give Judgment in such Complaint; and if on Conviction the Penalties hereby imposed be not immediately paid, the said Justices or Sheriff are hereby empowered to grant Warrant for the Recovery thereof, and of the Expences decreed for, by Poining and Sale, according to the Law of *Scotland*; and in case such Penalties shall not be forthwith paid upon Conviction, and if by the Confession of the Offender, or the Report of a Sheriff's Officer or Constable, it shall appear that no sufficient Goods or Effects can be found within any Place in the said County known to such Officer or Constable, then it shall be lawful for such Justices or Sheriff, by a Warrant under their or his Hand, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County where the Matter of Complaint may arise, or for the nearest Burgh in such County, there to remain without Bail for such Time as such Justices or Sheriff shall direct, not exceeding Six Calendar Months, unless such Penalties and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied; and the Penalties so paid or recovered shall belong, one Half thereof to the Person or Persons suing for the same, and the other Half thereof to His Majesty, His Heirs and Successors: Provided always, that if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment of any such Justices, such Person or Persons may, upon finding Caution to implement such Judgment and to pay such Costs as may be ordered in case the same shall be affirmed, appeal from the Judgment of the said Justices to the Justices of the Peace at the next General Quarter Sessions for the County which shall happen not sooner than Ten Days after such Judgment shall have been given; and the Judgment of such Sheriff, and of such Justices in Quarter Sessions, shall be final, and shall

shall not be subject to Review by Advocation, Suspension, Reduction, or otherwise.

XXIII. And be it further enacted, That in all Prosecutions or other Proceedings under this Act, or any Act or Acts of Parliament touching the assaying or marking of wrought or manufactured Plate or Ware of Gold or Silver, or any Fraud in the Manufacture thereof, or touching any Duty or Duties granted or to be granted to His Majesty upon such Plate or Ware, or touching any Licence or Licences required to be taken out by Dealers in such Plate or Ware, any and every Member and Freeman of the said Incorporation or Company shall at all Times in or before any Court or Magistrate be considered and received as a competent and credible Witness to be examined and give Evidence upon Oath touching any Felony, Fraud, or other unlawful Act with which any Person or Persons shall or may be charged or accused, notwithstanding any Interest which such Member or Freeman may have or may be considered to have in the Funds of the said Incorporation or Company, or as such Member or Freeman, in the Result of such Prosecution or other Proceeding.

Members of the Incorporation or Company to be competent Witnesses in Prosecutions.

XXIV. And be it enacted, That nothing herein contained shall affect or alter, or be construed to affect or alter, the Provisions of an Act passed in the Fifty-ninth Year of His late Majesty King George the Third, intituled *An Act for establishing an Assay Office in the City of Glasgow*, but such Act shall continue in full Force and Effect, except so far as the same is expressly altered or varied by this Act; and that nothing herein contained shall in any Manner supersede or annul any of the Enactments, Clauses, Powers, Offences, or Penalties created by any Act or Acts now in force whereby any Duty or Duties are or have been granted to His Majesty on wrought or manufactured Plate, or on any Licence or Licences which are or may be required to be taken out by Dealers in such Plate.

Act not to affect 59 G. 3. c. xxviii. or Acts granting Duties on Plate or on Dealers Licences.

XXV. 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. LXX.

An Act to facilitate the Conveyance of Sites for School Rooms. [13th August 1836.]

WHEREAS it is expedient to promote the Education of poor Children in the Principles of true Religion and useful Knowledge, and to afford additional Facilities for the Erection of School Rooms to be used for that Purpose: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Lord or Lady of any Manor, whether seised in Fee Simple, Fee Tail, or for Life, or being a Corporation Aggregate or Sole, or a Feme Covert (with the Consent of her Husband), or a Minor (with the Consent of his or her Guardian or Guardians), or an Idiot or Lunatic (by his or her Committee or Committees), to convey to the Incumbent and Churchwardens of any Parish in

Lords of Manors may convey any Part of Commons or Wastes as Sites for Poor Schools.

which a School for the Education of poor Children is intended to be erected, or to the Trustees of any such School in any Parish or Extra-parochial Place, so much of the Common or Waste Grounds in any such Parish or Extra-parochial Place as may be required for the Site of such School, and of a House or Houses for the Master or Mistress of such School; and the Conveyance of such Part of the Common or Waste Grounds by the Lord or Lady of the Manor wherein the same shall be situate shall be a good and sufficient Conveyance for the Purpose of vesting the Fee Simple and Inheritance thereof in the Parties to whom the same shall be conveyed, for the Purpose herein-before specified, as fully and effectually as if every Person having Right of Common upon such Common or Waste Grounds had joined in and executed such Conveyance.

All Persons, including those incapacitated by Law, may convey Land for Poor Schools.

II. And be it further enacted, That it shall be lawful for all Persons being seised in Fee Simple, Fee Tail, or for Life, Femes Covert (with the Consent of their Husbands), Minors (with the Consent of their Guardians), and Idiots or Lunatics (by their Committees), to convey any Portion of Land of which they may respectively be seised, including Copyhold Land, if the Lord or Lady of the Manor shall consent thereto, in the same Manner, to the same Persons, and for the same Purpose as herein-before authorized with respect to Common or Waste Ground.

Ecclesiastical Bodies, Corporate or Sole, may convey any Portion of their Lands as Sites for Poor Schools, &c.

III. And be it further enacted, That it shall be lawful for any Spiritual or Ecclesiastical Body Corporate, or Spiritual Person being a Corporation Sole, to convey any Portion of Land belonging to any such Body Corporate, or belonging to any such Spiritual Person in the Capacity of a Corporation Sole in respect of any Ecclesiastical Preferment held by him, to the Incorporated National Society for promoting the Education of the Poor in the Principles of the Established Church, or to the Minister and Churchwardens for the Time being of the Parish wherein such Land shall be situate, or to any Trustees to be named by the Bishop of the Diocese, for the Purpose of erecting thereon a School Room or School Rooms to be used for the Education of poor Children in the Principles of the Christian Religion, according to the Doctrines and Discipline of the United Church of *England* and *Ireland*, and also, where it may be required, for the Purpose of erecting thereon a House or Houses for the Master and Mistress of such Schools: Provided always, that in case of any Spiritual Person being a Corporation Sole, the Consent of the Bishop of the Diocese shall be testified by his being a Party to the Conveyance of such Land; and all Conveyances made by virtue and according to the Provisions of this Act shall be valid and effectual in Law to all Intents and Purposes for vesting the Fee Simple and Inheritance of the Land conveyed thereby in the Parties to whom the same shall be conveyed for the Purpose herein-before specified.

Provision for School Rooms built before passing of this Act.

IV. And be it further enacted, That in any Case where before the passing of this Act a School Room or House for a School Master or Mistress shall have been built upon Common or Waste Land of a Manor, the Lord or Lady of which was not enabled by Law to make a valid and effectual Conveyance thereof, or on Land belonging to any Person or Persons or Corporation not enabled

enabled by Law to make a valid and effectual Conveyance thereof, such Person or Persons or Corporation shall have, with respect to the Site of such School Room and House, all the Powers which are by this Act given with respect to the Conveyance of Sites upon which School Rooms or Houses are intended to be built, subject in every Case to the Provisions in this Act contained as to the Consent of the Bishop of the Diocese to the Conveyance by a Spiritual Person being a Corporation Sole.

V. And be it further enacted, That all Conveyances by this Act authorized to be made shall be by Bargain and Sale enrolled, and may be so made either for a valuable Consideration or as a free Gift; and that if any Money shall be paid to a Spiritual Person, being a Corporation Sole, the same shall be applied and disposed of for the Benefit of such Spiritual Person and his Successors, in such Manner as the Bishop in whose Diocese the Land so conveyed shall be situated shall, by Writing under his Hand to be registered in the Registry of his Diocese, direct and appoint.

Conveyances may be made either for a valuable Consideration or as a free Gift.

Land to be conveyed not to exceed in Quantity Half an Acre.

VI. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons, Corporation or Corporations, by virtue of this Act to convey any Common or Waste Ground being Part of a Manor, or any other Land or Ground, for the Site of any School and House or Houses for the Master or Mistress thereof, which shall exceed in Quantity One Half of a Statute Acre; and that the Quantity and Value thereof to be conveyed in every Case shall be ascertained immediately previous to such Conveyance by a Land Surveyor, to be appointed, in case the said Land or Ground shall belong to any Spiritual or Ecclesiastical Body or Person, by the Bishop of the Diocese in which the Land shall be situated, by an Instrument under his Hand; and that the said Instrument and the Report of the Survey and Valuation by such Surveyor (such Report being verified by the Declaration of the said Surveyor before a Justice of the Peace, and in case the said Land or Ground shall belong to any Spiritual or Ecclesiastical Body or Person, signed by the Bishop in Testimony of his Approbation thereof,) shall be annexed to the Deed of Conveyance.

### C A P. LXXI.

An Act for the Commutation of Tithes in *England* and *Wales*. [13th August 1836.]

‘ WHEREAS it is expedient to amend the Laws relating to Tithes in *England* and *Wales*, and to provide the Means for an adequate Compensation for Tithes, and for the Commutation thereof:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of His Majesty’s Principal Secretaries of State to appoint Two fit Persons to be Commissioners to carry this Act into execution, and for the Archbishop of *Canterbury*, under his Hand and Archiepiscopal Seal, to appoint One fit Person to be a Commissioner to carry this Act into execution, and for the said Archbishop and Secretary of State, at their joint Pleasure, to

Appointment of Commissioners.

remove any One or more of the Commissioners so appointed; and upon every Vacancy in the Office of Commissioner some other fit Person shall be appointed to the said Office in the same Manner and by the same Authority as the Commissioner whose Vacancy is thereby supplied; and until such Appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if no such Vacancy had occurred.

Style of Commissioners.

II. And be it enacted, That the said Commissioners shall be styled "The Tithe Commissioners for *England* and *Wales*," and shall have their Office in *London* or *Westminster*, and they or any Two of them may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Agreements and Awards confirmed by the said Commissioners in pursuance of this Act; and all such Agreements and Awards and other Instruments proceeding from the said Board, or Copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof; and no Agreement or Award shall be of any Force unless the same shall be sealed or stamped as aforesaid.

To have a Common Seal.

Awards, &c. sealed with such Seal to be Evidence.

Commissioners to report to Secretary of State.

III. And be it enacted, That the said Commissioners shall from Time to Time give to any One of His Majesty's Principal Secretaries of State such Information respecting their Proceedings or any Part thereof as the said Principal Secretary of State shall require, and shall once in every Year send to One of the Principal Secretaries of State a general Report of their Proceedings; and every Year such general Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State if Parliament be sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting thereof.

Annual Report to be laid before Parliament.

Power to appoint Assistant Commissioners, Secretary, Assistant Secretary, &c.

IV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint a sufficient Number of Persons to be Assistant Commissioners, and also a Secretary and Assistant Secretary, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, or Assistant Secretary, Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so appointed shall assist in carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct: Provided always, that the said Commissioners shall not appoint more than Twelve such Assistant Commissioners to act at any One Time, unless the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, shall, in the Case of each such Appointment, consent thereto; provided further, that the Number of such Clerks, Messengers, and Officers shall be subject to the like Consent.

Limiting the Number of Appointments.

Commissioners not to sit in H.C.

V. And be it enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall during his Continuance in such Office be capable of being elected or of sitting as a Member of the House of Commons.



VI. And be it enacted, That no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Five Years, and of the then next Session of Parliament, so much of this Act as authorizes any such Appointment shall cease.

Duration of Act as to Appointment of Commissioners, &c.

VII. And be it enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salaries of the Secretary, Assistant Secretary, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any Three of them: Provided always, that the Salary of a Commissioner shall not exceed the Sum of One thousand five hundred Pounds a Year, nor the Allowance to an Assistant Commissioner the Sum of Three Pounds for every Day that he shall be actually employed or travelling in the Performance of the Duties of his Office, nor the Salaries of the Secretary or Assistant Secretary the Sum of Eight hundred Pounds a Year; and that the Salaries of the Clerks, Messengers, and other Officers shall be in fit Proportion: Provided also, that the said Lord Treasurer or Lords Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling and other Expences as may have been incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

Salaries of and Allowances to Commissioners and Assistant Commissioners, Secretary, and other Officers.

VIII. And be it enacted, That the Salaries, Allowances, and travelling and other Expences of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expences of carrying this Act into execution, not herein otherwise provided for, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury out of the Consolidated Fund.

Such Salaries, &c. how to be paid.

IX. And be it enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the Execution of his Office, take the following Oath before One of the Judges of His Majesty's Court of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say,)

Oath of Commissioners and Assistant Commissioners.

‘ I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner [*or Assistant Commissioner, as the Case may be,*] under an Act passed in the Year of King *William* the Fourth, intituled [*here set forth the Title of this Act*].’

And the Appointment of every such Commissioner and Assistant Commissioner, with the Time when and the Name of the Judge or Baron before whom he shall have taken the Oath aforesaid, shall be forthwith published in the *London Gazette*.

Appointment to be published in Gazette.

X. And be it enacted, That the said Commissioners, or any Assistant Commissioner, may, by Summons under their or his Hand, require the Attendance of all such Persons as they or he may

Commissioners or Assistant Commissioner may summon

and examine  
Witnesses.

may think fit to examine upon any Matter brought before them or him as herein-after mentioned relating to the Commutation of Tithes, and also make any Inquiries and call for any Answer or Return as to any such Matter, and also administer Oaths, and examine all such Persons upon Oath, and cause to be produced before them or him upon Oath all Books, Deeds, Contracts, Agreements, Accounts, and Writings, Terriers, Maps, Plans, and Surveys, or Copies thereof respectively, in anywise relating to any such Matter: Provided always, that no such Person shall be required, in obedience to any such Summons, to travel more than Ten Miles from the Place of his Abode, or to produce any Deeds, Papers, or Writings relating to the Title of any Lands or Tithes.

Commissioners  
may delegate  
Powers to As-  
sistant Commis-  
sioners, except  
the Powers to  
be exercised  
under their  
Seal.

XI. And be it enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any One or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, (except the Power to confirm Agreements and Awards, or to frame Forms of Agreements and other Instruments, as herein-after provided, or to do any Act herein required to be done under the Seal of the said Commissioners,) and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Nonobservance thereof shall be punishable in like Manner.

Meaning of the  
Words " Per-  
son," " Lands,"  
" Tithes,"  
" Parish,"  
" Parochial,"  
" Land Owner,"  
" Tithe Owner,"  
as used in this  
Act.

XII. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word " Person " shall mean and include the King's Majesty, and any Body Corporate, Aggregate, or Sole, as well as an Individual; and any Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; and any Word importing the Masculine Gender only shall mean and include a Female as well as a Male; and the Word " Lands " shall mean and include all Messuages, Lands, Tenements, and Hereditaments; and the Word " Tithes " shall mean and include all uncommuted Tithes, Portions and Parcels of Tithes, and all Moduses, Compositions Real, and Prescriptive and Customary Payments; and the Word " Parish " and " Parochial " shall mean and include and extend to every Parish and every Extra-parochial Place, and every Township or Village, within which Overseers of the Poor are separately appointed under the Provisions of an Act passed in the Thirteenth and Fourteenth Years of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for the better Relief of the Poor of this Kingdom*, and every District of which the Tithes are payable under a separate Impropriation or Appropriation, or in a separate Portion or Parcel, or which the Commissioners shall by any Order direct to be considered as a separate District for the Commutation of Tithes; and the Words " Land Owner " or " Tithe Owner " or " Owner of Lands " or " Owner

13 & 14 Car. 2.  
c. 12.

“Owner of Tithes” shall mean and include every Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Lands or Tithes, (except any Tenant for Life or Lives, or for Years, holding under a Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and except any Tenant for Years whatsoever holding under a Lease or Agreement for a Lease for a Term which shall not have exceeded Fourteen Years from the Commencement thereof,) and that without regard to the real Amount of Interest of such Person; and in every Case in which any Tithes or Lands shall have been leased or agreed to be leased to any Person for Life or Lives, or for Years, by any Lease or Agreement for a Lease on which a Rent less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and of which the Term shall have exceeded Fourteen Years from the Commencement thereof, the Person who shall for the Time being be in the actual Receipt of the Rent reserved upon such Lease or Agreement for a Lease shall, jointly with the Person who shall be liable to the Payment of such Rent of such Tithes or Lands, be deemed for the Purposes of this Act to be the Owner of such Tithes or Lands; and in every Case in which any Person shall be in Possession or Receipt of the Rents or Profits of any Tithes or Lands under any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Order of a Court of Equity, the Person against whom such Writ shall have issued, or who but for such Order would have been in Possession, shall, jointly with the Person in Possession by virtue of such Writ or Order, be deemed for the Purposes of this Act to be the Owner of such Tithes or Lands.

Where Parties  
to be deemed  
joint Owners.

XIII. And be it enacted, That whenever the Ownership of any Lands or Tithes to which the Provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty's Woods, Forests, and Land Revenues for the Time being, or in case such Lands or Tithes shall be vested in His Majesty in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Chancellor of the Duchy of *Lancaster*, or the Officers of the Duchy of *Cornwall* entitled to grant Leases of Lands Parcel of the Duchy of *Cornwall*, shall for the Purposes of this Act be substituted instead of the Owner of such Lands or Tithes respectively; and whenever the Patronage of any Benefice to which the Provisions of this Act are intended to apply shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being where the Value of such Benefice is above the yearly Value of Twenty Pounds in the King's Books, and where such Value is of or below the yearly Value of Twenty Pounds in the King's Books the Lord Chancellor or Lord Keeper or First Lord Commissioner of the Great Seal for the Time being, shall for the Purposes of this Act be substituted instead of the Patron: Provided nevertheless, that if such Patronage is vested in His Majesty in right of the Duchy of *Lancaster*, the Chancellor for the Time being of such Duchy shall for the Purposes of this Act be substituted instead of the Patron.

When the  
Ownership of  
Lands or Tithes  
or Patronage is  
vested in the  
Crown, who  
shall be deemed  
the Owner or  
Patron.

XIV. And

When the same Person is Owner of Lands and Tithes, he may be dealt with in both Characters.

XIV. And be it enacted, That whenever any Person shall be at the same Time Owner of any Lands and Owner of any Tithes comprised within any Agreement to be executed pursuant to the Provisions of this Act, or besides being Owner of any Lands or of any Tithes shall also be Patron of the Benefice to which the Tithes in question may belong, such Person, in relation to such Agreement, may act and be dealt with in each of the several Characters so borne by him as aforesaid.

In case the Patron or Owner is under legal Disability, who to act.

XV. And be it enacted, That whenever the Patron of any Benefice or the Owner of any Lands or Tithes to which the Provisions of this Act are intended to apply, or any Person interested in any Question as to any Tithes, shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the Commissioners after due Inquiry shall have been made by them as to the Fitness of such Person, and whom they are hereby empowered to nominate under their Hands and Seal, shall for the Purposes of this Act be substituted in the Place of such Patron, Owner, or Person so interested.

Acts may be done by Agents duly authorized.

XVI. And be it enacted, That it shall be lawful for any Land Owner, or Tithe Owner, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed to be done by or with relation to any Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Agreement, and to vote on any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof authenticated by the Signature of Two credible Witnesses, shall be appended to every Agreement executed by any such Agent, and shall be sent with it to the Office of the Commissioners as herein-after provided; and any such Power of Attorney may be in the Form following:

Power of Attorney.

‘ I *A. B.* of [*&c.*] do hereby appoint *C. D.* of [*&c.*] to be my lawful Attorney to act for me in all respects as if I myself were present and acting in the Execution of an Act passed in the Sixth and Seventh Years of His present Majesty, intituled ‘ [*here insert the Title of this Act*].

(Signed) ‘ *A. B.*’

Parochial Meetings may be called, at which Owners of Two Thirds in Value may agree on the Sum to be paid to the Tithe Owners, which Agreement shall

XVII. And be it enacted, That any One or more of the Land Owners or Tithe Owners, whose Interest respectively shall not be less than One Fourth Part of the whole Value of the Lands subject to Tithes, or One Fourth Part of the whole Value of the Tithes of any Parish in *England* or *Wales*, may call a Parochial Meeting of Land Owners and Tithe Owners within the Limits of the Parish, by Notice thereof in Writing under his or their Hand, to be affixed at least Twenty-one Days before such Meeting on the principal outer Door of the Church, or in some public and conspicuous

spicuous Place within the Limits of the Parish, and to be twice at least during such Twenty-one Days inserted in some Newspaper generally circulated within the County in which such Parish is situated, for the Purpose of making an Agreement for the general Commutation of Tithes within the Limits of such Parish; and every Land Owner and Tithe Owner attending such Meeting shall bear his own Expences of Attendance; and the Land Owners and Tithe Owners who shall be present at any such Meeting called as aforesaid, and whose Interest in the Lands and Tithes of the Parish respectively shall not be less than Two Thirds of the Lands subject to Tithes, Two Thirds of the Great Tithes and Two Thirds of the Small Tithes of the Parish, may proceed to make and execute a Parochial Agreement for the Payment of an annual Sum by way of Rent-charge, variable as herein-after provided, instead of the Great and Small Tithes of the Parish collectively, or instead of the Great Tithes and Small Tithes severally, to the respective Owners thereof in the said Parish; and every Agreement so made and executed, and confirmed in manner herein-after mentioned, shall be binding on all Persons interested in the Tithes or Lands subject to Tithes of the said Parish.

bind the whole Parish.

XVIII. And be it enacted, That the Majority of such Land Owners and Tithe Owners present at every such Meeting shall elect a Chairman, who shall forthwith proceed to ascertain the Interest of the Land Owners and Tithe Owners then present in Person or by their Agents; and in case it shall thereupon appear that the Persons present at such Meeting have not a sufficient Interest in the Premises as aforesaid to make and execute such an Agreement which shall be binding on all Persons interested therein, it shall be lawful notwithstanding for any Number of the Persons then present to make and execute a provisional Agreement for the Commutation of Tithes of the like Form and Tenor; and every such provisional Agreement which shall be executed within Six Calendar Months from the Day of the first making thereof by the Land Owners and Tithe Owners whose Interest in the Lands and Tithes of the Parish shall not be less than Two Thirds of the Lands subject to Tithes, Two Thirds of the Great Tithes and Two Thirds of the Small Tithes of the Parish respectively, shall be as binding as if executed by all the Parties thereto at the Meeting at which the Agreement was first made.

Provisional Agreements may be made at the Parochial Meetings.

XIX. Provided always, and be it enacted, That the proportional Interest of the Owners of such Lands or Tithes, so far as relates to their Power to make any such Agreement or provisional Agreement, or to give any Notice to the Commissioners or Assistant Commissioners as herein-after provided, shall be estimated according to the proportional Sum at which such Lands or Tithes shall be rated to the Relief of the Poor, or, if there shall be no such Rate, according to the Rules by which Property of the same Kind is by Law rateable to the Relief of the Poor.

Proportional Interest in Lands and Tithes how to be estimated for the Purposes of this Act.

XX. And be it enacted, That in case an Adjournment of the said Meeting for any Cause shall be desired by a Majority of the Persons attending such Meeting, the Chairman shall adjourn the Meeting to any Time and Place then by him to be declared, and so from Time to Time in case the same shall be in like Manner desired

Meeting may be adjourned.

desired by a Majority of the Persons attending such Meeting; and Notice of every adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting or the last Adjournment thereof shall have been holden; and the like Order of proceeding shall be observed at any such adjourned Meeting, and every thing done at any such adjourned Meeting shall be as valid as if done at the original Meeting.

Form of  
Parochial  
Agreement.

XXI. And be it enacted, That every such Agreement shall bear Date on the Day on which the first Signature is attached thereto, and every such Agreement or some Schedule thereunto annexed shall set forth all the Lands of the said Parish which are subject to the Payment of any Kind of Tithes, and also the true or estimated Quantity in Statute Measure of Land subject to Tithes within the Parish which shall be then cultivated as Arable, Meadow, or Pasture Land, or as Wood Land, Common Land, or howsoever otherwise, and shall also set forth whether any Modus or Composition Real, or Prescriptive or Customary Payment, shall be payable instead of all or any of the Tithes of the said Parish, and which Lands or Tithes respectively are covered thereby, and shall also set forth which of the said Tithes, Moduses, Compositions, or Payments are payable to the Tithe Owner, or if there is more than One Tithe Owner to each of the several Tithe Owners in the said Parish, distinguishing in what Right every such Tithe Owner is entitled to such Tithes, and shall also set forth whether any and which of the Lands of the said Parish are or have been under any and what Circumstances exempt from the Payment of any and what Tithes; and such Agreement shall also state in Words at Length the Amount of the Sum or Sums agreed to be paid (subject to Variation as herein-after provided) instead of the Tithes of the Lands comprised in the said Agreement, and instead of all Moduses and Compositions Real, Prescriptive and Customary Payments (if any), payable in respect of such Lands, or the Produce of such Lands or any of them, distinguishing, if there is more than One Tithe Owner, the Sum payable to every such Tithe Owner, and where the Tithes of different Lands in the same Parish are payable to different Tithe Owners, or to the same Tithe Owner in different Rights, distinguishing the Sum payable in respect of such different Lands; and every such Agreement shall also state all such other Particulars as the Commissioners shall by any Order from Time to Time require to be inserted in such Agreements.

Commissioners  
to frame and  
circulate Forms  
of Agreements,  
&c.

XXII. And be it enacted, That the Commissioners shall frame and cause to be printed, as soon as conveniently may be after their Appointment, Forms of Notices and Agreements and such other Instruments as in their Judgment will further the Purposes of this Act, and supply all or any of such Forms to the Churchwardens and Overseers of any Parish who may require the same, or to whom the Commissioners may think fit to send the same, for the Use of any Land Owner or Tithe Owner desirous of putting this Act in execution.

Commissioner  
or Assistant  
Commissioner  
may attend to

XXIII. And be it enacted, That any Commissioner, or Assistant Commissioner, if the Commissioners shall think fit, may attend any such Meeting for the Purpose of taking part in the Discussion and advising on the Terms of Agreement; but no Commissioner

missioner or Assistant Commissioner, during the Time that he is actually attending such Meeting for that Purpose, shall have any of the Powers herein given to the Commissioners in case of an Award or Apportionment by the Commissioners as herein-after provided.

XXIV. And be it enacted, That if any Suit shall be pending touching the Right to any Tithes, or if there shall be any Question as to the Existence of any Modus or Composition Real or Prescriptive or Customary Payment, or any Claim of Exemption from or Non-liability to Tithes, under any Circumstances, in respect of any Lands or any Kind of Produce, or touching the Situation or Boundary of any Lands, or if any Difference shall arise whereby the making and executing of any such Agreement shall be hindered, it shall be lawful for the Owners, or, if there shall be no Owner actually in Possession, for the Persons claiming to be the Owners of the Lands and Tithes respectively, being Parties to such Suit or Difference, to submit the same to Reference by any Writing under their respective Hands, containing an Agreement that such Submission shall be made a Rule of any of His Majesty's Courts of Record, upon such Terms of Reference as the Parties may agree upon; and the Decision of the Arbitrator or Arbitrators named in the said Reference shall for the Purposes of this Act be final and conclusive on all Persons: Provided nevertheless, that no Person being Owner of an Estate in Land or Tithes, less in the whole than an immediate Estate of Fee Simple or Fee Tail, shall be empowered to submit to any such Reference so as to bind any Person in Remainder, Reversion, or Expectancy, without the Consent of the Commissioners; and that it shall be lawful for the Commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any Person in Remainder, Reversion, or Expectancy of an Estate of Inheritance in the said Lands or Tithes, or any other Person whom they shall deem to be interested therein, shall be made a Party to such Reference.

XXV. And be it enacted, That every Agreement for the Commutation for a Rent-charge of the Tithes of any Lands which shall be pending at the Time of the passing of this Act, and which shall be executed before or within Six Calendar Months after the passing of this Act by the Land Owners and Tithe Owners, or Persons claiming to be such Owners, whose Interest in the said Lands and Tithes shall not be less than Two Thirds of the said Lands, Two Thirds of the Great Tithes and Two Thirds of the Small Tithes of the said Lands, and which shall be confirmed by the Commissioners, under their Hands and Seal, in the Manner herein-after provided for the Confirmation of any Parochial Agreement, shall be as valid, and the Rent-charge agreed to be paid by any such Agreement shall be apportioned and charged, as herein-after provided, among and upon the said Lands, as if the Agreement had been made and executed at a Parochial Meeting.

XXVI. Provided always, and be it enacted, That in every Case in which any Tithes shall belong to any Ecclesiastical Person in right of any Spiritual Dignity or Benefice, no Agreement for the Commutation of such Tithes made and executed under this Act shall

advise Terms of Agreement.

Suits and Differences may be referred to Arbitration.

Agreements pending at the Time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as Parochial Agreements.

Consent of Patron to be given to every Agreement for Commutation shall

of Ecclesiastical  
Tithe.

shall be deemed to be executed by the Owner of such Tithes unless such Consent thereto be given as is herein-after mentioned; (that is to say,) in the Case of an Archbishop or Bishop, the Consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the Incumbent of any other Benefice or Ecclesiastical Dignity, the Consent of the Patron or Person entitled to present to such Benefice or Dignity in case the same were then vacant; and every such Consent shall be given under the Hand of the Person giving the same, and shall be annexed to the Agreement, and taken to be Part of the Execution thereof.

Agreement to  
be confirmed by  
the Commis-  
sioners.

XXVII. And be it enacted, That every such Agreement, as soon as may be after it shall have been executed by a sufficient Number of Land Owners and Tithe Owners whose Interest in the Lands and Tithes of the Parish respectively shall not be less than Two Thirds of the Lands subject to Tithes, Two Thirds of the Great Tithes and Two Thirds of the Small Tithes, shall be sent by the Chairman of the Meeting, or by the Person in whose Custody it shall then be, to the Office of the Commissioners, and the Commissioners, by themselves, or by some Assistant Commissioner, shall cause Inquiry to be made and shall require such Proof as will be satisfactory to them, whether or not the Agreement has been made without Fraud or Collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the Agreement under their Hands and Seal, and shall add to such Agreement the Date of the Confirmation, and shall publish the Fact of such Confirmation and the Date thereof within the Parish in such Manner as to them shall seem fit; and every such confirmed Agreement shall be binding on all Persons interested in the said Lands or Tithes.

Agreement to  
be communi-  
cated to Bishop  
of the Diocese  
previous to its  
being confirmed.

XXVIII. Provided always, and be it enacted, That before the Commissioners shall confirm any such Agreement relating to Tithes belonging to any Ecclesiastical Person in right of any Spiritual Dignity or Benefice, they shall communicate the same to the Bishop of the Diocese for his Observations and Opinion; and no such Agreement shall be confirmed by such Commissioners until Four Weeks shall have elapsed from the Date of the Transmission of such Agreement to such Bishop, unless the said Bishop shall sooner signify his Approbation of such Agreement to the said Commissioners.

Land, not exceed-  
ing 20  
Acres, may be  
given as Com-  
mutation for  
Tithes, &c.

XXIX. And be it enacted, That any such Parochial Agreement may be made in Manner and Form aforesaid for giving to any Ecclesiastical Owner, in right of any Spiritual Benefice or Dignity, of any Tithes or of any Rent-charge for which such Tithes shall have been commuted, any Quantity not exceeding in the whole Twenty Imperial Acres of Land by way of Commutation for the Whole or an equivalent Part of the Great or Small Tithes of the Parish, or in discharge of or exchange for the Whole or an equivalent Part of any Rent-charge agreed to be paid instead of such Tithes, but subject in every Case to the Provisions herein-after contained; and every such Agreement shall be made in such Form and contain such Particulars as the Commissioners shall in that Behalf direct, specifying the Land whereof the Tithes or Rent-



Rent-charge for which such Tithes shall have been commuted shall be the Subject of such Agreement, and giving full and sufficient Descriptions of the Quantity, State of Culture, and annual Value of the Land proposed to be given in exchange for such Tithes or Rent-charge: Provided always, that the same Consent and Confirmation shall be necessary to any such Agreement as in the Case of an Agreement for a Rent-charge; and that in case the said Agreement shall not extend to the Whole of the Tithes of the Parish, an Agreement or Award as herein-after provided may and shall be made for the Payment of a Rent-charge in satisfaction of the Residue of the said Tithes; and such Rent-charge when agreed upon or awarded, or the Residue thereof, shall be apportioned in manner herein-after provided upon all the Lands of the Parish subject to the Payment of Tithes, unless otherwise agreed upon by the Parties to the said Parochial Agreement, except the Land so given by way of Commutation, in like Manner as if no Agreement for giving Land had been made: Provided also, that the Land so given shall be free from Incumbrances, except Leases at improved Rent, Land Tax, or other usual Outgoings, and shall not be of Leasehold Tenure, nor of Copyhold or Customary Tenure, subject to arbitrary Fine or the Render of Heriots.

XXX. And be it enacted, That in every Case in which any such Agreement for giving Land shall be so entered into, the Commissioners shall satisfy themselves, in such Way and by such Evidence as they shall see fit, of the Title to the Land proposed thereby to be given in exchange for such Tithes or Rent-charge, and that the same are of the Description and Value set forth in such Agreement, and that such Agreement is conformable in every respect to the Provisions herein-before contained respecting the same; and the Expence attending every such Agreement for giving Land, and the Confirmation thereof, and of investigating the Title to the Land, shall be borne by the Owners of Land liable to the Payment of Tithes within the Parish in such Proportions as they may agree, or, in default of Agreement, as the Commissioners may direct.

XXXI. And be it enacted, That such Agreement for giving Land, confirmed by the said Commissioners, shall operate as a Conveyance of such Land to the Owner of such Tithes or Rent-charge, and the Land so conveyed shall thereupon vest in and be and be deemed to be holden by such Person or Persons, and upon the like Uses and Trusts in every respect as the Tithes or Rent-charge in commutation or exchange for which the same shall have been given shall be vested and holden; and for the Purpose of making and completing any such Agreement the Provisions of this Act respecting Persons under legal Disability shall apply to every Person Party to such Agreement or in whom any such Land shall be vested, and whose Concurrence or Consent may be necessary to the perfecting thereof, or of the Title to such Land, as fully as if the same had been here repeated and re-enacted.

XXXII. And be it enacted, That at the said Meeting or at some Adjournment thereof, or at some other Parochial Meeting to be called in like Manner, either before or after the Confirmation of the Agreement, the Owners of Lands subject to Tithes in the

Commissioners to satisfy themselves of the Title of such Land, &c.

Agreements for giving Land to operate as Conveyances.

Appointment of Valuers.

said Parish, or their Agents, present at the Meeting, may appoint a Valuer or Valuers; and in case the Majority in respect of Number and the Majority in respect of Interest shall not agree upon the Appointment, then they shall appoint Two or such other even Number of Valuers as shall be then agreed on by such Land Owners, Half of such Number to be chosen by a Majority in respect of Number, and the other Half by a Majority in respect of Interest, of such Land Owners then present.

Valuers to apportion the Rent-charge.

XXXIII. And be it enacted, That as soon as may be after the choosing of such Valuer or Valuers, and after the Confirmation of the said Agreement, the Valuer or Valuers so chosen shall apportion the total Sum agreed to be paid by way of Rent-charge instead of Tithes, and the Expences of the Appointment, amongst the several Lands in the said Parish, according to such Principles of Apportionment as shall be agreed upon at the Meeting at which the Valuer or Valuers shall be chosen, or if no Principles shall be then agreed upon for the Guidance of the Valuer or Valuers, then, having regard to the average titheable Produce and productive Quality of the Lands, according to his or their Discretion and Judgment, but subject in each Case to the Provisions herein-after contained, and so that in each Case the several Lands shall have the full Benefit of every Modus and Composition Real, Prescriptive and Customary Payment, and of every Exemption from or Non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable; provided that it shall be lawful for the said Valuers, when an even Number is chosen, by any Writing under their Hands, to appoint an Umpire before they proceed upon the Business of such Apportionment, and the Decision of the Umpire on the Questions in difference between the Valuers shall be binding on them, and shall be adopted by them in the Apportionment.

Valuers may enter on Lands for the Purpose of valuing Tithes.

XXXIV. And be it enacted, That the said Valuers and Umpire (if it shall become necessary for him to act), and their Agents or Servants, at all reasonable Times, may enter upon any of the Lands to be included in the Apportionment, and make an Admeasurement, Plan, and Valuation of the same, without being subject to any Action or Molestation for so doing: Provided always, that no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners, or some Assistant Commissioner or Justice of the Peace, a solemn Declaration to the same Purport and Effect as the Oath herein-before directed to be made by the said Commissioners, substituting only the proper Description of such Person instead of the Word Commissioner, and adding to his Signature the usual Place of his Residence, which Declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice, to administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners.

Old Plans and Surveys may be used if the

XXXV. And be it enacted, That the Valuer or Valuers or Umpire may, if they think fit, use for the Purposes of this Act any Admeasurement, Plan, or Valuation previously made of the Lands

Lands or Tithes in question of the Accuracy of which they shall be satisfied; and that it shall be lawful for the Meeting at which such Valuer or Valuers shall be chosen to agree upon the Adoption for the Purposes aforesaid of any such Admeasurement, Plan, or Valuation, and such Agreement shall be binding upon the Valuer or Valuers; provided always, that Three Fourths of the Land Owners in Number and Value shall concur therein.

Valuers think proper.

XXXVI. And be it enacted, That after the First Day of *October* One thousand eight hundred and thirty-eight the Commissioners shall proceed in manner herein-after mentioned, at such Time and in such Order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total Sum to be paid by way of Rent-charge instead of the Tithes of every Parish in *England* and *Wales* in which no such Agreement binding upon the whole Parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, that if any Proceeding shall be had towards making and executing any such Agreement after the Commissioners shall have given or caused to be given Notice of their Intention to act as aforesaid in such Parish, the Commissioners may refrain from acting upon such Notice, if they shall think fit, until the Result of such Proceeding shall appear.

After 1st Oct. 1838, Commissioners may ascertain total Value of Tithes in any Parish in which no previous Agreement has been made.

XXXVII. And be it enacted, That in every Case in which the Commissioners shall intend making such Award, Notice thereof shall be given in such Manner as to them shall seem fit; and after the Expiration of Twenty-one Days after such Notice shall have been given the Commissioners or some Assistant Commissioner shall, except in the Cases for which Provision is herein-after made, proceed to ascertain the clear Average Value (after making all just Deductions on account of the Expences of collecting, preparing for Sale, and marketing, where such Tithes have been taken in Kind,) of the Tithes of the said Parish, according to the Average of Seven Years preceding *Christmas* in the Year One thousand eight hundred and thirty-five: Provided that if during the said Period of Seven Years, or any Part thereof, the said Tithes or any Part thereof shall have been compounded for or demised to the Owner or Occupier of any of the said Lands in consideration of any Rent or Payment instead of Tithes, the Amount of such Composition or Rent or Sum agreed to be paid instead of Tithes shall be taken as the clear Value of the Tithes included in such Composition, Demise, or Agreement during the Time for which the same shall have been made; and the Commissioners or Assistant Commissioner shall award the average annual Value of the said Seven Years so ascertained as the Sum to be taken for calculating the Rent-charge to be paid as a permanent Commutation of the said Tithes: Provided also, that whenever it shall appear to the Commissioners that the Party entitled to any such Rent or Composition shall in any One or more of the said Seven Years have allowed and made any Abatement from the Amount of such Rent or Composition on the ground of the same having in any such Year or Years been higher than the Sum fairly payable by way of Composition for the Tithe, but not otherwise, then and in every such Case such diminished Amount, after making such Abatement as aforesaid, shall be

Value of Tithes to be calculated upon an Average of Seven Years,

Tithes to be valued without Deduction on account of Parochial and County Rates, &c.

deemed and taken to have been the Sum agreed to be paid for any such Year or Years: Provided also, that in estimating the Value of the said Tithes the Commissioners or Assistant Commissioner shall estimate the same without making any Deduction therefrom on account of any Parliamentary, Parochial, County, and other Rates, Charges, and Assessments to which the said Tithes are liable; and whenever the said Tithes shall have been demised or compounded for on the Principle of the Rent or Composition being paid free from all such Rates, Charges, and Assessments, or any Part thereof, the said Commissioners or Assistant Commissioner shall have regard to that Circumstance, and shall make such an Addition on account thereof as shall be an Equivalent.

Commissioners in certain Cases may increase or diminish the Sum to be paid for Commutation.

XXXVIII. Provided always, and be it enacted, That in case Notice in Writing under the Hand of any Patron, or the Hands of any Land Owners or Tithe Owners whose Interest in the Lands or Tithes of the Parish shall not be less than One Half of the Lands subject to Tithes, One Half of the Great Tithes or One Half of the Small Tithes of the Parish, shall be given to the Commissioners or Assistant Commissioner acting in that Behalf, within One Calendar Month next after the Notice of the Intention to make an Award shall have been given as aforesaid, that the Average Value to be ascertained as aforesaid will not fairly represent the Sum which ought to be taken for calculating a permanent Commutation of the Great or Small Tithes of the said Parish, the Commissioners shall have Power to diminish or increase the Sum to be so taken by a Sum amounting to not more than One Fifth Part of the Average Value ascertained as aforesaid: Provided always, that every Case which shall appear to the Commissioners to be fraudulent or collusive, or which, by reason of the Length of Time which shall have elapsed since the making of any Composition then in force, or which by reason of the peculiar Interest in the Lands or Tithes of either of the Parties to any Composition, or by reason of any other special Circumstances, ought in the Judgment of the Commissioners to be separately adjudicated upon, shall be reserved for separate Adjudication as herein-after provided; and the Commissioners shall certify and report to One of His Majesty's Principal Secretaries of State, under their Hands and Seals, before the First Day of *May* in the Year One thousand eight hundred and thirty-eight, in what Manner the Discretion hereby vested in them ought in their Judgment to be exercised, and shall in the said Report lay down such Rules for the Guidance of the Assistant Commissioners as may to them seem expedient; and such Report shall be laid before Parliament within Six Weeks after the same shall have been received or after the Meeting of Parliament, and, unless Parliament shall otherwise provide, such Rules shall be observed by the said Commissioners and Assistant Commissioners in the Exercise of the Discretion hereby vested in the Commissioners.

Special Adjudications how to be made.

XXXIX. And be it enacted, That the Commissioners shall from Time to Time report to One of His Majesty's Principal Secretaries of State, under their Hands and Seals, all the Cases which under the Power herein-before reserved to them in that Behalf shall have been reserved for separate Adjudication, and shall

shall state in every such Report the Reasons for so reserving every Case mentioned therein, and the Commissioners shall in every such Case award the Rent-charge to be paid as a permanent Commutation for Tithes, having regard to the Average Rate which shall be awarded in respect of Lands of the like Description and similarly situated in the neighbouring Parishes; provided always, that a Draught of such intended Award, with a Copy of so much of the said Report as is applicable to such Award, shall be deposited in the Parish; and the Commissioners, or an Assistant Commissioner to be specially appointed by the Commissioners for that Purpose, shall hear and determine all Objections to the Award in the like Manner as is herein provided in an ordinary Case of Award, and the Commissioners shall have Power thereupon to amend the Draught of the said Award accordingly.

XL. And be it enacted, That in case any of the Lands in the Parish shall be Hop Grounds, Orchards, or Gardens, and Notice shall be given by the Owner thereof to the Commissioners or Assistant Commissioner acting in that Behalf that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the Value of the Tithes thereof according to the Average Rate of Composition for the Tithes of Hops, Fruit, and Garden Produce respectively during Seven Years preceding *Christmas* in the Year One thousand eight hundred and thirty-five, within a District to be assigned in each Case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all Parliamentary, Parochial, County, and other Rates, Charges, and Assessments to which the said Tithes are liable, and shall add the Value so estimated to the Value of the other Tithes of the Parish ascertained as aforesaid.

How the Tithes of Hops, Fruit, and Garden Produce is to be valued.

XLI. And be it enacted, That in case any of the Lands in the Parish shall be Coppices, and Notice shall be given by the Owner thereof, or by the Owner of the Tithes thereof, to the Commissioners or Assistant Commissioner acting in that Behalf that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the Value of the Tithes thereof with a due Regard to the Average Value, estimated according to the best of their Judgment, of Coppice Wood of the same Kind cut during the said Period of Seven Years in that Parish and the neighbouring Parishes, estimating the same as chargeable to all Parliamentary, Parochial, County, and other Rates, Charges, and Assessments to which the said Tithes are liable, and shall add the clear Value of the Tithes so estimated to the Value of the other Tithes of the Parish ascertained as aforesaid; and the Commissioners shall, in the Report which they are herein-before required to make to One of His Majesty's Principal Secretaries of State before the First Day of *May* in the Year One thousand eight hundred and thirty-eight, lay down Rules for the Guidance of the Assistant Commissioners in estimating the Value of the Tithes of Coppice Wood, and, unless Parliament shall otherwise provide, such Rules shall be observed by the said Commissioners and Assistant Commissioners.

How the Tithes of Coppice Wood is to be valued.

XLII. And be it enacted, That the Amount which shall be charged by any such Apportionment as herein-after provided

Provision for the Change of Culture of Hop upon

Grounds and  
Market Gar-  
dens.

upon any Hop Grounds or Market Gardens in any District so to be assigned shall be distinguished into Two Parts, which shall be called the Ordinary Charge and the Extraordinary Charge, and the Extraordinary Charge shall be a Rate *per* Imperial Acre, and so in proportion for less Quantities of Ground, according to the Discretion of the Valuers or Commissioners or Assistant Commissioner by whom the Apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any Time after such Commutation, shall be charged after the Thirty-first Day of *December* next following such Change of Cultivation only with the Ordinary Charge upon such Lands; and all Lands in any such District the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens at any Time after such Commutation, shall be charged with an additional Amount of Rent-charge *per* Imperial Acre, equal to the Extraordinary Charge *per* Acre upon Hop Grounds or Market Gardens respectively in that District; provided always, that no such additional Amount shall be charged or payable during the First Year, and Half only of such additional Amount during the Second Year, of such new Cultivation; and an additional Rent-charge by way of Extraordinary Charge upon Hop Grounds and Market Gardens, newly cultivated as such, beyond the Limits of every District in which any Extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the Time of the Commutation, shall be charged by the Commissioners at the Time of such new Cultivation, upon the Request of any Person interested therein, if such new Cultivation shall have taken place during the Continuance of the Commission of the said Commissioners, and after the Expiration of the Commission shall be charged in such Manner and by such Authority as Parliament shall direct, and shall be payable and recoverable in like Manner and subject to the same Incidents in all respects as an Extraordinary Charge charged upon any Hop Grounds or Market Gardens at the Time of Commutation.

Provision for  
valuing Tithes  
of Lands to  
which the Ave-  
rage of Seven  
Years cannot  
apply.

XLIII. And be it enacted, That in case any of the Lands in the Parish shall, during any Part of the said Period of Seven Years preceding *Christmas* in the Year One thousand eight hundred and thirty-five, have been exempted from Payment of Tithes by reason of having been inclosed under any Act of Parliament or converted from Barren Heath or Waste Ground, or by reason of being Glebe Lands or of having been heretofore Parcel of the Possessions of any privileged Order, and Notice shall have been given as last aforesaid to the Commissioners or Assistant Commissioner acting in that Behalf that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the Value of the Tithes thereof according to the Average Value which shall be ascertained as aforesaid in respect of Lands of the like Description and Quality in that Parish and the neighbouring Parishes, or as near thereto as the Circumstances of each Case may in their Judgment require, and estimating the same as chargeable to all Parliamentary, Parochial, County, and other Rates, Charges,  
and

and Assessments to which the said Tithes are liable, and shall add the Value so estimated to the Value of the other Tithes of the Parish ascertained as aforesaid.

XLIV. And be it enacted, That if any Modus or Composition Real, or Prescriptive or Customary Payment, shall be payable instead of the Tithes of any of the Lands or Produce thereof in the said Parish, the Commissioners or Assistant Commissioner shall in such Case estimate the Amount of such Modus, Composition, or Payment as the Value of the Tithes payable in respect of such Lands or Produce respectively, and shall add the Amount thereof to the Value of the other Tithes of the Parish ascertained as aforesaid, and shall also make due Allowance for all Exemptions from or Non-liability to Tithes of any Lands or any Part of the Produce of such Lands: Provided also, that if it shall appear to the said Commissioners or Assistant Commissioner that any Question concerning any Modus or Composition Real, Prescriptive or Customary Payment, or Claim of Exemption from or Non-liability to the Payment of Tithes relating to the Lands in question, shall have been decided by competent Authority before the making of the said Award, the Commissioners or Assistant Commissioners shall act on the Principle established by such Decision, and shall make their Award as if such Decision had been made at the Beginning of the said Period of Seven Years.

Moduses, &c.  
how to be allowed for in the Award.

XLV. And be it enacted, That if any Suit shall be pending touching the Right to any Tithes, or if there shall be any Question as to the Existence of any Modus or Composition Real, or Prescriptive or Customary Payment, or any Claim of Exemption from or Non-liability under any Circumstances to the Payment of any Tithes in respect of any Lands or any Kind of Produce, or touching the Situation or Boundary of any Lands, or if any Difference shall arise whereby the making of any such Award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner to appoint a Time and Place in or near the Parish for hearing and determining the same; and the Decision of the Commissioners or Assistant Commissioner shall be final and conclusive on all Persons, subject to the Provisions herein-after contained.

Commissioners may hear and determine Disputes;

XLVI. Provided always, and be it enacted, That any Person claiming to be interested in any Lands or in the Tithes thereof who shall be dissatisfied with any such Decision of the Commissioners or Assistant Commissioner may, if the yearly Value of the Payment to be made or withholden according to such Decision shall exceed the Sum of Twenty Pounds, cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster* against the Person in whose Favour such Decision shall have been made, within Three Calendar Months next after such Decision shall have been notified in Writing, in such Manner as the Commissioners or Assistant Commissioner shall direct, to the Parties interested therein or to their known Agents, in which Action the Plaintiff shall deliver a feigned Issue, whereby such disputed Right may be tried, and shall proceed to a Trial at Law of such Issue at the Sittings after the Term or at the Assizes then next or next but one after such Action shall have been commenced to be holden

subject to Appeal by an Issue at Law;

for the County within which such Lands or the greater Part thereof are situated, with Liberty nevertheless for the Court in which the same shall have been commenced or any Judge of His Majesty's Courts of Law at *Westminster* to extend the Time for going to Trial therein, or to direct the Trial to be in another County if it shall seem fit to such Court or Judge so to do; and every Defendant in any such Action shall enter an Appearance thereto, and accept such Issue; but in case the Parties shall differ as to the Form of such Issue, or in case the Defendant shall fail to enter such Appearance or accept such Issue, then the same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of His Majesty's Courts of Law at *Westminster*, and the Plaintiff may proceed thereon in like Manner as if the Defendant had appeared and accepted such Issue; and the Parties in such Action shall produce to each other and their respective Attornies or Counsel, at such Time and Place as any Judge may order before Trial, and also to the Court and Jury upon the Trial of any such Issue, all Books, Deeds, Papers, and Writings, Terriers, Maps, Plans, and Surveys relating to the Matters in issue in their respective Custody or Power; and it shall be lawful for the Judge by whom any such Action shall be tried, if he shall think fit, to direct the Jury to find a Verdict, subject to the Opinion of the Court upon a special Case; and the Verdict which shall be given in any such Action, or the Judgment of the Court upon the Case subject to which the same may be given, shall be final and binding upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall be lawful for the said Court to do, if it shall see fit: Provided also, that in case any such Decision shall involve a Question of Law only, and the Parties in difference shall be agreed upon the Facts relating thereto, and whereon such Decision shall have been founded, the said Commissioners or Assistant Commissioner, at the Request of the Person dissatisfied, (such Request to be made in Writing within Three Calendar Months after such Decision, and at least Fourteen Days previous Notice in Writing of such Request to be given in like Manner to the other Parties in difference or to their known Agents,) shall direct a Case to be stated for the Opinion of such one of His Majesty's Courts of Law at *Westminster* as the Commissioners or Assistant Commissioner shall think fit, which Case shall be settled by them or him or under their or his Direction in case the Parties differ about the same, and may be set down for Argument and be brought before the Court in like Manner as other Cases are brought before the Court; and the Decision of such Court upon every Case so brought before it shall be binding upon all Parties concerned therein: Provided always, that after such Verdict given and not set aside by the Court, or after such Decision of the Court, the said Commissioners or Assistant Commissioner shall be bound by such Verdict or Decision; and the Costs of every such Action, or of stating such Case and obtaining a Decision thereon, shall be in the Discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper

or by taking  
the Opinion of  
a Court of Law  
thereon.



Officer of the Court, and the like Execution may be had for the same as if such Costs had been recovered upon a Judgment of Record of the said Court.

XLVII. And be it enacted, That no Proceeding of or before the Commissioners or any Assistant Commissioner, or in any Action, or in any Case stated, or Reference, in pursuance of this Act, shall abate or cease by reason of the Death of any Person interested therein.

Proceedings not to abate by Death of Parties.

XLVIII. And be it enacted, That if any Person in whose Favour any such Decision of the Commissioners or any Assistant Commissioner shall have been made shall die before any such Action shall have been brought or Case stated, and before the Expiration of the Time herein-before limited for that Purpose, it shall be lawful for every Person who might have brought such Action, or have had such Case stated, against the Person so dying, to bring or have the same, within the Time so limited as aforesaid, nominally against such Person as if living, and to serve the said Commissioners or Assistant Commissioner with Process and Notices relating thereto in the same Manner as the Person deceased might have been served therewith if living; and it shall be lawful for every Person entitled to the Benefit of such Decision as aforesaid, or, in case of any such Person being a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the Commissioners, and whom they are hereby empowered to nominate under their Hands and Seal, to appear and defend such Action or argue such Case; and Proceedings shall be had therein in the same Manner, and the Rights of all Persons shall be equally bound and concluded by the Event of such Action or the Decision upon such Case, as if such Person had been living; and the Costs of every such Action or Case shall be in the Discretion of the Court as aforesaid.

In case of Deaths of Parties before Actions brought, &c. the same to be carried on and defended in their Names.

XLIX. Provided always, and be it enacted, That nothing in this Act contained shall revive any Right to Tithes which now is or hereafter shall be barred by any Law in force for shortening the Time required in Claims of Modus decimandi or Exemption from or Discharge from Tithes, or for the Limitation of Actions and Suits relating to Real Property.

Statutes of Limitation not to be affected.

L. And be it enacted, That as soon as all such Suits and Differences shall have been decided, or if there shall have been no Suits or Differences then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total Value of all the Tithes of the said Parish, the Commissioners or Assistant Commissioner shall frame the Draft of an Award, declaring that the Sum ascertained as aforesaid shall be the Amount of the Rent-charge to be paid in respect of the Tithes of the said Parish, and every such Draft shall contain all the Particulars herein-before required to be inserted in any Parochial Agreement or any Schedule thereto; provided always, that no such Award shall be made for giving Land instead of the Tithes of the Parish.

Commissioners to award total Sum to be paid for the Tithes of the Parish.

LI. And be it enacted, That as soon as the said Draft shall have been made by the Commissioners or Assistant Commissioner they

Commissioners may hear and determine Ob-

jections to the Award.

or he shall deposit a Copy of the same, and of any special Report thereunto annexed, at some convenient Place within the said Parish for the Inspection of all Persons interested in the said Lands or Tithes, and shall forthwith give Notice in such Manner as to the Commissioners shall seem fit where the said Copy may be inspected, and shall also in such Notice appoint some convenient Place and Time (the first not earlier than Twenty-one Days from the first giving of such Notice) for holding a Meeting to hear Objections to such intended Award by any Person interested therein; and the said Commissioners or Assistant Commissioner at such Meeting as aforesaid shall hear and determine any Objections which may be then and there made to the said intended Award, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see Occasion, direct any further Valuation of the Lands or Tithes or any of them, and from Time to Time fix further Meetings for the Hearing and determining of Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting: and when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections they or he shall amend the Draft of such Award accordingly if they or he shall see Occasion.

Award to be confirmed by the Commissioners.

LII. And be it enacted, That as soon as the Commissioners or Assistant Commissioner shall have made such Amendments in the Draft of the Award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the Office of the Commissioners, and the Commissioners shall satisfy themselves that all the Proceedings incident to the making of such Award have been duly performed, and if they shall think that the Award ought to be confirmed shall confirm the same under their Hands and Seal, and shall add to the Award the Date of such Confirmation, and shall publish the Fact of such Confirmation and the Date thereof in the Parish, in such Manner as to them shall seem fit; and every such confirmed Award shall be binding on all Persons interested in the said Lands or Tithes.

Commissioners to summon a Parochial Meeting to appoint Valuers.

LIII. And be it enacted, That as soon as the Commissioners shall have confirmed any such Award, the Commissioners or some Assistant Commissioner shall call a Parochial Meeting of the Owners of Land subject to Tithes in the said Parish, for the Purpose of choosing Valuers to apportion the Amount so awarded among the Lands of the Parish, and shall give Notice thereof in Writing under their or his Hand, to be fixed at least Twenty-one Days before such Meeting on the principal outer Door of the Church or in some public and conspicuous Place within the Parish; and Valuers or a single Valuer may be chosen at such Meeting by the Land Owners then present in like Manner, and the Valuers so chosen shall act with the same Powers and be subject to the same Provisions, as if the Rent-charge so awarded had been agreed to at a Parochial Meeting of the Land Owners and Tithe Owners of the Parish, and the Valuers had been thereupon chosen as aforesaid.

If Valuation not completed

LIV. And be it enacted, That if upon the Expiration of Six Calendar Months after the Day of the Date of the Confirmation of

of any Agreement or Award no Valuer or Valuers shall have been appointed, or the Apportionment by such Valuers or Valuer shall not have been made and sent to the Office of the Commissioners as herein-after provided, it shall be lawful for the Commissioners or some Assistant Commissioner to apportion the Rent-charge previously agreed or awarded to be paid among the Lands of the said Parish, having regard to the average titheable Produce and productive Quality of the said Lands, according to the Discretion and Judgment of the Commissioners or Assistant Commissioner, but subject to the Provisions herein-after contained, and so that the several Lands may have the full Benefit in each Case of every Modus, Composition Real, Prescriptive and Customary Payment, and of every Exemption from or Non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable.

in Six Months  
Commissioners  
to apportion.

LV. And be it enacted, That a Draught of every Apportionment shall be made, and shall set forth the Agreement or Award, as the Case may be, upon which such Apportionment is founded, and every Schedule thereunto annexed; and the said Draught, or some Schedule thereunto annexed, whether made by or under the Direction of the Valuers or Commissioners or Assistant Commissioners, shall state the Name or Description and the true or estimated Quantity in Statute Measure of the several Lands to be comprised in the Apportionment, and shall set forth the Names and Description of the several Proprietors and Occupiers thereof, and whether the said several Lands are then cultivated as Arable, Meadow, or Pasture Land, or as Wood Land, Common Land, or howsoever otherwise, and shall refer, by a Number set against the Description of such Lands, to a Map or Plan to be drawn on Paper or Parchment, and the same Number shall be marked on the Representation of such Lands in the said Map or Plan; and the Draught of the Apportionment shall also state the Amount charged upon the said several Lands, and to whom and in what Right the same shall be respectively payable.

Form of Ap-  
portionment.

LVI. And be it enacted, That immediately after the passing of this Act, and also in the Month of *January* in every Year, the Comptroller of Corn Returns for the Time being, or such other Person as may from Time to Time be in that Behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the *London Gazette*, stating what has been, during Seven Years ending on the *Thursday* next before *Christmas* Day then next preceding, the Average Price of an Imperial Bushel of *British* Wheat, Barley, and Oats, computed from the weekly Averages of the Corn Returns.

Comptroller of  
Corn Returns  
to publish  
Average Price  
of Corn.

LVII. And be it enacted, That every Rent-charge charged upon any Lands by any such intended Apportionment shall be deemed at the Time of the Confirmation of such Apportionment, as herein-after provided, to be of the Value of such Number of Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats as the same would have purchased at the Prices so ascertained by the Advertisement to be published immediately after the passing of this Act, in case One Third Part of such Rent-charge had been invested in the Purchase of Wheat,

Rent-charges  
to be valued  
according to the  
Average Price  
of Corn.

One

One Third Part thereof in the Purchase of Barley, and the remaining Third Part thereof in the Purchase of Oats, and the respective Quantities of Wheat, Barley, and Oats so ascertained shall be stated in the Draft of every Apportionment.

Rent-charge may be specially apportioned.

LVIII. And be it enacted, That it shall be lawful for the Valuers or Commissioners or any Assistant Commissioner, upon the Request of any Land Owner, at any Time before the Confirmation of the Apportionment, to apportion the whole Rent-charge intended to be charged upon any Lands of such Land Owner held under the same Title and for the same Estate, in the same Parish, specially upon the several Closes or Portions of such Lands, or according to an acreable Rate or acreable Rates upon Lands of different Quality, in such Manner and in such Proportion, and to the Exclusion of such of them, as the Land Owner, with the Consent of the Person entitled to such Rent-charge, may direct, and the Particulars of every such special Apportionment shall be included in the Draught of the Apportionment and taken to be a Part thereof: Provided always, that the extra Expences of every such special Apportionment shall be borne by the Party at whose Instance the same shall have been made, and shall be recoverable as other Costs of the Apportionment are recoverable, and that no Close of Land shall be charged with any Rent-charge or Share of Rent-charge on account of the Tithes of any other Lands, unless the Value of such Lands shall be at least Three Times the Value of the whole Rent-charge upon such Lands.

Commissioners may employ Surveyors.

LIX. And be it enacted, That for the Purpose of making any such Apportionment, as well as for the Purpose of making any Award as herein-before provided, the Commissioners and Assistant Commissioners may employ such Land Surveyors and Tithe Valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping, and planning after any Rate not exceeding Two Guineas to every such Person for every Day that he shall have been so employed, and may assess the same as Part of the Expences of making their Award or Apportionment respectively; and the said Commissioners and Assistant Commissioners, and the Land Surveyors and Tithe Valuers employed by them respectively, shall have all the Powers and be subject to all the Provisions herein-before enacted concerning the Valuers appointed at a Parochial Meeting, except that they shall not be bound to adopt any Principles of Apportionment agreed to at any Parochial Meeting: Provided always, that it shall be lawful for such Commissioners and Assistant Commissioners to make any Agreement with any such Land Surveyors or Tithe Valuers for the Payment to the same of One Sum for the whole Duty or any Part thereof to be performed by them respectively.

Commissioners to have the Power of Valuers as to Entry in Lands, &c.

Apportionment to be signed by the Person making it, and sent with the Plan to the Commissioners.

LX. And be it enacted, That the Draught of every Apportionment, whether made by or under the Direction of the Commissioners or any Assistant Commissioner, or by any Valuer or Valuers appointed as herein-before is provided, shall be signed by the Person by or under whose Direction it shall have been made, and shall be sent, together with the Map or Plan therein referred to, by the Person by whom it is signed to the Office of the Commissioners, or otherwise to some Assistant Commissioner, as the Commissioners may direct, with such Proof as the Commissioners may

may require that every Proceeding incident to the making of such Draught of Apportionment has been duly performed.

LXI. And be it enacted, That as soon as the Draught of any such Apportionment, verified as aforesaid, shall have been sent to the Commissioners they shall cause a Copy of the same to be deposited at some convenient Place within the said Parish for the Inspection of all Persons interested in the said Lands or Tithes, and shall forthwith cause Notice to be given, in such Manner as to them shall seem fit, where the said Copy may be inspected, and shall also in such Notice appoint some convenient Place and such Times as they shall think necessary (the first not earlier than Twenty-one Days from the first giving of such Notice) for holding a Meeting to hear Objections to the intended Apportionment by any Person interested therein, and the said Commissioners or some Assistant Commissioner at such Meeting as aforesaid shall hear and determine any Objections which may be then and there made to the said intended Apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see Occasion, direct any further Valuation of the Lands or any of them, and from Time to Time fix further Meetings for the hearing and determining of Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, they and he are and is hereby required to cause such Apportionment to be amended accordingly if they or he shall see Occasion.

Commissioners may hear and determine Objections to Apportionment.

LXII. And be it enacted, That it shall be lawful for the Owner of any Lands chargeable with any such Rent-charge to agree, at any Time before the Confirmation of any such Instrument of Apportionment, with any Ecclesiastical Person being the Owner of the Tithes thereof in right of any Spiritual Benefice or Dignity, for giving Land instead of the Rent-charge charged or about to be charged upon his Lands; and every such Agreement shall be made under the Hands and Seals of the Land Owner and Tithe Owner, and shall contain all the Particulars herein-before required to be inserted in a Parochial Agreement for giving Land instead of Tithes or Rent-charge: Provided always, that no such Tithe Owner shall be enabled to take or hold more than Twenty Imperial Acres of Land in the whole by virtue of any such Agreement or Agreements made in the same Parish; and the same Consent and Confirmation relatively to the Lands and Tithes comprised in the said Agreement shall be necessary to any such Agreement as in the Case of a Parochial Agreement for giving Land instead of Tithes; and all the Provisions herein-before contained concerning a Parochial Agreement for giving Land shall be applicable to every such Agreement as herein-before last mentioned, so far as concerns the Lands and Tithes comprised in the said Agreement: Provided also, that any Amendment which shall be made in the Draft of Apportionment before Confirmation thereof, and subsequent to any such Agreement for giving Land instead of Rent-charge, whereby the Charge upon the Lands referred to in such Agreement shall be altered, shall be taken to annul

Owners of Lands chargeable with Rent-charge may give Land instead thereof.

annul the Execution of such Agreement for giving Land, and any Consent which may have been necessary thereunto.

Confirmation by the Commissioners.

LXIII. And be it enacted, That after such Proceedings as aforesaid shall have been had, and all such Objections, if any, shall have been finally disposed of, the Commissioners or Assistant Commissioner shall cause the Instrument of Apportionment to be ingrossed on Parchment, and shall annex the Map or Plan thereunto belonging to the ingrossed Instrument of Apportionment, and shall sign the Instrument of Apportionment and the Map or Plan, and shall send both to the Office of the Commissioners, and if the Commissioners shall approve the Apportionment they shall confirm the Instrument of Apportionment under their Hands and Seal, and shall add thereunto the Date of such Confirmation.

Transcripts of the Award to be sent to the Registrar of the Diocese and to the Incumbent and Church-wardens.

LXIV. And be it enacted, That Two Copies of every confirmed Instrument of Apportionment, and of every confirmed Agreement for giving Land instead of any Tithes or Rent-charge, shall be made and sealed with the Seal of the said Commissioners, and one such Copy shall be deposited in the Registry of the Diocese within which the Parish is situated, to be there kept among the Records of the said Registry, and the other Copy shall be deposited with the Incumbent and Church or Chapel Wardens of the Parish for the Time being, or such other fit Persons as the Commissioners shall approve, to be kept by them and their Successors in Office with the public Books, Writings, and Papers of the Parish, and all Persons interested therein may have access to and be furnished with Copies of or Extracts from any such Copy on giving reasonable Notice to the Person having Custody of the same, 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 every Recital or Statement in or Map or Plan annexed to such confirmed Apportionment or Agreement for giving Land, or any sealed Copy thereof, shall be deemed satisfactory Evidence of the Matters therein recited or stated, or of the Accuracy of such Plan.

Commissioners may require Notice of Agreements or Awards to be given to Reversioner.

LXV. And be it enacted, That the Commissioners, if they shall see fit, before confirming any Agreement, Award, or Apportionment, may require Notice thereof to be given in such Manner as they shall direct to the Person next in Remainder, Reversion, or Expectancy of an Estate of Inheritance in any Lands or Tithes, or any other Person to whom they may think Notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any Objection made to such Confirmation by any Person interested therein, and may direct any Award or Apportionment to be amended accordingly.

Confirmed Agreements, &c. not to be questioned.

LXVI. And be it enacted, That no confirmed Agreement, Award, or Apportionment shall be impeached after the Confirmation thereof by reason of any Mistake or Informality therein or in any Proceeding relating thereunto.

Lands to be discharged from Tithes, and Rent-charge paid in lieu thereof.

LXVII. And be it enacted, That from the First Day of *January* next following the Confirmation of every such Apportionment the Lands of the said Parish shall be absolutely discharged from the Payment of all Tithes, except so far as relates to the Liability of any Tenant at Rack Rent dissenting as herein-after provided,

provided, and instead thereof there shall be payable thenceforth to the Person in that Behalf mentioned in the said Apportionment a Sum of Money equal in Value, according to the Prices ascertained by the then next preceding Advertisement, to the Quantity of Wheat, Barley, and Oats respectively mentioned therein to be payable instead of the said Tithes, in the Nature of a Rent-charge issuing out of the Lands charged therewith; and such yearly Sum shall be payable by Two equal half-yearly Payments on the First Day of *July* and the First Day of *January* in every Year, the first Payment, except in the Case of barren reclaimed Lands, as herein-after provided, being on the First Day of *July* next after the Lands shall have been discharged from Tithes as aforesaid, and such Rent-charge may be recovered at the Suit of the Person entitled thereto, his Executors or Administrators, by Distress and Entry as herein-after mentioned; and after every First Day of *January* the Sum of Money thenceforth payable in respect of such Rent-charge shall vary so as always to consist of the Price of the same Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats respectively, according to the Prices ascertained by the then next preceding Advertisement, and any Person entitled from Time to Time to any such varied Rent-charge shall have the same Powers for enforcing Payment thereof as are herein contained concerning the original Rent-charge: Provided always, that nothing herein contained shall be taken to render any Person whomsoever personally liable to the Payment of any such Rent-charge: Provided always, that the Rent-charge which shall be apportioned upon any Lands in the said Parish which during any Part of the said Period of Seven Years preceding *Christmas* One thousand eight hundred and thirty-five were exempted from Tithes by reason of having been inclosed under any Act of Parliament, or converted from Barren Heath or Waste Ground, shall be payable for the first Time on the First Day of *July* or First Day of *January* next following the Confirmation of the Apportionment which shall be nearest to the Time at which Tithes were or would have become payable for the first Time in respect of the said Lands if no Commutation thereof had taken place.

Payment of Rent-charge on reclaimed Lands to be postponed until Tithes would have been due.

LXVIII. And be it enacted, That from the First Day of *January* next following the Confirmation of every Parochial or other Agreement for giving Land instead of any Tithes or Rent-charge, the Lands of the Parish in which any such Agreement shall be made shall be absolutely discharged from the Payment of the Tithes or Rent-charge for which it shall have been agreed that such Land shall be given.

Lands to be free from Tithes when Lands are given in lieu thereof.

LXIX. And be it enacted, That every Rent-charge payable as aforesaid instead of Tithes shall be subject to all Parliamentary, Parochial, and County and other Rates, Charges, and Assessments, in like Manner as the Tithes commuted for such Rent-charge have heretofore been subject.

Rent-charge to be liable to Rates, &c.

LXX. And be it enacted, That all Rates and Charges to which any such Rent-charge is liable shall be assessed upon the Occupier of the Lands out of which such Rent-charge shall issue, and in case the same shall not be sooner paid by the Owner of the Rent-charge for the Time being may be recovered from such Occupier in like Manner as any Poor Rate assessed on him in respect

How Rates and Charges are to be recovered.

respect of such Lands; and any Occupier holding such Lands under any Landlord and who shall have paid any such Rate or Charge in respect of any such Rent-charge shall be entitled to deduct the Amount thereof from the Rent next payable by him to his Landlord for the Time being, and shall be allowed the same in account with his Landlord; and any Landlord or Owner in Possession who shall have paid any such Rate or Charge, or from whose Rent the Amount of any such Rate or Charge in respect of any such Rent-charge shall have been so deducted, or who shall have allowed the same in account with any Tenant paying the same, shall be entitled to deduct the Amount thereof from the Rent-charge, or by all other lawful Ways and Means to recover the same from the Owner of the Rent-charge, his Executors and Administrators; provided that the Owner of every such Rent-charge shall have and be entitled to the like Right of demanding, inspecting, and taking Copies of every Assessment containing such Rate or Charge, and of Appeal against the same, and the like Power of prosecuting such Appeal, and the like Remedies in respect thereof, as any Occupier or Rate-payer has or may have in the Case of Poor Rates, although such Rate or Charge is herein made assessable upon the Occupier, and the Owner of the Rent-charge is not mentioned by Name in such Assessment.

Rent-charge to be subject to the same Incumbrances and Incidents as Tithe before this Act.

LXXI. And be it enacted, That any Person having any Interest in or Claim to any Tithes, or to any Charge or Incumbrance upon any Tithes, before the passing of this Act, shall have the same Right to or Claim upon the Rent-charge for which the same shall be commuted as he had to or upon the Tithes, and shall be entitled to have the like Remedies for recovering the same as if his Right or Claim to or upon the Rent-charge had accrued after the Commutation; provided that nothing herein contained shall give Validity to any Mortgage or other Incumbrance which before the passing of this Act was invalid or could not be enforced; and every Estate for Life, or other greater Estate, in any such Rent-charge, shall be taken to be an Estate of Freehold; and every Estate in any such Rent-charge shall be subject to the same Liabilities and Incidents as the like Estate in the Tithes commuted for such Rent-charge; and where any Lands were exempted from Tithe whilst in the Occupation of the Owner thereof by reason of being Glebe or of having been heretofore Parcel of the Possessions of any privileged Order, the same Lands shall be in like Manner exempted from the Payment of the Rent-charge apportioned on them whilst in the Occupation of the Owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed any Tithes are authorized to be sold, exchanged, appropriated, or applied in any Way, the Rent-charges for which such Tithes may be commuted under the Provisions of this Act, or any Part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all Intents and Purposes, in like Manner as such Tithes, and the same Powers of Sale, Exchange, and Appropriation shall in all such Cases extend to and may be exercised in respect of the said Commutation Rent-charges; and the Money to arise by the Sale of such Rent-charges shall or may be invested, appropriated, and applied to the same Purposes and in like Manner as the Money to arise by the Sale of any such Tithes might have been invested,



invested, appropriated, and applied under such particular Act or Acts in case this Act had not been passed; and no such Rent-charge shall merge or be extinguished in any Estate of which the Person for the Time being entitled to such Rent-charge may be seised or possessed in the Lands on which the same shall be charged: Provided always, that it shall be lawful for any Person seised 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 said Commissioners shall approve, and to be confirmed under their Seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the Freehold and Inheritance of the Lands on which the same shall have been charged.

Proviso.

LXXII. And be it enacted, That if at any Time subsequent to the Confirmation of any such Instrument of Apportionment the Owner of any Lands charged with any such Rent-charge shall be desirous that the Apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land Tax for the County or Place where the said Lands are situate, or any Three of them, to alter the Apportionment in such Manner and in such Proportion and to the Exclusion of such of the Lands as the Land Owner, with the Consent of Two Justices of the Peace acting for the County, Riding, Division, or other Jurisdiction in which the Lands are situated, may direct; and such altered Apportionment shall be made by an Instrument in Writing under the Hands and Seals of the said Commissioners of Land Tax and of the said Land Owner and Justices, of the like Form and Tenor as to the said Lands as the original Apportionment, and bearing Date the Day of its Execution by the said Commissioners of Land Tax, subject to the Provision herein-before contained with respect to the Value of Lands on which any Rent-charge may be charged on account of the Tithes of any other Lands; and every such altered Apportionment shall be as valid as if made and confirmed by the Tithe Commissioners as aforesaid, and shall be taken to be an Amendment of the original Apportionment; and in every such Case Two Counterparts of the Instrument of altered Apportionment, under the Hands and Seals of the said Commissioners of Land Tax and Justices and Land Owner, shall be sent, One to the Registrar of the Diocese, and One to the Incumbent and Church or Chapel Wardens, or other Person having the Custody of the other Copy of the original Instrument of Apportionment; and One Counterpart shall be annexed to the Copy of the Instrument of Apportionment in the Custody of the Registrar and such other Person respectively, and taken to be an Amendment thereof; and thenceforward such Lands shall be charged only according to such altered Apportionment; and all Expences of such Alteration shall be borne by the Land Owner desiring the same.

Apportionment may be altered by Commissioners of Land Tax, if desired.

LXXIII. And be it enacted, That the Commissioners or Assistant Commissioner, in any Case where they or he may see fit, may order such Expences of Witnesses, and of the Production of any Books, Deeds, Contracts, Agreements, Accounts, or Writings, Terriers, Maps, Plans, and Surveys, or Copies thereof, and all

Expences of Witnesses to be paid under the Direction of the Commissioners.

other Expences (except the Salary or Allowance to any Commissioner or Assistant Commissioner) incurred in the Settlement of any Suit or Difference, or in the hearing and determining any Objection to any Award or Apportionment before the said Commissioners or any Assistant Commissioner, to be paid by such Parties interested in the Production thereof respectively or in the Event of such Suit, Difference, or Objection, and in such Proportions, as the Commissioners or Assistant Commissioner shall think fit and reasonable.

Expences of Award to be paid by the Land Owners and Tithe Owners as the Commissioners may direct.

LXXIV. And be it enacted, The Allowances to and Expences of Land Surveyors and Tithe Valuers necessary for making any Award, and all other Expences of or incident to making the said Award, except the Salary or Allowance to any Commissioner or Assistant Commissioner, and except any Expences which the Commissioners or any Assistant Commissioner, or any Court or Arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the Land Owners and Tithe Owners interested in the said Award, in such Proportion, Time, and Manner as the Commissioners or Assistant Commissioner shall direct.

Expences of Apportionment to be borne rateably by the Land Owners.

LXXV. And be it enacted, That all the Expences of or incident to making any Apportionment (except the Salary or Allowance to any Commissioner or Assistant Commissioner, and except any Expence which the Commissioners or Assistant Commissioner may be authorized and may have ordered to be otherwise paid,) shall be borne and paid by the Owners of Lands included in the Apportionment in rateable Proportion to the Sum charged on the said Lands in lieu of Tithes by such Apportionment.

Expences may be recovered by Warrant of Distress.

LXXVI. And be it enacted, That if any Difference shall arise touching the said Expences, or the Share thereof to be paid by any Person, it shall be lawful for the Commissioners or some Assistant Commissioner to certify under their or his Hand the Amount to be paid by such Person; and in case any Person shall neglect or refuse to pay his Share so certified to be payable by him, and upon the Production of such Certificate before any Two Justices of the Peace for the County or other Jurisdiction wherein the Lands mentioned in the Agreement or Award or Apportionment are situate, such Justices, upon the Nonpayment thereof, are hereby required, by Warrant under their Hands and Seals, to cause the same and the Costs of the Distress to be levied by Distress and Sale of the Goods of the Person liable to pay the same, and to render the Surplus (if any), after deducting the Charges of the Distress and Sale, to the Person distrained upon.

Owners of particular Estates may charge the Costs on the Estate for Twenty Years.

LXXVII. And be it enacted, That every Owner of an Estate in Land or Tithes less in the whole than an immediate Estate of Fee Simple or Fee Tail, or which shall be settled upon any Uses or Trusts, may, with the Consent of the Commissioners, and in such Manner as they may direct, charge so much of the Expences of Commutation as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds by the Hundred, upon the Lands whereof the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the Charge upon such Lands

or

or Rent-charge respectively shall be lessened in every Year following such Commutation by One Twentieth Part at least of the whole original Charge thereon.

LXXVIII. And be it enacted, That every Ecclesiastical beneficed Person who shall commute the Tithes of his Benefice under this Act may advance or borrow the Sum necessary to defray so much of the Expences of Commutation as is to be defrayed by him, or any Part thereof, and as a Security for Repayment may charge or assign the Rent-charge to be received instead of such Tithes for Twenty Years, or until the Principal Sum advanced or borrowed, and the Interest thereon after the Rate of Four Pounds by the Hundred, and the Expences of such Charge or Assignment, shall be sooner paid; and every Incumbent successively shall pay the Interest of the Sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One Calendar Month next following, and also an Instalment at the Rate of Five Pounds for every Hundred Pounds of the Principal Sum advanced or borrowed, and in default of such Payment the Ordinary may sequester the Profits of the Benefice until such Payments shall be made, provided that the Sum to be so advanced or borrowed shall be ascertained and certified under the Hand of any Commissioner or Assistant Commissioner, and shall be by him stated to have been the Amount of such Expences properly incurred by such Ecclesiastical beneficed Person in relation to such Commutation.

LXXIX. And be it enacted, That any Tenant or Occupier who at the Time of such Commutation shall occupy at Rack Rent any Lands of which the Tithes shall be so commuted may, within One Calendar Month next after the Confirmation of the Apportionment by the Commissioners, signify, by Writing under his Hand given to or left at the usual Residence of his Landlord or his Agent, his Dissent from being bound to pay any Rent-charge apportioned and charged on the said Lands as aforesaid, and in that Case such Landlord shall be entitled, from the Time when the said Apportionment shall take effect, and during the Tenancy or Occupation of such Tenant or Occupier, to stand, as to the Perception and Collection of Tithes, or Receipt of any Composition instead thereof, in the Place of the Owner of the Tithes so commuted, and to have all the Powers and Remedies for enforcing Render and Payment of such Tithes or Composition which the Tithe Owner would have had if the Commutation had not taken place.

LXXX. And be it enacted, That any Tenant or Occupier at the Time of such Commutation who shall have signified his Dissent from being bound to pay any such Rent-charge as aforesaid, or who shall hold his Lands under a Lease or Agreement providing that the same shall be holden and enjoyed by him free of Tithes, and every Tenant or Occupier who shall occupy any Lands by any Lease or Agreement made subsequently to such Commutation, and who shall pay any such Rent-charge, shall be entitled to deduct the Amount thereof from the Rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

LXXXI. And be it enacted, That in case the said Rent-charge shall at any Time be in arrear and unpaid for the Space of

Costs of Ecclesiastical Tithe Owners may be charged on the Benefice for Twenty Years.

If Tenant of Lands at Rack Rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the Tenancy.

Tenant paying Rent-charge to be allowed the same in account with his Landlord.

When Rent-charge is in arrear for 21

Days after half-yearly Days of Payment, the Person entitled thereto may distrain.

Twenty-one Days next after any half-yearly Day of Payment, it shall be lawful for the Person entitled to the same, after having given or left Ten Days Notice in Writing at the usual or last known Residence of the Tenant in Possession, to distrain upon the Lands liable to the Payment thereof, or on any Part thereof, for all Arrears of the said Rent-charge, and to dispose of the Distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for Arrears of Rent reserved on a common Lease for Years; provided that not more than Two Years Arrears shall at any Time be recoverable by Distress.

When Rent-charges are in arrear for Forty Days after half-yearly Days of Payment, and no sufficient Distress on the Premises, Writ to be issued directing Sheriff to summon Jury to assess Arrears.

LXXXII. And be it enacted, That in case the said Rent-charge shall be in arrear and unpaid for the Space of Forty Days next after any half-yearly Day of Payment, and there shall be no sufficient Distress on the Premises liable to the Payment thereof, it shall be lawful for any Judge of His Majesty's Courts of Record at *Westminster*, upon Affidavit of the Facts, to order a Writ to be issued, directed to the Sheriff of the County in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the Arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken to some one of His Majesty's Courts of Law at *Westminster*, on a Day therein to be named, either in Term Time or Vacation; a Copy of which Writ, and Notice of the Time and Place of executing the same, shall be given to the Owner of the Land, or left at his last known Place of Abode, or with his known Agent, Ten Days previous to the Execution thereof; and the Sheriff is hereby required to execute such Writ according to the Exigency thereof; and the Costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have possession of the Lands chargeable therewith until the Arrears of Rent-charge found to be due, and the said Costs, and also the Costs of such Writ and of executing the same, and of cultivating and keeping possession of the Lands, shall be fully satisfied: Provided always, that not more than Two Years Arrears over and above the Time of such Possession shall be at any Time recoverable.

Account how to be rendered.

LXXXIII. And be it enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in Possession by virtue of such Writ from Time to Time to render an Account of the Rents and Produce of the Lands and of the Receipts and Payments in respect of the same, and to pay over the Surplus (if any) to the Person for the Time being entitled thereunto, after Satisfaction of such Arrears of Rent-charge and all Costs and Expences as aforesaid, and thereupon to order a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by Rule or Order of such Court or Judge from Time to Time to give such summary Relief to the Parties as to the said Court or Judge shall seem fit.

For Recovery of Rent-charges from Quakers.

LXXXIV. Provided always, and be it enacted, That in all Cases in which it shall be necessary to make any Distress under this Act in respect of any Lands in the Possession of any Person of

the Persuasion of the People called Quakers, the same may be made upon the Goods, Chattels, or Effects of such Person, whether on the Premises or elsewhere, but nevertheless to the same Amount only and with the same Consequences in all respects as if made on the Premises; and that in all Cases of Distress under this Act upon Persons of that Persuasion the Goods, Chattels, or Effects which may be distrained shall be sold without its being necessary to impound or keep the same: Provided always, that no Writ under the Provision herein-before contained shall be issued for assessing or recovering any Rent-charge payable under this Act in respect of any Lands in the Possession of any Person of the Persuasion aforesaid, unless the same shall be in arrear and unpaid for the Space of Forty Days next after any half-yearly Day of Payment, without the Person entitled thereto being able to find Goods, Chattels, or Effects either on the Premises or elsewhere liable to be distrained as aforesaid sufficient to satisfy the Arrears to which such Lands are liable, together with the reasonable Costs of such Distress.

LXXXV. And be it enacted, That whenever any Rent-charge payable under the Provisions of this Act shall be in arrear, notwithstanding any Apportionment which may have been made of any such Rent-charge, every Part of the Land situate in the Parish in which such Rent-charge shall so be in arrear, and which shall be occupied by the same Person who shall be the Occupier of the Lands on which such Rent-charge so in arrear shall have been charged, whether such Land shall be occupied by the Person occupying the same as the Owner thereof, or as Tenant thereof, holding under the same Landlord under whom he occupies the Land on which such Rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the Purpose of satisfying any Arrears of such Rent-charge, whether chargeable on the Lands on which such Distress is taken or such Entry made, or upon any other Part of the Lands so occupied or holden: Provided always, that no Land shall be liable to be distrained or entered upon for the Purpose of satisfying any such Rent-charge charged upon Lands which shall have been washed away by the Sea, or otherwise destroyed by any natural Casualty.

LXXXVI. And be it enacted, That the several Provisions of an Act passed in the Fourth and Fifth Years of His present Majesty, intituled *An Act to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments*, shall extend to all Rent-charges payable under this Act.

LXXXVII. And be it enacted, That if any Barns or Buildings belonging to any Tithe Owner having a limited Estate or Interest therein, which shall have been generally used for the housing of Tithes paid in Kind, shall be rendered in the whole or in part useless by reason of any Commutation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the Consent, nevertheless, of the Commissioners, and subject to such Directions as they may give, to be signified under their Hands and Seal,) to pull down any such Barns or Buildings or any Part thereof, and to sell and dispose of the Materials, or to sell and dispose of all or

Powers of Distress and Entry to extend to all Lands within the Parish occupied by the Owner or under the same Landlord or Holding.

4 & 5 W. 4. c. 22. to extend to Rent-charges under this Act.

Provision for the Sale of Buildings and the Sites thereof rendered useless or unnecessary by the Commutation of Tithes.

any of such Barns or Buildings, and the Site thereof, and either with or without any Farm Buildings or Homesteads thereunto belonging, in such Manner as the Commissioners may direct; and upon Payment of the Consideration Money it shall be lawful for every such Tithe Owner (with such Consent as aforesaid) to convey and deliver the Premises sold as aforesaid to the Purchaser thereof, or to such Uses and in such Manner as such Purchaser shall direct; and the Consideration Money in each Case shall be paid to such Tithe Owner, and his Receipt shall be a good Discharge to the Purchaser; and such Tithe Owner shall lay out and invest the Consideration Money in such Manner and for such Trusts as the Commissioners shall direct for the Benefit of the Persons entitled to the said Rent-charge.

Leases of Tithes may be surrendered.

LXXXVIII. And be it enacted, That it shall be lawful for the Lessee being in Occupation of any Tithes commuted under this Act, by an Instrument in Writing under his Hand and Seal, to be made in such Form as the Commissioners shall direct, and confirmed under their Seal, to surrender and make void the Lease by which the said Tithes are held or enjoyed by such Lessee at the Time of the Commutation, so far as the same may relate to the said Tithes; and it shall be lawful for the Commissioners, by the same Instrument, to direct what Compensation (if any) shall be given by the immediate Lessor of any Lessee at Rack Rent so surrendering any Lease of any such Tithes to such Lessee, and what Allowance (if any) shall be made by any Lessee to his immediate Lessor of any such surrendered Lease, in consideration of the Non-fulfilment of any Conditions contained in such Lease, and what Deduction (if any) shall be made from the Rent thenceforth payable by any Lessee to his immediate Lessor in respect of other Hereditaments which may have been included with the said Tithes in any such Lease: Provided always, that any intermediate Lessor to whom any such Lease shall have been surrendered shall as regards his immediate Lessor be taken to be the Lessee in Occupation of the Tithes included in the said Lease.

What Tithes not to be affected.

LXXXIX. And be it enacted, That nothing in this Act contained shall affect any Right to any Tithes which shall have become due before the Commutation.

Act not to extend to Easter Offerings, &c. or to Payments instead of Tithes in London, &c.

XC. And be it enacted, That nothing in this Act contained, unless by special Provision to be inserted in some Parochial Agreement and specially approved by the Commissioners, in which Case the same shall be valid, shall extend to any *Easter* Offerings, Mortuaries, or Surplice Fees, or to the Tithes of Fish or of Fishing, or to any Personal Tithes other than the Tithes of Mills, or any Mineral Tithes, or to any Payment instead of Tithes arising or growing due within the City of *London*, or to any permanent Rent-charge or other Rent or Payment in lieu of Tithes, calculated according to any Rate or Proportion in the Pound on the Rent or Value of any Houses or Lands in any City or Town under any Custom or Private Act of Parliament, or to any Lands or Tenements the Tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

Advertisements, Contracts, and Awards not

XCI. And be it enacted, That no Advertisement inserted by Direction of the Commissioners or any Assistant Commissioner,

or

or by any Tithe Owner or Land Owner, in the *London Gazette*, or in any Newspaper, for the Purpose of carrying into effect any Provision of this Act, and no Agreement, Award, or Power of Attorney made or confirmed or used under this Act, shall be chargeable with any Stamp Duty.

XCII. And be it enacted, That the said Commissioners may receive and send by the General Post from and to Places in *England* and *Wales* all Letters and Packets relating exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their Office in *London*, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in Covers, with the Words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person in his own Handwriting as the said Commissioners, with the Consent of the Lords Commissioners of the Treasury or any Three or more of them, shall appoint, (such Name to be from Time to Time sent to the Secretary of the General Post Office in *London*;) and be sealed with the Seal of the said Commissioners, and under such other Regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the Person so to be appointed shall 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 exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall send or cause to be sent under any such Cover any Letter, Paper, or Writing, or any Inclosure, other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds and be dismissed from his Office, one Moiety of such Penalty shall be paid to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same; and every such Penalty may be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

XCIII. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence he shall be deemed guilty of Perjury; and if any Person shall make or subscribe a false Affidavit or Declaration for the Purposes of this Act he shall suffer the Penalties of Perjury; and if any Person shall wilfully refuse to attend in obedience to any lawful Summons of any Commissioner or Assistant Commissioner, or to give Evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any Book, Deed, Contract, Agreement, Account, or Writing, Terrier, Map, Plan, or Survey, or any Copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

XCIV. And be it enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire, or Surveyor, for any thing done under the Authority of this Act, until Twenty-one Days

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Notice

to be liable to Stamp Duty.

Correspondence of Commissioners relating to this Act to be free of Postage.

False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

Limitation of Actions against Commissioners, Assistant Commissioners, Justices, &amp;c.

Notice thereof shall have been given in Writing to the Party against whom such Action or Suit is intended to be brought, or after sufficient Satisfaction or Tender of Amends shall have been made to any Party aggrieved, or after Three Calendar Months shall have expired from the Commission of the Act for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place; and if it shall appear that such Notice of Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited in that Behalf, or such Action shall be laid in any County or Place other than as aforesaid, then the Jury shall find a Verdict for the Defendant therein, or the Court, upon summary Application by Motion in any such Suit, may dismiss the same against such Defendant; and if a Verdict shall be found for such Defendant, or such Suit shall be dismissed upon Application as aforesaid, or if 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 or Suit Judgment shall be given for the Defendant therein, then such Defendant shall have Costs, Charges, and Expences as between Attorney and Client.

Proceedings not to be quashed for Want of Form, nor to be removed by Certiorari.

XCV. And be it enacted, That no Order, Adjudication, or Proceeding made or had by or before the Commissioners or any Assistant Commissioner under the Authority of this Act, or any Proceeding to be had touching any Offender against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limits of Act.

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

Act may be altered this Session.

XCVII. 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.

## C A P. LXXII.

An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, and to grant countervailing Drawbacks on the Removal of the same; to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom; and to alter the Laws relating to Distillers and Retailers of Spirits.

[13th August 1836.]

‘ **W**HEREAS the Duties by Law charged and payable on  
 ‘ Spirits made or distilled in the respective Parts of the  
 ‘ United Kingdom are, for every Gallon of Spirits of the Strength  
 ‘ of Hydrometer Proof made or distilled in *England*, Seven Shil-  
 ‘ lings and Sixpence; for every Gallon of such Spirits made or  
 ‘ distilled in *Scotland*, Three Shillings and Four-pence; and for  
 ‘ every



every Gallon of such Spirits made or distilled in *Ireland*, Two Shillings and Four-pence: And whereas such Differences in the respective Amounts of the said Duties operate unfairly and unjustly on the Manufactures of all Mixtures, Compounds, and Preparations into the Manufacture of which Spirits enter as the Basis, or a principal Ingredient or Material thereof, and injuriously to the Revenue when such Articles are manufactured in and removed from that Part of the United Kingdom paying the lower Duty into those Parts of the United Kingdom in which the higher Duties are charged and paid, and also further operate as Prohibitions to the Removal of such Articles from those Parts of the United Kingdom paying the higher Duty to the Parts in which the Excise Duties are chargeable: And whereas by the respective Acts of Union between *England* and *Scotland* and *Great Britain* and *Ireland* it is intended that all the Subjects of the United Kingdom should as far as possible be placed on an Equality in respect of Trade and Manufactures, and it is therefore necessary and expedient, in conformity with such Intention, that countervailing Duties should be imposed on the Removal from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, of the respective Mixtures, Compounds, Preparations, and Commodities in the Schedule to this Act mentioned, according to the Quantity of Proof Spirit usually employed in the manufacturing and compounding of the same, and that corresponding Drawbacks should be allowed: And whereas by an Act passed in the Fourth and Fifth Years of His Majesty's Reign, intituled *An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof, and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom*, certain additional Duties of Excise were imposed on Excise Licences taken out by Retailers of Spirits in *Great Britain* and *Ireland*: And whereas it is expedient to repeal the said additional Duties: And whereas it is expedient to allow Spirits made or distilled in the United Kingdom to be warehoused in Casks of a lesser Size than Eighty Gallons, and to remove the Restriction on Retailers of Spirits not to have more than Ten Gallons of Spirits of Wine in Stock, and to repeal so much of an Act passed in the Second Year of His Majesty's Reign, intituled *An Act to reduce the Allowance on Spirits made from Malt only in Scotland and Ireland*, as prevents any Distiller in *Scotland* and *Ireland* from giving Notice to distil from Malt during the Remainder of his Licence, after having distilled from raw Grain, and to restore the Provision contained in an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and thirty-six there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, upon the several Mixtures, Compounds, Preparations, and Commodities mentioned and described in the Schedule to this Act annexed, on the Removal of the same from *Ireland* to *Scotland* or *England*, or from *Scotland* to

4 &amp; 5 W. 4. c. 75.

2 W. 4. c. 29.

Duties and Drawbacks set forth in the Schedule to be charged on the Articles enumerated therein when removed from *Ireland* to

Scotland or England, or from Scotland to England.

Duties and Drawbacks to be under the Management of the Commissioners of Excise.

Persons intending to remove any of the Articles enumerated to give Notice of his Intention and obtain a Permit.

to *England* respectively, the several Sums of Money and Duties of Excise as they are respectively inserted, described, and set forth in the said Schedule; and that there shall be allowed and paid, on the Removal of such Mixtures, Compounds, Preparations, and Commodities from *England to Scotland or Ireland*, or from *Scotland to Ireland*, the several Drawbacks of Excise also respectively inserted, described, and set forth in the said Schedule.

II. And be it further enacted, That the said countervailing Duties and Drawbacks of Excise shall be under the Management of the Commissioners of Excise, and the said Duties shall be raised, levied, sued for, and recovered, received, accounted for, and paid over, and the said Drawbacks shall be claimed, allowed, and paid, in the same Manner, and by the like Means, Methods, and Ways, and under the same Laws, Enactments, Clauses, Provisions, Rules, and Restrictions, Pains, Penalties, and Forfeitures, (except as otherwise especially provided for by this Act,) as the other Duties and Drawbacks under the Management of the Commissioners of Excise are raised, levied, sued for, and recovered, applied, accounted for, and paid over, claimed, allowed, and paid.

III. And be it further enacted, That every Person who shall intend to ship any of the said Mixtures, Compounds, or Preparations, or Commodities, for Removal from *Ireland to Scotland or England*, or from *Scotland to England*, or from *England to Scotland or Ireland*, or from *Scotland to Ireland* respectively, shall, Twelve Hours before shipping the same, give Notice in Writing of such his Intention to the Collector of Excise or other proper Officer of Excise appointed to receive the same at the Port of Shipment, setting forth and specifying in such Notice the Number of Casks or Packages, or Vessels or Utensils, intended to be so removed, and also the Mark and Number on each such Cask, Package, Vessel, or Utensil, and the Quantity and Description of the Mixtures, Compounds, Preparations, or Commodities contained in each, and the Name of the Vessel and the Master thereof by which and the Name of the Port or Place to which the same are to be removed, and the Name of the Person or Persons at such last-mentioned Port or Place to whom such Mixtures, Compounds, Preparations, or Commodities are to be sent; and such Persons shall also, at the Foot or on the Back of every such Notice as aforesaid, request that a Permit may be granted for the Removal of such Mixtures, Compounds, Preparations, or Commodities, in conformity with the Particulars thereof set forth and specified in such Notice; and the Collector or Officer of Excise to whom such Notice shall be given shall on the Receipt thereof be authorized to examine or cause to be examined every such Cask, Package, Vessel, and Utensil, and the Marks and Numbers and Contents thereof, and ascertain the Truth of the Particulars in such Notice, and being satisfied thereof shall grant or cause to be granted a Permit for the Removal of such Mixtures, Compounds, Preparations, or Commodities, expressing in such Permit, or by Indorsement thereof, the several Particulars aforesaid, of the Number of Casks, Packages, Vessels, or Utensils, and the Marks and Numbers thereof, and the Quantity and Description of the Mixtures, Compounds, Preparations, or Commodities contained in each, with the Names of the Persons shipping

shipping the same and to whom the same are to be sent, and of the Vessel and the Master thereof by which and of the Port and Place from which and the Port or Place to which such Mixtures, Compounds, Preparations, or Commodities are to be removed; and the Collector or other Officer granting such Permit shall forthwith transmit by Post a Duplicate thereof to the Collector or other principal Officer of Excise at the Port or Place, or nearest thereto, to which such Mixtures, Compounds, Preparations, or Commodities are to be removed; and if any such Mixtures, Compounds, Preparations, or Commodities shall be found on board any Ship or Vessel in *Ireland* bound for *England* or *Scotland*, or on board any Ship or Vessel in *Scotland* bound for *England*, without such Notice of Shipment having been given, or not accompanied with such Permit as aforesaid, the same shall be forfeited, and may be seized by any Officer of Excise or Customs, and the Person who shall have shipped or caused to be shipped such Mixtures, Compounds, Preparations, or Commodities shall forfeit Two hundred Pounds.

IV. And be it further enacted, That the Proprietor or Consignee of any such Mixtures, Compounds, Preparations, or Commodities removed from *Ireland* into *England* or *Scotland*, or from *Scotland* into *England*, shall, on the Arrival of the Ship or Vessel at the Port or Place into which the same shall be brought, make due Entry with the Collector or other Officer of Excise appointed to receive the same at such Port or Place of such Mixtures, Compounds, Preparations, or Commodities on board such Ship or Vessel, and shall deliver to such Collector or other Officer the Permit for the Removal of the same, and shall pay to such Collector or other Officer the Duties due and payable on such Mixtures, Compounds, Preparations, or Commodities, according to the Provisions of this Act; and such Collector or other Officer, having examined or caused to be examined the said Mixtures, Compounds, Preparations, or Commodities, and being satisfied that they are the same Casks, Packages, Vessels, or Utensils, Mixtures, Compounds, Preparations, or Commodities specified in the Permit, and having received the Duties payable thereon, shall deliver the same to the Proprietor, Consignee, or Agent making such Entry and producing such Permit as aforesaid; and if any of the said Mixtures, Compounds, Preparations, or Commodities shall be removed from *Ireland* to *Scotland* or *England*, or from *Scotland* to *England*, without being accompanied with such Permit as aforesaid, or if within Twenty-four Hours after the Arrival of any Ship or Vessel due Entry of any such Mixtures, Compounds, Preparations, or Commodities on board thereof shall not be made, and the Permit for the Removal thereof produced, or if any such Mixtures shall be removed from the Quay, Wharf, or Place where landed before the Duties thereon shall be duly paid, all such Mixtures, Compounds, Preparations, and Commodities shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person who shall remove or aid or assist in removing any such Mixtures, Compounds, Preparations, or Commodities from *Ireland* into *Scotland* or *England*, or from *Scotland* into *England*, without such Permit as aforesaid, or who shall remove any such Mixtures, Compounds, Preparations, or Commodities from the Quay,

On the Arrival of the Vessel in *England* or *Scotland*, Entry to be made with the Collector or other Officer of Excise of the Articles on board, and the Permit to be produced and duly paid.

Quay, Wharf, or Place where landed before the Duties thereon shall have been paid, shall forfeit Two hundred Pounds.

Entry to be made of Articles removed from England to Scotland or Ireland, or from Scotland to Ireland, and Permit produced to obtain the Drawback.

V. And be it further enacted, That the Proprietor or Consignee of any such Mixtures, Compounds, Preparations, or Commodities removed from *England* into *Scotland* or *Ireland*, or from *Scotland* into *Ireland*, on Drawback, shall, on the Arrival of the Ship or Vessel at the Port or Place into which the same shall be brought, make due Entry with the Collector of Excise or other Officer of Excise appointed to receive the same at such Port or Place of such Mixtures, Compounds, Preparations, or Commodities on board such Ship or Vessel, and shall deliver to such Collector or other Officer the Permit for the Removal of the same; and such Mixtures, Compounds, Preparations, or Commodities, having been duly landed, and examined by such Collector or other Officer, or by his Directions, and such Collector or Officer being satisfied that they are the same Casks, Packages, Vessels, or Utensils, Mixtures, Compounds, Preparations, or Commodities specified in the Permit, shall give a Debenure or Certificate to the Proprietor or Consignee of the said Mixtures, Compounds, Preparations, or Commodities, making such Entry and producing such Permit, for the Amount of Drawback payable according to the Provisions of this Act on the Quantity of such Mixtures, Compounds, Preparations, or Commodities so brought into *Scotland* or *Ireland* respectively.

Customs Regulations to apply to these Articles.

VI. And be it further enacted, That all the Enactments, Provisions, Rules, and Regulations, Fines, Penalties, and Forfeitures, relating to Goods subject to Duties and Drawbacks of Excise removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, contained in any Act or Acts relating to the Revenues of Customs, shall extend to and be in force in respect of the Removal of the said Mixtures, Compounds, Preparations, and Commodities.

Regulations as to Drawbacks.

VII. And be it further enacted, That no Drawback under this Act shall be claimed or allowed on any Ether which shall be removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, of a greater Specific Gravity than Seven hundred and fifty; nor shall any Sweet Spirits of Nitre be removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, of a less Specific Gravity than Eight hundred and fifty; nor shall any such Spirits of Nitre be removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, on Drawback, of a greater Specific Gravity than Eight hundred and fifty; Water being taken for the Purpose of such Specific Gravities at One thousand at the Temperature of Sixty Degrees by *Fahrenheit's* Thermometer; and none of the Tinctures and Medicated Spirits not particularly denominated in the Schedule to this Act, but to be charged at the respective Duties and allowed the respective Drawbacks of Four Shillings and Two-pence, Five Shillings and Two-pence, and One Shilling for each Gallon thereof, shall be removed from *Ireland* into *England* or *Scotland*, or from *Scotland* into *England*, which shall contain more, nor shall any such Tinctures and Medicated Spirits, when removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, on Drawback, contain less than in the Proportion of One Gallon of Proof Spirit in every Gallon thereof: and

and none other of the said Mixtures, Compounds, Preparations, and Commodities in the said Schedule enumerated shall, when so removed as aforesaid, contain more, when removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, or less when removed on Drawback, than in the Proportion of One Gallon and a Half of Proof Spirit for every Gallon thereof; all Ether, Spirits of Nitre, and all such Tinctures and Medicated Spirits, Mixtures, Compounds, Preparations, and Commodities which shall be so removed contrary to the Directions aforesaid, shall be forfeited, and may be seized by any Officer of Excise or Customs; and any Drawback claimed thereon respectively shall also be forfeited.

VIII. And be it further enacted, That none of the said Mixtures, Compounds, Preparations, or Commodities shall be removed from *England* to *Scotland*, nor from *Scotland* to *England*, otherwise than by Sea, on pain of the Forfeiture thereof, and Two hundred Pounds by the Person removing the same.

IX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-six the said additional Duties of Excise on Excise Licences taken out by Retailers of Spirits imposed by the said recited Act of the Fourth and Fifth Years of His Majesty's Reign shall be and the same are hereby repealed.

X. And be it further enacted, That it shall be lawful for any Distiller of Spirits in *England*, *Scotland*, or *Ireland* to warehouse any Spirits distilled in the Distillery of such Distiller, in Casks, which shall contain not less than Twenty Gallons each, subject to and under in all other respects the Rules, Regulations, Enactments, Fines, Penalties, and Forfeitures in force in *England*, *Scotland*, and *Ireland* respectively relating to the distilling, warehousing, and Removal of such Spirits.

XI. And be it further enacted, That so much of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation*, as prohibits Retailers of *British* Spirits from selling or sending out, or receiving, or having or keeping in their Stock, Custody, or Possession, any Spirits of Wine exceeding at one Time Ten Gallons, shall be and the same is hereby repealed; and in lieu thereof it shall be lawful for any Retailer of Spirits to sell or send out, receive, or have in his Stock, Custody, or Possession, any Quantity of Spirits of Wine, under the same Rules and Regulations and subject to the same Penalties and Forfeitures as are in and by the said Act prescribed and imposed in respect to Spirits of Wine sold or sent out or received by or kept in the Stock or Possession of a Dealer in Spirits.

XII. And be it further enacted, That so much of the said recited Act of the Second Year of His Majesty's Reign as enacts that so much of an Act passed in the Fourth Year of the Reign

Articles not to be removed otherwise than by Sea.

Duties of 4 & 5 W. 4. c. 75. on Spirit Licences repealed.

Distillers may warehouse Spirits in Casks of not less than 20 Gallons.

So much of 6 G. 4. c. 80. as prohibits Retailers of Spirits from having more than Ten Gallons of Spirits of Wine in Stock repealed.

2 W. 4. c. 29. s. 4. repealed, and 4 G. 4. c. 94. s. 100. revived.

of His late Majesty King George the Fourth, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in Scotland and Ireland, and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty*, as provides and enacts, that if any Distiller who shall have given any such Notice of using malted Corn only as aforesaid shall intend to commence or recommence to use unmalted Corn or Grain, or Malt mixed with unmalted Grain, at any Time when there shall not be any Wort or Wash in the Distillery of such Distiller, such Time being at least One Calendar Month distant from the Time such Distiller began to use Malt only under any such Notice, it shall be lawful for such Distiller, on giving Six Days previous Notice to the proper Officer, so to commence or recommence to use unmalted Grain; and such Distiller shall not thereafter be liable to any such Penalty aforesaid, or be entitled to any such Allowance; provided also, that if any Distiller using unmalted Corn and Grain shall be desirous of commencing or recommencing to use malted Corn only as aforesaid at any Time when there shall not be any Wort or Wash in the Distillery of such Distiller, such Time being at least One Calendar Month from the Time such Distiller shall have commenced or recommenced using unmalted Grain as aforesaid, it shall be lawful for such Distiller, on giving Six Days Notice as aforesaid, so to commence or recommence to use malted Corn only, shall be and the same is hereby repealed; and the said Enactment in the said Act of the Fourth Year of the Reign of His late Majesty King George the Fourth so repealed shall be and is hereby revived, and shall be in full Force as if the same had not been repealed: Provided always, that Distillers in *Scotland and Ireland* distilling from Malt only, and claiming the Allowance on the Spirits distilled by them, shall continue subject to all the other Regulations in the said recited Act of the Second Year of His Majesty's Reign not repealed by this Act.

2W.4. c. 29. s. 5.  
repealed.

XIII. And be it further enacted, That so much of the said recited Act of the Second Year of His Majesty's Reign as enacts, that every Distiller who shall be licensed at the Time of the said Act commencing and taking effect, and who shall intend to use Malt only, and to claim the Allowance herein granted, shall within One Month after the Commencement of the said Act, and before he shall commence to brew any Wort or Wash, give Notice in Writing to the proper Officer of Excise in charge of his Distillery, in which Notice shall be stated that such Distiller intends to use Malt only, not being mixed with any unmalted Corn or Grain whatever, during the Continuance of his Licence; and every Distiller who shall be licensed after the Commencement of the said Act, or who shall renew his Licence on the Expiration of any former Licence, and who shall intend to use Malt only, and to claim the said Allowance, shall, at the Time of taking out or renewing his Licence, give a like Notice to the Officer in charge of his Distillery; and no Allowance shall be granted or payable to any Distiller who shall not have given such Notice at the Times therein-before mentioned; and if any Distiller, having given any such

such Notice, shall withdraw the same, and commence to use raw Grain, which he may be allowed to do at any Time after the Expiration of One Month from the Date of such Notice, it shall not be lawful for such Distiller in such Distillery, or for any other Person licensed for the same Premises, to give any other Notice of his Intention to use Malt only, or to receive any Allowance in respect of Spirits distilled from Malt during the Remainder of the Year for which the Licence of such Distiller has been granted, shall be and the same is hereby repealed.

XIV. ' And whereas Doubts are entertained whether Dealers in Spirits can lawfully receive and keep in Stock Foreign or Colonial Spirits at a less Strength than Seventeen *per Cent.* ' under Proof;' for obviating of which Doubts, be it further enacted and declared, That it shall be lawful for any Dealer in Spirits, not being also a Retailer, to receive and keep in his Stock, and to sell, send out, and deliver to any other Dealer in Spirits, or to any Person not being a Retailer of Spirits, any Foreign or Colonial Spirits at any Degree of Strength, subject to the Regulations in other respects under which Dealers in Spirits can legally receive, keep, sell, send out, or deliver Spirits.

Regulations as to Foreign Spirits.

XV. ' And whereas by an Act passed in the present Session of Parliament, intituled *An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled ' An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland,*' it is among other Things enacted, that from and after the passing of this Act no Person in *Ireland* who shall be duly licensed under any Act or Acts for granting Excise Licences to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, nor any Person deemed a Grocer within the Meaning of the Laws of the Excise in force in *Ireland* at or immediately before the passing of this Act, shall be entitled to take out any Licence to retail Spirits in the House or on the Premises of such Retailer, or in any House or on any Premises within One Quarter of a Mile of the House or Premises of such Retailer, other than a Licence to retail Spirits in Quantities not less at One Time than One Pint, and to be consumed elsewhere than in the House or on the Premises of such Retailer, and any Licence to retail Spirits in any other Manner granted after the passing of this Act to any such Grocer or Person so licensed as aforesaid shall be wholly null and void to all Intents and Purposes whatsoever: And whereas it is expedient that the Operation of the said Provision should be suspended;' be it therefore enacted, That so much of the said Act as is herein-before recited shall be suspended and not come into operation, and that the several Laws of Excise with respect to the Grant of Excise Licences to retail Spirits to any Person or Persons duly licensed to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, or to any Person deemed a Grocer within the Meaning of the Excise Laws in *Ireland* in force at or immediately before the passing of the said Act, shall continue in force until the First Day of *August* One thousand eight hundred and thirty-seven, and to the End of the then next Session of Parliament; any thing in the said Act of the present Session to the contrary notwithstanding.

Operation of certain Part of 6 & 7 W. 4. c. 38. suspended, and former Excise Laws relative to granting certain Licences to remain in force.

XVI. And

Act may be altered this Session.

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

SCHEDULE to which the foregoing Act refers.

ARTICLES ENUMERATED.  For every Gallon thereof removed -	Countervailing Duties.					
	From Scotland to England.	From Ireland to England.	From Ireland to Scotland.			
	£ s. d.	£ s. d.	£ s. d.			
Ether - - - -	0 10 5	0 12 11	0 2 6			
Sweet Spirits of Nitre - - - -	}	}	}			
Camphorated Spirits - - - -						
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients - - - -						
Compound Spirits of Lavender - - - -						
Spirits of Rosemary - - - -						
Spirits of Ammonia - - - -						
Salvolatile - - - -						
Friars Balsam - - - -				0 6 3	0 7 9	0 1 6
Compound Tincture of Benzoin - - - -						
Tincture of Assafœtida - - - -						
Tincture of Castor - - - -						
Tincture of Kino - - - -						
Tincture of Guaiacum - - - -						
Tincture of Myrrh - - - -						
Tincture of Ginger - - - -						
Spirit Varnishes - - - -						
Other Tinctures and Medicated Spirits - - - -	0 4 2	0 5 2	0 1 0			
Sweets or Made Wines - - - -	0 0 5	0 0 6	0 0 2			



ARTICLES ENUMERATED. For every Gallon thereof removed	Countervailing Drawbacks.		
	From England to Scotland.	From England to Ireland.	From Scotland to Ireland.
	£ s. d.	£ s. d.	£ s. d.
Ether - - - -	0 10 5	0 12 11	0 2 6
Sweet Spirits of Nitre - - -	} 0 6 3	} 0 7 9	} 0 1 6
Camphorated Spirits - - -			
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients - - -			
Compound Spirits of Lavender -			
Spirits of Rosemary - - -			
Spirits of Ammonia - - -			
Salvolatile - - - -			
Friars Balsam - - - -			
Compound Tincture of Benzoin -			
Tincture of Assafetida - - -			
Tincture of Castor - - - -			
Tincture of Kino - - - -			
Tincture of Guaiacum - - -			
Tincture of Myrrh - - - -			
Tincture of Ginger - - - -			
Spirit Varnishes - - - -			
Other Tinctures and Medicated Spirits - - - -	0 4 2	0 5 2	0 1 0
Sweets or Made Wines - - -	0 0 5	0 0 6	0 0 2

## C A P. LXXIII.

An Act to continue until the First Day of *July* next, and from thence to the End of the then next Session of Parliament, an Act passed in the Fifth and Sixth Years of His present Majesty, relating to the Dispatch of Business done by the Court of Exchequer in *Scotland*.

[13th *August* 1836.]

## C A P. LXXIV.

An Act to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof. [13th August 1836.]

‘ WHEREAS it is expedient that the Offices herein-after mentioned should be abolished, and Provisions made for the due Performance of the Duties thereunto belonging, and that other Offices connected with the said Court should be regulated, and that such of the Duties performed in the Offices so to be abolished as are necessary to be continued should be transferred to other Offices:’ Therefore be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the Office of Clerk of the Crown and Hanaper in *Ireland* shall utterly cease from and after the Determination of the existing Interest of the present Possessor of the said Office; and that the Offices of Usher of the said Court of Chancery, of Six Clerks of the said Court, and the Office of Cursitor of the said Court, shall be and the same are hereby abolished: Provided always, that nothing herein contained shall be construed to deprive the present Usher of the Fees of Poundage which he is now by Law entitled to receive, but that he shall receive the same as heretofore, any thing in this Act to the contrary notwithstanding.

Office of Clerk of the Crown and Hanaper, and Offices of Usher, Six Clerks, and Cursitor of Court of Chancery, abolished.

Appointment of new Clerk of Crown and Hanaper: his Salary and Duties.

II. And be it further enacted, That upon such Determination of the Interest of the present Possessor of the said Office of Clerk of the Crown and Hanaper it shall and may be lawful for His Majesty, His Heirs and Successors, under His and Their Royal Sign Manual, to nominate and appoint a fit Person to be Clerk of the Crown and Hanaper, and so from Time to Time as a Vacancy may occur therein; and that such Person so to be nominated and appointed shall hold the said Office during good Behaviour, notwithstanding the Demise of His Majesty or of any of His Heirs and Successors; and that the Persons so to be appointed to such Office shall receive and be paid a Salary of Six hundred Pounds *per Annum*, and shall and they are hereby required personally to do and perform all such Matters and Things necessary and proper in the due Execution of the Business of the said Office, and as have been heretofore done and performed by the Deputy of the said Clerk of the Crown and Hanaper.

Clerk of the Crown and Hanaper to employ Two Clerks, and receive and account for Fees named in 4 G. 4. c. 61.

III. And be it further enacted, That the said Clerk of the Crown and Hanaper shall and may employ Two Clerks in his Office, to be approved of by the Lord Chancellor, to aid in the Discharge of the Duties thereof, at the respective Salaries of One hundred and fifty Pounds and One hundred Pounds *per Annum*; and that it shall and may be lawful for the said Clerk of the Crown and Hanaper to receive and take all and every the Fees and Emoluments mentioned and set forth in the Table, Number Ten, annexed to an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in the Court of Chancery in Ireland*; and that the said Clerk of the Crown and Hanaper shall be at liberty thereout to retain his Salary, and to pay the respective Salaries to the said Clerks, and other

other incidental and necessary Expences of the said Office, to be approved of by the Lord Chancellor; and that such Fees and Emoluments shall be accounted for on Oath once in every Quarter before One of the Masters of the said Court, and the Balance, if any, paid into the Bank of *Ireland* within Fourteen Days from the End of every Quarter, to the Credit of the Accountant General of the Court of Chancery, to be by him placed to an Account to be intituled "The Suitors Fee Fund Account"; and in case such Fees shall not be sufficient to pay the several Salaries, and the other incidental Expences of the said Office, the Deficiency shall be paid out of the Monies standing to the Credit of the Suitors Fee Fund Account.

IV. And be it further enacted, That there shall be an Officer to be called the "Clerk of the Affidavits"; who shall do and perform all the Duties heretofore done and performed by the Usher of the Court or his Deputy; and that there shall be One Assistant Clerk to the said Clerk of the Affidavits, with One or more Scrivenary Clerks as shall appear necessary for the due Discharge of the Duties of the Office, to be approved of by the Lord Chancellor; and that *Charles Hogan* Esquire, one of the present Six Clerks, shall be such Clerk of Affidavits, and *Simon Maddock* such Assistant Clerk; and that upon the happening of a Vacancy in the Office of Clerk of Affidavits or Assistant Clerk, the Lord Chancellor shall appoint some fit Person thereto, by Writing under his Hand, to be entered in the Registrar's Office of the said Court; and such Clerk of Affidavits shall be allowed out of the Fees to be received the annual Sum of Six hundred Pounds, the Assistant Clerk the annual Sum of One hundred and fifty Pounds, and the Scrivenary Clerk or Clerks such Salary or Salaries or Allowances as the Lord Chancellor from Time to Time shall direct; and that such Clerk of Affidavits and his Clerk shall and may take and receive such Fees as are now receivable by the Usher, (save and except the Poundage on Cash paid out of Court,) and the said Clerk of Affidavits shall and may thereout retain and deduct the respective Sums hereby made payable to him and the Assistant Clerk respectively, together with such other Sum for the Salaries or Allowances to the Scrivenary Clerks, and the incidental and necessary Expences of the Office, as the Lord Chancellor may from Time to Time allow, and shall account for such Fees in the Manner herein-after mentioned; and that in ascertaining and fixing the Compensation of the said *Charles Hogan* under the Provisions of this Act, in relation to the said Office of Six Clerk so abolished as aforesaid, due Regard shall be had to the said Office of Clerk of Affidavits, to which the said *Charles Hogan* has been so appointed under this Act in manner aforesaid.

V. And be it further enacted, That it shall be the Duty of such Clerk of Affidavits to cause every Copy of Affidavit to be duly compared with the Original from which it shall be made before he shall attest the same, and that such Clerk of Affidavits shall be responsible for the Accuracy of every Copy so attested by him.

VI. And be it further enacted, That in order to provide for such of the Duties heretofore performed by and in the Office of the Six Clerks as are necessary to be continued, and also for the

Appointment of Clerk of the Affidavits and One Assistant, with Scrivenary Clerks; their Salaries and Duties.

Clerk of Affidavits to compare and attest Copies of Affidavits.

Appointment of Two Clerks in Court, and Clerk of Ap-  
Duties

pearances and  
Writs, with  
Two Assistants.

Duties which now are performed in the Office of Cursitor of the Court, there shall be the several Officers following; *videlicet*, Two Officers, to be called "Clerks in Court," whose Duty it shall be, one to attend the Lord Chancellor's Court, and the other the Rolls Court, for the Purpose of reading all Documents necessary to be read in Court, and discharging such other Duties as shall be prescribed to them under the general Orders to be made by the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, in manner herein-after enacted; and an Officer to be called "Clerk of the Appearances and Writs"; and that there shall be Two Assistant Clerks to the said Clerk of the Appearances and Writs; and that *John William Ball* and *Henry Darley* Esquires, Two of the present Six Clerks, shall be Clerks in Court, and *Yelverton Dawson* Esquire, one other of the present Six Clerks, Clerk of the Appearances and Writs, and *Nicholas Keatinge* Esquire and *John Albert Mons* the Assistant Clerks; and that on the Death, Resignation, or Removal of any of the said several Officers, the Vacancy thereby occasioned shall be filled up from Time to Time by the Master of the Rolls, by an Appointment in Writing, to be entered in the Registrar's Office; and that in ascertaining and fixing the Compensation to the said *John William Ball*, *Henry Darley*, and *Yelverton Dawson*, due Regard shall be had to the said Offices to which they have been so respectively appointed under this Act; but that it shall be lawful for the said *John William Ball*, *Henry Darley*, *Yelverton Dawson*, and *Charles Hogan* to retire from their said Offices; and, in the event of their so doing, that they shall be entitled to be paid the same Amount of annual Compensation to which they would have been entitled in case they had not accepted Office under this Act.

Lord Chancellor  
and Master of  
the Rolls to  
make Rules for  
Performance of  
Duties of abo-  
lished Officers.

VII. And be it further enacted, That the Duties of the several Officers, and such of the Duties of the said Six Clerks as may be necessary to be performed by any of the other Officers of the Court, or by the Solicitors of the Parties, shall be performed in such Manner and under such Rules and Regulations as the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, shall by any General Rules or Orders to be issued for that Purpose order or direct; and that all Notices, Summonses, Orders, and other Matters which have heretofore been served by and on the said Six Clerks shall be served by and on the Solicitors of the Parties, save where it shall be otherwise directed by such General Rules or Orders to be issued as aforesaid; and such Solicitors shall be entitled to charge such Fee for such Duties as the Lord Chancellor, with the Assistance of the Master of the Rolls, shall by General Order fix and determine; and that the Signature by the Solicitor to all Pleadings and Documents heretofore required to be signed by the Six Clerk shall be deemed and taken as sufficient.

Writ of Sub-  
pœna to be an  
open Writ, and  
sealed with the  
Seal of the  
Clerk of Ap-  
pearances and  
Writs.

VIII. And be it further enacted, That the Clerk of the Appearances and Writs shall provide a Seal, in such Form and with such Impression as the Lord Chancellor shall approve of; and that the Solicitor for the Party desirous of issuing a Writ of Subpœna may prepare such Subpœna, and present the same to the Clerk of the Appearances and Writs for sealing, and the same shall henceforth be

be an open Writ, and either in the present Form or any other Form which the Lord Chancellor may from Time to Time direct, and such Writ shall, upon Presentment thereof for that Purpose, be forthwith sealed with such Seal, and shall have the same Force and Validity as a Writ of Subpœna now has when sealed with the Great Seal; and there shall hereafter be paid to the Clerk of the Appearances and Writs for each such Subpœna, on the same being sealed, such Sum as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall from Time to Time order and direct.

IX. And be it further enacted, That the Clerk of the Appearances and Writs shall receive, in such Manner as the Lord Chancellor, with the Assistance of the Master of the Rolls, shall by General Order from Time to Time direct, the Fees which by Law are now receivable by the Six Clerks, or so many of such Fees as shall be deemed necessary for the Purpose of paying the Salaries hereby made payable thereout to the several Officers, and of forming a Fund for making Compensation to such Six Clerks, and shall also receive the Fees now receivable by the Cursitor of the said Court, and shall and may thereout pay and retain the several annual Sums following; that is to say, to the Two Clerks in Court the annual Sum of Six hundred Pounds each, the Clerk of the Appearances and Writs the annual Sum of Six hundred Pounds, to the First Assistant Clerk the annual Sum of Three hundred Pounds, and to the Second Assistant Clerk the annual Sum of One hundred and fifty Pounds, together with such other Sum for the incidental and necessary Expences of their Offices respectively as the Lord Chancellor may from Time to Time allow; and such Clerk of Appearances and Writs shall account for such Fees in manner herein-after mentioned.

X. And be it further enacted, That the Clerk of Affidavits and the Clerk of the Appearances and Writs shall respectively pay into the Bank of *Ireland*, to the Credit of the said Accountant General, such Sums of Money as they shall respectively receive, at such Periods and under such Regulations as the Lord Chancellor shall from Time to Time by any General Order direct; and that they shall respectively account on Oath once in every Quarter before One of the Masters of the said Court for all Fees and Sums of Money received and paid by them respectively, and shall pay the Balance thereof into the Bank of *Ireland*, to the Credit of the said Accountant General, within Fourteen Days from the End of every Quarter; and all such Sums of Money when so paid in shall be from Time to Time placed to the Account of the "Suits Fee Fund Account".

XI. And whereas it is expedient that the Office of the Registrars of the said Court should be regulated; therefore be it enacted, That the Establishment of the Registrars Office shall consist of Two Registrars, One Assistant Registrar, and Six Clerks, and such a Number of Scrivenary Clerks as the Service of the said Office shall require, and as shall be approved of by the Lord Chancellor; and that *Francis Prendergast* and *Charles O'Keefe* Esquires shall continue to be such Registrars, and *Robert Long* Esquire shall be the Assistant Registrar, and *Yelverton O'Keefe*, *John Kelly*, *William Young*, *Robert Levy*, *John Connor*, and

Clerk of Appearances and Writs to receive the Fees now payable to the Six Clerks and Cursitor, and thereout defray Salaries, &c.

Clerks of Affidavits and of Appearances and Writs to account quarterly for Monies received by them, &c.

New Establishment of the Registrars Office.

*Thomas Battley* shall be continued as such Clerks, and that *Francis Whelan* and *John Kelly* junior shall act as Assistant Clerks in the said Office; and that upon the happening of a Vacancy in the Office of either of the said Registrars, such Vacancy shall be filled up by the Assistant Registrar; and that upon a Vacancy happening in the Office of Assistant Registrar, the same shall be filled up by the Chief Clerk, if no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and in that Case if the Lord Chancellor shall not consider him to be qualified, then the Lord Chancellor shall, until after mentioned, appoint some proper Person to be Assistant Registrar; and as Vacancies may occur in the Office of any of the present Clerks or Assistant Clerks, such Vacancies shall not be filled up until the whole Number of Clerks be reduced to Six; and upon a Vacancy happening after the Number shall be reduced to Six, the Lord Chancellor shall appoint some proper Person to fill the Office, and so from Time to Time until the whole of the present Clerks shall be removed; and when a new Succession of Clerks shall be so appointed, then and in that Case, upon the Death, Resignation, or Removal of any of them, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and that on all future Vacancies in the Office of junior Clerk the Lord Chancellor shall appoint some proper Person to be such junior Clerk; and that upon a Vacancy happening in the Office of Assistant Registrar after the whole Number of Clerks shall have been appointed by the Lord Chancellor under this Act, then such Vacancy shall be filled up by the senior Clerk in the said Office for the Time being to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made.

Duties of Registrars and Assistant Registrar.

XII. And be it further enacted, That the said Registrars shall attend the Court of the Lord Chancellor and the Court of the Master of the Rolls as heretofore; and that the Duty of the Assistant Registrar shall be to attend and superintend the general Business of the Office; and such Assistant Registrar shall be and he is hereby empowered to countersign the Drafts of the Accountant General, and to sign Official Documents, and to do all official Acts necessary in the Execution of the Duties of the Office, in the same Manner as the said Registrars are authorized to do.

Registrars to receive Fees, and to pay the Salaries of Assistant Registrar and Clerks.

XIII. And be it further enacted, That the Registrars of the said Court shall receive the Fees and Emoluments which they are now or which at any Time hereafter they shall be authorized to receive, and shall thereout pay to the said Assistant Registrar the Salary or yearly Sum of One thousand Pounds and to the present Clerks to the said Registrars the several Salaries or yearly Sums set opposite to their respective Names or Titles in the First Schedule to this Act annexed, and to all future Clerks to be appointed under and in pursuance of this Act the several Salaries or yearly Sums set forth in the Second Schedule to this Act annexed; and the Residue of such Fees shall be appropriated as herein-after directed.

Limitation of Salaries of Registrars.

XIV. And be it further enacted, That in case such Fees, after Payment of the several Salaries aforesaid, and such Sum as the Lord Chancellor for the Time being may allow for Books, Paper,

Scrivenary

Scrivenary Clerks, and other incidental and necessary Expences of the said Office, shall exceed in Amount the clear Sum of Two thousand Pounds *per Annum* to each of the present Registrars, and One thousand five hundred Pounds *per Annum* to any future Registrar to be appointed, such Excess shall be paid over as after mentioned; and that any Person to be hereafter appointed Registrar on the happening of a Vacancy in the Office of either of the present Registrars, the Fees and Emoluments of such future Registrar shall be limited to the clear Sum of One thousand five hundred Pounds *per Annum*.

XV. And be it further enacted, That for the Purpose of ascertaining the Fees and Emoluments of the Registrars for the Time being they shall every Quarter in the Year, beginning on the Quarter next after the Commencement of this Act, account on Oath before One of the Masters of this Court for all Fees and Sums of Money received by them or for their Use, and of the Sums from Time to Time paid by them thereout for Salaries to the several Officers aforesaid, and for other official Expences to be allowed as aforesaid; and whenever and so often as it shall appear by such Account that the Sums received by or payable to such Registrars in any One Quarter of a Year shall exceed the clear Sum of Five hundred Pounds to each of the present Registrars, or of Three hundred and seventy-five Pounds to any future Registrar to be appointed (after deducting thereout the Salaries and Expences aforesaid), the said Registrars shall, within Fourteen Days next after every such Quarter of a Year, pay the Amount of such Excess into the Bank of *Ireland*, to the Credit of the Accountant General of the said Court, to be placed by him to the Account to be intituled "The Suitors Fee Fund Account".

XVI. And be it further enacted, That if at any Time it shall appear by the said Account that the Sums received by or for the Use of the Registrars in respect of their said Office in any One Quarter, after making the Deductions herein-before mentioned, shall be less than the Sum of Five hundred Pounds to each of the present Registrars, and Three hundred and seventy-five Pounds to any future Registrar, the Deficiency shall be paid to them by the said Accountant General out of the Monies standing to the Credit of "The Suitors Fee Fund Account".

XVII. And be it further enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of any of the Offices of the said Court cannot be discharged with due Dispatch without the Assistance of an additional Clerk or Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to direct that One or more additional Clerk or Clerks shall be appointed, with such Salary and Salaries as he shall deem proper, to be paid out of the Funds of the respective Offices to which such Clerk or Clerks shall be appointed; and such additional Clerk or Clerks shall be appointed by the Judge for the Time being who may have the Right of appointing the other Clerks in the said Office.

XVIII. And be it further enacted, That in case of Illness or other necessary Cause of Absence it shall be lawful for any of the Officers filling the respective Offices herein-before mentioned, from Time to Time as Occasion may require, to appoint a Deputy, such

Registrars to account quarterly for Fees received by them.

For making good Deficiency in Registrars Salaries.

For Appointment of additional Clerks.

Officers may appoint Deputies in case of Illness.

Deputy, and also the Occasion for such Appointment, to be first approved by the Judge on whom it shall be the Duty of such Officer to attend, upon a Petition, to be verified by Affidavit, for such Time and under such Regulations as the Judge shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made on such Petition; and that such Deputy shall be paid out of the Salary or Fees of such Officer such Sum as shall be directed by the said Order.

Officers not to act as Attornies or Solicitors on pain of Dismissal.

XIX. And be it further enacted, That it shall not be lawful for any Person who shall be appointed to hold any of the Offices of the said Court to act or practise, either in his own Name or in the Name of any other Person or Persons, as an Attorney or Solicitor in any of the Courts at Law or Equity in *Ireland*; and in case it shall appear, by Evidence to the Satisfaction of the Lord Chancellor, that any such Officer or Person shall directly or indirectly, by himself or any other Person in Partnership with or in Trust for him, act as such Attorney or Solicitor, the Lord Chancellor shall and may thereupon remove him from his Office.

Fee of 6*d.* in the Pound payable to the Usher to continue till Cessation of the Compensation to Officers.

XX. ' And whereas it may be found expedient that the Fee of Sixpence in the Pound payable to the Usher of the Court of Chancery, or some Portion thereof, should continue to be paid after the Death of the present Usher, in aid of the Fund for providing Compensation for the several Officers aforesaid; be it enacted, That such Fee of Sixpence in the Pound now payable to the Usher shall be continued to be deducted by the Accountant General during the Life of the Honourable *Richard Hobart Fitzgibbon*, the present Usher, and be paid over to him; and that in case after his Death the Lord Chancellor shall consider it necessary that the said Fee or any Portion thereof shall be continued for the Purpose of providing a Fund for the Payment of the Compensation to be made to the said Officers or any of them, it shall be lawful for him to make an Order for continuing the Payment of said Fee or any Portion thereof for any Period he may think necessary, and from Time to Time to vary such Order as he may think fit; and the Accountant General shall during the Period specified in said Order place the Sums received in pursuance thereof to the Credit of the said Account to be intituled " The Suitors Fee Fund Account," any thing in the said recited Act to the contrary notwithstanding: Provided always however, that whenever the Compensation to be made to the several Officers aforesaid shall cease to be payable, and the Sums, if any, advanced out of the Consolidated Fund in aid thereof shall have been repaid, the said Fee shall absolutely cease and be abolished.

Surplus of Suitors Fee Fund to be invested in Government Stock.

XXI. And be it further enacted, That any surplus Monies standing in the Name of the Accountant General to the Account aforesaid, after paying and providing for the several Charges thereon, shall from Time to Time be laid out and invested by the Accountant General, either in one entire Sum or in Parcels, in the Name of the said Accountant General, in Government Stock, and such Stock shall be placed to the like Account, and such surplus Funds shall be subject to the same Purposes, as the original Funds with which the same were purchased.

XXII. And



XXII. And be it enacted, That whenever it shall appear that the Monies and Securities standing to the Account to be intituled "The Suitors Fee Fund Account," together with the Interest and Dividends thereof, and the Fees expectant and to be payable to such Account, shall be more than sufficient to answer and pay the several Salaries and other Payments for the Time being chargeable thereon, and to repay such Sum, if any, as may have been advanced out of the Consolidated Fund in aid thereof, it shall be lawful for the Lord Chancellor to abolish any Fee, or to reduce other Fees, as may to the said Lord Chancellor from Time to Time seem fit, and as the Compensations payable thereout may cease.

When Suitors Fee Fund is more than sufficient for answering Salaries, &c. the Chancellor may abolish any Fee.

XXIII. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland*, after reciting that it was reasonable and just that the Six Clerks of the said Court, being Purchasers of and entitled to sell at pleasure their respective Offices, should receive for any Diminution of annual Income, and also for any Depreciation of Purchase Value of their Offices, full and adequate Compensation, and also that such of the other Officers of the said Court as the Commissioners of His Majesty's Treasury therein-after provided should think entitled thereto should also receive Compensation for lawful Fees and Emoluments diminished or taken away, it was enacted, that it should be lawful for the Commissioners of His Majesty's Treasury for the Time being, by Warrant under their Hands to order and direct that such Compensation should be made to the said Six Clerks respectively, and to such other Officers who then held Office in or belonging to the said Court, as the said Commissioners in their Discretion should deem just and reasonable; and it was by the said recited Act further enacted, that the several and respective Sums for Compensation should be paid and payable out of the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," as far as the same would extend; and in case the Suitors Fund should be inadequate to the Payment of the whole Amount of Compensation, the Amount beyond what could be satisfied out of the Suitors Fund should be charged upon and paid out of the Consolidated Fund of the United Kingdom; and it was by the said recited Act further enacted, that if any of the Six Clerks should sell his said Office it should be lawful for him, at any Time within Six Calendar Months after such Sale, to apply to the Commissioners of His Majesty's Treasury for Compensation for the Diminution of Value of his Office, and in such Case it should be lawful for the said Commissioners to order and direct that such annual or other Compensation should be made to the Six Clerks as they should deem just and reasonable; and all such Compensation, whether annual or in gross, should be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: And whereas the said Six Clerks being deprived of their Offices by virtue of this Act, they are now entitled to be paid Compensation as well in respect of their

4 & 5 W. 4. c. 78.

Right

Compensation to be made to the Six Clerks, Usher, and Cursitor, and Account laid before Parliament.

‘ Right of Sale of their said Offices as in respect of their annual  
 ‘ Income derived therefrom : And whereas it is reasonable and fit  
 ‘ that Compensation should also be made to the Usher and also  
 ‘ to the Cursitor of this Court;’ be it therefore enacted, That it  
 shall be lawful for the Commissioners of His Majesty’s Treasury  
 for the Time being, or any Three or more of them, by Warrant  
 under his or their Hand or Hands, to order or direct such Com-  
 pensation in gross to be made to the said Six Clerks, for such their  
 Right of Sale of their said Offices, and also to order or direct  
 such Compensation to be made to the said Six Clerks and Persons  
 for such annual Loss as they shall respectively sustain by reason  
 of the Provisions of this Act, as shall be just and reasonable ;  
 and such Compensation shall be issued and paid and payable in  
 manner herein-after mentioned : Provided always, that such Com-  
 pensation to the Cursitor for his Loss of Office shall be regulated  
 by the average annual Amount of the Emoluments of the said  
 Office for Three Years next preceding the First Day of *November*  
 One thousand eight hundred and thirty-three, and that an Account  
 of all such Compensation shall, within Fourteen Days next after  
 the same shall be so granted, be laid upon the Table of the House  
 of Commons, if Parliament shall be then assembled, or if Parlia-  
 ment shall not be then assembled, within Fourteen Days after the  
 Meeting of Parliament then next following ; and provided further,  
 that the Compensation to be made to the Usher shall not exceed  
 the annual Amount of the Income of his Office on an Average of  
 the Five Years next preceding the First Day of *November* One  
 thousand eight hundred and thirty-four, or be less than Three  
 Fourths of such Amount.

Treasury may refer Claims for Compensations to Commissioners according to 4 & 5 W. 4. c. 78.

XXIV. And be it further enacted, That for the better enabling  
 of His Majesty’s Treasury to form a correct Judgment of the Na-  
 ture and Amount of the Compensations which it may be reasonable  
 and proper to make to the said Officers for their Loss of Office or  
 diminished Income under this Act, it shall and may be lawful for  
 the Commissioners of His Majesty’s Treasury, if they shall think  
 fit, to refer all Claims for Compensations to Commissioners, as in  
 the said before-recited Act they are authorized to do with respect  
 to Claims thereunder.

Out of what Fund Compensations to be paid.

XXV. And be it further enacted, That the several and respective  
 Sums as and for Compensation which the Commissioners of His  
 Majesty’s Treasury shall by Warrant or Warrants as aforesaid order  
 and direct to be paid to any Officer shall be paid and payable  
 to the Officer or Officers named in such Warrant or Warrants, in  
 the first place out of the Funds standing to the Credit of the Ac-  
 count called “ An Account of the Interest and Produce of the  
 Compensation and Fee Fund of the Suitors of the Court of Chan-  
 cery in *Ireland*,” as far as the same will extend, and, in the next  
 place, out of the Funds which may be standing to the Credit of  
 “ The Suitors Fee Fund Account ” ; and in case both the said Funds  
 shall be inadequate to the Payment of the whole of such Compen-  
 sation to be given under this Act the Amount of the Compensation  
 beyond what can be so satisfied shall be charged upon and paid  
 out of the Consolidated Fund of the United Kingdom, without any  
 Fee or Deduction whatsoever ; and every such Sum as and for  
 annual

annual Compensation to be issued in pursuance of this Act shall be payable and paid quarterly on every Twentieth Day of *January*, Twentieth Day of *April*, Twentieth Day of *July*, and Twentieth Day of *October*, the first Payment thereof to be made on the first of said quarterly Days which shall next follow the Day of the Commencement of this Act.

XXVI. ‘ And whereas the Office of Six Clerk in the Court of Chancery of *Ireland* will be abolished by the Provisions of this Act, whereby the several Persons now acting as Clerks in said Offices (many of whom have been acting therein for a Series of Years) will be deprived of Employment in such Situations; and it is just and reasonable that Compensation should be made to such Persons for the Loss of their several Situations, and also to the Clerk now employed in the Office of the Cursitor, and to Mr. *David Daly* and *Joseph Whelan*, Clerks employed in the Office of the Registrars, for the Loss of their Offices by reason of this Act;’ be it therefore enacted, That it shall and may be lawful for the Masters of said Court or any Two or more of them to inquire into, by Examination on Oath or otherwise, (which Oath they are hereby authorized to administer,) and ascertain the annual Amount of the lawful Fees, Salaries, and Emoluments of such Clerks in the Six Clerks Office received by them respectively for the Three Years preceding *Michaelmas* Term One thousand eight hundred and thirty-three, or for Three Years next preceding the Commencement of this Act, at the Option of said Clerks or any of them, and in case of the said Cursitor’s Clerk, for Three Years ending *Michaelmas* Term One thousand eight hundred and thirty, and in case of the said Clerks in the Registrars Office, for Three Years ending on the Day of the Commencement of this Act; and they are hereby required forthwith to ascertain the Amounts thereof respectively, and to certify the same, in Writing under their Hands, to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, and thereupon it shall and may be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, with the Sanction of the Commissioners of His Majesty’s Treasury, to order to all and every of said Clerks who shall be so deprived of Employment in said Offices as aforesaid an annual Sum or Sums to be paid out of “The Suitors Fee Fund Account,” and that such annual Sum or Sums shall be paid and payable to such Person or Persons, and his or their Assigns, during the Term of his or their natural Life or Lives, by Four quarterly Payments in each and every Year, free and clear of all Taxes and Deductions whatsoever, on every Twentieth Day of *January*, the Twentieth Day of *April*, the Twentieth Day of *July*, and the Twentieth Day of *October*, the first Payment thereof to be made on the first of said Days which shall next happen after the Commencement of this Act, and also such Proportion of any such quarterly Payments as at the Time of the Decease of any such Person or Persons shall be due from the Quarter Day next preceding the Time of such Decease: Provided always, that the annual Sum so to be payable to any of said Clerks shall not exceed Two Thirds of the average annual Amount

Compensation to Persons in the Six Clerk, Cursitor, and Registrars Offices.

Amount of the Sums received by them respectively as such Clerks for the Periods aforesaid.

Provision for Payment of annual Allowance to John Daly.

XXVII. 'And whereas *John Daly*, who held for many Years the Office of Chief Clerk in the Registrars Office, became unable, in consequence of a severe Illness, to discharge the Duties of said Office, and has received for some Years an annual Allowance of Four hundred Pounds, which is paid as follows; that is to say, Two hundred Pounds thereof by *Yelverton O'Keefe*, the present Chief Clerk, One hundred Pounds thereof by *Francis Prendergast*, one of the present Registrars, and One hundred Pounds thereof by *Charles O'Keefe*, the other Registrar; and it is expedient to provide that such annual Allowance shall continue to be paid during the Life of the said *John Daly*, in case he shall survive any of said Persons; be it enacted, That in case the said *John Daly* shall survive the said *Francis Prendergast*, *Charles O'Keefe*, or *Yelverton O'Keefe*, the Person who shall be appointed to any Office which shall become vacant by the Death of any of them shall continue to pay to the said *John Daly* during his Life so much of the said annual Allowance as the Person so dying has usually paid as aforesaid.

Compensation to certain Officers to be ordered by Lord High Treasurer or Commissioners of Treasury.

XXVIII. 'And whereas by said last-recited Act it was enacted that it should be lawful for every Officer claiming Compensation as therein mentioned, on the First Day of *Hilary* Term One thousand eight hundred and thirty-six, and on every succeeding First Day of *Hilary* Term, and for One Month thereafter in each Year respectively, so long as the said Officer should hold his Office, to make out and render to the Lord High Treasurer or Commissioners of His Majesty's Treasury an Account in Writing, to be verified as therein mentioned, of the gross and net Emoluments of said Office and of the Disbursements thereof, in such Form and with such Particulars of Receipt as the said Commissioners or any Three or more of them should require, and that the Lord High Treasurer or said Commissioners as aforesaid should ascertain as they should think proper the gross and net Income of such Office, and also the Disbursements thereof, for and during the Year for which such Account should be rendered, and the Amount of Compensation to which he or they should deem such Officer entitled for and during said Year: And whereas inasmuch as by the Operation of this Act the Offices now held by some of said Officers entitled to Compensation under the Provisions of the said recited Act will be abolished, and they will thereby be rendered incapable of making the Returns directed by said Act; be it therefore enacted, That it shall be lawful for such Officers as may be disabled by the Provisions of this Act from making the Returns directed by said recited Act to make or cause to be made out and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury Accounts in the Form and with such Particulars of Receipt and Expenditure as is directed by said recited Act for the Portion of the Year intervening between the First Day of last *Hilary* Term and the Day of this Act coming into operation, and the Lord High Treasurer or Commissioners as aforesaid shall ascertain as they shall think proper the Compensation to which he

or

or they shall deem such Officer entitled for and during the said Portion of the Year, and that it shall be lawful for such Lord High Treasurer or Commissioners as aforesaid, or any Three or more of them, by Warrant or Warrants under their Hands, to order and direct such Compensation to be made to said Officers for such Portion of the Year as aforesaid as the said Lord High Treasurer or Commissioners of His Majesty's Treasury in their Discretion shall deem just and reasonable.

XXIX. ' And whereas *John Brenan*, one of the Six Clerks of said Court, is now, under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the better Administration of Justice in the Court of Chancery in Ireland*, and an Act of Parliament of the Sixth Year of His late Majesty's Reign, to amend said Act, entitled to be paid out of the Produce of the Consolidated Fund an annual Compensation for a Diminution of the Emoluments of his Office, occasioned by the Provisions of said Acts, the Amount of which Compensation is to be ascertained annually as mentioned in said Act: And whereas the said *John Brenan* will cease to hold his said Office under the Provisions of this Act, and on that Account it will not be practicable to ascertain the annual Amount of the Compensation to be paid to him under said Acts in the Manner therein mentioned; be it therefore enacted, That the Sum of Nine hundred and fifty-two Pounds Ten Shillings and Five-pence present Currency, equivalent to the Sum of One thousand and thirty-one Pounds Seventeen Shillings and Eleven-pence Halfpenny of late *Irish* Currency, which was the Sum payable to him in the Year ending One thousand eight hundred and thirty-four as and for his Compensation under the said before-mentioned Acts, shall from and after the Third Day of *November* One thousand eight hundred and thirty-five be taken to be the Amount of the annual Compensation payable to him under said Acts, and shall be paid to him out of the Consolidated Fund at the Times and Manner as directed by said Acts with respect to Officers who have heretofore sold their respective Offices under said Acts.

As to Compensation to *John Brenan* under 4 G. 4. c. 61. and 6 G. 4. c. 30.

XXX. ' And whereas under the Provisions of certain Acts of Parliament recently passed, and certain Rules for regulating the Practice of the Court of Chancery in *Ireland*, the Duties of the Clerk of Enrolments may be considerably increased; be it enacted, That if it shall appear reasonable and proper to the Lord Chancellor and Master of the Rolls to direct any Remuneration to be paid to such Clerk, in addition to the Salary now payable to him, it shall be lawful for them to order, with the Sanction of the Commissioners of His Majesty's Treasury, that such annual Sum, not exceeding One hundred and fifty Pounds *per Annum*, as they shall think reasonable shall be paid to such Clerk, for the Performance of such additional Services, out of the Compensation and Suitors Fee Fund Account for such Period as they shall think fit.

Lord Chancellor and Master of the Rolls may direct Remuneration to Clerk of Enrolments for increased Duties.

XXXI. And be it further enacted, That no Payment of any Sum or Sums of Money to be made under or by virtue of this Act shall be subject to the Payment of Usher's Poundage: And

Payments, &c. of Money not subject to Usher's Poundage, &c.

pro-

provided also, that every Order to be made for the Transfer, Investment, or Payment of any Money under this Act or any of the Provisions thereof shall be free of and discharged from the Payment of any Fee whatsoever to any Officer of the said Court.

So much of  
4 G. 4. c. 61.  
as is incon-  
sistent with this  
Act repealed,  
and such Parts  
as are applicable  
to extend to it.

XXXII. And be it further enacted, That so much of the said herein-before recited Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in the Court of Chancery in Ireland*, as shall be inconsistent with any of the Clauses or Provisions of this Act, shall be and the same is hereby repealed; and that so many and such Part and Parts of the Clauses and Enactments of the said recited Act as may be applicable to the several Officers appointed and to be appointed under this Act shall extend and be construed to extend and be applied to such Officers respectively, as fully and effectually as if such Clauses and Enactments had been repealed and re-enacted in this Act.

Extraordinary  
Commissioners  
may take Ac-  
knowledgments.

XXXIII. And be it further enacted, That it shall be lawful for all extraordinary Commissioners of the Court of Chancery, and they are hereby authorized and empowered, to take in *England* or *Scotland* the Acknowledgment of Recognizances by Parties and others in Suits and Matters depending in the said Court in such and the same Manner as the Masters in Ordinary of the Court of Chancery may now take according to the Practice of the said Court respectively.

Commission  
of Bankrupt  
issued after  
1st July 1836  
to have the  
same Effect as  
if issued before  
that Day.

XXXIV. And be it enacted, That any Commission of Bankrupt issued or to be issued in *Ireland* after the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-six, founded on any Trading or Act of Bankruptcy carried on or committed prior to the said First Day of *July* One thousand eight hundred and thirty-six, shall have the same Force and Effect as if such Commission had issued prior to the said First Day of *July* One thousand eight hundred and thirty-six; and that in every Case the Petitioning Creditor or Creditors may prove his or their Debt or Debts before the Commissioner of Bankrupt in *Ireland* in the same Manner as all other Creditors of the Bankrupt are permitted to prove their Debts respectively.

Same Powers to  
Lord Keeper,  
&c. as to Lord  
Chancellor.

XXXV. And be it further enacted, That the Powers and Authorities given by this Act to the Lord Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively, for the Time being.

Commencement  
of Act.

XXXVI. And be it further enacted, That this Act shall commence and take effect from and after the Twentieth Day of *October* next.

Act may be  
altered, &c.  
this Session.

XXXVII. 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.

## SCHEDULES to which this Act refers.

## FIRST SCHEDULE.

CLERKS TO THE REGISTRARS.		SALARY.	
Yelverton O'Keefe, Chief Clerk	-	£500	per Annum.
John Kelly	-	300	—
William Young	-	130	—
Robert Levy	-	100	—
John Connor	-	100	—
Thomas Battley	-	100	—
ASSISTANT CLERKS.			
Francis Whelan	-	100	—
John Kelly, jun <sup>r</sup>	-	100	—

## SECOND SCHEDULE.

		SALARY.	
The First Clerk to the Registrars	-	£400	per Annum.
Second	-	300	—
Third	-	200	—
Fourth	-	150	—
Fifth	-	150	—
Sixth	-	100	—

## C A P. LXXV.

An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in *Ireland*.

[13th August 1836.]

WHEREAS Proceedings by Civil Bill, under and by virtue of an Act passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way at the Sessions of the Peace of the several Counties at large within *Ireland* (except the County of *Dublin*), and the several Acts in force in *Ireland* amending and extending the Provisions of the said Act, have been found very beneficial, and it is expedient to enlarge the present Jurisdiction of the Civil Bill Courts in *Ireland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences between Party and Party for any Sum or Damages not exceeding Twenty Pounds Sterling in all Cases of Debt, Covenant, Assumpsit, Actions on the Case upon Assumpsit or Promises (Penal Covenants, Breach of Promise of Marriage, only excepted,) Trover, Conversion, Trespass for Goods taken or Detinue, or for any Sum not exceeding Ten Pounds in all other Cases whatsoever, (Slander, Libel, Deceit, and Criminal Conversation with a Man's Wife only excepted,) and also

Assistant Barristers to hear and determine Cases for Sums not exceeding 20*l*.

also all Cases for the Recovery of any Penalty not exceeding Twenty Pounds imposed or to be imposed by any Act of Parliament.

Jurisdiction as  
to Lands.

II. And be it further enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences respecting the Possession of any Lands, Tenements, or Hereditaments held under any Grant, Lease, or other Instrument for any Term or Interest the Duration or Extent whereof, when originally granted or created, did not exceed Three Lives, without any Provision for the Renewal thereof, or a Term of Sixty-one Years determinable on Three Lives, or a Term of Sixty-one Years absolute, and the yearly Rent reserved or payable in respect whereof, under such Grant, Lease, or other Instrument, shall not exceed Twenty Pounds, and in respect of which no Fine exceeding Fifty Pounds was paid on the granting or Execution of such Grant, Lease, or other Instrument; and every Person claiming such Possession may proceed by Civil Bill in the Court for the County, Division, or District wherein such Lands, Tenements, or Hereditaments, or any Part thereof, shall be situate, for Recovery of such Possession; and every such Civil Bill shall specify the Name and Residence of the Claimant, and the Description of the Property sought to be recovered, and the Barony or Parish in which the same is situate, and shall require the Persons in Possession of or claiming any Interest in such Lands, Tenements, or Hereditaments to appear before the Assistant Barrister, on a Day and at a Place to be therein mentioned, to answer the said Civil Bill.

Service of Civil  
Bill in such  
Cases.

III. And be it enacted, That every such Claimant as aforesaid shall and he is hereby required to serve the Persons who shall be in the actual Possession of the Lands, Tenements, or other Hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any Part thereof, with such Civil Bill Thirty Days at least before the Commencement of the Sessions in which such Civil Bill is to be heard and determined; and if there be not any Person in the actual Possession of such Lands, Tenements, or Hereditaments, then the affixing of such Civil Bill to or upon some conspicuous Part of the Premises so claimed, and upon the Door of the Church and of every Protestant Chapel (if any), and also upon the Door of every Roman Catholic Chapel (if any), in the Parish, Place, or District wherein the said Premises shall be situated, shall be and be deemed to be good and sufficient Service of such Civil Bill.

As to Recovery  
of Lands.

IV. And be it enacted, That in all Actions and Proceedings brought for the Recovery of the Possession of any Lands, Tenements, or Hereditaments under or by virtue of this Act, it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up Possession of such Lands, Tenements, or Hereditaments to the Party entitled thereto.

Jurisdiction in  
Replevin Cases.

V. And be it further enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Actions of Replevin relating to Distresses for Rent



between Landlord and Tenant, where the Rent for or in respect of which any Distress shall be or ought to have been made shall not exceed Fifty Pounds in Amount or Value.

VI. And be it enacted, That in all Cases of Distresses for Rent the Person making any such Distress shall deliver to the Person in Possession of the Premises for the Rent of which such Distress shall be made, or in case there shall not be any Person found in Possession shall affix on some conspicuous Part of such Premises, a Particular in Writing of the Rent demanded, specifying the Amount thereof, the Time or Times when the same accrued, and the Person by whom or by whose Authority such Distress is made.

In Cases of Distresses for Rent, Particulars of Demand to be given.

VII. And be it enacted, That the Sheriff for the Time being for every County in *Ireland* shall, within Ten Days after he shall be sworn in as Sheriff, depute a sufficient Number of Persons in each County to act as Replevings in case of Distresses for Rent, so as that there shall be at least One such Replevinger in every Town wherein General or Quarter Sessions of the Peace are held; and for every Refusal or Neglect to appoint within Ten Days a sufficient Number of Persons to act as Replevings as aforesaid, and also for every Month during which there shall not be One such Replevinger in each such Sessions Town, every such Sheriff shall forfeit and pay the Sum of Twenty Pounds, to be recoverable by Civil Bill by any Person who will sue for the same; and such Replevings so to be appointed as aforesaid shall have Authority in the Sheriff's Name to grant Replevins and make Deliverance of all Distresses in such Manner or Form as the Sheriff may and ought to do, and shall be entitled to receive the Fees mentioned in the Second Schedule hereunto annexed, and no more.

Appointment of Replevings.

VIII. And be it enacted, That where any Party whose Goods or Chattels shall have been distrained for Rent shall dispute the Validity of the Distress, and the Amount of the Rent distrained for shall not exceed Fifty Pounds, it shall be lawful for such Party to lodge with the Clerk of the Peace for the County wherein such Distress shall have been made a Civil Bill, stating the Particulars of the Property distrained, and the Place where made, and the Person and Persons by whom or on whose Behalf such Distress was made, and requiring such Person or Persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the District, Division, or Riding in which such Distress was made, in case there shall be Ten clear Days between the Day of lodging such Civil Bill and the first Day of holding such Sessions, and if not, then at the Sessions for such Division, District, or Riding next after the Expiration of Ten Days from the Day of lodging such Civil Bill, and thereupon the said Clerk of the Peace shall issue an Order requiring the Sheriff of the County to replevy the Goods and Chattels so distrained; and the Sheriff to whom any such Order shall be directed, or his Replevinger, shall and he is hereby required, upon good Security (by the Bond of the Person obtaining such Order and Two responsible Persons as Sureties) being given to him in Double the Amount of the Value of the Property distrained, to execute such Order, and make a correct and proper Return of the Manner in which the same shall have been executed, or to signify the Cause

Mode of proceeding in Replevin Cases.

why the same has not been executed to the Court of the Assistant Barrister for the County, within Seven Days next after such Order shall have been delivered to him; provided that the Value of the Property distrained shall be ascertained by the said Sheriff or Replevenger in like Manner as the Value of Goods distrained is now ascertained by Law by the said Sheriff on taking Security in Replevins.

Form of Bond.

IX. And be it enacted, That the Bond so to be given to the said Sheriff shall be in the Form or to the Effect set forth in the First Schedule hereunto annexed, or as near thereto as the Circumstances of the Case will admit.

If Sureties objected to, Reason to be stated in Writing.

X. And be it enacted, That in every Case where the Persons who shall be proposed as Sureties on behalf of any Party whose Goods or Chattels shall have been distrained shall be objected to, the Reason or Ground of such Objection shall be stated in Writing by the Sheriff or Replevenger so objecting.

Copy of Civil Bill to be served on Defendant.

XI. And be it enacted, That in every Case where any Goods distrained shall be replevied as aforesaid a Copy of the Civil Bill which shall have been lodged with the Clerk of the Peace as aforesaid shall be served by or on the Part of the Plaintiff in such Civil Bill, upon every Person named as Defendant therein, in the same Manner as Civil Bills for Recovery of Debts are now required to be served, Six Days at least before the first Day of holding the Sessions to which it is returnable: Provided always, that in case the Party on whose Behalf such Distress was made shall not reside within the Jurisdiction of such Assistant Barrister, Service of such Bill on the Person who made the Distress for him shall be deemed good Service on such Party; and such Party, although not residing within the County, shall for the Purposes of this Act be deemed and taken to be within the Jurisdiction of the Assistant Barrister of the County in which the Distress was made.

Assistant Barrister to hear and determine such Civil Bill.

XII. And be it enacted, That the Assistant Barrister shall in every such Case of Distress and Replevin hear and determine the Civil Bill, and ascertain whether any and what Rent was due to the Defendant at the Time of making such Distress; and if it shall appear that any Sum was due for Rent, and that no Tender of the Sum so due was made before the said Civil Bill was brought, it shall be lawful for such Assistant Barrister and he is hereby required to make a Decree for Payment of the Sum ascertained to be due for Rent, and the Costs of defending such Civil Bill and making such Distress, and such Sum and Costs shall and may be levied by virtue of such Decree; and in case it shall appear that no Rent was due at the Time of such Distress, or no Tender made of Amount due and reasonable Costs of Distress previous to the bringing of such Civil Bill, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid to be delivered up to the Party complaining of the Distress, and also to make a Decree for Payment by the Defendant to such Party of such Damages as the Court may think fit, and, if necessary, to direct that such Damages and Costs shall be set off against or deducted from any Rent then due or thereafter to accrue due by the Party complaining, and to make a Decree accordingly.

XIII. And

XIII. And be it enacted, That the Bond so directed to be given as aforesaid shall be assigned by the Sheriff or his Representative to such Person or Persons as the Assistant Barrister shall direct, and such Assignment shall be by an Indorsement on the Bond, which shall not require any Stamp; and the Assignee of such Bond shall be at liberty to sue in his own Name, upon or by virtue of such Bond, in the Court of the Assistant Barrister within whose Jurisdiction any One of the Obligor of such Bond shall reside, without regard to the Amount of the Penalty of such Bond; and such Proceedings may be taken against all the Obligor of such Bond, or against any One or more of them.

Mode of Assignment of Bond.

XIV. And be it enacted, That in case the Person or Persons complaining of any such Distress shall not duly appear at the Sessions, and there prosecute such Civil Bill, and obtain a Decree therein, the Assistant Barrister shall and may, at the Request of any Party named as a Defendant in such Civil Bill, make an Order or Decree that the Bond so directed to be given to the Sheriff as aforesaid shall be assigned to the Defendant so applying; and such Bond shall be assigned, as herein-before directed, to the Party so applying; and such Bond shall be and stand as a Security for the full Amount of the Value of the Goods distrained, and the Costs of the Proceedings in relation to the Distress, and of the Proceedings on such Civil Bill and such Bond.

Bond to be assigned if Plaintiff do not prosecute Suit.

XV. And be it enacted, That it shall be lawful for the Assistant Barrister to order and decree that the Goods distrained shall be returned to the Party who distrained the same; and in every such Case where the Goods distrained shall be actually returned to the Party who distrained the same, and the Costs of the Proceedings paid, no further Proceedings shall be had on the Bond which shall have been given as aforesaid; and all such Goods, if returned or recovered under any such Decree as aforesaid, may be sold for the Recovery of the Rent due and Expences at the Expiration of Four Days after the Return thereof.

If Goods returned, no Proceedings to be had on Bond, and Goods may be sold.

XVI. ' And whereas an Act of Parliament was passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Relief of Persons aggrieved by unlawful or excessive Distresses in Ireland*; but the Provisions of the said Act have been found to be wholly ineffectual, and it is desirable that the said Act should be repealed; be it therefore enacted, That from and after the Commencement of this Act the said recited Act of the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth shall be and the same is hereby repealed; and that so much of an Act passed in the Tenth Year of the Reign of His Majesty King Charles the First, intituled *An Act for the impounding of Distresses*, and so much of an Act passed in the Third Year of the Reign of His Majesty King George the Second, intituled *An Act for the further explaining and amending several Statutes for protecting Under Sheriffs and Sheriff's Clerks from officiating as Sub-Sheriffs or Sheriff's Clerks more than One Year, and to render more effectual an Act to prevent Fees being taken in certain Cases, and to take away the pretended Office of Baron's Clerk, and to oblige Sheriffs to appoint Deputies for granting Replevins, and also for discharging of Prisoners unable to pay their Fees*, as

Repeal of 7 & 8 G. 4. c. 69.

10 Car. 1. (I.) in part.

3 G. 2. (I.) in part.

relate to the appointing and proclaiming of Deputies by Sheriffs for making or granting Replevins, and making Deliverance of Distresses, shall be and the same is hereby repealed.

Legacies and distributive Shares payable out of Assets of any deceased Person (when such Assets shall not exceed 200*l.*) recoverable by Civil Bill.

XVII. And be it enacted, That where the Amount of the Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, it shall and may be lawful for any Legatee of any specific Chattel, or for any Legatee of any pecuniary Legacy payable out of the Assets of any such deceased Person, or any Residuary Legatee, or for any Person or Persons entitled as next of Kin of any such deceased Person, or the Executors, Administrators, or Assigns of such Legatee or next of Kin, and they are hereby authorized and empowered, to proceed by Civil Bill against the Executor or Administrator of such deceased Person in the County or District in which such Executor or Administrator shall be resident, for the Recovery of such Legacies or distributive Shares at any Time after the Expiration of One Year from the Decease of the Testator or Intestate, but not sooner; and it shall and may be lawful for such Assistant Barrister as aforesaid, upon due Proof that the Defendant had received, or without wilful Default might have received, Assets of the Testator or Intestate sufficient and liable, after Payment of all just Debts, for the Satisfaction in a due Course of Administration either in the whole or in part of the Plaintiff's Demand, to make a Decree for Payment of such Legacy or distributive Portion rateably and proportionably with other Legatees standing in the same Situation, or other next of Kin respectively, as the Case may be; and in case the Plaintiff shall establish his Right to any specific Chattel it shall and may be lawful for such Assistant Barrister as aforesaid to make an Order for Delivery of the same to the Party entitled thereto, or to make a Decree for Payment of the Value thereof and Costs of Suit; and in case the Plaintiff shall establish his Right as Residuary Legatee, it shall and may be lawful for such Assistant Barrister as aforesaid to make an Order for the Delivery, Transfer, or Payment of such Residuary Estate and Effects to the Party decreed entitled thereto.

Civil Bill in such Cases to be served 12 Days before Sessions.

XVIII. Provided always, and be it enacted, That every Civil Bill to be brought for the Recovery of a Legacy or distributive Share under or by virtue of this Act shall, Twelve Days at least before the Sessions, be duly served upon the Party against whom the same is brought, or left at his usual or last known Place of Abode.

Executors and Administrators to lodge Accounts if required.

XIX. And be it enacted, That where the Property or Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by Notice in Writing by any Legatee, next of Kin, Creditor, or other Person interested therein, within Twelve Months after the Decease of the Testator or Intestate, lodge with the Clerk of the Peace of the County wherein such Testator or Intestate resided at the Time of his Death, and also in the County wherein such Executor or Administrator resides, a Schedule or Account setting forth the Particulars of the Property or Assets of or to which the Testator or Intestate died possessed or entitled, and the Amount, Produce, and Value of the same respectively, and the Amounts and Particulars of the Debts due by the said Testator or Intestate,

Intestate, and the Amounts and Particulars of the Debts, Legacies, and Funeral and Testamentary Expences of the Testator or Intestate paid by or on account of any such Executor or Administrator, and showing the Balance applicable to the Purposes of the Will of the said Testator, or distributable amongst the next of Kin of the said Intestate, or the Property or Chattels then undisposed of; and every such Schedule or Account shall be verified by the Oath or Affirmation (as the Case may be) of the Executor or Administrator, to be sworn before the Clerk of the Peace for the County wherein such Executor or Administrator resides, and which Oath or Affirmation the said Clerk of the Peace is hereby authorized and directed to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace among the Records of their respective Counties, and shall be deemed and taken as Evidence against the said Executor or Administrator of the several Matters therein contained.

XX. And be it further enacted, That in case any such Executor or Administrator shall neglect to lodge such Schedule as aforesaid within the Time herein-before specified he shall forfeit any Sum not exceeding Twenty Pounds, to be recoverable by Civil Bill before the Assistant Barrister of the County wherein such Executor shall reside by any Person suing for same.

Penalty on Executors or Administrators neglecting to lodge Accounts.

XXI. And be it enacted, That in all Proceedings by Civil Bill by any Legatee or next of Kin for Recovery of any Legacy or distributive Share as aforesaid it shall and may be lawful for the Plaintiff, as such Legatee or next of Kin in such Civil Bill as aforesaid, to examine on Oath, if the Court shall deem it necessary in open Court, such Executor or Administrator, in order to obtain a Discovery of the Estate and Effects of the Testator or Intestate at the Time of his or her Decease, and the Value thereof, and of his or her Debts, Funeral and Testamentary Expences, and to obtain an Admission that the Defendant is the Executor or Administrator (as the Case may be), and to ascertain all such Facts as a Party suing as Legatee or as next of Kin in a Court of Equity is entitled to Discovery of.

Examination of Executor or Administrator.

XXII. And be it enacted, That every Executor or Administrator may be compelled by Summons, to be signed by the Clerk of the Peace, in like Manner as Witnesses are compelled to attend and give Evidence in the Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the Testator, or the Letters of Administration of the Testator or Intestate (as the Case may be), and submit to be examined on Oath in open Court touching the Matters aforesaid on the Trial of any such Civil Bill in any Riding, Division, or District of the County where such Cause shall be heard; and every Executor or Administrator who shall disobey any such Summons shall forfeit and pay the Sum of Ten Pounds as a Penalty; but such Fine or Penalty may be mitigated or wholly given up, if the Assistant Barrister before whom he shall have been required to attend shall, upon good and sufficient Cause being shown, think fit to mitigate or give up the same.

Executors or Administrators to produce Copy of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill.

XXIII. And be it further enacted, That it shall be lawful for any Assistant Barrister in any Action or Proceeding for a Legacy, or a distributive Share of the Property or Assets of a Testator or an Intestate, to require the Party suing to give Notice, either by

Assistant Barrister may advertise for Claims or Assets.

Advertisement or otherwise, requiring Persons having Claims on the Property or Assets of the Deceased to produce and verify such Claims; and no such Advertisement shall be charged with or liable to any Duty, and all Costs relating to such Notice shall be borne and paid in such Manner and by such Parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such Notice to be given, adjourn the Civil Bill to some future Sessions, so as to allow sufficient Time for publishing or giving such Notice.

Executors *de son tort* to be liable.

XXIV. And be it enacted, That any Person rendering himself an Executor *de son tort* shall be liable to be sued by Civil Bill in the Manner herein-before mentioned, and shall be liable to the same Extent as if sued in a Superior Court.

Money may be required by Assistant Barrister to be paid into the Bank.

XXV. And be it enacted, That in any such Action or Proceeding the Assistant Barrister may, if he thinks fit, direct Money to be paid into the Bank of *Ireland*, Savings Bank legally established, or such Branch Bank of the Bank of *Ireland* as he shall direct, in the Name of such Clerk of the Peace, to the Credit of the Cause in question, and such Money shall be applied and disposed of according to the Order and Directions of the Assistant Barrister; and all Payments of such Money shall vest in the Clerk of the Peace for the Time being, and shall be made upon an Order in Writing under the Hand of the Clerk of the Peace for the Time being, countersigned by the Assistant Barrister; which Order shall be a good and sufficient Warrant to all Intents and Purposes.

Legacies not exceeding 20*l.* charged on Real Estate to be recoverable.

XXVI. And be it enacted, That it shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds, charged upon or payable out of any Real Estate, or any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Rent-charge or Annuity charged upon or payable out of any Real Estate, to proceed by Civil Bill against the Person who shall be entitled to the Real Estate charged with such Legacy or Arrears; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Real Estate is liable to such Legacy or Arrears, and that the Owner thereof has received therefrom, for his own Use and Benefit, more than the Amount of the Legacy or Sum sought to be recovered, and that no Personal Property liable to the Payment thereof is available for that Purpose, to order or decree the Payment of such Legacy or Arrears by the Owner of such Real Estate.

Attested Copy of Will good Evidence.

XXVII. And be it enacted, That in all Proceedings under this Act to recover any Legacy, or Lands, Tenements, or Hereditaments, an examined or attested Copy of the Will bequeathing it, or of any Will giving Title to it, shall be received as Evidence as if the original Will or Probate thereof was produced.

Civil Bills, &c. to be in Form prescribed in Schedule.

XXVIII. And be it enacted, That the several Civil Bills, Orders, Proceedings, Decrees, and Dismisses which shall be brought, prosecuted, and pronounced in pursuance of this Act, shall be in the Form or to the Effect prescribed by the First Schedule to this Act annexed, or as near thereto as Circumstances will admit.

Provision of Civil Bill Acts relating to Employment of Counsel, &c.

XXIX. And be it enacted, That all and every the Provisions of the several Acts now in force relating to Civil Bill Courts in respect of the Employment of Counsel and the Duties of Sheriffs and of Clerks of the Peace in relation to any Proceedings by Civil Bill,

Bill, and all other Regulations and Provisions of the said Acts in relation to Proceedings by Civil Bills, shall apply and extend to the Proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the Provisions of this Act, and that all such Provisions and Regulations shall also extend and be applicable to Proceedings in the Court of the Recorder of the City of *Dublin*, and in the Court of the Chairman of the Sessions of the Peace for the County of *Dublin*.

shall extend to Proceedings under this Act.

XXX. And be it enacted, That in any Case where any Party shall be dissatisfied with the Judgment or Decree or Dismiss of the Assistant Barrister touching or concerning any Proceedings which may be instituted or prosecuted under or by virtue of the Provisions of this Act, it shall be lawful for such Party to appeal against such Decision or Decree, in like Manner, and upon the like Terms and Stipulations, as Appeals in other Cases are allowed to be brought under or by virtue of the Acts now in force relating to Proceedings by Civil Bill.

Appeal.

XXXI. And whereas Plaintiffs and Defendants appearing by Attorney and not attending in Person at the Quarter Sessions are deprived of their Right of Appeal by reason of their being necessary Parties to the Recognizance to prosecute such Appeal; be it therefore enacted, That in case of the Absence of any such Plaintiff it shall and may be lawful for him to enter an Appeal, without entering into such Recognizance, upon paying the Defendant or depositing with the Clerk of the Peace Double the Costs of such Dismiss, and performing the other Requisites now required by Law in Cases of Appeal (save as to such Recognizance); and it shall and may be lawful for any such Defendant to enter an Appeal on a like Payment to the Plaintiff, or depositing with the Clerk of the Peace Double the Costs of such Decree, and performing the other Requisites as to Appeals now required by Law (save as to such Recognizance); but a Recognizance, in case of the Absence of the Defendant, shall in every Case be entered into on his Behalf by Two solvent Sureties, to prosecute the Appeal, and to pay the Amount to be decreed against the Defendant, and Costs.

In case of Absence of Plaintiff or Defendant how Appeal may be prosecuted.

XXXII. And be it enacted, That wheresoever the said Assistant Barrister shall in any Civil Bill brought under and by virtue of this Act grant a Decree, the same shall be with Costs; but in case the Plaintiff in any Civil Bill brought under or by virtue of this Act or any other Act shall not proceed in the same, or shall fail to establish his Case to the Satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill with Costs, and either without Prejudice to the Plaintiff's Proceedings by a new Civil Bill, or on the Merits, as he shall think fit.

Assistant Barrister may dismiss Civil Bill.

XXXIII. And be it enacted, That it shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator of any Plaintiff or Defendant, or Assignee or Assignees of any Plaintiff or Defendant who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant, by whom any Decree or Dismiss was obtained, to renew any Decree or Dismiss, or any Affirmance or Reversal of any Decree or Dismiss of the Assistant Barrister affirmed or re-

Decrees or Dismisses may be renewed.

versed on Appeal; provided that all such Renewals shall be subject to the same and the like Conditions and Regulations as are now required by Law in case of any Renewal which may now be made; and provided also, that no Civil Bill Decree, or Affirmance of a Decree, or Affirmance of a Decree for Possession, shall be renewed, save for the Costs thereby decreed; and provided that it shall not be lawful for any Assistant Barrister to grant a Renewal of any Civil Bill Decree or Dismiss, Affirmance or Reversal, when Two Years shall have elapsed after such Decree or Dismiss, Affirmance or Reversal, shall have been pronounced, nor at any Time to grant such Renewal to or against any Person not being an original Party to such Civil Bill, unless upon Proof made in open Court that the Party seeking such Renewal caused Notice in Writing to be served upon the Person against whom it is sought to renew such Decree or Dismiss, Affirmance or Reversal, setting forth the Particulars of such Decree and the Amount for which the Application to renew such Decree is proposed to be made, such Notice to be served in like Manner as Civil Processes are required by Law to be served, Six Days previous to the first Day of holding the Civil Bill Court to which such Application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like Manner as an original Civil Bill.

Decrees of Assistant Barrister may be signed by his Successor.

XXXIV. And be it enacted, That in case of the Death, Removal, or Incapacity of the Assistant Barrister of any County or Riding, it shall and may be lawful for his Successor, or the Barrister for the Time being acting for him, to sign any Order or Decree pronounced by the Barrister so dying or removed or becoming incapable as aforesaid, and to act in all respects in reference to the Orders made as the Barrister so dying or removed or being incapable as aforesaid might have done; and the Order and Decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

Verbal or technical Errors not material.

XXXV. And be it enacted, That no Action or Proceeding under or by virtue of this or any other Act relating to Civil Bill Courts shall be treated or considered as invalid on account of any verbal or technical Error in the same; and it shall be lawful for every Assistant Barrister to decide and determine what is a verbal or technical Error or Mistake in any Action or Proceeding, but all Errors or Mistakes which have not a Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Parties may appeal to the Oath of each other.

XXXVI. And be it enacted, That both Parties shall be mutually at liberty to appeal each to the Oath of the other on the Subject of the alleged Cause of Action; provided that a Notice in Writing be served on the Party so intended to be examined at least Five Days previous to the Commencement of the Sessions; but the Assistant Barrister may prevent and dispense with such Appeal in such Cases as he may think it expedient to do so.

Regulating Hours of sitting of Court of Quarter Sessions.

XXXVII. And be it enacted, That the Court of Quarter Sessions shall, after the first Day of every Session, commence its Sittings in the Months of *December* and *January* not earlier than Nine nor later than Ten of the Clock in the Forenoon, and in other Months



Months not later than Nine of the Clock in the Forenoon, save when prevented by the Illness or unavoidable Absence of the Assistant Barrister or other Fatality, and shall at once proceed with the Criminal or Civil Business after the Magistrate may be in attendance, but no Decree or Proceeding shall be in any Manner impeached or questioned in consequence of any Trial or Civil Bill having been commenced or heard at any Time before or after any of those Hours; and that no Trial or Case, Criminal or Civil, or other Business, shall be entered upon after the Hour of Six of the Clock in the Afternoon of any Day, nor shall any Civil Bill be called on after that Hour, except at the Request of both Parties: Provided always, that it shall and may be lawful for the Assistant Barrister to proceed in the Criminal Business although no Magistrate shall be in attendance; any Statute, Law, Charter, or Usage to the contrary notwithstanding.

XXXVIII. And be it enacted, That in case of the Death or Disability of any Clerk of the Peace during Sessions, and of no immediate Appointment of a Successor or sufficient Deputy being made, the Assistant Barrister shall appoint a fit and proper Person to act as Clerk of the Peace in the meantime, and allocate a due Proportion of the Fees or Salary in Remuneration of the Person so acting.

In case of Death of Clerk of the Peace during Sessions.

XXXIX. And be it enacted, That all Disputes and Differences shall be heard and determined at every Sessions in alphabetical Order according to the Surnames of the Plaintiffs, and be entered accordingly in the Book of the Clerk of the Peace, save and except in any Case or Cases where the Assistant Barrister shall see Reason to vary the same.

Order in which Actions are to be heard.

XL. Provided always, and be it further enacted, That nothing herein contained shall prevent any Assistant Barrister from hearing and determining such Disputes and Differences in such Baronial or other Divisions as to him shall seem meet; provided that within such Divisions they shall be heard and determined in alphabetical Order as aforesaid, and provided that such Assistant Barrister shall give Three Months Notice of his Intention to hear and determine Disputes and Differences in such Baronial or other Divisions, and provided that after an Alteration in the Mode of hearing Disputes and Differences shall be made by the Assistant Barrister no further or other Alteration shall be made for the Space of One Year.

Assistant Barrister may hear and determine Disputes in Baronial or other Divisions.

XLI. And be it enacted, That the Assistant Barrister for the Time being shall appoint a sufficient Number of proper and responsible Persons in every County to act as Bailiffs for the Execution of the Decrees or Orders of the Civil Bill Court for the County, and no Person shall be authorized or empowered to execute any Decree or Order of any Civil Bill Court (save only Decrees for Possession) unless he shall have been so appointed Bailiff as aforesaid; and all Persons to be appointed Bailiffs as aforesaid shall and may have and exercise all the Powers and Authorities which Sheriffs of Counties in *Ireland* or Special Bailiffs are enabled or empowered by Law to have or exercise in the Execution of the Decrees or Orders of the Civil Bill Courts; and such Bailiffs are hereby empowered and required to execute all Decrees and Dismisses, and all Orders and Decrees which shall be made

Bailiffs to be appointed to execute Decrees of Civil Bill Court.

made by the Assistant Barrister of the County in which such Order or Decree shall be made, and any other Assistant Barrister, save only Decrees for Possession of Lands, which shall be executed by the Sheriff, and also Decrees so far as respects Costs in Ejectment Cases: Provided always, that the Assistant Barrister in Ejectment Cases shall, besides pronouncing a Decree for Possession or Dismissal, as the Case may be, issue his Warrant for the Levy of Costs, and which shall be executed by the said Bailiffs, and have the same Effect as Decrees on Civil Bills.

Fees payable to Bailiffs.

XLII. And be it enacted, That the Bailiffs so to be appointed as aforesaid shall be entitled to receive, on the Execution of Decrees and Orders, the Fee and Poundage set forth in the Second Schedule hereunto annexed, and no other Fees or Payments shall be recoverable or receivable by them, and the same shall be taxable against the Party.

Bailiffs to give Security.

XLIII. And be it enacted, That every Person appointed to act as Bailiff as aforesaid, shall before he acts in his said Office, together with Two responsible and sufficient Sureties, give and execute to the Clerk of the Peace for the County in which such Bailiff shall be appointed to act a Bond in the Penalty of Fifty Pounds, conditioned for the proper Performance of the Duties of his Office, and such Bond shall vest in the Clerk of the Peace of the County for the Time being, and may from Time to Time be sued on in his Name, or in the Name or Names of any Person or Persons to whom it may be assigned under any Order of the Assistant Barrister, which Assignment shall be made by an unstamped Indorsement by the acting Clerk of the Peace for the Time being; and it shall be the Duty of the Clerk of the Peace for the Time being to inquire and ascertain from Time to Time whether any of the Sureties have become insolvent or have died, and to require the Bailiff to give further or other Security, and such Clerk of the Peace shall certify to the Assistant Barrister at each Session that such Sureties are alive, and have not become insolvent; and any Person who shall sustain any Damage by the Neglect or Misconduct of any such Bailiff may proceed before the Assistant Barrister by Civil Bill to recover from him and his Sureties the Amount of such Damages not exceeding Fifty Pounds; and the Bond so given shall stand and be an additional Security for such Damages, and shall, if necessary, be put in suit to recover the Sum and Costs from the Parties thereto or any of them; and it shall be lawful for any Assistant Barrister to dismiss any such Bailiff for Misconduct, and he shall report such Dismissal to the Lord Lieutenant.

36 G. 3. (1.) repealed so far as respects the Payment of 1s. to the Sheriff.

Fee of 10s. 6d. for executing Decree for delivering Possession.

XLIV. And be it enacted, That from and after the First Day of *February* the Sum or Fee of One Shilling now payable to the Sheriffs in *Ireland* for every Special Warrant granted at the Peril of the Party requiring the same shall be no longer payable; and that the said Act of the Thirty-sixth of King *George* the Third, so far as respects the Payment to the Sheriffs of the said Sum or Fee of One Shilling, be repealed; and that every Sheriff shall be entitled to and be paid a Sum of Ten Shillings and Sixpence, and no more, for executing every Decree for delivering Possession made by an Assistant Barrister or Judge on Appeal; all which Decrees the said Sheriffs are hereby required to execute in Person or by his

his Deputy within a Week after the same is delivered to him, and required by the Party to execute the same.

XLV. And be it enacted, That in case of the Illness or unavoidable Absence of any Process Server, the Entries made in his Book verified by his Affidavit, or, in case of his Death, verified as to his Handwriting by some credible Person, shall be received as Evidence of the Service of the several Processes stated in such Book to have been served, and that the Fee of Sixpence allowed to such Process Server on each Civil Bill be in future taxed and allowed against the Defendant, in like Manner as other Costs taxable against the Party.

XLVI. And be it enacted, That the Bailiffs so to be appointed as aforesaid shall have full Power and Authority to sell Goods taken in Execution by them by public Auction, without the Assistance of a licensed Auctioneer.

XLVII. And be it enacted, That in all Actions and Proceedings by Civil Bill the Fees specified in the Second Schedule to this Act annexed shall be established and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified, and no other Fees or Payments shall be recoverable for the Discharge of such Duties.

XLVIII. And be it enacted, That every Clerk of the Peace, Attorney, Sheriff or his Deputy, Bailiff, or Process Server, who shall receive any greater Fee, Gratuity, or Emolument, or other Consideration, for any of the Services specified in the said Schedule, shall forfeit and pay the Sum of Twenty Pounds Sterling for every such Offence, to be recovered by Civil Bill or otherwise by any Person who may sue for the same.

XLIX. Provided always, and be it further enacted, That such of the Fees specified and set forth in the said Second Schedule as are thereby made payable to Clerks of the Peace of the different Counties in *Ireland* for entering Civil Bills, and for signing Decrees or Dismisses, and signing and entering Renewals, shall be payable to the Register of the Chairman of the County of *Dublin* and the Clerk or Register of Civil Bills for the City of *Dublin* respectively only, in Ejectment, Replevin, and Legacy Cases, and in Cases over which an entirely new Jurisdiction is hereby created, and in all other Cases the Fees at present payable to the said respective Registers shall continue payable and remain unaltered during the Lives of the said present Registers.

L. And be it enacted, That every Clerk of the Peace shall cause to be constantly exposed, as well in his Office as also in some conspicuous Place accessible to the Public, in every Court of General or Quarter Sessions within his County, a fair and legible Table, painted or printed in Letters and Figures not less than One Half Inch in Length, of the Fees payable upon all Proceedings upon all Civil Bills, and likewise the Penalty to which any Person may become liable for receiving any greater Fee than is set forth in the said Second Schedule to this Act annexed for any of the Services therein specified; and that on Proof made on summary Application to the Court of any Neglect or Omission of such Exposure, the Clerk of the Peace so neglecting shall forfeit any Sum not exceeding Five Pounds, to be paid to the Treasurer of the County within which such Penalty shall be incurred, and accounted for

Books of Process Servers to be Evidence in certain Cases.

Bailiffs may sell Goods taken in Execution.

Fees specified in Second Schedule to be deemed lawful Fees.

Penalty for taking larger Fees.

Fees payable to the Registers of the City and County of Dublin.

Table of Fees to be exposed in some conspicuous Parts of Office of the Clerk of the Peace and Court of Quarter Sessions.

for and applied by such Treasurer to the Aid of the Expenditure of such County; and it shall be lawful for the Grand Jury of every County, at any Assizes to be held in and for such County, to present the reasonable and actual Expences of preparing and exposing such Tables to be raised by Presentment upon such County, and to be paid to such Clerk of the Peace.

Affidavit substituted for Oaths required to be taken by Attornies every Session.

LI. And be it enacted, That so much of the said Acts relating to Civil Bills as requires Oaths to be taken by the Attornies practising in Civil Bill Courts at the Commencement of every Session be repealed; and that in future such Attornies, on their Commencement of Practice in each County, shall make and sign an Affidavit in Writing, to be attested by the Assistant Barrister, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court, in the Form following; (that is to say,)

‘ I *A.B.*, one of the Attornies, do swear, That I will faithfully discharge all such Duties and Business as may be intrusted to my Charge.’

Appeal given to the Landlord in same Manner as the Tenant under  
56 G. 3. c. 88.

LII. ‘ And whereas it is considered that under the Provisions of an Act passed in the Fifty-sixth Year of the Reign of His Majesty *George* the Third, intituled *An Act to amend the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress*, which Act is explained, amended, and extended by Two other Acts respectively passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third and in the First Year of the Reign of His late Majesty King *George* the Fourth, the Tenant or Defendant only is entitled to the Right of Appeal in Proceedings instituted under the Provisions of the said Acts; be it therefore enacted, That the Landlord or Plaintiff shall in all Proceedings under the said recited Acts have and be entitled to all and every the same Rights of Appeal, under the same Restrictions, Conditions, and Limitations, as in other Cases of Decrees on Civil Bills, as by the Acts in force relating to Civil Bill Courts are provided for or given to Defendants.

Power to appoint additional Places for holding Sessions.

LIII. ‘ And whereas it would facilitate the Administration of Justice if a sufficient Number of Places were appointed for hearing and determining Causes by Civil Bill, and transacting Criminal and other Business at a General or Quarter Session of the Peace; be it therefore further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being from Time to Time, by and with the Consent and Advice of the Privy Council, to divide the several Counties in *Ireland* or any of them, or any Riding or Division of a County, into as many Districts as shall be thought proper or expedient for the Purpose of more conveniently hearing and determining Causes by Civil Bill, and of transacting all such Criminal or all such other Business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint One or more convenient Town or Place, Towns or Places, in any such District in which a Civil Bill Court and a Court for transacting such Criminal and other Business as aforesaid shall be held, and every such District shall be distinguished by the Name of such Town or Place, and every such Session and Adjournment thereof shall

shall be good and effectual for the Administration of Criminal Business and Civil Bill Cases, and doing all other Business that may by Law be done at the General Quarter Sessions of the Peace; and the Grand Juries of the several Counties in which such Districts shall be situated shall and they are hereby required to present such Sums as may be necessary for building or repairing Sessions Houses in such Towns or Places, and for paying the Rent or Hire of convenient Places for holding such Sessions until such Sessions Houses in such Towns or Places shall be built, in the same Manner as they are empowered and required to present for such Building and Repairs, and Hire or Rent, by the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, or any other Act now in force; and the Assistant Barristers and Justices of the Peace of such several Counties shall have the same Power in all respects of hiring such Place or Places for holding Sessions as is given to them by such recited Act in relation to the Places thereby directed to be provided for holding Sessions.

LIV. And be it further enacted, That the Assistant Barristers of the several Counties in *Ireland* shall, at the Sessions by Law appointed for fixing the Times for holding the Sessions, fix the Times for holding the Sessions at any additional Place or Places, which shall be as near to the Time for holding the other Sessions as can conveniently be appointed by the Clerk of the Peace, who shall notify the Time for holding such additional Sessions in the same Manner as he is now required to notify the Time for holding the Quarter Sessions and other Sessions of the Peace.

Times for holding Sessions in such additional Places.

LV. And whereas by the said Act of the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third it is enacted, that in all Cases where any Process upon any Civil Bill is thereby directed to be served upon any Person or to be affixed as therein mentioned, the said Process shall be so served or affixed Thirty clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill: And whereas such last-mentioned Provision has been found to be in many Cases inconvenient, and it is expedient that the same should be altered or modified; be it therefore further enacted and declared, That from and after the passing of this Act, in all Proceedings to be had or taken under the said Acts of the Fifty-sixth and Fifty-eighth Years of His late Majesty King *George* the Third and the First Year of His late Majesty King *George* the Fourth, or this Act, where it would by virtue of the said recited Acts or any of them be necessary to serve or affix any such Process as aforesaid Thirty clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill, the serving or affixing such Process in manner in the said recited Act mentioned Fifteen clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill shall be to all Intents and Purposes good, valid, and sufficient.

56 & 58 G. 3. and 1 G. 4. amended, as relates to serving or affixing Processes on Civil Bills.

LVI. And whereas Doubts are entertained respecting the Jurisdiction of the Assistant Barrister in Cases where One or more of the Defendants in an Action resides or reside out of the County wherein such Action is brought; be it therefore enacted, That

Civil Bill Court to have Jurisdiction if One Defendant reside in the County.

That if One or more Defendant or Defendants resides or reside in the County or Riding in which a Civil Bill shall be brought, the Assistant Barrister may make a Decree against him or them, though another or other Defendant or Defendants may reside out of the Jurisdiction of such Barrister.

Grand Jury of County of Cork to provide for Salaries of Criers at Sessions in 4 G. 4. c. 43.

LVII. 'And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled ' *An Act to regulate the Amount of Presentments by Grand Juries for Payment of the public Officers of the several Counties in Ireland*, a Salary of Thirty Pounds of the late Currency of *Ireland* is provided for the Crier at Sessions in and for the County of *Cork*, which said County has been since divided into Two Ridings for the Purpose of having separate and distinct Sessions in each of the said Ridings, but no Provision was then made respecting the said Salary of Thirty Pounds;' be it therefore enacted, That it shall and may be lawful for the Grand Jury of the County of *Cork* and such Grand Jury are hereby required to present, to be raised off the respective Portions of the said County constituting the said East Riding and West Riding, in lieu of the said annual Sum of Thirty Pounds, the Two several Sums not exceeding Twenty-five Pounds yearly, as and for the Salary of each of the Criers at Sessions in the said Two Ridings, and that all Enactments in the said last-mentioned Act relative to the Salaries of Criers at Sessions shall extend to the said Two Salaries in like Manner as if the same had been embodied in this present Act.

General Orders to be made.

LVIII. And be it enacted, That it shall and may be lawful for the Assistant Barristers in *Ireland* for the Time being, or the Majority of them, by and with the Advice and Consent of the Chief Justice or One of the Justices of the Court of King's Bench, and they are hereby required, to make and issue such General Orders as they shall think fit for regulating the Forms and Manner of proceeding in the Civil Bill Courts in *Ireland*, and for the settling and ascertaining the Fees to be allowed to Attornies on Proceedings by Civil Bill in Cases where such Fees are not specified or regulated by this Act or any Act heretofore made and provided, and for carrying the Provisions of this Act into execution, and for simplifying, establishing, and settling the Course of Practice in the said Courts or any of them, and from Time to Time to annul, alter, or vary any Order or Orders so as aforesaid made, and to make any new General Order or Orders for the like Purpose; and Copies of all such Orders shall be transmitted to the Clerks of the Peace of the respective Counties in *Ireland*, to be by them kept and preserved in their Offices, and there to remain open at all Times to public Inspection; and such Orders shall have the same Effect and be as binding as if they were contained in this Act.

Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town.

LIX. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being, by and with the Advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court shall be held Four Times in every Year in all or any of the Towns appointed for holding Sessions, and the Lord Lieutenant or other Chief

Governor of *Ireland* for the Time being shall nominate and appoint the Baronies or Half Baronies or Parishes for which respectively such Sessions shall be held.

LX. And be it enacted, That if any Person taking an Oath or making a Declaration or Affirmation in any Action, Examination, or other Proceeding under the Provisions of this Act, shall wilfully and corruptly swear, declare, or affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such Action, Examination, or other Proceeding, the Assistant Barrister shall deem any Witness or Party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his Opinion such Witness or Party ought to be prosecuted at the Expence of the County within which the Witness or Party shall have so sworn or affirmed or declared, and shall certify such Opinion in Writing, then and in every such Case, if any Prosecution takes place, the Court in which such Prosecution shall take place shall make an Order for Payment of the Expences of such Prosecution by the Treasurer of the County.

LXI. And be it enacted, That all Acts heretofore passed and now in force relating to Civil Bill Courts shall remain in full Force and Effect, except so far as the same or any Part thereof respectively are or is hereby expressly varied.

LXII. And be it further enacted, That in any Case where the Decree of any Civil Bill Court may be set up as a Defence to any Action in any Superior Court it shall not be incumbent on the Party to plead such Decree specially, but it shall be lawful for him to plead the General Issue, and to give the Decree in Evidence as special Matter.

LXIII. And be it enacted, That in the Construction of this Act all and every the Powers and Authorities conferred on Assistant Barristers in *Ireland* shall and may be exercised and performed in the County of *Dublin* by the Chairman of the Sessions of the Peace for the County of *Dublin*, and in the City of *Dublin* by the Recorder of the City; and so far as relates to the several Matters and Things to be done by or within the Jurisdiction of the Chairman of the County of *Dublin*, or of the Recorder of the City of *Dublin*, the several Proceedings and Duties hereby directed to be had and done in the Office of and by the Clerk of the Peace shall be had and done in the Office of and by the Register of the Chairman of the County of *Dublin*, and in the Office of and by the Clerk or Register of Civil Bills for the City of *Dublin*; and the Provisions of this Act in relation thereto shall extend to such Register of the Chairman of the County of *Dublin*, to such Clerk or Register of Civil Bills; and wherever the Clerk of the Peace is named in this Act, the Provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the Duties of a Clerk of the Peace under the Civil Bill Acts; and that the Words "Party and Person," whenever used in this Act, shall extend to and include any Corporation; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as one Person, and Females as well as Males, unless there be something in the Context or Provision repugnant to or inconsistent with such Construction.

LXIV. And

Certain Powers,  
&c. conferred  
upon Chairman  
of Sessions and  
Recorder of  
Dublin.

LXIV. And be it further enacted, That all Jurisdictions, Powers, and Authorities conferred upon the Assistant Barristers of Counties in relation to Proceedings by Civil Bill previously to the passing of this Act, are hereby conferred upon the Chairman of the Sessions of the Peace for the County of *Dublin* and the Recorder of the City of *Dublin*.

Commencement  
of this Act.

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

Act may be  
repealed, &c.  
this Session.

LXVI. And be it enacted, That this Act may be repealed, altered, or amended in this present Session of Parliament.

## SCHEDULES to which the foregoing Act refers.

### FIRST SCHEDULE.

#### *Form of Civil Bill to be served upon the Defendant pursuant to this Act.*

By the Assistant Barrister at the Sessions for the said County.

County  
of  
Division  
of  
to wit.

A.B. of  
in the County of  
[ *Residence and Addition  
of Plaintiff* ]  
Plaintiff.  
Do. of  
Defendant. } THE Defendant is hereby required personally  
to appear before the said Assistant Bar-  
rister at \_\_\_\_\_ on the  
Day of \_\_\_\_\_ to answer the Plaintiff's  
Bill for [ *state the Cause of Action* ], or in  
default thereof the said Assistant Barrister will proceed as to Justice  
shall appertain. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_

Signed by [ *or on behalf of* ] the Plaintiff.

#### *Form of a Decree for Recovery of Lands.*

By the Assistant Barrister at the Sessions for said County.

County  
of  
Division  
of  
to wit.

A.B.  
Plaintiff. } It appearing to the Court that Plaintiff caused a  
C.D.  
Defendant. } Civil Bill to be brought against Defendant for  
Recovery of [ *here state the Cause of Action as  
in Civil Bill* ], and it appearing to the Court  
that the Plaintiff is entitled to the said \_\_\_\_\_ It is  
therefore ordered and decreed by the Court, That the Plaintiff do  
recover from the Defendant the said \_\_\_\_\_ together  
with \_\_\_\_\_  
Costs; and the Sheriff for the said County of \_\_\_\_\_  
is hereby commanded to take possession of the said \_\_\_\_\_  
and deliver up the same to the Plaintiff; and the said  
Sheriff or the Bailiffs for the said County, and the several Bailiffs  
of the several other Counties of Ireland, is and are hereby com-  
manded to take in Execution the Body or Goods of the said De-  
fendant to satisfy the said Costs. Dated this \_\_\_\_\_ Day of  
One thousand eight hundred and \_\_\_\_\_

Attorney for the Plaintiff.  
Clerk of the Peace.  
Assistant Barrister.

[ *Assistant Barrister's Warrant to be added.* ]

Order



*Order of Replevin.*

THE Sheriff of the County of \_\_\_\_\_ is hereby required without Delay to cause to be replevied to *A.B.* (if he shall give sufficient Security) the Goods and Chattels which *C.D.* unjustly detains. Signed the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and thirty

*Y.Z.*

Clerk of the Peace for the said County of \_\_\_\_\_

*Form of a Decree for Payment of Damages for improper Distress.*

By the Assistant Barrister at the Sessions for said County.

County } Plaintiff. } It appearing to the Court that Plaintiff caused a  
Division } Defendant. } Civil Bill to be brought against the Defendant  
wit. } for Recovery of Damages on account of the Goods and Chattels  
of the Plaintiff having been improperly distrained by the Defen-  
dant; and it appearing to the Court that the Distress in dispute  
was improperly made, or that the Amount due at the Time of  
the Distress, with reasonable Costs of Distress, had been duly  
tendered: It is therefore ordered and decreed by the Court, That  
the Plaintiff do recover from Defendant the Sum of  
for Damages and Costs; and the Bailiffs for the said County are  
hereby commanded to take in Execution the Body or Goods of the  
said Defendant to satisfy the same. Dated this \_\_\_\_\_ Day of  
One thousand eight hundred and \_\_\_\_\_

Attorney for Plaintiff.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

*Form of a Decree for Defendant in case of Distress.*

County } Plaintiff. } By the Assistant Barrister at the Sessions for  
Division } Defendant. } the said County.  
wit. }

County } It appearing to the Court that Plaintiff caused a Civil Bill  
Division } to be brought against the Defendant for Recovery of Damages on  
wit. } account of the Goods and Chattels of the Plaintiff having been  
improperly distrained, and it appearing to the Court that the Dis-  
tress in dispute was not improperly made: It is therefore ordered  
and decreed by the Court, That the Defendant do recover from the  
Plaintiff the Sum of \_\_\_\_\_ for Rent due, and  
for Costs; and the Bailiffs for the said County, and the Bailiffs of  
the several other Counties in Ireland, are hereby commanded to  
take in Execution the Body or Goods of the said Plaintiff to satisfy  
the same. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_

Attorney for Defendant.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

*Form of Replevin Bond.*

County } KNOW all Men by these Presents, That we, *A.B.* of  
Division } [Tenant], and *C.D.* and *E.F.* [Sureties],  
wit. } are and each of us is jointly and severally held and firmly bound  
6 & 7 GUL. IV. D d to

to *Y.Z.* Sheriff of the County of \_\_\_\_\_ in the Sum of \_\_\_\_\_ of lawful British Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals, and dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and thirty-

The Condition of the above-written Obligation is such, that if the above-bounden *A.B.* do prosecute his Suit against *G.H.* of \_\_\_\_\_ in the Court of the Assistant Barrister for the said County of \_\_\_\_\_ at the Sessions which will be held for the said County in the Month of \_\_\_\_\_ next, for the taking and unjustly detaining of his Goods and Chattels, to wit [*specify the Goods and Chattels*], or do return all the said Goods and Chattels to the said *G.H.*, his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

*Form of a Decree for Payment of a Legacy.*

By the Assistant Barrister at the Sessions for said County.

County  
of \_\_\_\_\_  
Division  
of \_\_\_\_\_  
to wit.

*A.B.* Plaintiff. }  
*C.D.* Defendant. } IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant as Executor of *A.B.* for Recovery of the Sum of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that \_\_\_\_\_ is due to the Plaintiff for his Legacy, and that the Defendant ought to pay the same and the Costs of this Civil Bill [*or Part of the same, as the Case may be*]: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the said Sum of \_\_\_\_\_ together with \_\_\_\_\_ Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the said Debt and Costs. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

Legacy  
Costs  
Warrant

Attorney for the Plaintiff.  
Clerk of the Peace for said County.  
Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

*Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.*

By the Assistant Barrister at the Sessions for said County.

County  
of \_\_\_\_\_  
Division  
of \_\_\_\_\_  
to wit.

Plaintiff. }  
Defendant. } IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of the Sum of \_\_\_\_\_ for his distributive Portion as one of the next of Kin of the Assets of \_\_\_\_\_ of \_\_\_\_\_ who died intestate, and it appearing to the Court that the Plaintiff is one of the next of Kin of the said \_\_\_\_\_ and \_\_\_\_\_ entitled

entitled to \_\_\_\_\_ and that the Defendant is the Administrator of the said \_\_\_\_\_ and that the Defendant has in his Hands of the Assets of the said \_\_\_\_\_ a Sum sufficient to pay the Plaintiff's Demand [*or Part of same, as the Case may be*]: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the said Sum of \_\_\_\_\_ together with \_\_\_\_\_ Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the said Debt and Costs. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred

Distribution Share, £  
Costs  
Warrant

Attorney for Plaintiff.  
Clerk of the Peace for said County.  
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

*Form of a Dismiss of a Civil Bill.*

By the Assistant Barrister at the Sessions for said County.

No. County of Division of to wit.

Defendant. } It appearing to the Court that the Plaintiff  
Plaintiff. } caused the Defendant to be served with Process to appear here this present Session for [*here state the Cause of Action from the Civil Bill*], and that the Plaintiff hath failed to prove his said Demand [*or Right, as the Case may be*]: It is therefore decreed by the Court, That the Plaintiff's Bill be and the same is hereby dismissed, and that the Defendant do recover against the Plaintiff the Sum of \_\_\_\_\_ for Costs; and the Bailiffs for the said County, and the Sheriffs and Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Plaintiff's Body or Goods to satisfy the said Costs. Dated \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and

Costs, £  
Warrant

Attorney for Defendant.  
Clerk of the Peace for said County.  
Assistant Barrister.

*Form of Assistant Barrister's Warrant.*

County of Division of to wit.

I AUTHORIZE and empower *A. B.* \_\_\_\_\_ of one of the Bailiffs of this County, and his Associates, to execute the above Decree. Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_ Assistant Barrister of said County. [*Seal.*]

*Form of Warrant for Costs in Ejectment Cases.*

C.D. } WHEREAS a Decree for Possession has been pronounced in this Cause; I do hereby authorize  
Plaintiff. } *A.B.* \_\_\_\_\_ one of the Bailiffs of this  
E.F. } County, to levy the Sum of \_\_\_\_\_  
Defendant. } being the Amount of the Costs given in the said Action.

## SECOND SCHEDULE ;

Containing a LIST of the FEES to be paid to the ASSISTANT BARRISTERS, CLERKS of the PEACE, ATTORNIES, SHERIFFS, REPLEVINGERS, and BAILIFFS, for the Discharge of the several Duties in this Schedule specified.

	£	s.	d.
To the Plaintiff's Attorney, for drawing or signing Civil Bill	0	0	6
To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, entering the Civil Bill, for attending the hearing, (except in Ejectment, Replevin, and Legacy Cases,) and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose	0	2	6
To the Defendant's Attorney for the like, and entering Defence	0	2	6
To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses	0	7	6
To the Defendant's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses	0	7	6
To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount of Rent distrained for shall not exceed the Sum of £20, and preparing all such Notices and Summonses	0	7	6
To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall exceed the Sum of £20, and preparing all such Notices and Summonses	1	1	0
To the Defendant's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall not exceed the annual Sum of £20, and preparing all such Notices and Summonses	0	7	6
To the Defendant's Attorney, for like, where the Amount shall exceed £20	1	1	0
To the Plaintiff's Attorney, for attending the hearing of Cases relating to Legacies and Distribution of Intestate's Effects, and preparing all such Notices and Summonses	0	5	0
To Defendant's Attorney, for the like, and preparing all such Notices and Summonses	0	5	0
To the Plaintiff's Attorney, for attending and taking Instructions, and attending hearing in any Case for Recovery of a Penalty	0	10	6

	£	s.	d.
To Defendant's Attorney, for the like - - -	0	10	6
To the Plaintiff's Attorney, for drawing up and signing any Decree or Renewal - - -	0	1	0
To the Defendant's Attorney, for drawing up] and signing any Dismiss or Renewal - - -	0	1	0
To the Clerk of the Peace, for entering any Civil Bill -	0	0	3
To the same, for signing any Decree or Dismiss -	0	0	3
To the same, for signing and entering any Renewal -	0	0	4
To the same, for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal with Judges Register - - -	0	1	0
To the same, for issuing Order to replevin, and entering Civil Bill thereon, and in lieu of all Charges relating to the Proceedings in Replevin Cases under this Act	0	1	6
To same, for each Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of 90 Words - - -	0	0	4
To the same, for entering any Verdict of a Jury -	0	1	0
To the Assistant Barrister, for signing any Decree or Dismiss (except Ejectment and Replevin Cases, and Cases relating to Legacies and Distribution of Intestate's Effects) - - -	0	1	0
To same, for signing Decree or Dismiss in Ejectment, and in Cases relating to Legacies and Distribution of Intestate's Effects - - -	0	5	0
To same, for Ditto in Replevin Cases - - -	0	10	0
To the same, for signing a Renewal of any Decree or Dismiss, and Affidavit to ground same - - -	0	1	0
To the Sheriff, for giving the Possession to any Party under a Civil Bill Ejectment Decree - - -	0	10	6
To the Sheriff or his Replevinger, in drawing Affidavit of the Value of Goods distrained, and taking any Recognizance in Replevin Cases under this Act, and in full of all Charges for any Duties to be discharged by him relating thereto - - -	0	3	4
To the Bailiffs to be appointed pursuant to this Act, for executing any Decree or Order, not exceeding for any Sum £1—1s.; and for any larger Sum, 2s. 6d. -	0	2	6
And 3d. in the Pound on the Amount recovered under such Execution.			
To the Sheriff, for summoning a Jury - - -	0	1	0

## C A P. LXXXVI.

An Act to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements. [13th August 1836.]

‘ **W**HEREAS it is expedient to reduce the Stamp Duties now payable on Newspapers in *Great Britain* and *Ireland* respectively, and to consolidate and amend the Laws relating thereto and also to the Duties on Advertisements:’ Be it therefore enacted by the King’s most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Reduced Duties granted on Newspapers in lieu of Duties repealed.

Duties to commence on the 15th Day of Sept. 1836.

Powers and Provisions of existing Stamp Acts to extend to the Duties granted by this Act.

Discount of 25*l.* per Cent. allowed on Newspaper Stamps in Ireland.

A separate Stamp or Die to be used for each Newspaper.

Commons, in this present Parliament assembled, and by the Authority of the same, That in lieu of the Stamp Duties on Newspapers by this Act repealed as herein-after mentioned there shall be granted, raised, levied, and paid unto and for the Use of His Majesty, His Heirs and Successors, in and throughout the United Kingdom of *Great Britain* and *Ireland*, the several Duties or Sums of Money set down in Figures, or otherwise specified and set forth, in the Schedule marked (A.) to this Act annexed; which said Schedule, and every Clause, Regulation, Matter, and Thing therein contained, shall be deemed and taken to be Part of this Act; and the said Duties hereby granted shall commence and take effect on the Fifteenth Day of *September* One thousand eight hundred and thirty-six, and shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes, who are hereby empowered and required to provide and use proper and sufficient Dies for expressing and denoting the said Duties; and all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in and imposed by the several Acts of Parliament in force relating to the Stamp Duties, and not repealed by this Act, shall be of full Force and Effect with respect to the Duties hereby granted, as far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duties hereby granted.

II. And be it enacted, That a Discount after the Rate of Twenty-five Pounds *per Centum* on the prompt Payment of any Sum amounting to Ten Pounds or upwards, for the Duties on Newspapers granted by this Act, shall be allowed to all Proprietors of Newspapers in *Ireland* on the Purchase of Stamps for the printing of Newspapers in *Ireland*, which Discount shall be denoted on the Face of every Stamp in respect of which the same shall be allowed: Provided always, that if any Newspaper shall be printed in *Great Britain* upon Paper stamped with a Stamp denoting the Allowance of any such Discount such Stamp shall be of no Avail, and such Newspaper shall be deemed to be not duly stamped as required by this Act.

III. And be it enacted, That from and after the Thirty-first Day of *December* next after the passing of this Act in the Stamp to be impressed on each and every Newspaper under the Provisions of this Act the Title of such Newspaper, or some Part thereof, shall be expressed in such convenient Manner and Form as to the said Commissioners of Stamps and Taxes shall seem expedient; and the said Commissioners shall cause a proper Die for stamping each such Newspaper to be prepared under their Directions, and a new or other Die to be from Time to Time prepared, in like Manner as they shall think necessary; and the reasonable Costs and Expenses of preparing such Stamps or Dies shall be from Time to Time defrayed by the Proprietor of each such Newspaper, and paid

paid when and as required by the said Commissioners to such Person as the said Commissioners shall appoint to receive the same, before any Paper shall be stamped under the Directions of such Commissioners for each such Newspaper; and that from and after the Thirty-first Day of *December* next after the passing of this Act no Newspaper liable to Duty under this Act shall be printed upon Paper not stamped with such Die, containing the Title of such Newspaper, or some Part thereof as aforesaid; and if any Newspaper shall be printed on Paper stamped otherwise than as aforesaid the Stamp thereon shall be of no Avail, and such Newspaper shall be deemed to be not duly stamped as required by this Act.

After 31st Dec. 1836 no Newspaper to be printed on Paper not stamped with such appropriated Die.

IV. And be it enacted, That every Paper declared by the Schedule (A.) to this Act annexed to be chargeable with the Duties by this Act granted on Newspapers shall be deemed and taken to be a Newspaper within the Meaning of this Act and of every Act relating to the printing or publishing of Newspapers, and shall be subject and liable to all the Regulations by this Act imposed; and wheresoever in this Act or in any other Act or Acts relating to the printing or publishing of Newspapers the Word "Newspaper" is or may be used, it shall be deemed and taken to mean and include any and every such Paper as aforesaid; and in all Proceedings at Law or otherwise, and upon all Occasions whatsoever, it shall be sufficient to describe by the Word "Newspaper" any Paper by this Act declared to be a Newspaper, without further or otherwise designating or describing the same.

Newspapers subject to the Regulations of this Act.

V. And be it enacted, That every Sheet or Piece of Paper which shall be published as a Supplement to any Newspaper, except the *London Gazette* and *Dublin Gazette* respectively, shall be printed with the same Title and Date as the Newspaper to which it shall be or shall purport to be a Supplement, with the Addition of the Words "Supplement to" prefixed to such Title; and upon every such Newspaper, except as aforesaid, there shall be printed in conspicuous Characters some Words clearly indicating that a Supplement is published therewith; and if any Sheet or Piece of Paper shall be published as a Supplement to any Newspaper, such Supplement and the Newspaper to which the same shall relate, not having printed thereon respectively the several Particulars by this Act required to be printed thereon respectively, and in the Manner and Form by this Act directed, the Publisher of such Newspaper shall for every such Sheet or Piece of Paper so published as a Supplement, and for every Copy thereof, forfeit the Sum of Twenty Pounds; and if any Person shall sell, deliver out, or in any other Manner publish any Sheet or Piece of Paper which shall be or shall purport to be a Supplement to any Newspaper, without at the same Time selling or otherwise publishing and delivering therewith the Newspaper to which the same shall be or purport to be a Supplement, every such Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Particulars to be printed on Newspapers with Supplements.

Penalty for Omission, 20*l.*

Penalty for publishing Supplements without the Newspapers, 20*l.*

VI. And be it enacted, That no Person shall print or publish, or shall cause to be printed or published, any Newspaper before there shall be delivered to the Commissioners of Stamps and Taxes, or to the proper authorized Officer at the Head Office for Stamps

No Person to print or publish a Newspaper until a Declaration be made

and delivered  
at the Stamp  
Office.

Stamps in *Westminster, Edinburgh, or Dublin* respectively, or to the Distributor of Stamps or other proper Officer appointed by the said Commissioners for the Purpose in or for the District within which such Newspaper shall be intended to be printed and published, a Declaration in Writing containing the several Matters and Things herein-after for that Purpose specified; that is to say, every such Declaration shall set forth the correct Title of the Newspaper to which the same shall relate, and the true Description of the House or Building wherein such Newspaper is intended to be printed, and also of the House or Building wherein such Newspaper is intended to be published, by or for or on behalf of the Proprietor thereof, and shall also set forth the true Name, Addition, and Place of Abode of every Person who is intended to be the Printer or to conduct the actual printing of such Newspaper, and of every Person who is intended to be the Publisher thereof, and of every Person who shall be a Proprietor of such Newspaper who shall be resident out of the United Kingdom, and also of every Person resident in the United Kingdom who shall be a Proprietor of the same, if the Number of such last-mentioned Persons (exclusive of the Printer and Publisher) shall not exceed Two, and in case such Numbers shall exceed Two, then of such Two Persons, being such Proprietors resident in the United Kingdom, the Amount of whose respective proportional Shares in the Property or in the Profit or Loss of such Newspaper shall not be less than the proportional Share of any other Proprietor thereof resident in the United Kingdom, exclusive of the Printer and Publisher, and also where the Number of such Proprietors resident in the United Kingdom shall exceed Two, the Amount of the proportional Shares or Interests of such several Proprietors whose Names shall be specified in such Declaration; and every such Declaration shall be made and signed by every Person named therein as Printer or Publisher of the Newspaper to which such Declaration shall relate, and by such of the said Persons named therein as Proprietors as shall be resident within the United Kingdom; and a Declaration of the like Import shall be made, signed, and delivered in like Manner whenever and so often as any Share, Interest, or Property soever in any Newspaper named in any such Declaration shall be assigned, transferred, divided, or changed by Act of the Parties or by Operation of Law, so that the respective proportional Shares or Interests of the Persons named in any such Declaration as Proprietors of such Newspaper, or either of them, shall respectively become less than the proportional Share or Interest of any other Proprietor thereof, exclusive of the Printer and Publisher, and also whenever and so often as any Printer, Publisher, or Proprietor named in any such Declaration, or the Person conducting the actual printing of the Newspaper named in any such Declaration, shall be changed, or shall change his Place of Abode, and also whenever and so often as the Title of any such Newspaper or the Printing Office or the Place of Publication thereof shall be changed, and also whenever in any Case, or on any Occasion, or for any Purpose, the said Commissioners, or any Officer of Stamp Duties authorized in that Behalf, shall require such Declaration to be made, signed, and delivered, and shall cause Notice in Writing for that Purpose to be

Fresh Declara-  
tion to be made  
in certain Cases.



be served upon any Person, or to be left or posted at any Place mentioned in the last preceding Declaration delivered as aforesaid, as being a Printer, Publisher, or Proprietor of such Newspaper, or as being the Place of printing or publishing any such Newspaper respectively; and every such Declaration shall be made before any One or more of the said Commissioners or before any Officer of Stamp Duties or other Person appointed by the said Commissioners, either generally or specially in that Behalf; and such Commissioners or any One of them, and such Officer or other Person, are and is hereby severally and respectively authorized to take and receive such Declaration as aforesaid; and if any Person shall knowingly and wilfully sign and make any such Declaration in which shall be inserted or set forth the Name, Addition, or Place of Abode of any Person as a Proprietor, Publisher, Printer, or Conductor of the actual printing of any Newspaper to which such Declaration shall relate, who shall not be a Proprietor, Printer, or Publisher thereof, or from which shall be omitted the Name, Addition, or Place of Abode of any Proprietor, Publisher, Printer, or Conductor of the actual printing of such Newspaper, contrary to the true Meaning of this Act, or in which any Matter or Thing by this Act required to be set forth shall be set forth otherwise than according to the Truth, or from which any Matter or Thing required by this Act to be truly set forth shall be entirely omitted, every such Offender being convicted thereof shall be deemed guilty of a Misdemeanor.

Before whom  
Declarations  
are to be made.

Penalty if the  
Declaration be  
false or defec-  
tive.

VII. And be it enacted, That if any Person shall knowingly and wilfully print or publish, or shall cause to be printed or published, or either as a Proprietor or otherwise sell or deliver out, any Newspaper relating to which such Declaration as aforesaid, containing such Matters and Things as are required by this Act to be therein contained, shall not have been duly signed and made and delivered when and so often as by this Act is required, or any other Matter or Thing required by this Act to be done or performed shall not have been accordingly done or performed, every Person in any such Case offending shall forfeit for every such Act done the Sum of Fifty Pounds for every Day on which any such Newspaper shall be printed or published, sold or delivered out, before or until such Declaration shall be signed and made and delivered, or before or until such other Matter or Thing shall be done or performed as by this Act is directed; and every such Person shall be disabled from receiving any stamped Paper for printing such Newspaper until such Declaration shall be signed and made and delivered, or until such other Matter or Thing shall be done and performed.

Penalty for  
printing or pub-  
lishing a News-  
paper, such  
Declaration not  
having been  
made, 50*l*.

VIII. And be it enacted, That all such Declarations as aforesaid shall be filed and kept in such Manner as the Commissioners of Stamps and Taxes shall direct for the safe Custody thereof; and Copies thereof, certified to be true Copies as by this Act is directed, shall respectively be admitted in all Proceedings, Civil and Criminal, and upon every Occasion whatsoever, touching any Newspaper mentioned in any such Declaration, or touching any Publication, Matter, or Thing contained in any such Newspaper, as conclusive Evidence of the Truth of all such Matters set forth in such Declaration as are hereby required to be therein set forth, and

Declarations to  
be filed and cer-  
tified; Copies  
to be admitted  
in Evidence  
against the Per-  
sons making  
the same.

and of their Continuance respectively in the same Condition down to the Time in question, against every Person who shall have signed such Declaration, unless it shall be proved that previous to such Time such Person became lunatic, or that previous to the Publication in question on such Trial such Person did duly sign and make a Declaration that such Person had ceased to be a Printer, Publisher, or Proprietor of such Newspaper, and did duly deliver the same to the said Commissioners or to such Officer as aforesaid, or unless it shall be proved that previous to such Occasion as aforesaid a new Declaration of the same or a similar Nature respectively, or such as may be required by Law, was duly signed and made and delivered as aforesaid respecting the same Newspaper, in which the Person sought to be affected on such Trial did not join; and the said Commissioners, or the proper authorized Officer by whom any such Declaration shall be kept according to the Directions of this Act, shall, upon Application in Writing made to them or him respectively by any Person requiring a Copy certified according to this Act of any such Declaration as aforesaid, in order that the same may be produced in any Civil or Criminal Proceeding, deliver such certified Copy or cause the same to be delivered to the Person applying for the same upon Payment of the Sum of One Shilling, and no more; and in all Proceedings and upon all Occasions whatsoever a Copy of any such Declaration certified to be a true Copy under the Hand of One of the said Commissioners or of any Officer in whose Possession the same shall be, upon Proof made that such Certificate hath been signed with the Handwriting of a Person described in or by such Certificate as such Commissioner or Officer, and whom it shall not be necessary to prove to be a Commissioner or Officer, shall be received in Evidence against any and every Person named in such Declaration as a Person making or signing the same, as sufficient Proof of such Declaration, and that the same was duly signed and made according to this Act, and of the Contents thereof; and every such Copy so produced and certified shall have the same Effect for the Purposes of Evidence against any and every such Person named therein as aforesaid, to all Intents whatsoever, as if the original Declaration of which the Copy so produced and certified shall purport to be a Copy had been produced in Evidence, and been proved to have been duly signed and made by the Person appearing by such Copy to have signed and made the same as aforesaid; and whenever a certified Copy of any such Declaration shall have been produced in Evidence as aforesaid against any Person having signed and made such Declaration, and a Newspaper shall afterwards be produced in Evidence intituled in the same Manner as the Newspaper mentioned in such Declaration is intituled, and wherein the Name of the Printer and Publisher and the Place of printing shall be the same as the Name of the Printer and Publisher and the Place of printing mentioned in such Declaration, or shall purport to be the same, whether such Title, Name, and Place printed upon such Newspaper shall be set forth in the same Form of Words as is contained in the said Declaration, or in any Form of Words varying therefrom, it shall not be necessary for the Plaintiff, Informant, or Prosecutor in any Action, Prosecution, or other Proceeding, to prove that

Commissioners, &c. to deliver certified Copies of Declarations, and the same to be received in Evidence.

After Production of the Declaration, and a Newspaper intituled as therein mentioned, it shall not be necessary to prove the Purchase of the Paper.

that the Newspaper to which such Action, Prosecution, or other Proceeding may relate was purchased of the Defendant, or at any House, Shop, or Office belonging to or occupied by the Defendant, or by his Servants or Workmen, or where he may usually carry on the Business of printing or publishing such Newspaper, or where the same may be usually sold; and if any Person, not being one of the said Commissioners or the proper authorized Officer, shall give any Certificate purporting to be such Certificate as aforesaid, or shall presume to certify any of the Matters or Things by this Act directed to be certified by such Commissioner or Officer, or which such Commissioner or Officer is hereby empowered or intrusted to certify; or if any such Commissioner or Officer shall knowingly and wilfully falsely certify under his Hand that any such Declaration as is required to be made by this Act was duly signed and made before him, the same not having been so signed and made, or shall knowingly and wilfully falsely certify that any Copy of any Declaration is a true Copy of the Declaration of which the same is certified to be such Copy, the same not being such true Copy, every Person so offending shall forfeit the Sum of One hundred Pounds.

IX. And be it enacted, That in any Suit, Prosecution, or Proceeding, Civil or Criminal, against any Printer, Publisher, or Proprietor of any Newspaper, Service at the House or Place mentioned in any such Declaration as aforesaid as the House or Place at which such Newspaper is printed or published, or intended so to be, of any Notice or other Matter required or directed by this Act to be given or left, or of any Summons, Subpœna, Rule, Order, Writ, or Process of what Nature soever, either to enforce an Appearance, or for any other Purpose whatsoever, shall be taken to be good and sufficient Service thereof respectively upon and against every Person named in such Declaration as the Printer, Publisher, or Proprietor of the Newspaper mentioned in such Declaration.

X. And be it enacted, That the Commissioners of Stamps and Taxes shall cause to be entered in a Book to be kept at the Head Office for Stamps in *Westminster*, *Edinburgh*, and *Dublin* respectively the Title of every Newspaper registered at the said respective Offices, and also the Names of the Printers and Publishers thereof as the same appear in the Declarations required by this Act to be made relating to such Newspapers respectively, and all Persons shall have free Liberty to search and inspect the said Book from Time to Time during the Hours of Business at the said Offices without Payment of any Fee or Reward.

XI. And be it enacted, That no Person shall print or publish, or shall cause to be printed or published, any Newspaper, nor shall any Officer of Stamp Duties or any Vendor of Stamps for Newspapers sell or deliver any stamped Paper for Newspapers to any Printer or Publisher of any Newspaper, or to any Person on his Account, before or until such Printer and Publisher, together with the Proprietor of such Newspaper, or such One or more of the Proprietors thereof, as in the Judgment of the Commissioners of Stamps and Taxes or of the proper authorized Officer may be sufficient for the Purpose, together also with Two sufficient Sureties, to be approved of by the said Commissioners or such Officer

Penalty on unauthorized Persons giving Certificates, and on Commissioners or Officers giving false Certificates, 100*l*.

Service of Process at the Place of printing or publishing mentioned in the Declaration shall be deemed sufficient.

Titles of Newspapers and Names of Printers and Publishers to be entered in a Book, &c.

Printers, Publishers, and Proprietors of Newspapers to give Security for Payment of the Duties on Advertisements.

as

as aforesaid, shall have entered into Security by Bond to His Majesty in such Sum as the said Commissioners or Officer shall think reasonable and sufficient for Payment of the Duties which shall or may from Time to Time be payable for the Advertisements which shall be printed or inserted in such Newspaper; and every such Bond, when duly executed, shall be delivered to and deposited with the proper authorized Officer at the respective Head Offices for Stamps in *Westminster, Edinburgh, or Dublin*, according as such Newspaper shall be printed in *England, Scotland, or Ireland*; and such Bond shall be renewed from Time to Time, with Sureties to be approved as aforesaid, whenever any One or more of the Parties thereto shall die, or become bankrupt or insolvent, or reside in Parts beyond the Sea, and also whenever and so often as the said Commissioners or any Officer of Stamp Duties authorized in that Behalf shall require the same to be renewed, and shall give Notice to the Printer, Publisher, or any Proprietor of such Newspaper for that Purpose; and every Person who shall print or publish, or shall cause to be printed or published, any Newspaper before such Bond shall have been entered into and delivered as aforesaid, or who shall neglect or refuse to renew such Bond in manner aforesaid whenever the same is or shall be required to be renewed by or in pursuance of this Act, shall forfeit the Sum of One hundred Pounds for every Day on which such Newspaper shall be so printed and published before such Bond shall have been entered into and delivered as aforesaid.

Penalty for Neglect or Refusal, 100*l*.

Printers, &c.' who have made Affidavits and given Security before the Commencement of this Act not required to renew the same, except in the Cases mentioned.

XII. Provided always, and be it enacted, That no Person being a Printer or Publisher or Proprietor of any Newspaper at the Time of the Commencement of this Act, and who in pursuance of any Act in force immediately before the Commencement of this Act shall have signed and sworn and delivered any Affidavit, or shall have given or entered into any Bond or Security of the same Nature and for the like Purposes as any Declaration or Bond required by this Act, shall by reason of the passing of this Act be required or bound to deliver or make any new Declaration, or to give or enter into any new Bond or Security, touching any Newspaper mentioned in such former Affidavit or Bond or Security, but every such Affidavit and every such Bond or Security so made and delivered before the Commencement of this Act as to the Newspaper therein mentioned, whether the same shall be published before or after the Commencement of this Act, shall be deemed and taken to be a Compliance with this Act; and a Copy of every such Affidavit, certified as aforesaid, shall in all Proceedings and upon all Occasions whatsoever be received as conclusive Evidence, against any and every Person named in such Affidavit as a Person making, signing, or swearing the same, of all the Matters therein contained, in the same Manner as is herein-before provided with respect to any Declaration which may be made in pursuance of this Act, and shall be of the same Force and Effect to all Intents and Purposes as if the same had been made subsequent to the Commencement of this Act, and in conformity with the Provisions hereof: Provided nevertheless, that in case the Commissioners of Stamps and Taxes, or any authorized Officer of Stamp Duties, shall, by Notice in Writing to be given in the Manner herein-before directed, require a Decla-  
ration

Cases in which such Affidavits and Securities shall be renewed.

ration to be made and delivered, or any new Bond or Security to be given or entered into, in conformity with the Provisions of this Act, by any such Printer, Publisher, or Proprietor of any such Newspaper, or in case any Transfer, Change, or Alteration shall take place in the Share, Interest, or Property of any Person named in such Affidavit relating to any such Newspaper, or in the Place of Abode of the Printer or Publisher thereof, or of any Proprietor named in such Affidavit, or the Place of printing the same, or in the Person by whom the printing of such Newspaper shall be conducted, or in the Title of any such Newspaper, then and in every such Case a Declaration shall be made and delivered, and a new Bond shall be entered into and given, according to the Provisions of this Act; and every Printer, Publisher, or Proprietor of any such Newspaper who shall knowingly and wilfully continue to print or publish any such Newspaper, after the happening of any of the Events aforesaid, before or until a Declaration containing all the Particulars required by this Act shall be made and delivered, and a new Bond shall be entered into and given, according to the Directions of this Act, shall be subject to all such Penalties and Disabilities as such Printer, Publisher, or Proprietor would have been subject or liable to under this Act if no Declaration relating to such Newspaper had ever been made, nor any such Bond entered into: And provided also, that nothing contained in this Act shall extend to require the Printer, Publisher, or Proprietor of the *London Gazette* or *Dublin Gazette* to make any Declaration required by this Act; but the Printers and Publishers of the said respective Gazettes shall enter into the Bonds by this Act required, together with the Sureties herein-before mentioned, for securing the Payment of the Duties upon all Advertisements which shall be printed in the said Gazettes respectively, and shall renew the same from Time to Time in like Manner as the Printers and Publishers of other Newspapers are or may be required to renew their respective Bonds by or under this Act.

Printers, &c. of London and Dublin Gazettes not required to make Declaration of Proprietorship.

XIII. And be it enacted, That the Printer or Publisher of every Newspaper printed or published in the City of *London*, *Edinburgh*, or *Dublin*, or within Twenty Miles of any of the said Cities respectively, shall, upon every Day on which such Newspaper shall be published or on the Day next following which shall not be a Holiday, between the Hours of Ten and Three on each Day, deliver or cause to be delivered to the Commissioners of Stamps and Taxes or to the proper authorized Officer, at the Head Office for Stamps in one of the said Cities respectively in or nearest to which such Newspaper shall be printed or published, One Copy of every such Newspaper and of every second or other varied Edition or Impression thereof so printed or published, with the Name and Place of Abode of the Printer or Publisher thereof, signed and written thereon after the same shall be printed by his proper Hand and in his accustomed Manner of signing, or by some Person appointed and authorized by him for that Purpose, and of whose Appointment and Authority Notice in Writing, signed by such Printer or Publisher in the Presence of and attested by an Officer of Stamp Duties, shall be given to the said Commissioners, or to the Officer to whom such Copies are to be delivered;

Copies of Newspapers shall be delivered to the Commissioners of Stamps and Taxes, on Penalty of 20*l.*, and may be produced in Evidence.

delivered; and the Printer or Publisher of every Newspaper printed or published in any other Place in the United Kingdom shall, upon every Day on which such Newspaper shall be published, or within Three Days next following, in like Manner between the Hours of Ten and Three, deliver or cause to be delivered to the Distributor of Stamps or other authorized Officer in whose District such Newspaper shall be printed or published Two Copies of every such Newspaper, and of every second or other varied Edition or Impression thereof so printed or published, with the Name and Place of Abode of the Printer or Publisher thereof signed and written thereon in manner aforesaid after the same shall be printed, and the same Copies shall be carefully kept by the said Commissioners, or by such Distributor or Officer as aforesaid, in such Manner as the said Commissioners shall direct; and such Printer or Publisher shall be entitled to demand and receive from the Commissioners, or such Distributor or Officer, once in every Week, the Amount of the ordinary Price of the Newspapers so delivered; and every Printer and Publisher of such Newspaper who shall neglect to deliver or cause to be delivered in manner herein-before directed such Copy or Copies signed as aforesaid shall for every such Neglect respectively forfeit the Sum of Twenty Pounds; and in case any Person shall make Application in Writing to the said Commissioners, or to such Distributor or Officer as aforesaid, in order that any Newspaper so signed as aforesaid may be produced in Evidence in any Proceeding, Civil or Criminal, the said Commissioners, or Distributor or Officer, shall, at the Expence of the Party applying, at any Time within Two Years from the Publication thereof, either cause such Newspaper to be produced in the Court in which and at the Time when the same is required to be produced, or shall deliver the same to the Party applying for the same, taking according to their Discretion reasonable Security, at the Expence of such Party, for returning the same to the said Commissioners, or such Distributor or Officer, within a certain Period to be fixed by them respectively; and in case by reason that such Newspaper shall have been previously applied for in manner aforesaid by any other Person the same cannot be produced or cannot be delivered according to any subsequent Application, in such Case the said Commissioners, or such Distributor or Officer as aforesaid, shall cause the same to be produced or shall deliver the same as soon as they are enabled so to do; and all Copies so delivered as aforesaid shall be Evidence against every Printer, Publisher, and Proprietor of every such Newspaper respectively in all Proceedings, Civil or Criminal, to be commenced and carried on, as well touching such Newspaper as any Matter or Thing therein contained, and touching any other Newspaper and any Matter or Thing therein contained which shall be of the same Title, Purport, or Effect with such Copy so delivered as aforesaid, although such Copy may vary in some Instances or Particulars either as to Title, Purport, or Effect; and every Printer, Publisher, and Proprietor of any Copy so delivered as aforesaid shall to all Intents and Purposes be deemed to be the Printer, Publisher, and Proprietor respectively of all Newspapers which shall be of the same Title, Purport, or Effect with such Copies or Impressions so delivered as

aforesaid, notwithstanding such Variance as aforesaid, unless such Printer, Publisher, or Proprietor respectively shall prove that such Newspapers were not printed or published by him, nor by nor with his Knowledge or Privity: Provided always, that if any Printer or Publisher of any Newspaper which shall not be printed and published in the Cities of *London*, *Edinburgh*, or *Dublin*, or within Twenty Miles of the said Cities respectively, shall find it more convenient to cause such Copies of such Newspaper to be delivered to any other Distributor of Stamps than the Distributor in whose District such Newspaper shall be published, and such Printer or Publisher shall state such Matter by Petition to the Commissioners of Stamps and Taxes, and pray that he may have Liberty to cause such Copies to be delivered to such other Distributor as he shall so name at the Office of such Distributor, it shall be lawful for the said Commissioners to order the same accordingly, and from and after the Date of such Order the Place of Publication of such Newspaper shall for that Purpose only be deemed and taken to be within the District of such other Distributor until the same shall be otherwise ordered by the said Commissioners.

Commissioners may allow Printer to lodge his Paper with any Distributor.

XIV. And be it enacted, That at the End of every Newspaper, and of any and every supplement Sheet or Piece of Paper, shall be printed the Christian Name and Surname, Addition, and Place of Abode of the Printer and Publisher of the same, and also a true Description of the House or Building wherein the same is actually printed and published respectively, and the Day of the Week, Month, and Year on which the same is published; and if any Person shall knowingly and wilfully print or publish, or cause to be printed or published, any Newspaper or Supplement thereto whereon the several Particulars aforesaid shall not be printed, or whereon there shall be printed any false Name, Addition, Place, or Day, or whereon there shall be printed any Description of the Place of printing or publishing such Newspaper which shall be different in any respect from the Description of the House or Building mentioned in the Declaration required by this Act to be made relating to such Newspaper as the House or Building wherein such Newspaper is intended to be printed or published, every such Person shall for any and every such Offence forfeit the Sum of Twenty Pounds.

Name of Printer and other Particulars to be printed on Newspapers.

XV. And be it enacted, That it shall not be lawful for any Person other than a Commissioner of Stamps and Taxes, or Officer of Stamp Duties, to sell, supply, or part with any Papers stamped for the Purpose of being used for printing Newspapers thereon, unless nor until such Person shall be duly licensed and authorized by the said Commissioners to vend Newspaper Stamps, and shall have given Security by Bond to His Majesty, with sufficient Sureties, to be approved of by the said Commissioners, in such Sum as the said Commissioners shall think reasonable, and the several Conditions of such Bond shall be as follow; (that is to say,) that such Vendor of Newspaper Stamps shall and will deliver or cause to be delivered to the said Commissioners, within Four Days after the End of every Six Weeks, a true and accurate Account of the Quantities and Kinds of all Paper stamped as aforesaid by him sold, supplied, or delivered during such Six Weeks

None but Commissioners of Stamps and Taxes or their Officer shall supply Paper stamped for printing Newspapers without having given Security, with such Conditions as herein mentioned.

Weeks immediately preceding, and to what Persons, naming them ; and that such Vendor will not sell, supply, or part with any such Paper to or on account of any Person other than a Printer, Publisher, or Proprietor of a Newspaper; and that such Vendor will not sell, supply, or part with such Paper to or on account of any such Printer, Publisher, or Proprietor, until the Person applying for the same shall have delivered to such Vendor a Certificate signed by One or more of the said Commissioners, or by the proper authorized Officer of Stamp Duties, purporting that such Security as is required by Law hath been given by the Printer, Publisher, and Proprietor respectively of the Newspaper for the printing of which such stamped Paper is to be sold, supplied, or parted with, and that such Declaration hath been made and delivered respecting the same as is by this Act required; and that such Vendor will not sell, supply, or part with any such Paper to or on account of any Printer, Proprietor, or Publisher of any Newspaper, with respect to whom Notice shall be given to any such Vendor by the said Commissioners or any such Officer that such Security has not been duly given, or has not been renewed, pursuant to this Act, or is not remaining in force, or that the Parties or any of them who have given the same are or is dead, or gone Abroad, or are or is not to be found, or that such Parties or any of them have or hath given Notice that they or he are or is no longer concerned as Printers, Publishers, or Proprietors, or as a Printer, Publisher, or Proprietor of such Newspaper, or that no such Declaration respecting the same, as required by this Act, hath been made and delivered, or that any such Printer, Publisher, or Proprietor hath become disabled or disqualified under this Act to be the Printer, Publisher, or Proprietor of any such Newspaper or to receive stamped Paper for the Purpose of printing the same; and if any Person as aforesaid shall sell, supply, or part with any such stamped Paper for the Purpose aforesaid without having given such Security as aforesaid, or if any Person who shall obtain or receive any stamped Paper for the printing of any Newspaper of which he is or shall be the Printer, Publisher, or Proprietor, shall furnish or supply any other Person with any such stamped Paper, or if any Person shall use for the printing of any Newspaper any stamped Paper which he shall receive or be furnished with by or from any Person other than the said Commissioners or their Officers, or some Person duly authorized to sell or distribute such stamped Paper, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds; and in any Proceeding for Recovery of such Penalty in the last-mentioned Case it shall lie on the Person sought to be charged with such Offence to prove that the stamped Paper used by such Person in the printing of any Newspaper was obtained by such Person from the said Commissioners or their Officers, or from some Person duly authorized to sell or distribute such stamped Paper, any Law or Usage to the contrary notwithstanding.

Printer, &c. of Newspaper shall not supply other Printers with Stamps.

Persons concerned in printing Newspapers not duly stamped shall be Debtors to His

XVI. And be it enacted, That every Person printing or publishing, or being concerned either as Proprietor or otherwise in printing or publishing, any Newspaper upon Paper not duly stamped, shall be deemed and taken to owe to His Majesty such Sums of Money as would have accrued to His Majesty in case the



same had been printed upon Paper duly stamped; and whenever any Information or Bill shall be filed, or other Proceeding shall be had on His Majesty's Behalf, for Discovery of the Matters aforesaid, and for an Account and Payment of such Sums, it shall not be lawful for the Defendant to plead or demur to such Information, Bill, or Proceeding, but he shall be compellable to make such Discovery as shall be thereby required to be made: Provided always, that such Discovery shall not be made use of as Evidence or otherwise in any Proceeding against any such Defendant except only in that Proceeding in which the Discovery is made.

Majesty for the Duty.

XVII. And be it enacted, That if any Person shall knowingly and wilfully print or publish, or cause to be printed or published, any Newspaper on Paper not duly stamped according to Law, or if any Person shall knowingly and wilfully sell, utter, or expose to Sale, or shall dispose of or distribute, any Newspaper not duly stamped as aforesaid, or if any Person shall knowingly and wilfully have in his Possession any Newspaper not duly stamped as aforesaid, every Person so offending in any of the Cases aforesaid shall for every such Newspaper, and for every Copy thereof not duly stamped, forfeit the Sum of Twenty Pounds; and moreover it shall be lawful for any Officer of Stamp Duties, or for any Person appointed or authorized by the Commissioners of Stamps and Taxes in that Behalf, to seize and apprehend any such Offender as aforesaid, and to take him or cause him to be taken before any Justice of the Peace having Jurisdiction where the Offence shall be committed, who shall hear and determine the Matter in a summary Way; and if upon Conviction such Offender shall not immediately pay the Penalty or Penalties in which he shall be convicted, such Justice shall forthwith commit him to Prison for any Time not exceeding Three Calendar Months nor less than One Calendar Month, unless such Penalty or Penalties shall be sooner paid: Provided always, that if any such Offender as aforesaid shall not be apprehended and proceeded against in the Manner hereinbefore directed, then the said Penalty or Penalties incurred by any such Offence as aforesaid shall be recoverable by any other of the Ways and Means provided for the Recovery of Penalties incurred under this Act.

Penalty on Persons printing, publishing, and selling, &c. Newspapers not duly stamped, 20l.

XVIII. And be it enacted, That if any Person shall knowingly and wilfully directly or indirectly send or carry, or endeavour to send or carry, or cause or procure to be sent or carried, or do or cause to be done any Act whatever for or towards the sending or carrying, or for or towards the causing or procuring to be sent or carried, or with Intent that the same should be sent or carried, out of any Part of the United Kingdom, any Newspaper, the same not being duly stamped according to Law, such Person shall forfeit for every such Offence the Sum of Fifty Pounds; and it shall be lawful for any Officer of Stamp Duties, or for any Person appointed or authorized by the Commissioners of Stamps and Taxes in that Behalf, without any other Warrant than this Act, to seize and take away all Newspapers not duly stamped wheresoever the same shall be found, unless the same shall be in the Possession of some Person having the Custody thereof by lawful Authority; and all Newspapers not duly stamped which shall be seized or taken under any of the Provisions of this Act shall be destroyed or other-

Penalty for sending Abroad Newspapers not duly stamped.

Officers of Stamp Duties may seize unstamped Newspapers.

wise disposed of as the Commissioners of Stamps and Taxes may direct.

Discovery of Proprietors, Printers, or Publishers of Newspapers may be enforced by Bill, &c.

XIX. And be it enacted, That if any Person shall file any Bill in any Court for the Discovery of the Name of any Person concerned as Printer, Publisher, or Proprietor of any Newspaper, or of any Matters relative to the printing or publishing of any Newspaper, in order the more effectually to bring or carry on any Suit or Action for Damages alleged to have been sustained by reason of any slanderous or libellous Matter contained in any such Newspaper respecting such Person, it shall not be lawful for the Defendant to plead or demur to such Bill, but such Defendant shall be compellable to make the Discovery required: Provided always, that such Discovery shall not be made use of as Evidence or otherwise in any Proceeding against the Defendant save only in that Proceeding for which the Discovery is made.

The Duty on Advertisements inserted in Newspapers when and where to be paid.

XX. And be it enacted, That the Printer, Publisher, or Proprietor of every Newspaper shall, within Twenty-eight Days after the last Day of every Calendar Month, pay or cause to be paid the Duty chargeable on all and every Advertisement and Advertisements contained in or published with such Newspaper during the said Calendar Month to the Receiver General of Stamps and Taxes, or to the proper Officer appointed to receive the same, at the Head Office for Stamps in the Cities of *Westminster*, *Edinburgh*, or *Dublin* respectively, if such Newspaper shall be printed or published within any of the said Cities, or within Twenty Miles thereof respectively, and if the same shall be printed or published in any other Part of the United Kingdom, then to the Distributor of Stamps in whose District such Newspaper shall be printed or published; and if any Printer, Publisher, or Proprietor of any Newspaper shall neglect to pay within Ten Days next after Notice given to him by any Officer of Stamp Duties, after the Expiration of the said Term of Twenty-eight Days, the Duty on any such Advertisement, it shall be lawful for the Commissioners of Stamps and Taxes and their Officers and they are hereby required to refuse to sell or deliver, and also to give Notice to and to require any Vendor of such stamped Paper to refuse to sell or deliver, to or for the Use of such Printer, Publisher, or Proprietor, any such stamped Paper for printing such Newspaper thereon until all Arrears of Advertisement Duty to the Payment of which such Printer, Publisher, or Proprietor may be subject shall be duly paid and discharged up to and for the last Day of the Month next preceding the Month in which such Payment shall be made.

Stamped Paper may be refused to Persons in arrear for Advertisement Duty.

A printed Copy of every Pamphlet or Paper containing Advertisements to be brought to the Stamp Office to be entered, and the Duty thereon to be paid.

XXI. And be it enacted, That One printed Copy of every periodical literary Work or Paper (not being a Newspaper), containing or having published therewith any Advertisements or Advertisement liable to Stamp Duty, which shall be published within the Cities of *London*, *Edinburgh*, or *Dublin* respectively, or within Twenty Miles thereof respectively, shall, within the Space of Six Days next after the Publication thereof, be brought, together with all Advertisements printed therein, or published or intended to be published therewith, to the Head Office for Stamps in *Westminster*, *Edinburgh*, or *Dublin* nearest to which such literary Work or Paper shall have been published, and the Title thereof, and the Christian Name and Surname of the Printer and Publisher thereof, with

with the Number of Advertisements contained therein or published therewith, and any Stamp Duty by Law payable in respect of such Advertisements, shall be registered in a Book to be kept at such Office, and the Duty on such Advertisements shall be there paid to the Receiver General of Stamps and Taxes for the Time being, or his Deputy or Clerk, or the proper authorized Officer; and One printed Copy of every such literary Work or Paper as aforesaid which shall be published in any Place in the United Kingdom not being within the Cities of *London, Edinburgh, or Dublin*, or within Twenty Miles thereof respectively, shall, within the Space of Ten Days next after the Publication thereof, be brought, together with all such Advertisements as aforesaid, to the Head Distributor of Stamps for the Time being within the District in which such literary Work or Paper shall be published, and such Distributor is hereby required forthwith to register the same in manner aforesaid, in a Book to be by him kept for that Purpose, and the Duty payable in respect of such Advertisements shall be thereupon paid to such Distributor; and if the Duty which shall be by Law payable in respect of any such Advertisements as aforesaid shall not be duly paid within the respective Times and in the Manner herein-before limited and appointed for that Purpose, the Printer and Publisher of such literary Work or Paper, and every other Person concerned in the printing or publishing thereof, and the Publisher of any such Advertisements, shall respectively forfeit the Sum of Twenty Pounds for every such Offence; and in any Action, Information, or other Proceeding for the Recovery of such Penalty, or for the Recovery of the Duty on any such Advertisements, Proof of the Payment of the said Duty shall lie upon the Defendant.

Penalty for Neglect to pay Duty, 20l.

XXII. And be it enacted, That upon Information given before any Justice of the Peace upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer) that there is reasonable and probable Cause to suspect any Person of being or having been at any Time within One Calendar Month last preceding in any Way knowingly and wilfully engaged or concerned in printing, publishing, vending, or otherwise distributing any Newspaper not duly stamped as required by Law, or of being unlawfully possessed of any Newspapers not duly stamped as aforesaid, or that any Printing Press, Engine, Machine, Types, or other Implements or Utensils for printing is or are or have been by any Person knowingly and wilfully used within the Time last aforesaid for the Purpose of composing or printing any Newspaper not duly stamped as aforesaid, or that any such Newspapers are sold or distributed, or kept for Sale or Distribution, or are unlawfully deposited in any Place, then and in every such Case it shall be lawful for such Justice and he is hereby required, upon the Application of any Officer of Stamp Duties, to grant a Warrant under his Hand, directed to any Constable or other Peace Officer, or any Officer of Stamp Duties, or other Person or Persons named in such Warrant, authorizing and empowering him or them, with such other Person or Persons as he or they shall call to his or their Assistance, to enter and search in the Daytime any House, Room, Shop, Warehouse, Out-house, Building, or other Place belonging to such suspected Person,

Justices of the Peace on Information upon Oath may grant Warrants to search for unstamped Newspapers, and to seize Presses, &c. used in printing the same.

or where such Person shall be suspected of being engaged or concerned or of having been engaged or concerned in the Commission of any such illegal Act as aforesaid, or where any such Printing Press, Engine, Machine, Types, Implements, or Utensils suspected to be or to have been used for any such illegal Purpose as aforesaid shall be or be suspected to be, or where any such Newspapers as aforesaid are suspected to be sold or distributed, or kept or deposited as aforesaid; and if upon any such Search as aforesaid any Newspapers not duly stamped as aforesaid, or any Printing Press, Engine, Machine, Types, Implements, or Utensils which shall have been used in printing or publishing any such Newspaper as aforesaid within the Time last aforesaid, shall be found, it shall be lawful for the Person or Persons named in such Warrant, and his or their Assistant or Assistants, to seize and take away the same, together with all other Presses, Engines, Machines, Types, Implements, Utensils, and Materials for printing belonging to the same Person, or which shall be found in the same House, Room, Shop, Warehouse, Outhouse, Building, or Place; and all such Presses, Engines, Machines, Types, Implements, Utensils, and Materials shall be forfeited to the Use of His Majesty, and shall be proceeded against to Condemnation in His Majesty's Court of Exchequer in *England, Scotland, or Ireland* respectively, in like Manner as in the Case of any Goods seized as forfeited for any Breach of the Laws relating to His Majesty's Revenues of Customs or Excise.

On Refusal of Admittance on Execution of Search Warrant, Constables may break open Doors.

XXIII. And be it enacted, That upon the Execution of any Warrant granted under this Act, authorizing any Search to be made in any House, Room, Shop, Warehouse, Outhouse, Building, or other Place, if on Demand of Admittance and Notice of any such Warrant the Door of any such House, Room, Shop, Warehouse, Outhouse, Building, or other Place shall not be forthwith opened, it shall be lawful for the Constable or other Peace Officer having the Execution of such Warrant, or for any other Person or Persons to whom such Warrant shall be directed, in the Presence of any Constable or other Peace Officer, in the Daytime, to break open such Door, and to enter thereat for the Purpose of making such Search as aforesaid; and if any Person shall refuse to permit any Constable, Peace Officer, or Officer of Stamp Duties, or any other Person duly authorized in that Behalf, to enter into any House, Room, Shop, Warehouse, Outhouse, Building, or other Place, for the Purpose of making any Search by or under this Act directed or authorized to be made, or shall resist, obstruct, molest, prevent, or hinder any such Constable, Officer, or Person as aforesaid in the making of any such Search, or in the Execution of any Warrant issued under or in pursuance of this Act, or in the seizing or taking away of any Goods, Chattels, Articles, Matters, or Things which may be lawfully seized or taken, or in the apprehending or detaining of any Offender or other Person who may lawfully be apprehended or detained, or otherwise in the Execution of any of the Duties, Powers, or Authorities given to or vested in any such Constable, Officer, or other Person as aforesaid by or under any of the Provisions of this Act, every Person so offending in any of the several Cases aforesaid shall forfeit for every such Offence the Sum of Twenty Pounds; and all Constables and other Peace

Penalty on Persons resisting Constables in execution of their Duties under this Act, 20L.

Peace Officers shall be and they are hereby required to be aiding and assisting in the Execution of all Warrants issued under this Act; and if any Constable or other Peace Officer shall neglect or refuse to do or perform any Service or Duty by this Act required or directed to be done or performed by him, or shall neglect or refuse to aid and assist in the Execution of any such Warrant as aforesaid, or of any of the Provisions of this Act, upon proper Application or Notice made or given to him in that Behalf, or shall neglect or refuse to execute or serve any Warrant or Summons granted or issued pursuant to any of the Provisions of this Act, every such Constable or Peace Officer shall forfeit Ten Pounds for every such Neglect or Refusal.

Constables to aid in executing Warrants.

Penalty for Refusal or Neglect of Duty.

XXIV. And be it enacted, That it shall be lawful for every Person having in his Possession any Printing Press, or any Engine or Machine for printing, if he shall think fit, to deliver or cause to be delivered in the Manner herein-after mentioned a Notice thereof signed with his own Hand in the Presence of and attested by an Officer of Stamp Duties, which Notice shall specify the Christian Name and Surname and Place of Abode of the Person possessed of any such Printing Press, Engine, or Machine, and a true Description of the House or Building and Place in which the same shall be kept and used for printing; and every such Person who shall give any such Notice as aforesaid shall also at the same Time, if he shall think fit, deliver or cause to be delivered in like Manner a List of all or any of the periodical Papers for the printing of which any such Press, Engine, or Machine is used or intended to be used, and every such Person as aforesaid shall afterwards from Time to Time quarterly, that is to say, within Seven Days after the First Day of *March*, the First Day of *June*, the First Day of *September*, and the First Day of *December* in every Year, deliver or cause to be delivered in like Manner a similar List of all or any of such periodical Papers as aforesaid; and in the meantime and from Time to Time as often as such Person shall undertake or permit the printing with any such Press, Engine, or Machine as aforesaid of any periodical Paper not specified in the last quarterly List delivered by such Person, he shall, if he shall think fit, before the Commencement of the printing of such last-mentioned Paper, or within Three Days next after any Part or Number thereof shall be first printed with any such Press, Engine, or Machine as aforesaid, give Notice of the printing thereof in manner herein-after mentioned; and every such List and Notice of Papers for the printing of which any such Press, Engine, or Machine is used or intended to be used shall be signed by the Person possessed of such Printing Press, Engine, or Machine with his own Hand, or by some Person appointed and authorized by him for that Purpose, and of whose Appointment and Authority Notice in Writing signed by the Person possessed of such Press, Engine, or Machine as aforesaid, in the Presence of and attested by an Officer of Stamp Duties, shall be given to the said Commissioners, or to the Officer to whom such Lists as aforesaid are to be delivered; and every such List and Notice of Papers printed or to be printed as aforesaid shall specify and set forth the correct Title of every such Paper, and the Name and Place of Abode of the Printer thereof as the same shall appear in the Imprint, and also

Persons possessed of Printing Presses may give Notice thereof at the Stamp Office, and return Lists of periodical Papers for the printing of which such Presses are used.

the Name and Place of Abode of the Person who shall employ the Person possessed of such Press, Engine, or Machine to print or work off such Paper, or who shall engage or use any such Press, Engine, or Machine for that Purpose; and every such Notice as aforesaid relating to the Possession of any Printing Press, Engine, or Machine, and also every List or Notice of the Papers printed or to be printed therewith, shall respectively be delivered to the Commissioners of Stamps and Taxes, or to some Officer appointed by them to receive the same respectively, at the Head Office for Stamps in *Westminster, Edinburgh, or Dublin*, according as the Person giving any such Notice or List shall reside in *England, Scotland, or Ireland*, or to the Distributor of Stamps for the District in which such Person shall reside.

Persons who shall give such Notice and deliver such List not to be liable to any Penalty by reason of printing on unstamped Paper any Paper specified in such List, unless previous Notice be given to them by a Commissioner or Officer of Stamp Duties of its Liability to Stamp Duty.

XXV. And be it enacted, That no Person who shall have duly given such Notice as aforesaid of being possessed of any Press, Engine, or Machine for printing, and shall, within the respective Periods and in the Manner herein-before limited and directed for that Purpose, have delivered Lists and Notices of all or any of the periodical Papers for the printing of which any such Press, Engine, or Machine shall be used, shall be liable to any Penalty or Forfeiture under this Act in respect of any Paper, the same not being a registered Newspaper, truly specified in the last quarterly List delivered by such Person, or in any Notice duly given by him since the Delivery of the said List, by reason of such Paper having been printed with any such Press, Engine, or Machine of the Possession of which such Notice as aforesaid shall have been given, although such Paper may be liable to Stamp Duty, and may have been printed on Paper not duly stamped, unless the same shall be a registered Newspaper, or unless the same shall have been so printed as aforesaid, after Notice given by the Commissioners of Stamps and Taxes, or some Officer of Stamp Duties, in the Manner herein-after mentioned; (that is to say,) provided always, that if a Notice signed by any One or more of the Commissioners of Stamps and Taxes, or by any Officer of Stamp Duties, shall be delivered to any Person possessed of any such Printing Press, Engine, or Machine, or shall be left for him at the Place mentioned in any Notice given by him as aforesaid as the Place of his Abode, or the Place where such Printing Press, Engine, or Machine is used for printing, informing him that any Paper is chargeable with Stamp Duty as a Newspaper under this Act, then if the same shall be so chargeable, and such Person shall after such Notice as aforesaid continue to print such Paper, or any subsequent Part or Number thereof, or any Paper of the like Nature, whether under the same or any different Form or Title, or if after such Notice as aforesaid such Person shall permit or suffer any Press, Engine, or Machine belonging to him or in his Possession to be used for the printing of any such Paper, Part, or Number as aforesaid, such Person shall be liable to all the Penalties and Forfeitures imposed by this Act for any Offence committed against any of the Provisions thereof, after such Notice as aforesaid, without any further or other Notice or Caution: Provided also, that every Person who shall neglect or omit to give any such Notice or to deliver any such List as aforesaid in the Manner and Form and within the Time herein-before directed and limited in that Behalf, shall be liable to  
and

and chargeable with all Penalties and Forfeitures imposed by this Act for any Offence committed against the Provisions thereof, without any previous Notice or Caution whatsoever.

XXVI. 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 shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall in *England* or *Ireland* be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere, and shall in *Scotland* be brought in the Court of Exchequer; 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 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.

Limitation of Actions.

Venue local.

Notice of Action.

General Issue.

Tender of Amends.

Costs.

Recovery of Penalties.

XXVII. And be it enacted, That all pecuniary Penalties under this Act may be sued or prosecuted for and recovered for the Use of His Majesty in the Name of His Majesty's Attorney General or Solicitor General in *England* or *Ireland*, or of His Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *England* or *Scotland*, or of the Solicitor of Stamps in *Ireland*, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster* in respect of any Penalty incurred in *England*, and in the Court of Exchequer in *Scotland* in respect of any Penalty incurred in *Scotland*, and in the Court of Exchequer in *Dublin* or by Civil Bill in the Court of the Recorder, Chairman, or Assistant Barrister within whose local Jurisdiction any Offence shall have been committed, in respect of any Penalty incurred in *Ireland*, or in respect of any Penalty not exceeding Twenty Pounds by Information or Complaint before One or more Justice or Justices of the Peace in any Part of the United Kingdom, in manner by this Act provided; and it shall not be lawful for any Person other than as aforesaid to inform, sue, or prosecute for any such Penalty as aforesaid except where, in the

Case of apprehending an Offender by any Person appointed or authorized by the Commissioners of Stamps and Taxes in that Behalf, it is by this Act otherwise expressly provided and allowed; and it shall be lawful in all Cases for the Commissioners of Stamps and Taxes, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty as the said Commissioners shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceeding, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager of Law, nor more than One Imparlance be allowed; and all pecuniary Penalties imposed by or incurred under this Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of His Majesty, and shall be deemed to be and shall be accounted for as Part of His Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

No Essoign, &c.

Application of Penalties.

Mode of proceeding for the Recovery of Penalties before Justices of the Peace.

XXVIII. And be it enacted, That it shall be lawful for any Justice of the Peace within whose Jurisdiction any Offence the Penalty for which shall not exceed Twenty Pounds shall be committed against this Act, and such Justice is hereby required, upon any Information exhibited or Complaint made by any Person duly authorized in that Behalf, to summon the Party accused and also the Witnesses on either Side to be and appear before the said Justice or before any other Justice of the Peace at a Time and Place to be appointed for that Purpose, and whether the Party accused shall appear or not it shall be lawful for the said Justice or any other Justice present at the Time and Place appointed for such Appearance to proceed to examine into the Fact, and upon due Proof made thereof to the Satisfaction of any such Justice, either by Confession of the Party accused or by the Oath of One or more credible Witness or Witnesses, to convict such Offender, and to give Judgment for the Penalty and Costs to be assessed by any such Justice, and to issue his Warrant for levying such Penalty and Costs, and also the reasonable Costs and Charges attending the Distress, on the Goods of such Offender, and to cause Sale to be made thereof, in case the same shall not be redeemed within Five Days, rendering to the Party the Overplus, if any; and where Goods sufficient cannot be found to answer such Penalty and Costs, such Justice, or any other Justice of the District or Place in which such Conviction shall take place, shall commit such Offender to the Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months nor less than One Calendar Month, unless such Penalty, Costs, and Charges



Charges shall be sooner paid and satisfied; and if any Person shall find himself aggrieved by the Judgment of any such Justice it shall be lawful for such Person to appeal against the same to the Justices at the next General or Quarter Sessions of the Peace for the District or Place where the Offence shall have been committed which shall be held next after the Expiration of Ten Days from the Day on which such Conviction shall have been made, of which Appeal Notice in Writing shall be given to the Prosecutor or Informer Seven clear Days previous to the first Day of such Sessions, and it shall be lawful for such Justices at such Sessions to examine Witnesses on Oath, and finally to hear and determine such Appeal; and in case any Conviction of such Justice shall be affirmed it shall be lawful for the Justices at such Sessions to award and order the Person convicted to pay such Costs occasioned by such Appeal as to them shall seem meet: Provided always, that no Person convicted before any such Justice shall be entitled or permitted to appeal against such Conviction in manner aforesaid unless within Three Days after such Conviction made he shall enter into a Recognizance, with Two sufficient Sureties, before such Justice, to enter and prosecute such Appeal, and to pay the Amount of the Penalty and Costs in which he shall have been convicted, and also such further Costs as shall be awarded in case such Conviction shall be affirmed on such Appeal: Provided also, that no such Proceedings so to be taken as aforesaid shall be quashed or vacated for Want of Form, or shall be removed by Certiorari, Suspension, Advocation, or Reduction, or by any other Writ or Process whatsoever, into any Superior or other Court or Jurisdiction in any Part of the United Kingdom, any Law, Statute, or Usage to the contrary notwithstanding: And provided also, that it shall be lawful for any Justice of the Peace before whom any Person shall be convicted of any Offence against this Act to mitigate as he shall see fit any pecuniary Penalty by this Act imposed in Cases where such Justice shall see Cause so to do; provided that all reasonable Costs and Charges incurred as well in discovering as in prosecuting for such Offence shall be always allowed, over and above the Sum to which such Penalty shall be mitigated, and provided that such Mitigation do not reduce the Penalty to less than One Fourth of the Penalty incurred, exclusive of such Costs and Charges, any thing herein contained to the contrary notwithstanding.

Appeal to Sessions.

Notice of Appeal.

Sessions may give Costs.

Persons convicted to give Security on Appeal.

No Certiorari.

Justices may mitigate Penalties.

Form of Conviction.

XXIX. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence under this Act shall cause the Conviction to be made out in the Manner and Form following, or in any other Form of Words to the like Effect, *mutatis mutandis*; (that is to say,)

‘ County of } **BE** it remembered, That on the Day of  
‘ to wit. } in the Year of our Lord  
‘ at *A.B.* of was duly convicted before me  
‘ *C.D.* Esquire, one of His Majesty’s Justices of the Peace for  
‘ the County of in pursuance of an Act passed in the  
‘ Seventh Year of the Reign of King *William* the Fourth, intituled  
‘ [*Title of this Act*], for that the said *A.B.* [*here state the Offence*],  
‘ contrary to the Form of the Statute in that Case made and pro-  
‘ vided, for which Offence I do adjudge that the said *A.B.* hath  
‘ forfeited

‘ forfeited the Sum of \_\_\_\_\_ and [if the Justice mitigate  
 ‘ the Penalty] which Sum of \_\_\_\_\_ I do hereby mitigate to  
 ‘ the Sum of \_\_\_\_\_ over and above the Sum of \_\_\_\_\_  
 ‘ which I do allow to *E.F.* for his reasonable Costs and Expences  
 ‘ in prosecuting this Conviction. Given under my Hand and Seal  
 ‘ this \_\_\_\_\_ Day of \_\_\_\_\_

For compelling  
 Attendance of  
 Witnesses be-  
 fore Justices.

XXX. And be it enacted, That it shall be lawful for any Justice of the Peace to summon any Person to appear before such Justice or before any other Justice of the Peace to give Evidence touching any Offence against the Provisions of this Act; and if any Person who shall be so summoned shall neglect or refuse to appear, according to the Exigency of such Summons, at the Time and Place therein for that Purpose named, without reasonable Matter of Excuse to be stated upon Oath and proved to the Satisfaction of such Justice before whom any Information or Complaint shall be depending or shall have been made touching any such Offence as aforesaid, or if such Person having appeared shall refuse to give Evidence respecting any such Offence or other Matter as aforesaid, then every Person so offending shall forfeit Ten Pounds.

What shall be  
 deemed good  
 Service of Pro-  
 cess, &c. in  
 Proceedings  
 under this Act.

XXXI. And be it enacted, That in any Proceeding either in any Court, or before any Justice of the Peace, or otherwise, under this Act, or for summoning any Party, Witness, or other Person in or for the Purpose of any such Proceeding, it shall not be necessary that the original or any other Process or Summons, or any Notice, Demand, or Order whatsoever, should be personally served on the Defendant or Person to be summoned, but it shall be sufficient that such Process, Summons, Notice, Demand, or Order, or a Copy thereof respectively, be left at the last known Place of Abode of such Defendant or Person to be summoned.

Repeal of Acts  
 and Parts of  
 Acts, &c.

XXXII. And be it enacted, That the several Acts and Parts of Acts herein-after mentioned, or so much and such Part and Parts thereof as are now in force, and the Stamp Duties thereby granted, or such of them as are now payable upon or in respect of Newspapers, shall respectively remain and continue in force and be payable until and upon the Fourteenth Day of *September* One thousand eight hundred and thirty-six, and shall from thenceforth cease, determine, and be repealed, (that is to say,) the several Acts and Parts of Acts passed in the Parliaments of *Great Britain* herein-after specified; namely,

Acts passed in  
 the Parliaments  
 of G.B., viz.

10 Ann. c. 19.

So much of an Act of the Tenth Year of the Reign of Queen *Anne*, passed for the Purpose (amongst other Things) of laying Duties upon several Kinds of stamped Vellum, Parchment, and Paper, and upon certain printed Papers, Pamphlets, and Advertisements, as relates in any Manner to the Stamp Duties on Newspapers or the Duties on Advertisements, or as imposes any Penalty with relation to the said Duties or either of them:

11 G. 1. c. 8.

And so much of an Act of the Eleventh Year of the Reign of King *George* the First, passed for the Purpose (amongst other Things) of explaining the said last-mentioned Act in relation to the Stamp Duties on Newspapers, as in any Manner relates to the Stamp Duties on Newspapers:

And so much of an Act of the Sixteenth Year of the Reign of King *George* the Second, passed for the Purpose (amongst other Things) of punishing the Vendors of unstamped Newspapers, as in any Manner relates to such Purpose: 16 G. 2. c. 26.

And so much of an Act passed in the Fifth Year of the Reign of King *George* the Third, intituled *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in Great Britain*, as requires Security to be given to His Majesty for Payment of the Duties on Advertisements: 5 G. 3. c. 46.

And the whole of an Act passed in the Thirteenth Year of the Reign of the said King *George* the Third, intituled *An Act for explaining Two Acts made in the Eleventh Year of the Reign of King George the First and the Thirtieth Year of the Reign of His late Majesty, in relation to the Stamp Duties upon Newspapers*: 13 G. 3. c. 65.

And so much of an Act of the Sixteenth Year of the Reign of the said King *George* the Third, passed for the Purpose (amongst other Things) of granting several Rates and Duties upon Indentures, Leases, Bonds, and other Deeds, and upon Cards, Dice, and Newspapers, as in any Manner relates to Newspapers or to the Stamp Duties thereon: 16 G. 3. c. 34.

And so much of an Act of the Twentieth Year of the Reign of the said King *George* the Third, passed for the Purpose (amongst other Things) of granting additional Duties on Advertisements, as relates to such Duties: 20 G. 3. c. 28.

And so much of an Act passed in the Twenty-ninth Year of the Reign of the said King *George* the Third, for granting additional Stamp Duties on Newspapers, Advertisements, Cards, and Dice, as in any Manner relates to Newspapers or Advertisements, or to the Duties thereon respectively: 29 G. 3. c. 50.

And the whole of an Act passed in the Thirty-fourth Year of the Reign of the said King *George* the Third, intituled *An Act to enable the Commissioners of His Majesty's Stamp Duties to stamp the Paper used for printing Newspapers thereon in Sheets of Single Demy Paper instead of Sheets of Double Demy Paper*: 34 G. 3. c. 72.

And so much of an Act of the Thirty-seventh Year of the said King *George* the Third, passed for the Purpose (amongst other Things) of granting certain Stamp Duties on the several Matters therein mentioned, as in any Manner relates to Newspapers or to the Duties thereon, or to any Discount or Allowance in respect of the said Duties: 37 G. 3. c. 90.

And the whole of an Act passed in the Thirty-eighth Year of the Reign of the said King *George* the Third, intituled *An Act for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like Nature by Persons not known, and for regulating the Printing and Publication of such Papers in other respects*: 38 G. 3. c. 78.

And the whole of Two several Acts passed in the Parliaments of Ireland herein-after specified; (that is to say,) Acts passed in the Parliaments of Ireland; viz.

An Act passed in the Twenty-third and Twenty-fourth Years of the Reign of the said King *George* the Third, intituled

23 & 24 G. 3.  
c. 28.

tuled *An Act to secure the Liberty of the Press by preventing the Abuses arising from the Publication of traitorous, seditious, false, and slanderous Libels by Persons unknown :*

38 G. 3. c. 7.

And an Act passed in the Thirty-eighth Year of the Reign of the said King *George* the Third, for amending the said last-mentioned Act :

Acts passed in  
the Parliaments  
of U. K. ; viz.

And the several Acts and Parts of Acts passed in the Parliaments of the United Kingdom of *Great Britain* and *Ireland* herein-after specified ; (that is to say,)

So much of an Act passed in the Fortieth Year of the Reign of the said King *George* the Third, intituled *An Act to revive, amend, continue, or make perpetual certain temporary Statutes*, as makes perpetual or otherwise relates to the said Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of the said King :

41 G. 3. c. 10.

And so much of an Act passed in the Forty-first Year of the Reign of the said King *George* the Third, for granting certain additional Stamp Duties, as in any Manner relates to the Stamp Duties on Newspapers, or to any Discount or Allowance in respect of the said last-mentioned Stamp Duties :

44 G. 3. c. 98.

And so much of an Act passed in the Forty-fourth Year of the Reign of the said King *George* the Third, intituled *An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof*, as in any Manner relates to Newspapers or to the Duties thereon, or to any Discount or Allowance in respect of the said Duties :

49 G. 3. c. 50.

And the whole of an Act passed in the Forty-ninth Year of the Reign of the said King *George* the Third, intituled *An Act to amend so much of an Act made in the Thirty-seventh Year of His present Majesty, for granting to His Majesty certain Stamp Duties, as relates to the Limitation according to which the Discount on Newspapers is regulated :*

55 G. 3. c. 80.

And the whole of an Act passed in the Fifty-fifth Year of the Reign of the said King *George* the Third, intituled *An Act to provide for the Collection and Management of Stamp Duties on Pamphlets, Almanacks, and Newspapers in Ireland :*

55 G. 3. c. 185.

And so much of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George* the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, as in any Manner relates to Newspapers or the Duties thereon, or to any Discount or Allowance in respect of the said Duties :

56 G. 3. c. 56.

And so much of an Act passed in the Fifty-sixth Year of the Reign of the said King *George* the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, as in any Manner relates to Newspapers or

to

to the Duties thereon, or to any Discount or Allowance in respect of the said Duties :

And so much of an Act passed in the Sixtieth Year of the Reign of the said King *George* the Third, intituled *An Act to subject certain Publications to the Duties of Stamps upon Newspapers, and to make other Regulations for restraining the Abuses arising from the Publication of blasphemous and seditious Libels*, as subjects any Newspaper or other Paper or Pamphlet to any Stamp Duty : 60 G. 3. c. 9.

And the whole of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to allow Newspapers to be printed upon Paper of a larger Size than is now allowed, and to reduce the Stamp Duties now payable upon Supplements to Newspapers and other Papers in Great Britain* : 6 G. 4. c. 119.

And so much of an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances, to repeal the Stamp Duties on Pamphlets and on Receipts for Sums under Five Pounds, and to exempt Insurances on Farming Stock from Stamp Duties*, as provides the Mode of collecting the Duty on Advertisements contained in or published with any Pamphlet, periodical Paper, or literary Work : 3 & 4 W. 4. c. 23.

And the whole of an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Thirty-eighth Year of King George the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like Nature by Persons not known, and for regulating the Printing and Publication of such Papers in other respects, and to discontinue certain Actions commenced under the Provisions of the said Act* : 5 W. 4. c. 2.

And the said several Acts and Parts of Acts herein-before specified shall be and the same are hereby repealed accordingly, save and except only so far as is herein in that Behalf provided.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any of the herein-before mentioned Acts or Parts of Acts with respect to any Duty or Arrears of any Duty whatsoever which before or upon the said Fourteenth Day of *September* One thousand eight hundred and thirty-six shall have accrued and been incurred under or by virtue of the said Acts or Parts of Acts, or any of them respectively, and which shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid, or with respect to any Fine, Penalty, or Forfeiture or Punishment incurred and not recovered or suffered for or in respect of any Offence or Crime committed or to be committed against the said several Acts or Parts of Acts respectively, or any of them, upon or before the said Fourteenth Day of *September* One thousand eight hundred and thirty-six, or with respect to any Proceedings, Civil or Criminal, commenced or to be commenced against any Person for the Recovery of any such Arrears of Duty, or of any such Fine, Penalty, or Forfeiture, or for the Infliction of any such Punishment as aforesaid, but that all such

Exception of all Arrears of Duty and all Penalties, &c. incurred.

Arrears

This Act not to revive any Act heretofore expired or repealed, nor to annul any Indemnity granted.

Stamps rendered useless by this Act may be cancelled and allowed.

Construction of the Terms used in this Act.

Act may be altered.

Arrears of Duty, Fines, Penalties, Forfeitures, and Punishments shall and may respectively be sued or prosecuted for, recovered, obtained, and inflicted, by the same Ways and Means and in such and the same Manner as if this Act had not been passed: And provided also, that nothing in this Act contained shall extend or be construed to extend to repeal any of the said herein-before mentioned Acts or Parts of Acts so far as the same or any of them repeal the whole or any Part of any other Act or Acts; and that no Matter or Thing whatever in this Act contained shall revive or be construed to revive, for any Period or Purpose whatsoever, any Act or Acts, or any Part of any Act or Acts, which before the passing of this Act shall have expired, or which by any Act or Acts passed before the passing of this Act shall have been repealed; and that the Repeal of any Act or Acts herein-before mentioned, or any other Matter or Thing in this Act contained, shall not extend or be construed to extend to repeal or annul or in any way to affect any Indemnity granted under or by virtue of any Act or Acts so repealed.

XXXIV. And be it enacted, That it shall be lawful for any Person having in his Possession any Paper stamped with any of the Duties hereby repealed, and not made use of, or who may at any Time hereafter have in his Possession any Paper stamped for denoting the Duties by this Act granted, and which may be rendered useless by reason of any Change of Dies, or by the Operation of any of the Provisions of this Act, to bring the same to the Head Office for Stamps in *London, Edinburgh, or Dublin* respectively at any Time within Six Calendar Months next after the said Fifteenth Day of *September* One thousand eight hundred and thirty-six, or within Six Calendar Months next after the same shall be so rendered useless, in order that the Stamps thereon may be cancelled and allowed; and it shall be lawful for the Commissioners of Stamps and Taxes or their proper Officers to cancel and allow such Stamps accordingly, and to stamp such Paper or any Portion thereof, and any other Paper which shall be brought for that Purpose, with Stamps denoting the Duty by this Act granted to the Amount or Value of the Stamps so to be cancelled and allowed as aforesaid, after deducting the Amount of any Discount allowed thereon.

XXXV. And in order to avoid the frequent Use of divers Terms and Expressions in this Act, and to prevent any Misconstruction of the Terms and Expressions used therein; be it enacted, That wherever in this Act with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood and construed to include several Persons as well as one Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

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

## SCHEDULE referred to in this Act.

## SCHEDULE (A.)

	£	s.	d.
Containing the Duties imposed by this Act on Newspapers ; (that is to say,)			
For every Sheet or other Piece of Paper whereon any Newspaper shall be printed - - -	0	0	1
And where such Sheet or Piece of Paper shall contain on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, exceeding One thousand five hundred and thirty Inches, and not exceeding Two thousand two hundred and ninety-five Inches, the additional Duty of - - -	0	0	0½
And where the same shall contain on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, exceeding Two thousand two hundred and ninety-five Inches, the additional Duty of - - -	0	0	1
Provided always, that any Sheet or Piece of Paper containing on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, not exceeding Seven hundred and sixty-five Inches, which shall be published with and as a Supplement to any Newspaper chargeable with any of the Duties aforesaid, shall be chargeable only with the Duty of -	0	0	0½
And the following shall be deemed and taken to be Newspapers chargeable with the said Duties ; viz.			
Any Paper containing public News, Intelligence, or Occurrences printed in any Part of the United Kingdom to be dispersed and made public :			
Also any Paper printed in any Part of the United Kingdom weekly or oftener, or at Intervals not exceeding Twenty-six Days, containing only or principally Advertisements :			
And also any Paper containing any public News, Intelligence, or Occurrences, or any Remarks or Observations thereon, printed in any Part of the United Kingdom for Sale, and published periodically or in Parts or Numbers at Intervals not exceeding Twenty-six Days between the Publication of any Two such Papers, Parts, or Numbers, where any of the said Papers, Parts, or Numbers respectively shall not exceed Two Sheets of the Dimensions herein-after specified, (exclusive of any Cover or Blank Leaf, or any other Leaf upon which any Advertisement or other Notice shall be printed,) or shall be published for Sale for a less Sum than Sixpence, exclusive of the Duty by this Act imposed thereon : Provided always,			

that no Quantity of Paper less than a Quantity equal to Twenty-one Inches in Length and Seventeen Inches in Breadth, in whatever Way or Form the same may be made or may be divided into Leaves, or in whatever Way the same may be printed, shall, with reference to any such Paper, Part, or Number as aforesaid, be deemed or taken to be a Sheet of Paper:

ℓ s. d.

And provided also, that any of the several Papers herein-before described shall be liable to the Duties by this Act imposed thereon, in whatever Way or Form the same may be printed or folded, or divided into Leaves or stitched, and whether the same shall be folded, divided, or stitched, or not.

#### EXEMPTIONS.

Any Paper called "Police Gazette, or Hue and Cry," published in Great Britain by Authority of the Secretary of State, or in Ireland by the Authority of the Lord Lieutenant.

Daily Accounts or Bills of Goods imported and exported, or Warrants or Certificates for the Delivery of Goods, and the Weekly Bills of Mortality, and also Papers containing any Lists of Prices Current, or of the State of the Markets, or any Account of the Arrival, Sailing, or other Circumstances relating to Merchant Ships or Vessels, or any other Matter wholly of a Commercial Nature; provided such Bills, Lists, or Accounts do not contain any other Matter than what hath been usually comprised therein.

#### C A P. LXXXVII.

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.

[13th August 1836.]

Recital of Com-  
missions and  
Reports.

WHEREAS His Majesty was pleased, on the Fourth Day of *February* and on the Sixth Day of *June* in the Year One thousand eight hundred and thirty-five, to issue Two several Commissions to certain Persons therein respectively named, directing them to consider the State of the several Dioceses in *England* and *Wales*, with reference to the Amount of their Revenues, and the more equal Distribution of Episcopal Duties, and the Prevention of the Necessity of attaching by Commendam to Bishopricks Benefices with Cure of Souls, and to consider also the State of the several Cathedral and Collegiate Churches in *England* and *Wales*; with a view to the Suggestion of such Measures



‘ Measures as may render them conducive to the Efficiency of the  
 ‘ Established Church, and to devise the best Mode of providing  
 ‘ for the Cure of Souls, with special Reference to the Residence of  
 ‘ the Clergy on their respective Benefices: And whereas the said  
 ‘ Commissioners have, in pursuance of such Directions, made Four  
 ‘ several Reports to His Majesty, bearing Date respectively the  
 ‘ Seventeenth Day of *March* One thousand eight hundred and  
 ‘ thirty-five, and the Fourth Day of *March*, the Twentieth Day of  
 ‘ *May*, and the Twenty-fourth Day of *June* One thousand eight  
 ‘ hundred and thirty-six: And whereas the said Commissioners  
 ‘ have, in their said Reports, amongst other Things, recommended  
 ‘ that Commissioners be appointed by Parliament for the Purpose  
 ‘ of preparing and laying before His Majesty in Council such  
 ‘ Schemes as shall appear to them to be best adapted for carrying  
 ‘ into effect the following Recommendations; and that His Majesty  
 ‘ in Council be empowered to make Orders ratifying such Schemes,  
 ‘ and having the full Force of Law; and that the Diocese of *Can-*  
 ‘ *terbury* consist of the County of *Kent*, (except the City and  
 ‘ Deanery of *Rochester*, and those Parishes which it is proposed  
 ‘ to include in the Diocese of *London*,) and of the Parishes of  
 ‘ *Croydon* and *Addington*, and the District of *Lambeth Palace*, in  
 ‘ the County of *Surrey*; and that the Diocese of *London* consist  
 ‘ of the City of *London* and the County of *Middlesex*, of the  
 ‘ Parishes of *Barking*, *East Ham*, *West Ham*, *Little Ilford*, *Low*  
 ‘ *Layton*, *Walthamstow*, *Wanstead*, *Saint Mary Woodford*, and  
 ‘ *Chingford*, in the County of *Essex*, all in the present Diocese of  
 ‘ *London*; of the Parishes of *Charlton*, *Lee*, *Lewisham*, *Greenwich*,  
 ‘ *Woolwich*, *Eltham*, *Plumstead*, and *Saint Nicholas Deptford*, in  
 ‘ the County of *Kent*, and *Saint Paul Deptford* in the Counties of  
 ‘ *Kent* and *Surrey*, all now in the Diocese of *Rochester*; of the  
 ‘ Borough of *Southwark*, and the Parishes of *Battersea*, *Bermond-*  
 ‘ *sey*, *Camberwell*, *Christchurch*, *Clapham*, *Lambeth*, *Rotherhithe*,  
 ‘ *Streatham*, *Tooting Graveney*, *Wandsworth*, *Merton*, *Kew*, and  
 ‘ *Richmond*, in the County of *Surrey* and present Diocese of  
 ‘ *Winchester*; and of the Parishes of *Saint Mary Newington*,  
 ‘ *Barnes*, *Putney*, *Mortlake*, and *Wimbledon*, in the County of  
 ‘ *Surrey* and in the Peculiar Jurisdiction of the Archbishop of  
 ‘ *Canterbury*, together with all Extra-parochial Places locally  
 ‘ situate within the Limits of the Parishes above enumerated, ex-  
 ‘ cept the District of *Lambeth Palace*; and that the Diocese of  
 ‘ *Winchester* be diminished by the Transfer of the Parish of *Ad-*  
 ‘ *dington* to the Diocese of *Canterbury*, and of the before-men-  
 ‘ tioned Parishes to the Diocese of *London*; and that the whole  
 ‘ of the Parish of *Bedminster* be transferred from the Diocese of  
 ‘ *Bath* and *Wells* to the Diocese of *Gloucester* and *Bristol*; and  
 ‘ that the City and Deanery of *Bristol* be united to the Diocese of  
 ‘ *Gloucester*; and that the Southern Part of the Diocese of *Bristol*,  
 ‘ consisting of the County of *Dorset*, be transferred to the Diocese  
 ‘ of *Salisbury*; and that the Diocese of *Ely* be increased by the  
 ‘ Counties of *Huntingdon* and *Bedford*, now in the Diocese of  
 ‘ *Lincoln*, by the Deaneries of *Lynn* and *Fincham* in the County  
 ‘ of *Norfolk* and Diocese of *Norwich*, and by the Archdeaconry  
 ‘ of *Sudbury* in the County of *Suffolk* and Diocese of *Norwich*,  
 ‘ with the Exception of the Deaneries of *Sudbury*, *Stow*, and  
 ‘ *Hartismere*,

‘ *Hartismere*, and by that Part of the County of *Cambridge* which  
 ‘ is now in the Diocese of *Norwich*; and that it be declared that  
 ‘ the *Scilly* Islands are within the Jurisdiction of the Bishop of  
 ‘ *Exeter* and of the Archdeacon of *Cornwall*; and that the Sees  
 ‘ of *Gloucester* and *Bristol* be united, and that the Diocese consist  
 ‘ of the present Diocese of *Gloucester*, of the City and Deanery  
 ‘ of *Bristol*, of the Deaneries of *Cricklade* and *Malmesbury* in  
 ‘ the County of *Wilts* and now in the Diocese of *Salisbury*, and  
 ‘ of the whole of the Parish of *Bedminster*, now in the Diocese  
 ‘ of *Bath* and *Wells*; and that to the Diocese of *Hereford* be  
 ‘ added the Deanery of *Bridgnorth*, now locally situated between  
 ‘ the Dioceses of *Hereford* and *Lichfield*; and that those Parts of  
 ‘ the Counties of *Worcester* and *Montgomery* which are now in the  
 ‘ Diocese of *Hereford* be transferred to the Dioceses of *Worcester*  
 ‘ and *Saint Asaph* and *Bangor* respectively; and that the Diocese  
 ‘ of *Lichfield* consist of the Counties of *Stafford* and *Derby*; and  
 ‘ that the Diocese of *Lincoln* consist of the Counties of *Lincoln*  
 ‘ and *Nottingham*; and that the latter County, now in the Diocese  
 ‘ and Province of *York*, be included in the Province of *Canter-*  
 ‘ *bury*; and that the Diocese of *Norwich* consist of the Counties of  
 ‘ *Norfolk* and *Suffolk*, except those Parts which it is proposed to  
 ‘ transfer to the Diocese of *Ely*; and that the Diocese of *Oxford*  
 ‘ be increased by the County of *Buckingham*, now in the Diocese  
 ‘ of *Lincoln*, and by the County of *Berks*, now in the Diocese of  
 ‘ *Salisbury*; and that the Diocese of *Peterborough* be increased by  
 ‘ the County of *Leicester*, now in the Diocese of *Lincoln*; and that  
 ‘ the Diocese of *Rochester* consist of the City and Deanery of  
 ‘ *Rochester*, of the County of *Essex* (excepting the Parishes which  
 ‘ it is proposed to leave in the Diocese of *London*), and of the  
 ‘ whole County of *Hertford*; and that to the Diocese of *Salisbury*;  
 ‘ reduced according to the foregoing Propositions, be added the  
 ‘ County of *Dorset*, now in the Diocese of *Bristol*; and that the  
 ‘ Diocese of *Worcester* consist of the whole Counties of *Worcester*  
 ‘ and *Warwick*; and that the Sees of *Saint Asaph* and *Bangor*  
 ‘ be united, and that the Diocese consist of the whole of the  
 ‘ Two existing Dioceses (except that Part of the Diocese of *Saint*  
 ‘ *Asaph* which is in the County of *Salop*) and of those Parts of  
 ‘ the County of *Montgomery* which are now in the Dioceses of  
 ‘ *Saint David’s* and *Hereford*; and that the Diocese of *Llandaff*  
 ‘ consist of the whole Counties of *Glamorgan* and *Monmouth*; and  
 ‘ that the Diocese of *Saint David’s* be altered by the Transfer of  
 ‘ those Parts of the Counties of *Montgomery*, *Glamorgan*, and  
 ‘ *Monmouth* which it is proposed to include in the respective  
 ‘ Dioceses of *Saint Asaph* and *Bangor* and *Llandaff*; and that  
 ‘ the Diocese of *York* consist of the County of *York*, except such  
 ‘ Parts thereof as it is proposed to include in the new Diocese of  
 ‘ *Ripon*; and that the Diocese of *Durham* be increased by that  
 ‘ Part of the County of *Northumberland* called *Hexhamshire* which  
 ‘ is now in the Diocese of *York*; and that the Sees of *Carlisle*  
 ‘ and *Sodor* and *Man* be united, and that the Diocese consist of  
 ‘ the present Diocese of *Carlisle*, of those Parts of *Cumberland*  
 ‘ and *Westmorland* which are now in the Diocese of *Chester*, of  
 ‘ the Deanery of *Furnes* and *Cartmel* in the County of *Lancaster*,  
 ‘ of the Parish of *Aldeston*, now in the Diocese of *Durham*, and

of the *Isle of Man*; and that the Diocese of *Chester* consist of the County of *Chester*, of so much of the County of *Flint* as is now in that Diocese, and of so much of the County of *Salop* as is not in the Diocese of *Hereford*, and that the whole Diocese be included in the Province of *York*; and that Two new Sees be erected in the Province of *York*, one at *Manchester* and the other at *Ripon*; and that the Diocese of *Manchester* consist of the whole County of *Lancaster* except the Deanery of *Furnes* and *Cartmel*; and that the Diocese of *Ripon* consist of that Part of the County of *York* which is now in the Diocese of *Chester*, of the Deanery of *Craven*, and of such Parts of the Deaneries of the *Ainsty* and *Pontefract* in the County and Diocese of *York* as lie to the Westward of the following Districts; *videlicet*, the Liberty of the *Ainsty* and the Wapentakes of *Barhston Ash*, *Osgoldcross*, and *Staincross*; and that all Parishes which are locally situate in one Diocese, but under the Jurisdiction of the Bishop of another Diocese, be made subject to the Jurisdiction of the Bishop of the Diocese within which they are locally situate; and that such Variations be made in the proposed Boundaries of the different Dioceses as may appear advisable, after more precise Information respecting the Circumstances of particular Parishes or Districts; and that the Bishops of the Two newly erected Sees be made Bodies Corporate, and be invested with all the same Rights and Privileges as are now possessed by the other Bishops of *England* and *Wales*, and that they be made subject to the Metropolitan Jurisdiction of the Archbishop of *York*, and that the Collegiate Churches of *Manchester* and *Ripon* be made the Cathedrals, and that the Chapters thereof be the Chapters of the respective Sees of *Manchester* and *Ripon*, and be invested with all the Rights and Powers of other Cathedral Chapters; and that the Members of these and of all other Cathedral Churches in *England* be styled Dean and Canons; that the Chapter of *Carlisle* be the Chapter of the united See of *Carlisle* and *Man*; that the Bishops of the See of *Saint Asaph* and *Bangor* be elected alternately by the Dean and Chapter of *Saint Asaph* and by the Dean and Chapter of *Bangor*; that the Bishops of the See of *Bristol* and *Gloucester* be elected alternately by the Dean and Chapter of *Bristol* and by the Dean and Chapter of *Gloucester*; that Power be given to determine the future Mode of confirming such Acts of the Bishop of either of the united Sees as may require Confirmation by a Dean and Chapter; and that upon the first Avoidance of either of the Sees of *Saint Asaph* or *Bangor* and of *Gloucester* or *Bristol* the Bishop of the other of the Sees proposed to be united become *ipso facto* Bishop of the Two Sees, and thereupon become seised and possessed of all the Property, Advowsons, and Patronage belonging to the See so avoided; and that the Jurisdiction of the Bishop's Court in each Diocese be co-extensive with the Limits of the Diocese as newly arranged; and that such Arrangements be made with regard to the Apportionment of Fees payable to the Officers of the several Diocesan Courts as may be deemed just and equitable, for the Purpose of making Compensation to those Officers who may be prejudiced by the proposed Alterations; and that such Alterations be made in the Apportionment or Exchange

‘ of Ecclesiastical Patronage among the several Bishops as shall be  
 ‘ consistent with the relative Magnitude and Importance of their  
 ‘ Dioceses when newly arranged, and as shall afford an adequate  
 ‘ Quantity of Patronage to the Bishops of the new Sees; and that,  
 ‘ in order to provide for the Augmentation of the Incomes of the  
 ‘ smaller Bishopricks, such fixed annual Sums be paid to the  
 ‘ Commissioners out of the Revenues of the larger Sees respectively  
 ‘ as shall, upon due Inquiry and Consideration, be determined on,  
 ‘ so as to leave as an average annual Income to the Archbishop of  
 ‘ *Canterbury* Fifteen thousand Pounds, to the Archbishop of *York*  
 ‘ Ten thousand Pounds, to the Bishop of *London* Ten thousand  
 ‘ Pounds, to the Bishop of *Durham* Eight thousand Pounds, to the  
 ‘ Bishop of *Winchester* Seven thousand Pounds, to the Bishop of  
 ‘ *Ely* Five thousand five hundred Pounds, to the Bishop of  
 ‘ *St. Asaph* and *Bangor* Five thousand two hundred Pounds, and  
 ‘ to the Bishop of *Worcester* and *Bath* and *Wells* respectively  
 ‘ Five thousand Pounds; and that out of the Fund thus accruing  
 ‘ fixed annual Payments be made by the Commissioners, in such  
 ‘ Instances and to such Amount as shall be in like Manner deter-  
 ‘ mined on, so that the average annual Incomes of the other  
 ‘ Bishops respectively be not less than Four thousand Pounds nor  
 ‘ more than Five thousand Pounds; and that at the Expiration  
 ‘ of every Seven Years, reckoning from the First Day of *January*  
 ‘ One thousand eight hundred and thirty-seven, a new Return of  
 ‘ the Revenues of all the Bishopricks be made to the Commis-  
 ‘ sioners, and that thereupon the Scale of Episcopal Payments  
 ‘ and Receipts be revised, so as to preserve, as nearly as may be,  
 ‘ to each Bishop, an Amount of Income equivalent to that which  
 ‘ shall have been determined in the first instance to be suitable  
 ‘ to the Circumstances of his Bishoprick, and that such revised  
 ‘ Scale take effect as to each See respectively upon the then next  
 ‘ Avoidance thereof; and that if, in determining the Mode of  
 ‘ regulating the Episcopal Incomes, either in the first instance or  
 ‘ on any future Revision of them, it shall be deemed expedient  
 ‘ to make the Alteration required, in any Case, by the Subtraction  
 ‘ or Addition of any Real Estates, such Real Estates be transferred  
 ‘ accordingly; and that out of the Property of the See of *Durham*  
 ‘ Provision be forthwith made for the Completion of those Aug-  
 ‘ mentations of poor Benefices which the late Bishop (meaning  
 ‘ thereby the late Right Reverend *William Van Mildert*) had  
 ‘ agreed to grant, but which he left uncompleted at the Time  
 ‘ of his Death; and that the Bishop of *Durham* do in future hold  
 ‘ the Castle of *Durham* in Trust for the University of *Durham*,  
 ‘ and that all Expences of maintaining and repairing the same be  
 ‘ defrayed by the University of *Durham*; and that so soon as the  
 ‘ relative Values of the several Sees under the new Arrangements  
 ‘ shall have been ascertained Apportionment be made of the Sums  
 ‘ to be thereafter paid by the respective Bishops for First Fruits,  
 ‘ so as to leave the aggregate Amount payable from all the Sees  
 ‘ to the Bounty of Queen *Anne* the same as at present; and that  
 ‘ the Bishops who shall on the present Vacancies succeed to the  
 ‘ Sees of *Durham* and *Ely* be relieved from the Excess beyond  
 ‘ their due Proportion payable for First Fruits, and that the  
 ‘ Residue of the Sums due be paid by the Commissioners out

' of the Surplus Funds arising from those Sees; and that the  
 ' Tenths to be hereafter payable by the respective Bishops be  
 ' regulated by the Amount of the First Fruits payable under the  
 ' preceding Propositions; and that none of the proposed Alter-  
 ' ations affecting the Boundaries or Jurisdiction of any Diocese,  
 ' or the Patronage of Benefices with Cure of Souls, or the  
 ' Revenues belonging to any See the Bishop of which was in  
 ' Possession on the Fourth Day of *March* One thousand eight  
 ' hundred and thirty-six, take effect until the Avoidance of the  
 ' See without the Consent of such Bishop; and that no Eccle-  
 ' siastical Dignity, Office, or Benefice be in future granted to any  
 ' Bishop to be held in Commendam, but that such of the Endow-  
 ' ments of certain Prebends in the Cathedrals of *Lincoln*,  
 ' *Lichfield*, *Exeter*, and *Salisbury* as now belong to the Bishops  
 ' of the respective Dioceses continue annexed to the respective  
 ' Sees; and that fit Residences be provided for the Bishops of  
 ' *Lincoln*, *Landaff*, *Rochester*, *Manchester*, and *Ripon*; and that,  
 ' for the Purpose of providing the Bishop of any Diocese with  
 ' a more suitable and convenient Residence than that which now  
 ' belongs to his See, Sanction be given for Purchases or Ex-  
 ' changes of Houses or Lands, or for the Sale of Lands belonging  
 ' to the respective Sees, and also, where it may be necessary, for  
 ' the borrowing by any Bishop of a Sum not exceeding Two  
 ' Years Income of his See, upon such Terms as shall appear to be  
 ' fit and proper; and that the Governors of the Bounty of Queen  
 ' *Anne* be empowered to lend Money upon Mortgage to such  
 ' Bishops; and that so much of the Sum of Six thousand Pounds  
 ' recovered by the late Bishop of *Bristol* for Damages done to the  
 ' Episcopal Residence at *Bristol*, and of its Accumulations, as  
 ' may remain after deducting proper Expences, together with the  
 ' Money arising from the Sale of the Site of such Residence, if  
 ' sold, be applied to the Purchase or Erection of a Residence for  
 ' the Bishop of the See of *Bristol* and *Gloucester*; and that new  
 ' Archdeaconries of *Bristol*, *Maidstone*, *Monmouth*, *Westmorland*,  
 ' *Manchester*, *Lancaster*, and *Craven* be created, and that Districts  
 ' be assigned to them; and that archidiaconal Power be given to  
 ' the Dean of *Rochester* within that Part of *Kent* which will remain  
 ' in the Diocese of *Rochester*; and that the Limits of the other  
 ' existing Deaneries and Archdeaconries be newly arranged, so  
 ' that every Parish and Extra-parochial Place be within a Rural  
 ' Deanery, and every Deanery within an Archdeaconry, and that  
 ' no Archdeaconry extend beyond the Limits of One Diocese;  
 ' and that all the Archdeaconries of *England* and *Wales* be in  
 ' the Gift of the Bishops of the respective Dioceses in which they  
 ' are situate; and that all Archdeacons have and exercise full and  
 ' equal Jurisdiction within their respective Archdeaconries: And  
 ' whereas it is expedient that the said Recommendations should  
 ' be carried into effect as soon as conveniently may be: Be it  
 ' therefore enacted by the King's most Excellent Majesty, by and  
 ' with the Advice and Consent of the Lords Spiritual and Tem-  
 ' poral, and Commons, in this present Parliament assembled, and  
 ' by the Authority of the same, That the Lord Archbishop of  
 ' *Canterbury* for the Time being, the Lord Archbishop of *York*

Commissioners  
incorporated.

✓ and the Lord Bishop of *London* for the Time being, *John* Lord Bishop of *Lincoln*, *James Henry* Lord Bishop of *Gloucester*, the Lord High Chancellor of *Great Britain*, the Lord President of the Council, the Lord High Treasurer or the First Lord of the Treasury, and the Chancellor of the Exchequer, for the Time being respectively, and such One of His Majesty's Principal Secretaries of State as shall be for that Purpose nominated by His Majesty under His Royal Sign Manual (such Lord Chancellor, Lord President, Lord High Treasurer or First Lord of the Treasury, Chancellor of the Exchequer, and Secretary of State being respectively Members of the United Church of *Great Britain and Ireland*;) the Right Honourable *Dudley* Earl of *Harrowby*, the Right Honourable *Henry* *Hobhouse*, and the Right Honourable Sir *Herbert Jenner* Knight, shall for the Purposes of this Act be One Body Politic and Corporate by the Name of "The Ecclesiastical Commissioners for *England*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Purposes of this Act, the Statutes of Mortmain, or any other Act or Acts, to the contrary hereof notwithstanding.

How Vacancies to be supplied.

II. And be it enacted, That the Two last-named Bishops and the Three last-named Lay Commissioners shall be at all Times removeable by His Majesty in Council by Warrant under the Sign Manual; and that when any Vacancy shall occur, by Death, Removal, Resignation, or otherwise, among the Two last-named Bishops and the Three last-named Lay Commissioners, or among such of the future Commissioners under this Act as shall not have become such Commissioners by virtue of any Dignity or Office, according to the Provisions of this Act, it shall be lawful for His Majesty to fill up such Vacancy by appointing under His Royal Sign Manual, instead of any such Commissioner being a Bishop some other Bishop of *England* or *Wales*, and instead of any such Commissioner being a Layman some other Layman, being a Member of the said Church, to be a Commissioner under this Act; and every such Bishop or Person so to be appointed shall accordingly become to all Intents and Purposes One of the Commissioners for the Purposes of this Act.

Commissioners to subscribe a Declaration.

III. And be it enacted, That every such Commissioner, whether herein named or hereafter to be appointed, not being an Archbishop or Bishop, shall before acting under the said Commission, and at the first Meeting he shall attend, subscribe in the Book of the Minutes of the Proceedings of the said Commissioners a Declaration in the Words following:

‘ I DO hereby solemnly, and in the Presence of God, testify and declare, That I am a Member of the United Church of *England and Ireland* as by Law established. Witness my Hand  
‘ this Day of . . .

Five Commissioners to form a Quorum.

IV. And be it enacted, That all Acts, Matters, and Things which the said Commissioners are by any of the Provisions of this Act authorized or required to do and perform shall and may be done and performed by any Five of such Commissioners: Provided always,

always, that such Five Commissioners be for such Purpose assembled at a Meeting whereof due Notice shall have been given to all the said Commissioners.

V. Provided always, and be it enacted, That no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded, nor the said Seal affixed to any Deed or Instrument, save at a Meeting whereof Notice shall have been in like Manner given, and whereat Two at least of the said Episcopal Commissioners shall be personally present: Provided also, that in case any Two Episcopal Commissioners, being the only Episcopal Commissioners present, shall object to the Ratification and Confirmation of any such Proceeding as aforesaid, or to the affixing of such Seal to any Deed or Instrument as aforesaid, such Ratification or affixing of the Seal shall not take place until a subsequent Meeting of the Commissioners shall have been held, after due Notice thereof shall have been given.

Assent of Meeting of Episcopal Commissioners essential to Acts under Seal, &c.

VI. And be it enacted, That at each Meeting of the said Commissioners the Commissioner first in Rank and Precedence there present shall preside as Chairman, and in case of the Equality in Rank and Precedence of all the Commissioners so present then the senior Commissioner in the Order of Appointment shall so preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but shall also in case of the Equality of Votes have the casting or decisive Vote.

Who to be Chairman.

VII. And be it enacted, That the said Commissioners may from Time to Time appoint a Treasurer and Secretary, and such Clerks, Messengers, and Officers as they shall deem necessary, and from Time to Time, at the Discretion of the said Commissioners, may remove such Treasurer, Secretary, Clerks, Messengers, and Officers, or any of them, and appoint others in their Stead: Provided always, that the Amount of the Salaries of such Treasurer, Secretary, Clerks, Messengers, and Officers shall from Time to Time be regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any Three or more of them.

Commissioners to appoint a Treasurer, Secretary, and other Officers.

VIII. And be it further enacted, That the Secretary or other Officer of the said Commissioners shall keep a Book, in which he shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and enter the Names of the Commissioners present thereat; and such Entry of the Proceedings at each Meeting shall be signed by the Chairman thereof.

Secretary to make and keep Minutes.

IX. And be it enacted, That it shall be lawful for the said Commissioners, by Summons under the Hand of the Chairman of any such Meeting, to require the Attendance of any Person whom they shall think fit to examine touching any Matter within their Cognizance, also to make any Inquiries, and call for any Answers or Returns as to any such Matter, and also to administer Oaths, and examine every such Person upon Oath, and to cause to be produced before them, upon Oath, all Statutes, Charters, Grants, Rules, Regulations, Bye Laws, Books, Deeds, Contracts, Agreements, Accounts, and Writings whatsoever, or Copies thereof respectively, in anywise relating to any such Matter; 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 his Examination.

Commissioners may call and examine Witnesses, &c., and administer an Oath or a Declaration.

Commissioners to lay Schemes before the King in Council for carrying into effect their Recommendations.

X. And be it enacted, That the said Commissioners shall from Time to Time prepare, and lay before His Majesty in Council, such Schemes as shall appear to the said Commissioners to be best adapted for carrying into effect the herein-before recited Recommendations, and shall in such Schemes recommend and propose such Measures as may, upon further Inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for carrying such Recommendations into full and perfect Effect: Provided always, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such Scheme such Modifications or Variations as to Matters of Detail and Regulation as shall not be substantially repugnant to any or either of the said Recommendations, and in particular that it shall be competent to the said Commissioners to propose in any such Scheme that all Parishes, Churches, or Chapelries which are locally situate in any Diocese, but subject to any peculiar Jurisdiction other than the Jurisdiction of the Bishop of the Diocese in which the same are locally situate, shall be only subject to the Jurisdiction of the Bishop of the Diocese within which such Parishes, Churches, or Chapelries are locally situate.

As to Appointment of Clergymen in Wales.

XI. And be it enacted, That the said Commissioners shall prepare, and lay before His Majesty in Council, such Scheme as shall appear to the said Commissioners to be best adapted for preventing the Appointment of any Clergyman not fully conversant with the *Welsh* Language to any Benefice with Cure of Souls in *Wales* in any Parish the Majority of the Inhabitants of which do not understand the *English* Language.

King in Council may make Orders for carrying Schemes into effect; which shall be registered;

XII. And be it enacted, That when any Scheme prepared under the Authority of this Act shall be approved by His Majesty in Council it shall be lawful for His Majesty in Council to issue an Order or Orders ratifying the same, and specifying the Time or Times when such Scheme or the several Parts thereof shall take effect, and to direct in every such Order that the same be registered by the Registrar of each of the Dioceses the Bishops whereof may or shall be in any respect affected thereby, and in any newly-created Diocese by such Person as shall be for that Purpose named in such Order, which Person shall in such last-mentioned Diocese become Registrar there, and so continue as long as he shall demean himself well in his Office.

and gazetted;

XIII. And be it enacted, That every such Order shall, as soon as may be after the making and issuing thereof by His Majesty in Council, be inserted and published in the *London Gazette*.

and then to be of full Effect for all Purposes.

XIV. And be it enacted, That so soon as any such Order in Council shall be so registered and gazetted it shall in all respects, and as to all Things therein contained, have and be of the same Force and Effect as if all and every Part thereof were included in this Act, any Law, Statute, Canon, Letters Patent, Grant, Usage, or Custom to the contrary notwithstanding.

Copies of Orders to be laid before Parliament.

XV. And be it enacted, That a Copy of every Order of His Majesty in Council made under this Act shall be laid before each House of Parliament in the Month of *January* in every Year, if Parliament shall be then sitting, or if Parliament be not then sitting within One Week after the next Meeting thereof.

XVI. And



XVI. And be it enacted, That the Registrar of every Diocese to whom any Order of His Majesty in Council made by virtue of this Act shall be delivered shall forthwith register the same in the Registry of his Diocese; and the Persons who shall be for that Purpose appointed in the Dioceses of *Manchester* and *Ripon* shall forthwith register every such Order in Books to be by them for that Purpose provided, which shall thenceforth become the Registry of those Dioceses respectively; and if any such Registrar or other Person shall refuse or neglect to register any such Order he shall for every Day during which he shall so offend forfeit Twenty Pounds, and if his Offence shall continue for the Space of Three Months he shall forfeit his Office, and it shall be lawful for the Bishop of the Diocese, or for His Majesty, as the Case may be, to appoint a Successor thereto.

Registrars to register all Orders, subject to a Penalty for Neglect.

XVII. And be it enacted, That for such Registration as aforesaid no Registrar shall be entitled to receive any Fee or Reward, but that on every Search for any such Order he shall be entitled to receive a Fee of Three Shillings, and for every Copy or Extract of any such Order certified by him he shall be entitled to receive for every Folio of Ninety Words Four-pence; and the Copy of every such Entry, certified by the Registrar, shall be admissible as Evidence in all Courts and Places whatsoever.

Fee to Registrar.

XVIII. And be it enacted, That after the passing of this Act no Ecclesiastical Dignity, Office, or Benefice shall be held in Commendam by any Bishop, unless he shall so hold the same at the Time of passing thereof; and that every Commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void to all Intents and Purposes.

No Commendams to be held by Bishops.

XIX. And be it enacted, That all Archdeacons throughout *England* and *Wales* shall have and exercise full and equal Jurisdiction within their respective Archdeaconries, any Usage to the contrary notwithstanding.

Jurisdiction of Archdeacons.

XX. And whereas it may be expedient to consider the State and Jurisdiction of all the Ecclesiastical Courts in *England* and *Wales*; be it enacted, That nothing herein contained, nor any Order of His Majesty in Council made under the Authority of this Act, either for altering the Limits of either of the existing Provinces or the Boundaries of any existing Diocese or Archdeaconry, or for uniting any existing Sees, or for creating any new Bishoprick or Archdeaconry, or for appointing any Registrar under the Provisions of this Act, or for any other Purpose whatever, shall for One Year after the passing of this Act, or if Parliament shall be then sitting till the End of the Session of Parliament, in any Manner affect or be construed to affect the Jurisdiction, Power, or Authority of any or either of the existing Ecclesiastical Courts in *England* or *Wales*, or the Extent or Limits thereof, but that during such Period as last aforesaid every such Court shall continue in all Matters whatsoever arising within its present Limits to exercise the same Jurisdiction as heretofore by Law allowed.

This Act not to affect the Jurisdiction of the Ecclesiastical Courts for One Year.

XXI. And be it enacted, That in all Cases of Monitions to reside, and Monitions for the Payment of the Stipends of Curates, and of Proceedings consequent thereupon, except as herein-after

Monitions to reside, &c. to issue in Name of the Bishop. excepted,

Same Court to have Jurisdiction therein as at present.

excepted, and in all Cases of Licences granted to Spiritual Persons, the same shall issue only under the Authority and in the Name of the Bishop of the Diocese, whether such Diocese be according to the present Territorial Limits or as altered or newly created under the Authority of this Act: Provided always, that if it be necessary to institute in any Ecclesiastical Court Proceedings thereupon or in consequence thereof, such Proceedings shall be commenced, carried on, and decided in and by the same Court which at the Time of the passing of this Act would be entitled to exercise Jurisdiction in such Matters respectively, and in the Case of Proceedings at the Instance of a Bishop, in the Name of the Judge of such Court: Provided also, that nothing herein contained shall affect any Peculiar belonging to either of the Archbishops at the Time of the passing of this Act, but that every such Peculiar, except as may be otherwise provided by any Order of His Majesty in Council, made and issued in pursuance of this Act, shall to all Intents and Purposes and in all respects remain subject to the same Authority and Jurisdiction as if this Act had not been passed.

Law of Bona notabilia not altered for One Year.

XXII. And be it enacted, That nothing herein contained, nor any such Order in Council as aforesaid, shall, during such Period as last aforesaid, be construed to alter in any respect whatsoever the Law of *Bona notabilia* as it exists at the Time of the passing of this Act, notwithstanding any Change of Province, Diocese, Archdeaconry, or any other Jurisdiction whatsoever.

Marriage Licences.

XXIII. And be it enacted, That all Marriage Licences shall during such Period as last aforesaid continue to be granted in the same Manner and by the same Authorities respectively as before the passing of this Act.

Ecclesiastical Courts to enforce Production of Documents.

XXIV. And be it enacted, That during such Period every Ecclesiastical Court in which any Proceedings shall be had shall have Power to send for and enforce the Production of all original Instruments and Documents relating to such Proceedings by whatever Ecclesiastical Authority the same may have been issued.

Future Appointments to Offices in Ecclesiastical Courts not to give a vested Interest.

XXV. And be it further enacted, That in case the Office of Judge, Registrar, or other Officer of any or either of the Ecclesiastical Courts in *England* or *Wales* (except the Prerogative Court of *Canterbury*) shall become vacant during such Period as last aforesaid, the Person who may be thereunto appointed shall accept and take such Office subject to all Regulations and Alterations affecting the same which may be hereafter made and provided by or under the Authority of Parliament, and shall not by his Appointment thereto acquire any vested Interest in such Office, nor any Claim or Title to Compensation in respect thereof, in case the same shall be hereafter abolished by Parliament.

Provisions applicable to Church Commissioners under 5 & 6 W. 4. c. 76. to apply to Commissioners under this Act.

XXVI. ' And whereas by an Act passed in the Fifth and Sixth Years of His present Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, Provision was made concerning the Sale of certain Ecclesiastical Preferments in the Patronage of the several Municipal Corporations therein mentioned, at such Time and in such Manner as the Commissioners appointed to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues, should direct; be it enacted, That from

from and after the passing of this Act the Provisions in the said recited Act contained which apply to the said Commissioners shall apply and be held to apply to the Commissioners appointed under this Act by the Style and Title of "The Ecclesiastical Commissioners for *England*."

C A P. LXXVIII.

An Act to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the *Ottoman* Dominions.

[13th August 1836.]

WHEREAS by the Treaties and Capitulations subsisting between His Majesty and the Sublime *Ottoman* Porte, full and entire Jurisdiction and Control over *British* Subjects within the *Ottoman* Dominions in Matters in which such *British* Subjects are exclusively concerned is conferred upon the *British* Ambassadors and Consuls appointed to reside within the said Dominions: And whereas it is expedient for the Protection of *British* Subjects within the Dominions of the Sublime Porte in *Europe*, *Asia*, and *Africa*, and likewise in the States of *Barbary*, as well as for the Protection of His Majesty's Ambassadors, Consuls, or other Officers appointed or to be appointed by His Majesty for the Protection of the Trade of His Majesty's Subjects in the said Ports and Places, that Provision should be made for defining and establishing the Authority of the said Ambassadors, Consuls, and other Officers: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty from Time to Time, by any Order or Orders of His Majesty in Council, to make and issue any Directions and Regulations touching and concerning the Rights and Duties, Jurisdiction and Authority, Criminal as well as Civil, over His Majesty's Subjects residing at or resorting to the Ports or other Places within the Dominions of the Sublime *Ottoman* Porte in *Europe*, *Asia*, and *Africa*, and likewise in the States of *Barbary*, to be exercised and performed by His Majesty's Ambassadors, Consuls, or other Officers appointed or to be appointed by His Majesty for the Protection of the Trade of His Majesty's Subjects in the Ports and Places before mentioned, and to establish Forms of Proceeding in all Matters coming under the Cognizance of the said Ambassadors, Consuls, or other Officers in virtue of such Order or Orders in Council, and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and the said Ambassadors, Consuls, and other Officers are hereby authorized and required to obey and enforce the said Regulations and Directions; and the same shall be effectual and binding upon all Subjects of His Majesty residing at or resorting to the said Ports and Places for the Purposes of Trade or otherwise.

His Majesty, by Orders in Council, may issue Directions to His Ambassadors, Consuls, &c. touching their Rights and Duties in the Protection of His Subjects residing or resorting there;

II. And whereas Cases occasionally arise within the Dominions of the *Ottoman* Porte above specified, and in the States of *Barbary*,

and also Directions for their Guidance in the

Settlement of Differences between His Subjects and those of any other Christian Power in said Dominions.

‘ *bary*, wherein the Interposition of His Majesty’s Ambassadors, Consuls,, or other Officers is required by the Subjects of other Christian Powers in the Determination of Differences or Disputes between such Persons and *British* Subjects;’ be it therefore enacted, That it shall be lawful for His Majesty, by any Order or Orders in Council, to make and issue, in the same Manner, Directions and Regulations for the Guidance of His Ambassadors, Consuls, and other Officers, and of all other Subjects of His Majesty, in Cases in which the Interposition of His Majesty’s Ambassadors, Consuls, or other Officers may be so required for the Settlement of any Differences or Disputes which may arise between *British* Subjects and the Subjects of any Christian Power within the Dominions of the Sublime Porte in *Europe*, *Asia*, and *Africa*, and in the States of *Barbary*: Provided always, that every Order in Council issued by the Authority of this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament, and shall not be binding and effectual until Six Months after it shall have been so laid before both Houses of Parliament.

Regulating Suits and Actions brought under this Act.

III. And be it further enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, or of any Orders or Regulations made by virtue thereof, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty’s Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs, Defendant or Defendants, shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty’s Courts having Civil Jurisdiction; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office, by an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to the Warrants*; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any such Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

24 G. 2. c. 44.

## C A P. LXXIX.

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. [13th August 1836.]

WHEREAS by far the greater Number of the Lighthouses upon the Coasts of *England*, and the Islands and other Places adjoining thereto, belong to or are under the Control and Management of the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *Saint Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of *Trinity House of Deptford Strond*, as well by virtue of a certain Act of Parliament of the Eighth Year of Queen *Elizabeth*, intituled *An Act concerning Sea Marks and Mariners*, as by virtue of divers ancient Grants and Charters, and particularly of a certain ancient Grant dated the Eleventh Day of *June* in the Thirty-sixth Year of Her said Majesty, whereby Her Majesty granted to the Master, Wardens, and Assistants of the said Corporation the Beaconage and Buoyage, and the Office of Beaconage and Buoyage, upon the Surrender thereof into the Hands of Her Majesty by *Charles Lord Howard Baron of Effingham*, then being Her said Majesty's Great Admiral of *England*; and the said Master, Wardens, and Assistants are entitled to erect and maintain from Time to Time such and so many Beacons, Marks, and Signs for the Sea in such Place or Places of the Sea Shores and Uplands near the Sea Coasts or Forelands as to them shall seem most meet, whereby Dangers may be avoided, and Ships the better come to their Ports without Peril: And whereas the several Lighthouses at *Harwich* in the County of *Essex*, *Dungeness* in the County of *Kent*, *Wintertonness* and *Hunstanton Cliff* in the County of *Norfolk*, and *Orfordness* in the County of *Suffolk*, still remain Parcel of the Possessions and Land Revenues of the Crown in *England*, and are under the separate Control and Management of divers Individuals, as Lessees thereof under the Crown, for Terms of Years which are not yet expired; (that is to say,) the Lighthouse at *Harwich* under the Control and Management of Lieutenant General *Francis Slater Rebow*, the Lighthouse at *Dungeness* under the Control and Management of *Thomas William Coke* Esquire, the Lighthouses at *Wintertonness* and *Orfordness* under the Control and Management of the Right Honourable *Richard Griffin Lord Braybrooke*, and the Lighthouse at *Hunstanton Cliff* under the Control and Management of *Samuel Lane* Esquire, or his Representatives: And whereas certain other Lighthouses upon the Coasts of *England* are under the separate Control and Management of divers Individuals, as the Proprietors or Lessees thereof; (that is to say,) the Lighthouse upon the Island Rock called "*Sherries*," in *Saint George's Channel*, under the Control and Management of *Morgan*

8 Eliz. c. 19.

Harwich, Dungeness, Wintertonness, Hunstanton Cliff, and Orfordness Lights.

Skerries Light.

- 3 G. 2. c. 36. *gan Jones Esquire, acting by virtue of an Act of the Third Year of George the Second, intituled An Act for confirming a Patent granted by Her late Majesty Queen Anne to William Trench Esquire, deceased, for erecting a Lighthouse upon the Island or Rock called "Skerries," and for the better Maintenance of the said Lighthouse, and for making the Duties granted for maintaining the same perpetual; the Lighthouses near the Spurn Point at the Mouth of the River Humber under the Control and Management of Benedict John Angell Angell Esquire and George Lowther Thomson Esquire, acting by virtue of an Act of the Sixth Year of George the Third, intituled An Act for taking down and removing certain Lighthouses now standing near the "Spurn Point" at the Mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof, and an Act of the Twelfth Year of George the Third, intituled An Act to explain and amend an Act passed in the Sixth Year of His present Majesty, intituled 'An Act for taking down and removing certain Lighthouses now standing near the "Spurn Point" at the Mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof; the Lighthouse at Tinnmouth in the County of Northumberland under the Control and Management of William Fowke Esquire, acting by virtue of an Act of the Forty-second Year of George the Third, intituled An Act for improving the Tinnmouth Castle Lighthouse and Light, and for authorizing additional Light Duties in respect of such Improvement; and the Lighthouse on the Rock called "The Smalls," in Saint George's Channel, under the Control and Management of Mistress Elizabeth Buchanan and Thomas Pickering Clarke Esquire, by virtue of a Lease from the said Master, Wardens, and Assistants of the Corporation of Trinity House, subject to a Rent payable in respect thereof; and the Lighthouse on the Rock called "The Longships" on the Coast of Cornwall, is held by Henry Pascoe Smith Esquire, by virtue of a like Lease from the said Master, Wardens, and Assistants: And whereas by an Act of the Third Year of George the Fourth, intituled An Act for (among other Things) enabling the Corporation of Trinity House of Deptford Strond to reduce, alter, modify, relinquish, or abolish Dues payable to the said Corporation; and for other Purposes connected therewith, it was enacted, that the Master, Wardens, and Assistants of the said Corporation might, with any surplus Monies then or thereafter in their Hands, arising from any Tolls theretofore or thereafter payable to them, purchase any Beacons, Buoys, Lighthouses, or other Marks and Signs for the Sea, or any Interest therein or in any Tolls arising therefrom, belonging to any Body Corporate or Politic or to any Person, and that all such Bodies or Persons, and all other Persons whosoever possessed thereof or interested therein, might contract for the Sale thereof with the said Master, Wardens, and Assistants, and might convey the same to them: And whereas by virtue of the last-mentioned Act the said Master, Wardens, and Assistants have purchased certain Estates and Interest in Lighthouses and Tolls from Parties possessed thereof: And whereas the several Lighthouses upon the Coasts of Scotland are under the Control and Management of the Commissioners*
- Spurn Lights.
- 6 G. 3. c. 31.
- 12 G. 3. c. 29.
- Tinnmouth Castle Light.
- 42 G. 3. c. 43.
- Smalls.
- Longships.
- 3 G. 4. c. cxi.
- Scotch Lights.

‘ sioners of the Northern Lighthouses, acting by virtue of an Act  
 ‘ of the Twenty-sixth Year of *George* the Third, intituled *An Act*  
 ‘ *for erecting certain Lighthouses in the Northern Parts of Great*  
 ‘ *Britain*, and of several other Acts for rendering the last-men-  
 ‘ tioned Act more effectual: And whereas the several Lighthouses  
 ‘ upon the Coasts of *Ireland* are under the Control and Manage-  
 ‘ ment of the Corporation for preserving and improving the Port  
 ‘ of *Dublin* acting by virtue of an Act of the Fifty-second Year  
 ‘ of *George* the Third, intituled *An Act to make more effectual*  
 ‘ *Provision for enabling the Corporation for preserving and im-*  
 ‘ *proving the Port of Dublin to erect, repair, and maintain*  
 ‘ *Lighthouses and Lights round the Coasts of Ireland, and to raise*  
 ‘ *a Fund for defraying the Charges thereof*: And whereas there  
 ‘ are also divers other Lights exhibited in and near to certain  
 ‘ Ports, Harbours, and Places on the Coasts of the United Kingdom  
 ‘ for the Guidance of Vessels entering or resorting to the same,  
 ‘ and sometimes called Local or Harbour Lights, which Lights  
 ‘ are under the Control and Management of Commissioners,  
 ‘ Trustees, and other local Officers and Persons: And whereas,  
 ‘ in order to the Attainment of Uniformity of System in the  
 ‘ Management of Lighthouses, and the Reduction and Equalization  
 ‘ of the Tolls payable in respect thereof, it is necessary that all  
 ‘ Lighthouses upon the Coasts of *England* and other Places ad-  
 ‘ joining or near thereto, for the Protection and Guidance of  
 ‘ Vessels navigating the *British* Seas, and the Tolls payable in  
 ‘ respect thereof, should be vested in the said Master, Wardens,  
 ‘ and Assistants, and that the several Lighthouses upon the Coasts  
 ‘ of *Scotland* and *Ireland* respectively should be under their  
 ‘ Supervision: And whereas in order to prevent Accidents which  
 ‘ may arise from Local or Harbour Lights in the United Kingdom  
 ‘ being mistaken for Coast Lights it is necessary that they should  
 ‘ be made subject to the Control of the said Master, Wardens,  
 ‘ and Assistants, Commissioners of Northern Lighthouses, and  
 ‘ Corporation for preserving and improving the Port of *Dublin*  
 ‘ respectively:’ Be it therefore enacted by the King’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  
 ‘ on and after the First Day of *January* One thousand eight hun-  
 ‘ dred and thirty-seven all the Estate, Right, and Interest of His  
 ‘ Majesty in the several Lighthouses at *Harwich*, *Dungeness*, *Win-*  
 ‘ *tertonness*, *Orfordness*, and *Hunstanton Cliff*, and in the Land  
 ‘ whereon the same respectively stand, and the Buildings, Lands,  
 ‘ and Appurtenances thereunto respectively belonging, and occupied  
 ‘ for the Purposes of the same respectively, and the Fixtures,  
 ‘ Apparatus, and Furniture thereunto belonging, and the Tolls and  
 ‘ Duties payable in respect thereof, shall be transferred to and shall  
 ‘ be absolutely vested in the said Master, Wardens, and Assistants,  
 ‘ subject nevertheless to the several subsisting Leases of the said  
 ‘ several Lighthouses and Premises granted by His Majesty, or by  
 ‘ the Commissioners of His Majesty’s Woods, Forests, Land Reve-  
 ‘ nues, Works, and Buildings, to the several Persons under whose  
 ‘ Control and Management the said Lighthouses respectively now  
 ‘ are, as herein-before is mentioned.

26 G. 3. c. 101.

Irish Lights.

52 G. 3. c. 115.

Harbour  
Lights.Property of the  
Crown in  
Lighthouses  
transferred to  
the Trinity  
House, subject  
to certain sub-  
sisting Leases  
granted by the  
Commissioners  
of Woods and  
Forests.

II. ‘ And

Compensation  
to the Land  
Revenues for  
such Transfer.

II. ' And whereas it is just that Compensation should be made to the Land Revenues of the Crown for the Surrender which will be made under this Act of the Rights of the Crown in the said several Lighthouses at *Harwich, Dungeness, Wintertonness, Orfordness, and Hunstanton Cliff*: And whereas the Interests of the Crown in the said several Lighthouses, as such Interests would exist on the said First Day of *January* One thousand eight hundred and thirty-seven, in case this Act had not been passed, have been calculated and ascertained to be worth in Money, to be paid on the said First Day of *January* One thousand eight hundred and thirty-seven, the Sum of Three hundred thousand Pounds: And whereas, by virtue of the Powers contained in several Acts passed in the Fifty-third, Fifty-fourth, and Fifty-seventh Years of *George* the Third, and the First and Fifth Years of *George* the Fourth, for the Management and Improvement of the Land Revenues of the Crown, or in some of them, Advances have been made from Time to Time out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for the Purposes of the said Acts, to the Amount in the whole of Six hundred thousand Pounds: And whereas by the said last-mentioned Acts, and by another Act of the Tenth Year of *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 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*, the said Sum of Six hundred thousand Pounds so advanced is made a Charge upon and is payable out of the Possessions and Land Revenues of the Crown, whenever the annual Produce of those Revenues shall cease to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and shall be retained by the Crown as Part of its Hereditary Revenue: And whereas it is expedient that such Compensation should be granted by reducing the Amount chargeable upon the Possessions and Land Revenues of the Crown in respect of the Advances made under the several herein-before mentioned Acts; be it therefore further enacted, That so soon as the Estate, Right, and Interest of His Majesty in the several Lighthouses herein-before mentioned shall vest in the said Master, Wardens, and Assistants under this Act, the Amount chargeable upon the Possessions and Land Revenues of the Crown in respect of the Advances to the Extent of Six hundred thousand Pounds, so made out of the Consolidated Fund under the said recited Acts, shall be reduced to the Sum of Three hundred thousand Pounds, and such last-mentioned Sum only shall be then chargeable upon the Possessions and Land Revenues of the Crown under the Authority of the recited Acts, instead of the said Sum of Six hundred thousand Pounds at present charged thereon.

III. And be it further enacted, That the said Master, Wardens, and Assistants may agree with the Lessees or other Persons interested in the said several Lighthouses at *Harwich, Dungeness, Wintertonness, Orfordness, and Hunstanton Cliff*, by or under the several Leases so granted thereof by His Majesty, or by the Commissioners

The Trinity  
House empow-  
ered to purchase  
the Lessees  
Interests in  
such subsisting



missioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with the Owners of and Persons interested in or herein-after capacitated to agree for the Sale of the Lighthouses in the Schedule to this Act mentioned, and the Land whereon the same several Lighthouses respectively stand, and the Buildings, Lands, and Appurtenances thereto belonging or occupied for the Purposes of the same respectively, and the Fixtures, Apparatus, and Furniture thereunto belonging, and the Tolls or Duties payable in respect thereof, and of all Rents, Rent-charges, Annuities, or Payments charged thereon or payable in respect thereof, for the absolute Purchase thereof, and of all or any Estates and Interests therein, for such Purchase Money as shall be agreed upon, and the said Master, Wardens, and Assistants shall consider fair and just, having regard to the Value of the Property, and the Rights, Benefits, and Advantages resulting to the Proprietors from the Enjoyment thereof; and that all other Persons whosoever, who at or immediately before the making of this Act were or may become seised or possessed of or entitled to or interested in any such Lighthouse, whether mentioned in the said Schedule or included in any such Lease as aforesaid, may agree with the said Master, Wardens, and Assistants for the absolute Sale thereof, or of such Estate or Interest therein, for such Purchase Money as to the contracting Parties shall seem reasonable; and all such Agreements shall be effectual in the Law, and for the Purposes only of every such Agreement and Sale; and for preventing any Question respecting the Validity thereof, by reason of any Defectiveness of Title in the Party making the same, the Persons who shall have been or shall be in Possession of any such Lighthouse at the Time from which the Purchase thereof respectively shall take effect, and all Persons claiming under such Person, or under or consistently with the Possession of such Person, shall be deemed to have a complete Title: Provided always, that no such Contract shall be made by the said Master, Wardens, and Assistants without previous Consent in Writing by the Lord High Treasurer for the Time being; and the Power hereby provided to agree for such Sale as aforesaid shall extend to all Corporations, and all Tenants for Life or in Tail, or any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and other Persons whomsoever, not only for and on behalf of themselves and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Contingency after them, if incapacitated, and as to such Husbands and Guardians also for and on behalf of their respective Wives and Wards, and as to such Committees for and on behalf of the Lunatics and Idiots of whom they shall be the Committees respectively, and as to all such Corporations, Tenants, Trustees, and Feoffees in Trust, Executors, Administrators, and other Persons as aforesaid, also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and all Femes Covert in the same Manner as if they were sole and unmarried, seised, possessed of, or interested in their own Right, whether in Fee Simple, Fee Tail, or for Life or Years, or otherwise, or entitled to Dower

Leases, and also the Lighthouses mentioned in the Schedule.

or any other Interest: Provided always, that previous to entering into any Agreement under this Clause the said Master, Wardens, and Assistants shall cause public Notice to be given, of such Tenor and in such Form as they shall think fit, for the Purpose of having the Estates, Rights, and Interests to be purchased in pursuance of this Act ascertained, and the Amount of the Purchase Money claimed for the same settled; such Notice to be published in the *London Gazette* and in One of the Provincial Newspapers circulated within the County in which or near whereto such Lighthouse shall be situated, and a Copy of the same Notice to be also affixed upon such Lighthouse.

Misnomers not to prevent the Execution of this Act.

IV. And be it enacted, That if the Names or Descriptions of any of the Lighthouses referred to in this Act or in the Schedule hereto, or of any of the Persons stated to be the Owners or Lessees thereof, or interested therein, or in the Tolls payable in respect thereof, shall happen to be mis-stated or omitted herein or in the said Schedule, such Mis-statement or Omission shall not prevent the Execution of this Act; but such Lighthouse and Tolls shall notwithstanding be effectually vested in the said Master, Wardens, and Assistants for the Purposes of this Act.

Differences as to Value to be settled by referring the Matter to a Jury.

V. And in order to facilitate the Completion of the Purchases of the said Lighthouses with as little Delay as possible, and to provide the Means of obviating any Difficulties and settling any Differences which may arise in adjusting the Terms of Purchase, or from the Refusal or Incapacity of any Party to treat, be it enacted, That in any of the Cases herein-after mentioned the said Master, Wardens, and Assistants may refer the Matter to the Determination of a Jury, and for that Purpose the Proceedings herein-after mentioned shall be taken.

Cases in which the Matter is to be referred to a Jury.

VI. And be it enacted, That the Cases in which the Matter may be referred to the Determination of a Jury shall be the following; (that is to say,) if any Corporation, Trustee, or other Person interested, or entitled and capacitated to sell, contract, or agree as aforesaid, shall not agree with the said Master, Wardens, and Assistants as to the Amount of such Purchase Money; or if any of the Parties entitled to receive such Purchase Money shall refuse to accept such Purchase Money as shall be offered by the said Master, Wardens, and Assistants, and shall give Notice thereof in Writing to the said Master, Wardens, and Assistants, by leaving the same at the *Trinity House* in *London* within Thirty Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties shall, for the Space of Thirty Days next after such public Notice as aforesaid shall have been affixed, published, and given by the said Master, Wardens, and Assistants as herein-before mentioned, neglect or refuse to treat, or shall not agree, or by reason of Absence or other Cause shall be prevented from treating with the said Master, Wardens, and Assistants for the Sale of their respective Estates and Interests, or the respective Estates and Interests which they respectively are hereby capacitated to sell therein, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of effectually making such Agreement or Sale thereof, or shall not disclose and prove the

State

State of the Title to the Premises of which they respectively may be in Possession, or which they respectively claim to be entitled unto or interested in; or in case the said Master, Wardens, and Assistants shall not, within the Period of Three Calendar Months next after the Expiration of such Notice as aforesaid, have ascertained to their Satisfaction in whom any such Lighthouse is lawfully vested, or the Persons entitled or by this Act capacitated to sell as aforesaid: Provided always, that no such Reference to a Jury shall be made after the Expiration of Five Years from the passing of this Act, except with the Consent of the Person or Persons for the Time being in Possession or entitled to the Profits of the Property proposed to be purchased.

VII. And be it enacted, That in the event of any Matter being referred to the Determination of a Jury, and in order thereto, the following are the Proceedings which shall be observed; that is to say, the said Master, Wardens, and Assistants shall issue a Precept under their Common Seal, or under the Hand of their Secretary for the Time being, to the Sheriff of the County wherein the Lighthouse which shall be the Subject of the proposed Inquiry shall be situate, or if not situate in any County in the County next or nearest whereunto such Lighthouse shall be situate, requiring him to summon, return, and impanel, and the said Sheriff is hereby accordingly empowered and required to summon, return, and impanel, on a certain Day therein to be appointed, a Jury of not less than Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to serve on Special Juries for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons to be so summoned, returned, and impanelled shall appear before the said Sheriff at such Time and Place within the said County as in such Precept shall be appointed, and attend from Day to Day until discharged; and out of the Persons so to be summoned, returned, and impanelled, or out of such of them as shall appear, a Jury of Twelve Men shall be impanelled by the said Sheriff, or by some Person to be by him appointed, in such Manner as Special Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be impanelled; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff shall summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, and may use all such other lawful Ways and Means, as well for his own as for the said Jury's better Information, as shall be requisite in the Premises; and such Jury shall upon their Oaths, or, being Quakers, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the true, fair, and just Value of such Lighthouse as may be the Subject of such Inquiry, having regard to the Rights, Benefits, and Advantages resulting to the Proprietors from the Enjoyment thereof, and to the Liabilities to which they are at present subject; and the said Sheriff shall accordingly give Judgment for such

Course of Proceeding where the Matter is referred to a Jury.

Purchase Monies as shall be assessed by such Jury; which said Verdict and the Judgment thereon to be pronounced as aforesaid shall be conclusive upon all Persons whatsoever: Provided always, that not less than Forty-two Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by or on the Part of the said Master, Wardens, and Assistants to the Party with whom any such Controversy shall arise, by causing the same to be published in the *London Gazette* and in such Provincial Newspaper as aforesaid, and also to be affixed upon the Lighthouses in respect of which such Inquiry shall be had: Provided also, that in every Proceeding before any such Jury the Party claiming such Purchase Money shall be deemed to be the Plaintiff, and the said Master, Wardens, and Assistants the Defendants: Provided always, that if any Question shall arise respecting the Tolls payable in respect of any such Lighthouse, those which have been usually paid shall in assessing the Value of such Lighthouse be taken to be the Tolls payable in respect thereof, provided they shall not be inconsistent with the Patents, Leases, or Acts of Parliament under which such Tolls are payable.

In default of Jurors, the Sheriff to adjourn the Inquiry.

VIII. And be it enacted, That in case a sufficient Jury to take the Inquisition shall not appear upon the Day so to be appointed by such Precept, the Sheriff shall from Time to Time, until a sufficient Jury shall have been obtained by the Means aforesaid, adjourn the Inquiry to any future Day, not exceeding Fourteen Days nor less than Four Days from the Adjournment thereof; and when a sufficient Number of Jurors shall appear he shall proceed to swear and impanel Twelve of them, who shall inquire as aforesaid.

Persons interested not to be Jurymen.

IX. Provided always, and be it enacted, That no Person shall be summoned or chosen to be of such Jury who shall be an Owner of or possess any Estate or Interest, directly or indirectly, in any such Lighthouse.

No Person to be heard upon the Inquiry without giving previous Notice of his Claim.

X. And be it enacted, That no Person shall be heard before the said Sheriff and the Jury touching the Matter of the Inquiry, unless a previous Notice in Writing of Fourteen Days at the least before the taking of such Inquisition shall be given to the said Master, Wardens, and Assistants, by leaving the same at the *Trinity House* in *London* or at the Office of the Solicitor of the said Master, Wardens, and Assistants for the Time being, containing a full and particular Statement of the Nature and Extent of the Estate or Interest in respect whereof such Person shall claim to be heard.

Mode of proceeding in case no Person appears.

XI. Provided always, and be it enacted, That in case no Person shall appear pursuant to such Notice so to be given and affixed as aforesaid, then the said Sheriff as aforesaid and also the said Jury shall proceed upon the best Information they can obtain to make such Inquest or Judgment, and such Inquest and Judgment shall be final and conclusive as if all Parties concerned had appeared and been heard.

Jury to settle Proportions to be paid for particular Estates.

XII. And be it enacted, That the Jury at the Time of assessing the Value of any such Lighthouse shall (if thereunto required) settle what Shares and Proportions of the Purchase Money assessed shall be allowed to any Person for any his particular Estate,

Estate, Term, or Interest in the Premises that may be shown to be existing therein respectively at the Time of the taking the Inquisition.

XIII. Provided always, and be it enacted, That every Payment, Rent, Rent-charge, Annuity, or Incumbrance so purchased by the said Master, Wardens, and Assistants, from the Time when the Purchase Money for the same so agreed upon or assessed shall have been paid by them, shall be thereupon deemed to be satisfied and extinguished, and that no Action or Suit or other Proceeding shall thenceforth be had or taken in respect of the same, except to recover such Arrears as may have grown due thereon before the same shall have been so purchased.

Annuities, &c.  
after Purchase  
by Trinity  
House deemed  
satisfied.

XIV. And be it enacted, That each Juryman who shall be summoned, and who shall appear and be ready to be sworn or affirmed upon any such Inquest, shall be allowed his reasonable travelling Expences to and from the Place of Meeting, and that each Juryman who shall be sworn or affirmed shall, in addition thereto, be allowed for his Trouble and Subsistence the Sum of One Pound One Shilling for each Day's Attendance, and no more, and that the Sheriff, for summoning, returning, and impannelling the Jury, and taking and recording their Verdict and the Judgment to be given thereon, shall be allowed the Sum of Ten Pounds and no more, and for his Subsistence the further Sum of One Pound One Shilling for each Day's Attendance in addition to his reasonable travelling Expences to and from the Place of Meeting; which respective Allowances, in case of Dispute, shall be determined by Two Justices of the Peace in and for the said County, and shall be paid by the said Master, Wardens, and Assistants, or their Order.

Allowance to  
Sheriffs and  
Jurors.

XV. And be it enacted, That any Justice of the Peace for the County to the Sheriff of which any such Precept may be directed may impose any reasonable Fine, not exceeding the Sum of Ten Pounds, on such Sheriff or any Person acting under him or in his Behalf respectively making default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury and shall not appear without sufficient Excuse, or appearing shall refuse to be sworn (or, being one of the People called Quakers, to make Affirmation) on the said Jury, or being so sworn or having so made Affirmation shall not give his or their Verdict, and also on any Person who shall be summoned to give Evidence touching any of the Matters referred to, and after Payment or Tender of his or her reasonable travelling Expences shall not attend, or attending shall refuse to be sworn or to affirm, or be examined or to give Evidence, and on any Person who shall in any other Manner wilfully neglect his Duty in the Premises contrary to this Act.

Fines on Sher-  
riff, Jury, and  
Witnesses for  
Nonattendance.

XVI. And be it enacted, That every such Jury shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*, and that all Persons who, in any such Inquiry to be made by virtue of this Act, shall wilfully give false Evidence upon Oath or solemn Affirmation before the said Sheriff or his Deputy and such Jury shall be prosecuted for the same, and upon Conviction thereof shall be subject

Juries to be  
under the same  
Regulations as  
in Courts at  
*Westminster*.

to such Punishments and Disqualifications as Persons are subject to for wilful and corrupt Perjury.

Verdicts to be deemed Records, and Copies Evidence.

XVII. And be it enacted, That the said Verdicts and Judgments, and all other Proceedings of such Sheriff and the Juries respectively, shall be fairly written on Parchment and signed by such Sheriff, and shall be transmitted to and kept by the Clerk of the Peace, or the Person having the Custody of the Records of the Quarter Sessions of the County in which or next whereunto such Lighthouse shall be situate, and shall be deposited with and be Records of such Quarter Sessions; and the same or Copies thereof shall be allowed to be Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same upon paying for such Inspection the Sum of Five Shillings.

Cost of ascertaining Amount of Purchase Money by whom to be paid.

XVIII. And be it enacted, That in case a Verdict shall upon any such Inquiry be given for a greater Sum of Money than shall have been offered by the said Master, Wardens, and Assistants previously to the summoning of such Jury, or in case no such Offer shall have been made, or in case by reason of Absence or other Impediment or Disability there shall not be found any Person legally capacitated to receive the Purchase Money, then all the reasonable Costs, Charges, and Expences of causing and procuring such Purchase Money to be assessed and awarded, and of so assessing and awarding the same, shall be settled by the Sheriff, and shall be paid by the said Master, Wardens, and Assistants; but in case any Verdict shall be given for the same Sum of Money as shall have been previously offered by the said Master, Wardens, and Assistants, or for a less Sum than shall have been so previously offered, or in case of such Refusal to treat by any Person by this Act or otherwise legally empowered to treat for and receive such Purchase Money, then all the reasonable Costs, Charges, and Expences of causing and procuring such Purchase Money to be assessed and awarded, and of so assessing and awarding the same (being first so taxed), shall be paid in manner following; (that is to say,) one Moiety thereof shall be paid by the said Master, Wardens, and Assistants, and the other Moiety shall be deducted out of the Sum so to be assessed or awarded; and the Payment or Tender of the Remainder shall be taken to be a Payment or Tender of the whole Sum.

Purchase Money, &c. how to be paid.

XIX. And be it enacted, That all such Purchase Money as shall be so agreed for or so assessed under this Act shall within Three Months next after such Agreement shall have been concluded, or within Three Months next after the Amount of such Purchase Money shall have been so assessed, be paid by the said Master, Wardens, and Assistants either to the Person entitled to receive the same or into the Bank of *England*, in manner herein-after mentioned in Cases where the same is hereby directed to be paid into the Bank of *England*.

Lighthouses, and Tolls payable in respect thereof, to vest in the Trinity House immediately on Payment or Tender

XX. And be it enacted, That immediately upon Payment or Tender of the Purchase Money thereof being made either to the Party or Parties respectively entitled to receive such Monies or into the Bank of *England* in the Manner in this Act directed respectively, as the Case may require, every such Lighthouse in respect whereof such Monies shall have been so paid or tendered shall thereupon absolutely vest in the said Master, Wardens, and Assistants,

Assistants, and their Successors, and they shall thenceforth be deemed to be in the actual Possession thereof, discharged from all other Estates, Reversions, Rights, Titles, Interests, Claims, and Demands of any other Person therein or thereto, or in or to the Tolls payable in respect thereof, and also from all Rents or Payments whatsoever issuing out of or reserved or charged upon or made payable in respect of the same, or the Tolls payable in respect thereof, to or for the Use of any Person; and so soon as any such Lighthouse shall in manner aforesaid become vested in the said Master, Wardens, and Assistants, the Tolls which shall then be by Law payable in respect of any such Lighthouse shall thenceforth become payable to and recoverable by the said Master, Wardens, and Assistants, and be applied as are other the like Tolls now payable to them.

of the Purchase Money.

XXI. Provided always, and be it enacted, That where any Payment shall be legally charged upon any Lighthouse, or where any Sum of Money shall have been advanced by any Person upon the Security of any such Lighthouse, then such Lighthouse and the Tolls to be from Time to Time payable in respect thereof shall remain subject to such Payment or so much thereof as shall be unpaid at the Time when such Lighthouse shall vest in the said Master, Wardens, and Assistants until they shall have purchased the same Payment under this Act; and every Person to whom any such Payment shall be payable shall from the Time when such Lighthouse shall have so vested in the said Master, Wardens, and Assistants, and until such Payment shall have been so purchased by them, have such and the like Means of enforcing his Security against the said Tolls to be from Time to Time collected by the said Master, Wardens, and Assistants as he could have had if this Act had not been passed against the Tolls now payable in respect of such Lighthouse.

Debts charged on Lighthouses to be still charged thereon.

XXII. Provided also, and be it enacted, That where any ascertained Sum of Money, or any Interest for the same, shall be remaining unpaid and charged upon any such Lighthouse, or the Tolls payable in respect of the same, at the Time when the same shall be purchased by the said Master, Wardens, and Assistants, and the said Master, Wardens, and Assistants shall have due Notice thereof, then they may retain the Amount of such Sum of Money and Interest respectively from the Amount of the Purchase Money, and they shall thereupon pay over the Amount of such Sum of Money and Interest respectively so remaining unpaid to the Person to whom the same shall be payable; and if such Person to whom such Sum of Money or Interest shall be payable shall be a Feme Covert, Infant, Lunatic, or otherwise under a general Disability or Incapacity to give a Discharge for such Sum of Money or Interest respectively, then they shall cause the same to be paid 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 Corporation of *Trinity House of Deptford Strond*," in such Manner and pursuant to such Method and subject to such Orders, and to be so dealt with, applied, and disposed of as is herein-after pointed out in respect of the Monies which shall belong to Femes Covert,

Trinity House empowered to deduct such Debts out of the Purchase Money.

Infants, Lunatics, or other Persons under a general Disability or Inability to sell on account of the Purchase of any Lighthouse.

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

1 G. 4. c. 35.

XXIII. And be it enacted, That all such Purchase Money which shall belong to any Body Politic or Corporate, or any Feme Covert, Infant, Lunatic, or other Person under a general Disability or Incapacity to sell, shall, in case the same shall amount to or exceed Two hundred Pounds, with all convenient Speed be paid 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 Corporation of *Trinity House of Deptford Strond,*" pursuant to the Method prescribed by an Act of the First Year of *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,* and shall be subject to 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 Person who would have been entitled to the annual Profits or Produce of any Estate or Interest in such Lighthouse, in the Purchase of Houses, Buildings, 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 such Lighthouse stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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, until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid by the Order of the said Court to the Person who would for the Time being have been entitled to the annual Profits and Produce of such Lighthouse in case the same had not been purchased or taken by the said Master, Wardens, and Assistants under this Act.

Application of Purchase Money when less than 200*l.* and more than 20*l.*

XXIV. And be it enacted, That if any Purchase Money of any such Lighthouse belonging to any Person under Disability or Incapacity shall be less than Two hundred Pounds, and shall exceed Twenty Pounds, then the same shall, at the Option of the Person for the Time being entitled to the annual Profits or Produce of such Lighthouse, or of his Guardian or Committee or Trustee, or Person acting as such, to be signified in Writing under their respective Hands or Common Seal, be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, and be placed to his Account aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option,



to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Master, Wardens, and Assistants, such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties, in order that such Purchase Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the same shall be applicable, without its being necessary to obtain the Direction or Appointment of the said Court.

XXV. And be it enacted, That where any such Purchase Money shall not exceed Twenty Pounds, then the same shall be applied to the Use of the Person who would for the Time being have been entitled to the annual Produce of such Lighthouse, in such Manner as the said Master, Wardens, and Assistants shall think fit, or in case of Infancy or Lunacy, or other Incapacity or Disability to sell, then the same shall be paid to his Guardian or Committee or Trustee, or other Person acting as such, for the Use of such Person so entitled; and the Receipt of the Person so entitled, or of the Person to whom the said Master, Wardens, and Assistants shall make such Payments as aforesaid, shall be a Discharge to the said Master, Wardens, and Assistants.

Application of Purchase Money when not exceeding 20l.

XXVI. And be it enacted, That in case any Person to whom any Sum of Money shall be awarded shall refuse to accept the same, or shall not be able to make a Title to such Lighthouse to the Satisfaction of the said Master, Wardens, and Assistants, or in case the Person to whom any Sum of Money shall be awarded cannot be found, or if the Person entitled to such Lighthouse be not known or cannot be discovered, then the said Master, Wardens, and Assistants may order the said Sum assessed and awarded as and for any Purchase 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, to be placed to his Account to the Credit of the said Master, Wardens, and Assistants, and of the Parties interested in such Lighthouse, subject to the Order of the said Court of Exchequer; which said Court, on the Application of the said Master, Wardens, and Assistants, or any Party making claim to such Sum of Money or any Part thereof, by Motion or Petition, may in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, order the same to be invested in the Public Funds, and may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Interest of the Parties making claim thereto, and may make such other Order in the Premises as to the said Court shall seem just; and the Cashier of the Bank of *England* who shall receive any such Sum of Money shall give a Receipt for the same, specifying for what and for whose Use the same is received.

In case of not making out Titles, or if Persons entitled cannot be found, Purchase Money to be paid into the Bank.

XXVII. And be it enacted, That where any Question shall arise touching the Title of any Party to any Money paid into the Bank of *England* in pursuance of this Act as Purchase Money, or to any Bank Annuities purchased therewith, or to the Dividends of any such Annuities, the Party who shall have been in Possession of such Lighthouse or in the Possession and Enjoyment of the annual Profits or Produce of such Tolls, or in the actual Percep-

Person in Possession to be deemed entitled until the contrary be shown.

tion

tion of such Rent, Rent-charge, Payment, Annuity, or Incumbrance, at the Time of such Purchase Money being agreed upon or awarded, shall be taken to have the complete Title thereto, according to such Possession and Enjoyment, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities shall be applied accordingly; and the said Court shall on the Application of the said Master, Wardens, and Assistants, or of any Party claiming such Purchase Money or Bank Annuities, order such Proceedings to be taken for the Purpose of deciding upon the Validity or Invalidity of the Claim of such Party as to the Court shall seem meet.

XXVIII. And be it enacted, That where by reason of any Disability or Incapacity of the Person entitled to any such Lighthouse the Purchase Money shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions of the Court of Exchequer, under the Provisions herein contained, the said Court may order all the reasonable Costs, Charges, and Expences attending such Purchase, or which may be incurred in consequence thereof, and also of the Investment of the Purchase Money in Real or Government Securities, and likewise the Reinvestment of such Purchase Money, or the Government and Real Securities purchased therewith, in the Purchase of Houses, Buildings, Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Purchase Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Master, Wardens, and Assistants, and the said Master, Wardens, and Assistants shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct out of the Monies applicable to the Purposes of this Act.

XXIX. And be it enacted, That the said Master, Wardens, and Assistants, out of the Tolls which shall be received by them under this Act, may, by and with the Consent of the Lord High Treasurer for the Time being, pay to any of the Officers or Servants now employed on account of any of the Lighthouses now vested in the said Master, Wardens, and Assistants, or to be vested in them under this Act, or in the Collection of the Tolls payable in respect thereof, and whom they may not have Occasion to retain in their said Office, such reasonable Pension, by way of annual or quarterly Payments, as to them shall seem proper: Provided always, that no such Pension shall exceed the Proportion with reference to the Amount of his Salary and the Time of his Service which may be granted as a Superannuation Allowance to Officers and Clerks in the Public Service, under an Act of the Fourth and Fifth Years of His present Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.*

XXX. And the better to enable the said Master, Wardens, and Assistants to carry into effect the Purposes of this Act, be it further enacted, That the said Master, Wardens, and Assistants

may,

Expences of Purchases to be paid by Trinity House where the Purchase Money is paid into the Bank.

Compensation to Officers, &c. discharged.

4 & 5 W. 4. c. 24.

Trinity House empowered to borrow Money.

may, by and with the Consent of the Lord High Treasurer for the Time being, by Bond or Writing under their Common Seal, borrow at such Rate of Interest as shall be agreed upon in that Behalf any Sums of Money that shall appear to them to be necessary for enabling them to complete the Purchase of the said several Lighthouses referred to in this Act or in the Schedule hereto, and to carry the Purposes of this Act into execution; and the Lord High Treasurer may from Time to Time, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, lend to the said Master, Wardens, and Assistants, upon the Security of such Bonds or Writings, such Sums of Money, upon such Terms and Conditions and at such Rate of Interest as the said Lord High Treasurer shall think fit, upon Application in Writing to be made to him for such Purpose by the said Master, Wardens, and Assistants, such Loan to be applied by them for any of the aforesaid Purposes; and from the Time of any such Bond or Writing being so made and given for any of the aforesaid Purposes, the said Master, Wardens, and Assistants from Time to Time shall keep down the Interest which shall have accrued due on any such Bond or Writing, or may pay off the Whole or any Part of the Principal Money secured thereby, together with the Arrears of Interest thereon, from the Proceeds of any Tolls which may at the Time be payable to them.

XXXI. ' And whereas certain Tolls are by Law payable in respect of certain of the Lighthouses referred to in this Act as being under the Control and Management of Individuals, and also in respect of certain other Lighthouses now under the Control and Management of the said Master, Wardens, and Assistants, on Foreign Ships and Vessels, over and above the Tolls payable in respect of such Lighthouses on *British* Ships and Vessels; but the Vessels of certain Foreign Powers have by virtue of Conventions and Treaties heretofore entered into with such Foreign Powers, and by Orders of His Majesty in Council, been exempted from the Payment of such extra Tolls, and Provision hath been made for indemnifying the several Persons entitled thereto, by Payment of the same out of the Consolidated Duties of Customs: And whereas it is expedient that the said Consolidated Duties should be relieved from such Payments; be it therefore enacted, That from the passing of this Act no Payment shall be made out of the said Consolidated Duties as Indemnity for such extra Tolls in respect of any Lighthouse now under the Control and Management of the said Master, Wardens, and Assistants, nor shall any such Payment be made in respect of any Lighthouse to be purchased by them under the Authority of this Act from the Time when the Purchase thereof shall be completed.

Extra Duties on Foreign Ships privileged under the Reciprocity Acts no longer to be paid to the Trinity House out of the Consolidated Duties of Customs.

XXXII. Provided always, and be it further enacted, That if at any Times hereafter any of the said Conventions and Treaties shall determine, or any of the said Orders of His Majesty in Council shall be revoked, then the said extra Tolls shall again be levied on the Ships and Vessels of Foreign Powers on which, prior to such Conventions, Treaties, and Order such extra Tolls were payable; and the Amount of all such extra Tolls which shall be received by the said Master, Wardens, and Assistants, shall be paid by

If Reciprocity Conventions cease, the Duties to be again levied, &c.

by them to the Consolidated Fund of the United Kingdom of *Great Britain and Ireland.*

Duties in respect of the Foreland Lights to vest in the Trinity House discharged of the Rent to the Crown.

XXXIII. ' And whereas the said Master, Wardens, and Assistants are seised in Fee of the Lighthouses at the *North* and *South Forelands* in the County of *Kent*, and the Land occupied therewith, and are entitled to receive certain Tolls in respect thereof under a Warrant for a Lease from the Crown, subject to the Payment of a certain Rent in respect thereof; ' be it enacted, That from the First Day of *January* One thousand eight hundred and thirty-seven all the Tolls now payable in respect of the said Lighthouses shall be vested in the said Master, Wardens, and Assistants, and their Successors, freed from the said Rent, and shall thenceforth continue to be payable to and receivable by them as are other the like Tolls now payable to them.

Powers of the Acts relating to the Skerries, Spurn Point, and Tinnmouth Castle Lights extended to Trinity House.

XXXIV. And be it enacted, That immediately from the Completion by the said Master, Wardens, and Assistants of the respective Purchases of any of the several Lighthouses called respectively the *Skerries*, *Spurn Point*, and *Tinnmouth Castle Light*, all the Powers which are by the recited Act of the Third Year of *George* the Second and the recited Acts of the Sixth, Twelfth, and Forty-second Years of *George* the Third respectively granted to or in favour of the Persons interested in such Lighthouses, or for the better Maintenance of the same Lighthouses respectively, or in regard to the Payment and Collection of Tolls in respect thereof, shall be exercised by the said Master, Wardens, and Assistants under this Act.

Vesting the Lighthouse at Heligoland and the Bembridge Light in the Trinity House.

XXXV. ' And whereas there hath for a long Series of Years been a Lighthouse upon the Island of *Heligoland*, and a Light exhibited therefrom for the Protection and Guidance of Ships and Vessels navigating the *German Ocean*, or entering or departing from the Rivers *Elbe* and *Weser*, and such Lighthouse was rebuilt in or about the Year One thousand eight hundred and ten: And whereas a Floating Light was established in or about the Year One thousand eight and thirteen on *Bembridge Ledge* in the *English Channel*: And whereas the said Light-house and Light have since those Times been respectively maintained by and at the Cost of His Majesty; ' be it therefore further enacted, That from the passing of this Act the said Lighthouse at *Heligoland*, with the Land, Buildings, and Appurtenances thereunto belonging or occupied for the Purpose thereof, and all the Fixtures, Apparatus, and Furniture respectively belonging thereto, and the Floating Light on *Bembridge Ledge* aforesaid, with the Vessel from which the same is exhibited, and the Tackle, Furniture, and Stores belonging to the said Vessel, together with the Furniture and Apparatus of and belonging to the said Floating Light, shall become the Property of and absolutely vest in the said Master, Wardens, and Assistants, and their Successors, and they shall thenceforth be deemed to be in the actual Occupation thereof, freed from all former and other Estates, Rights, Titles, Interests, Claims, and Demands, whether of His Majesty or of any other Person, and the Maintenance, Control, and Management of the said Lighthouse and Floating Light shall thenceforth be in the said Master, Wardens, and Assistants as are the several Lighthouses and Floating Lights now belonging to them.

XXXVI. ' And

XXXVI. ' And whereas the Tolls received in respect of the Lighthouse in the Island of *Heligoland* are insufficient to defray the necessary Expences of maintaining the same, and the Excess of Expences beyond the Receipts has become a considerable Charge on His Majesty's Government: And whereas Foreign Ships and Vessels, although they derive great Benefit from the said Lighthouse, do not at present pay any Toll in respect thereof, and it is reasonable that such Foreign Vessels should contribute to the Expences of the same, so far as they are benefited thereby; be it therefore further enacted, That from the Thirty-first Day of *December* One thousand eight hundred and thirty-six the several Tolls now levied and taken in respect of the said Light so exhibited on the said Island of *Heligoland* shall cease and be no longer received, and that in lieu thereof the said Master, Wardens, and Assistants may from the said Thirty-first Day of *December* One thousand eight hundred and thirty-six, from Time to Time, receive towards the Maintenance of the said Lighthouse, and the Exhibition of a proper Light therefrom, the Sum of One Penny *per* Ton for every Vessel (not belonging to His Majesty) for each Time that such Vessel shall depart from any Port or Place within the United Kingdom of *Great Britain and Ireland* to any Port or Place at, within, or near to the Entrance of the Rivers *Elbe* and *Weser* or either of them, and the like Toll upon every Vessel (not belonging to His said Majesty) for each Time that such Vessel shall arrive at any Port or Place within the said United Kingdom from any Port or Place at, within, or near to the Entrance of the said Rivers or either of them.

Duties to be taken in respect of the Heligoland Light.

XXXVII. And be it enacted, That so much of the recited Act of the Sixth Year of *George* the Third as gives to the Corporation of the *Trinity House* of *Hull* any Authority, Superintendence, or Control over the Lighthouses therein referred to, and so much of the recited Act of the Forty-second Year of *George* the Third as gives to the Master, Wardens, and Assistants of the Corporation of the *Trinity House* of *Newcastle-upon-Tyne* Authority to inspect the Lighthouse in the last-mentioned Act referred to, shall be and the same is hereby repealed.

6 G. 3. c. 31. and 42 G. 3. c. 43. as to *Trinity Houses* of *Hull* and *Newcastle-upon-Tyne*, repealed.

XXXVIII. And be it enacted, That from the passing of this Act no new Light, Beacon, or Sea Mark shall be exhibited or altered or caused or permitted to be exhibited or altered, nor shall any now existing Light, Beacon, or Sea Mark be altered or caused or permitted to be altered, by any Trustees, Commissioners, Corporation, Company, local Officer, or Person whatsoever heretofore authorized so to do on any Pier or in or near to any Port or Harbour on the Coast of the United Kingdom, or on any of the Islands, Rocks, or other Places adjoining or near to the same, for the Guidance of Ships and Vessels navigating by and along the said Coasts or entering or resorting to or departing from any Port, Harbour, Canal, or other Place, without the Sanction in Writing of the said Master, Wardens, and Assistants, Commissioners of Northern Lighthouses, or Corporation for improving the Port of *Dublin*, as the Case may be, having been first obtained in that Behalf; and all such Persons shall in all Things conform to such reasonable Orders and Alterations as the said Master, Wardens, and Assistants, Commissioners or Corporation, shall from Time to

*Trinity House*, Commissioners of Northern Lights, and Corporation for improving the Port of *Dublin* to have Control over Pier and Harbour Lights.

Time

Time make and direct as to the Description and Power of any such Light and the Character of any such Beacon or Sea Mark, and the Mode of exhibiting the same respectively, due Notice of such Orders and Alterations being first given by the said Master, Wardens, and Assistants, Commissioners or Corporation, to them.

Vessels of the Trinity House to be exempt from Harbour Dues, &c. whilst such Vessels are in actual Service.

XXXIX. And be it enacted, That all the Vessels, Yachts, Barges, and Boats of or in the Employ of the said Master, Wardens, and Assistants from Time to Time and at all Times whilst they shall be in the actual *bonâ fide* Service of the said Master, Wardens, and Assistants, may pass and re-pass by and along the Coasts of the United Kingdom, and all Lighthouses erected or exhibited upon or near the said Coasts, and pass and re-pass into or out of any Harbour, Port, Creek, River, Canal, or other Place in the said United Kingdom, and (if need be) be moored and abide within the same respectively, without being liable to any Harbour or Port Dues, Pier Duties, River or Canal Dues, Light Dues, Pilotage Dues, or other Rates, Tolls, Dues, Duties, Taxes, Demands, or Payments whatsoever, for or in respect of their so doing, any Law, Statute, Charter, Grant, Prescription, Custom, Usage, or Bye Law to the contrary thereof in anywise notwithstanding.

Duties hereafter to be paid in respect of Lighthouses, &c. on the Coasts of Scotland.

XL. And be it enacted, That from the First Day of *January* One thousand eight hundred and thirty-seven the Tolls now payable by or in respect of Vessels for or towards the Maintenance of the several Lighthouses at present under the Management of the Commissioners of Northern Lighthouses shall cease to be payable, and that in lieu thereof there shall thenceforth for ever be paid to the said Commissioners of the Northern Lighthouses for every Vessel belonging to the United Kingdom of *Great Britain* and *Ireland* (the same not belonging to His Majesty, His Heirs or Successors, or being navigated wholly in Ballast), and for every Foreign Vessel which by any Act of Parliament, Order in Council, Convention, or Treaty shall be privileged to enter the Ports of the said United Kingdom upon paying the same Duties of Tonnage as are paid by *British* Vessels (the same not being Vessels navigated wholly in Ballast), which shall pass any of the said Lighthouses or derive Benefit thereby, the Toll of One Halfpenny *per* Ton of the Burden of every such Vessel for each Time of passing every such Lighthouse or deriving Benefit thereby, and of One Penny *per* Ton for each Time of passing the *Bell Rock* Lighthouse, and Double the said Tolls for every Foreign Vessel not so privileged.

Certain extra Duties on Foreign Ships privileged under the Reciprocity Acts to cease.

XLI. And be it enacted, That from the passing of this Act all Payments heretofore made to the said Commissioners of the Northern Lighthouses and to the Corporation for preserving and improving the Port of *Dublin* respectively, out of the Consolidated Duties of Customs, in lieu of any extra Tolls payable on Foreign Vessels in respect of any Lighthouse on the Coasts of *Scotland* or *Ireland* respectively, shall cease: Provided always, that in case any of the said extra Tolls shall again be levied, the same shall be paid by the said Commissioners and Corporation to the Consolidated Fund of *Great Britain* and *Ireland*.

Power to the Commissioners and the Corporation for pre-

XLII. And be it enacted, That the said Commissioners of the Northern Lighthouses and the said Corporation for preserving and improving the Port of *Dublin* respectively may from Time to Time erect, set up, place, and maintain such new or other Lighthouses

in such Places on the Coasts and Islands of *Scotland* and *Ireland* respectively as to them shall seem expedient, and also from Time to Time so alter or remove any Lighthouses on the said Coasts, and so vary the Mode of exhibiting Lights from any such Lighthouse, as to them shall seem expedient: Provided always, that no such new Lighthouse shall be erected on the said Coasts and Islands of *Scotland* or *Ireland*, nor shall any Lighthouse be removed, or the Character thereof or of the Light exhibited therefrom be altered by the said Commissioners or the said Corporation respectively, until they shall have given to the Master, Wardens, and Assistants of the *Trinity House* of *Deptford Strond* Six Months Notice in Writing of their Intention so to alter, remove, or vary the same, by leaving such Notice at the *Trinity House* in *London*, together with the Grounds of such their Intention; and if the said Master, Wardens, and Assistants shall see Ground to disapprove of the Erection of any such intended new Lighthouse or any such intended Removal or Alteration of the Character of any existing Lighthouse or Light, or shall suggest any Improvement therein respectively, and shall notify such their Disapproval or Suggestion (as the Case may be) to the said Commissioners or Corporation within the Space of Six Months next after receiving such Notice, then such Disapproval or Suggestion so to be notified as aforesaid shall be conclusive on the said Commissioners and Corporation respectively, nor shall it in any such Case be lawful to the said Commissioners or Corporation to carry into effect any such proposed or intended Erection, Work, Removal, or Alteration, except in such Manner and Form as the said Master, Wardens, and Assistants shall so as aforesaid have suggested or approved of; and the said Master, Wardens, and Assistants may from Time to Time suggest to the said Commissioners and Corporation respectively Alterations in relation to the Management of such Lighthouses, or in relation to the Form of the Lights exhibited therefrom or the Times or Manner of so exhibiting the same, or the Erection of any new Lighthouse, and of such their Suggestions may cause written Notice to be from Time to Time given to the said Commissioners and Corporation respectively, by leaving the same at the Office of the said Commissioners in *Edinburgh* or at the Office of the said Corporation in *Dublin* (as the Case may be); and thereupon the Commissioners or Corporation (as the Case may be) shall with all convenient Speed consider the same, and report their Opinion thereon to the said Master, Wardens, and Assistants.

-serving the Port of Dublin to erect other Lighthouses, &c. in *Scotland* and *Ireland*; provided that previous Notice be given to the *Trinity House*; whose Disapproval shall be conclusive on the Commissioners and Corporation respectively.

XLIII. Provided always, and be it enacted, That if the said Commissioners or Corporation (as the Case may be) shall be dissatisfied with any such Disapproval or Suggestions as aforesaid they shall without Delay cause a Copy of the Notification of such Disapproval or of such Suggestions, as the Case may be, to be laid before His Majesty in Council, together with their Remarks thereon, and His Majesty in Council thereupon may make Orders to the said Commissioners or Corporation with respect to any such Disapproval or Suggestions as to His Majesty in Council shall seem fitting, and the same Commissioners or Corporation (as the Case may be) shall thenceforth in all Things conform to all such last-mentioned Orders.

Commissioners or Corporation to be at liberty to appeal to the King in Council.

XLIV. And

Power to  
Trinity House  
to enter and  
view Light-  
houses.

XLIV. And be it enacted, That the said Master, Wardens, and Assistants, and their Successors, and their Engineers, Workmen, and Servants, may from Time to Time and at all Times enter the Lighthouses on the Coasts of *Scotland* and *Ireland* respectively, to view the Condition thereof or otherwise for the Purposes of this Act.

Duties to be  
payable in re-  
spect of new  
Lighthouses on  
the Coasts of  
*Scotland* and  
*Ireland*.

XLV. And be it enacted, That from the Time when any such new Lighthouse shall under this Act have been so erected upon the Coasts of *Scotland* and *Ireland* respectively, and so long as a Light shall be exhibited from such Lighthouse during the Night Season, there shall be paid to the said Commissioners or Corporation who shall have erected the same, by the Owner or other Person having the Command of any Vessel not belonging to His Majesty which shall pass such Lighthouse, or derive Benefit thereby, such reasonable Toll as shall have been first approved in that Behalf by His Majesty in Council.

Notice of new  
Lights to be  
published in the  
Gazette, &c.

XLVI. Provided always, and be it enacted, That as soon as any such new Lighthouse shall have been so erected upon the Coasts of *Scotland* and *Ireland* respectively under this Act, and the Toll to be paid for the same shall have been approved, Notice thereof shall be given by such of them the said Commissioners or Corporation as shall have erected such Lighthouse Three several Times in the *London Gazette*, and also in Two or more of the principal Papers in *Edinburgh* and *Dublin* respectively; (that is to say,) in Two or more of the principal Papers circulated in *Edinburgh* when such new Lighthouse shall be erected on the Coasts of *Scotland*, and in Two or more of the principal Papers circulated in *Dublin* when such new Lighthouse shall be erected on the Coasts of *Ireland*; and the Toll to be paid in respect of such Lighthouse shall not become payable until One Month next after the Date of the last of such Notices.

New Light-  
houses, &c. and  
the Tolls there-  
of to vest in the  
Commissioners  
or Corporation.

XLVII. And be it enacted, That every such new Lighthouse erected on the Coasts of *Scotland* and *Ireland* respectively under this Act, and the Tolls payable in respect thereof, shall immediately on the erecting of such Lighthouse and the Establishment of such Tolls be vested in such of them the said Commissioners and Corporation respectively as shall have erected such Lighthouse, and in their respective Successors, as the Lighthouses now on the Coasts of *Scotland* and *Ireland* respectively, and the Tolls payable in respect thereof, are now vested in them respectively.

Lighthouses on  
the Irish or  
Scotch Coasts  
may be surren-  
dered to the  
Commissioners  
or Corporation.

XLVIII. And be it further enacted, That from the passing of this Act all Bodies Corporate or Collegiate, Trustees or Commissioners, and all Persons whomsoever, having any Lighthouse in *Scotland* and *Ireland* respectively, or on or near the respective Coasts thereof, whether under the Authority of Parliament or any Charter or Usage, may surrender the same to the said Commissioners or Corporation, as the Case may be, who are hereby empowered to accept the same, if they think fit; and such Lighthouse being so surrendered and accepted shall thenceforth be under the Management and Control of the said Commissioners or Corporation (as the Case may be), and be subject to the same Regulations, and the Tolls payable in respect thereof shall be subject to be reduced, relinquished, or modified in like Manner

as



as other the Lighthouses of the said Commissioners and Corporation respectively, and the Tolls payable in respect thereof.

XLIX. And be it enacted, That it shall not be lawful for the said Commissioners or Corporation to grant any Pension, Compensation, or retired Allowance to any Person in their Service out of the Tolls to be received by them which shall exceed the Proportion, with reference to the Amount of the Salary and Time of the Service of such Person, which may be granted as a Superannuation Allowance to Persons in the Public Service under the before-recited Act passed in the Fourth and Fifth Year of the Reign of His present Majesty.

L. And be it enacted, That the said Corporation for preserving and improving the Port of *Dublin* may, after the passing of this Act, appoint fit Persons at and for such Ports, Districts, and Places in *Ireland* as they shall deem expedient to be Collectors of the Tolls payable or to be hereafter payable to the said Corporation in respect of Lighthouses upon the Coasts of *Ireland*; and as soon as such Appointment shall have been made the Tolls which by the said recited Act of the Fifty-second Year of King *George* the Third are directed to be paid to the Collector or other Chief Officer of the Customs in the several Ports of *Ireland* shall be paid to and collected by the Collectors so to be appointed by the said Corporation.

LI. And for the more uniform and better Collection of the Tolls payable in respect of Lighthouses throughout the United Kingdom, and for affording greater Facility to Parties paying the same, be it enacted, That from the Thirty-first Day of *December* One thousand eight hundred and thirty-six the Collector from Time to Time appointed by the said Master, Wardens, and Assistants for any Port, District, or Place in *England*, and the Collector appointed by the said Commissioners for any Port, District, or Place in *Scotland*, and the Collector appointed by the said Corporation for any Port, District, or Place in *Ireland*, is hereby authorized and required to collect, demand, and receive all the Tolls to which every Vessel within such Port, District, or Place shall be liable in respect of any Lighthouse, in whatsoever Part of the said United Kingdom such Lighthouse may be situate, and whether such Tolls shall be payable to such of them, the said Master, Wardens, and Assistants, Commissioners and Corporation, as such Collector was appointed by, or to the other or others of them; and every such Collector shall account for and pay over all the Tolls received by him to such of them, the said Master, Wardens, and Assistants, Commissioners and Corporation, as he shall have been appointed by; and the said Master, Wardens, and Assistants, Commissioners and Corporation, shall in every Year mutually account to each other for all such Tolls as shall have been received by any of them for the others of them respectively under this Act, and pay over whatever Balance may be due on such Account to either of them.

LII. Provided always, and be it enacted, That if at any Time the Lords Commissioners of His Majesty's Treasury shall be of opinion that in any Case the Collection of the said Tolls can conveniently and properly be made, and that it is expedient that the same should be made by the Collector or other Chief Officer of

Restriction as to granting of Pensions by the Commissioners and Corporation.

Corporation for improving the Port of *Dublin* may appoint Collectors of Tolls in respect of Lighthouses.

Duties in respect of Lighthouses throughout the United Kingdom, how to be collected.

Duties to be collected by the Officers of His Majesty's Customs when the Lords of the

Treasury so  
recommend.

His Majesty's Customs at any Port or Place, the said Lords Commissioners shall and may from Time to Time communicate such their Opinion to the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, who shall thereupon appoint such Collector or other Chief Officer to make such Collection accordingly, and pay him such Commission or Allowance (if any) in respect thereof as to the said Lords Commissioners shall seem reasonable.

Duties, when to  
be collected.

LIII. And be it enacted, That no Officer of the Customs of His Majesty at any of the Ports, Harbours, or Places of the said United Kingdom, who shall be required in manner herein-after mentioned to ascertain that such Tolls have been paid, shall receive any Entry or Report or Cocquet or other Discharge or Clearance, Inwards or Outwards, for any Vessel liable to any Tolls payable in respect of any Lighthouse, in whatever Part of the United Kingdom the same may be, until the Owner, Master, or other Person having the Command of such Vessel, or his Agent, shall show to such Officer of the Customs a Voucher for the Payment of such Tolls, signed by some Collector appointed by the said Master, Wardens, and Assistants, Commissioners or Corporation, in respect of such Port, Harbour, or Place (if any such Collector shall have been so appointed); and so often as it shall happen that there shall be no such Collector appointed by the said Master, Wardens, and Assistants, Commissioners or Corporation, in respect of any such Port, Harbour, or Place, then until the Amount of such Tolls to which any such Vessel entering or departing from any such Port, Harbour, or Place shall be liable shall have been paid to the Collector or other Chief Officer of His Majesty's Customs at such Port, Harbour, or Place, who shall receive such Tolls, and cause the Amount thereof to be paid to the said Master, Wardens, and Assistants, Commissioners or Corporation; (that is to say,) where the Port, Harbour, or Place shall be in *England*, to the said Master, Wardens, and Assistants; where the said Port, Harbour, or Place shall be in *Scotland*, to the said Commissioners; and where the said Port, Harbour, or Place shall be in *Ireland*, to the said Corporation; the said Officer of His Majesty receiving such Tolls and paying the same being allowed such reasonable Commission in respect thereof as to the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, shall seem meet, so that the same shall not exceed Five *per Cent.* on the Sums collected by him; and the Commissioners of His Majesty's Customs shall from Time to Time, if thereunto requested by the said Master, Wardens, and Assistants, Commissioners or Corporation, require some one Officer of His Majesty's Customs at every such Port, Harbour, or Place to ascertain that such Tolls have been paid, and shall from Time to Time give such Orders to such Officer in relation thereto as shall seem necessary for securing the Collection of the said Tolls, according to any Regulation then in force respecting such Collection.

Allowance for  
Collection in  
certain Cases.

Power of Dis-  
tress for Duties.

LIV. And be it enacted, That in case any Master or Owner, or other Person having the Charge of any Vessel liable to the Payment of any Tolls in respect of any Lighthouse shall refuse or neglect to pay any such Tolls to which such Vessel shall be liable to the Collector authorized to receive the same, the said Master, Wardens,

Wardens, and Assistants, Commissioners and Corporation respectively, or the Collector authorized to receive the same, or the Collector or other Chief Officer of His Majesty's Customs, or other Person entitled to receive the same, may seize and carry away any of the Goods, Merchandize, Guns, Tackle, Furniture, or Apparel of or belonging to or on board of any such Vessel (leaving Notice thereof on board such Vessel), and detain the same for the Space of Three full Days then next, unless the said Tolls, and all Arrears thereof due in respect of such Vessel, shall in the meantime be satisfied; and in case all such Tolls and Arrears thereof shall not before the Expiration of such Three Days have been satisfied, then the said Master, Wardens, and Assistants, Commissioners or Corporation, or the Collector authorized to receive the same, or the Collector or other Chief Officer of His Majesty's Customs, or other Person entitled to receive the same, or such Person as they shall appoint in that Behalf, may cause the same Goods, Merchandize, Guns, Tackle, Furniture, or Apparel so seized to be appraised by Two or more sufficient Persons or sworn Appraisers, within a reasonable Space of Time then next following, and may thereupon sell the same, and out of the Proceeds of such Sale pay the Amount of the Tolls or Arrears thereof to which such Ship shall be liable, together with the reasonable Charges of the Seizure, Detention, Appraisement, and Sale, rendering to the Master or Owner or other Person having the Command of such Vessel the Overplus (if any) on Demand.

LV. Provided nevertheless, and be it enacted, That, notwithstanding any thing in this Act contained, the said Master, Wardens, and Assistants, and the said Commissioners and the said Corporation, may sue for and recover the Amount of any Tolls payable to them in respect of any Lighthouse by Action of Debt or Suit in Equity in any of His Majesty's Courts of Record in *Great Britain or Ireland*, against the Owner or Master, or other Person having the Command of any Vessel liable thereto.

Duties may be recovered by Action or Suit.

LVI. ' And whereas by the recited Act of the Third Year of *George the Fourth* the said Master, Wardens, and Assistants were empowered from Time to Time upon the Requisition or with the Consent of His Majesty in Council, to reduce, relinquish, or modify, in manner therein mentioned, the Tolls therein mentioned; and in exercise of the said Power they have, with such Consent, reduced and modified sundry of the Tolls in the recited Act mentioned, to the great Relief of the Owners of Vessels liable thereto: And whereas, in order to the further Relief of the Owners of Vessels, it is expedient that the Powers of the recited Act given to the said Master, Wardens, and Assistants should be enlarged and extended to the several Tolls now or hereafter to be payable to the said Master, Wardens, and Assistants, and that the like Powers should be given to the said Commissioners and Corporation respectively, in relation to the Tolls now or hereafter to be payable to them in respect of Lighthouses on the Coasts of *Scotland and Ireland* respectively; be it therefore enacted, That the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, may from Time to Time, upon the Requisition or with the Consent of His Majesty in Council, reduce, relinquish, or modify

Duties throughout the United Kingdom to be subject to be reduced, &c. according to the Statute 3 G. 4. c. 111.

the Tolls now or hereafter to be payable to them in respect of any Lighthouse, and upon the like Requisition or with the like Consent may revive and re-establish or increase, or otherwise modify any such Tolls so relinquished or modified, and so from Time to Time as often as Occasion shall require, in such Manner and Form, and subject to such Conditions and Limitations, as the said Master, Wardens, and Assistants are now by Law empowered to do in respect of the Tolls mentioned in the recited Act of the Third Year of His late Majesty's Reign.

Regulations to be made for Relief of Ships and Vessels with regard to Duties.

LVII. And be it enacted, That the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, from Time to Time, upon the like Requisition, or with the like Consent of His Majesty in Council, may make Regulations for the Purpose of relieving certain Vessels from the Tolls payable to the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, in respect of any Lighthouses, upon such Terms and to such Extent as to them respectively shall seem proper, or for the Purpose of substituting any other Class of Toll or other Payment in respect of Vessels, or any particular Description of Vessels, in lieu of the Tolls to which such Vessels may be subject at the Time of the making such Regulations respectively, or for the Purpose of altering the Times and Places or either of them at which any Tolls in respect of any Lighthouses shall be payable, and may revoke or alter any such Regulation; and from and after the Time when such Regulation shall take effect the Tolls thereby made payable shall be paid by the Owners and Masters of the Vessels mentioned therein (unless otherwise directed by such Regulation), and be recoverable by the said Master, Wardens, and Assistants, Commissioners and Corporations respectively, at such Time and Place and in such Manner as were the Tolls in lieu whereof the same shall have been so made payable: Provided always, that no such Regulation, or Revocation or Alteration of any such Regulation, shall take effect until the same shall have been submitted by the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, to and shall have been assented to and confirmed by His Majesty in Council, and such Assent and Confirmation shall have been signified in Writing to the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, nor until One Month after the said Master, Wardens, and Assistants, Commissioners or Corporation respectively shall have caused Notice of such Regulation, or of such Revocation or Alteration of any Regulation, (as the Case may be,) to be published in the *London Gazette*.

Tables of Tolls and Regulations to be hung up in Custom Houses.

LVIII. And, to the Intent that the Amount of the Tolls from Time to Time payable to the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, upon Vessels, in respect of Lighthouses, and also the Regulations from Time to Time in force concerning them, may be publicly made known, be it further enacted, That as soon as conveniently may be after the said Master, Wardens, and Assistants shall have completed the said Purchases by this Act authorized to be made, and shall, upon the Requisition or with the Consent of His Majesty in Council, have altered, modified, or reduced the Tolls hereby vested in them, or made Regulations concerning the same, they shall cause to be

drawn up a Table of all the Tolls payable to them upon Vessels in respect of any Lighthouses, together with a Summary of such Regulations as shall have been made by them concerning the same upon such Requisition or with such Consent as aforesaid, and shall cause the same to be laid before His Majesty in Council, and the same shall be signed by the Clerk of the Council, and enrolled or entered amongst the Public Records thereof; and the said Master, Wardens, and Assistants shall cause a printed Copy of such Table together with such Summary to be delivered to the Commissioners of His Majesty's Customs at His Majesty's Custom House in *London*, and a printed Copy thereof to be also forwarded to His Majesty's Principal Officer of Customs at each Port or Place within the United Kingdom for which any such Officer shall be appointed; and the said Commissioners and Corporation respectively shall within Four Months next after the passing of this Act in like Manner cause to be drawn up a like Table of all the Tolls payable to them respectively upon Vessels in respect of any Lighthouses, with a Summary of such Regulations as shall have been made by them concerning the same upon such Requisition or with such Consent as aforesaid, and shall cause the same to be laid before His Majesty in Council, and the same shall be signed and enrolled or entered as aforesaid; and the said Commissioners and Corporation respectively shall cause printed Copies of such Tables respectively, together with such Summary, to be so delivered and forwarded as aforesaid; and so from Time to Time as often as any Alteration in the Amount of any such Tolls, or any new Regulation, or Alteration of any existing Regulation concerning the same, shall be made, the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, shall, with all convenient Speed, cause fresh Tables of such Tolls and a Summary of every such new Regulation or Alteration to be laid before His Majesty in Council, where the same shall be so signed and entered as aforesaid; and the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, shall cause printed Copies thereof in like Manner to be delivered at His Majesty's Custom Houses in *London*, *Edinburgh*, and *Dublin* respectively, and forwarded to such several principal Officers of Customs within the United Kingdom; and the Commissioners of His Majesty's Customs for the Port of *London*, *Edinburgh*, and *Dublin* respectively, and all other His Majesty's Principal Officers of Customs for any such Port or Place to whom any such Copies shall be so delivered or forwarded, shall cause the same to be kept constantly hung up and preserved as long as the same shall remain in force in some conspicuous Part of His Majesty's Custom Houses in *London*, *Edinburgh*, and *Dublin* respectively, or other the Custom House for any such Port or Place, so that the said Tables may be seen, and read by all Persons having any Business in such Custom Houses respectively; and the Tolls specified in any such Table, when so signed and entered, shall be the lawful Tolls or Duties payable to the said Master, Wardens, and Assistants, Commissioners, and Corporation respectively, and the same, and none other, shall be received by them respectively upon the Vessels and in respect of the Lighthouses therein referred to, and in such Manner and Form as shall be directed therein, or in such Summary so therewith

drawn up and entered as aforesaid; and a Copy of any such Table, examined with the Original so entered and so purporting to be signed as aforesaid, shall be deemed and taken in all Courts of Law and other Places to be Evidence of the Right to recover such Tolls according to the Tenor thereof.

Power to alter  
the Situation of  
Lighthouses.

LIX. ' And whereas the Sands and Shoals upon the Coasts of the United Kingdom are in many Places liable to vary their Form so considerably as to occasion Changes in the Course of the Navigation near the same, and it is therefore expedient, for the more effectual Security of Ships and Vessels navigating the Seas off and near to the Coasts of the said United Kingdom, that Power should be given to alter from Time to Time the Position of the Lighthouses erected or placed for the Protection of Vessels, as Occasion may require; ' be it therefore enacted, That when any Lighthouse shall, by reason of any Variation or Change in the Form of any such Sand or Shoal, become unnecessary in the Situation in which the same shall then be, and shall become necessary or would from such or any other Cause be more useful in some other Situation, the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, may upon the Requisition or with the Consent of His Majesty in Council, remove and discontinue any such Lighthouse, and erect another or other Lighthouses instead thereof where they shall be found better adapted for the Purpose of protecting Ships and Vessels from Damage; and from the Time at which such new Lighthouse shall have been so erected, and so long as the same shall be maintained, and a Light shall be exhibited therefrom during the Night Season, the Tolls theretofore payable in respect of such Lighthouse so removed or discontinued shall be payable in respect of such new Lighthouse, and the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, may thenceforth collect and have the same Tolls for the Maintenance of any such new Lighthouse, from or in respect of such and the same Vessels, and to be collected, recovered, and applied in such and the same Manner, as were the Tolls in respect of the Lighthouse so removed or discontinued: Provided always, that where any such Lighthouse shall be so removed and discontinued, and any new Lighthouse shall be erected instead thereof, Notice of such Removal and Discontinuance, and of the Erection of such new Lighthouse, shall be published by the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, Three several Times in the *London Gazette*, and also in Two or more of the principal Papers circulated in *Edinburgh*, in case such new Lighthouse shall be erected on the Coast of *Scotland*, and in Two or more of the principal Papers circulated in *Dublin*, in case such new Lighthouse shall be erected on the Coast of *Ireland*.

Trinity House  
empowered to  
purchase  
Ground not  
exceeding One  
Acre adjoining  
any Lighthouse.

LX. ' And whereas it sometimes happens that the said Master, Wardens, and Assistants find it desirable, in order to the more convenient Maintenance of their Lighthouses and Lights, to possess a small additional Quantity of Ground adjoining their Lighthouses, and it is usual for them in such Cases to purchase the same, but Difficulty has been occasionally experienced in effecting such Purchases; ' be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Master, Wardens,

Wardens, and Assistants, from Time to Time whenever they shall see fit, to take so much and such Quantity of Ground adjoining or near to any of the Lighthouses erected or to be erected by them as they shall deem necessary for the Purposes of the said Lighthouse or the Occupation thereof, not exceeding in the whole One Acre as to any One Lighthouse; and all and every the Powers of Purchase and Sale in and by this Act conferred in reference to Lighthouses authorized to be purchased by the said Master, Wardens, and Assistants shall be deemed to extend to every such Piece of Ground so to be taken by them under the Authority of this Act; and all and every the Provisions in this Act contained, in reference to the Purchase of Lighthouses, or to the Adjustment or Assessment and Payment or Investment of the Purchase Money for the same, shall be deemed to extend also to the Purchase of any such Piece of Ground as aforesaid, and to the Adjustment or Assessment and Payment or Investment of the Purchase Money for the same: Provided always, that in case any such Lighthouse, in respect of which the said Master, Wardens, and Assistants shall take any Land or Ground to be held therewith under the Powers of this Act, shall at any Time hereafter be abandoned or given up by the said Master, Wardens, and Assistants, or for the Space of Three Years shall cease to be used or employed as a Lighthouse, or in case the said Land shall be otherwise used than for the Purposes of the said Lighthouse or the Occupation thereof, then and in every such Case any Land or Ground which shall have been so taken by the said Master, Wardens, and Assistants shall vest in the Person or Persons who was or were Proprietor or Proprietors thereof at the Time of the Purchase by the said Master, Wardens, and Assistants, or his or their Heirs, Executors, or Administrators, on the Repayment of the Purchase Money thereof, according to the Nature of his or their Estate or Interest in such Land or Ground at the Time of the Purchase, or the Person or Persons who would have been or become entitled to the said Land or Ground in case such Purchase had not been made.

LXI. ' And whereas it sometimes happens that Fires and Lights are burnt at or caused by Kilns, Factories, or other Works situate on the Coasts of the United Kingdom, so as to be mistaken at Sea for Lighthouses, whereby Vessels navigating along or near to the said Coasts are exposed to much Peril, and it is expedient that a sure and speedy Remedy be provided for such Inconvenience; be it therefore further enacted, That if any Fire or Light shall at any Time hereafter be burnt at or caused by any Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work, in such Manner and Form, or at such Times, or in such Place on or near to any Part of the Coasts of the United Kingdom, as to be subject and liable to be mistaken at Sea for any Lighthouse on or near to any Part of such Coasts for the Protection and Guidance of Vessels, and the Owner or other Person having the Care or Management of such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work, shall not, within a reasonable Time after Notice to that Effect shall have been delivered to him or them, or left at such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work, by the said Master, Wardens, and Assistants, Commissioners or Corporation, as the Case may be, (such reasonable Time

Such Ground to rest in the former Owner if it cease to be used for the Purposes of the Lighthouse.

Power to prevent Fires, &c. on the Coast, which might be mistaken for Sea Marks.

to be specified in such Notice,) take effectual Means in order to prevent the Fire or Light burnt at or caused by the same from being so as aforesaid mistaken at Sea for any such Lighthouse, every such Owner or other Person so having the Care or Management of such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work so making Default as aforesaid shall be deemed guilty of a common Nuisance, and, over and besides all other Pains and Penalties by Law inflicted upon Persons guilty of a common Nuisance, shall be subject to a Penalty of Ten Pounds, to be levied and recovered in a summary Way before any One or more of His Majesty's Justices of the Peace acting in and for the County wherein or next whereunto such Kiln, or Factory, Furnace, Forge, Chimney, Building, or other Work shall be situate, upon Complaint to him or them in that Behalf by the said Master, Wardens, and Assistants, Commissioners or Corporation, or One of their Agents ; and such Penalty (unless forthwith paid) shall and may be levied by Distress and Sale, under the Warrant of such Justice or Justices, of the Goods and Chattels of the Person who shall be adjudged guilty of such Nuisance, and shall go and be applied (after first defraying thereout the reasonable Costs and Charges of recovering the same) to or for the Use of the Parish or Union where such Offence shall have been committed or such Default made, to be applied in aid of the Poor Rate of such Parish or Union ; and if the Owner or other Person having the Care or Management of such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work shall still fail or neglect to abate such Nuisance for and during the Space of Seven Days next after such Penalty shall have been adjudged by or before such Justice or Justices, then it shall be lawful for the said Master, Wardens, and Assistants, Commissioners or Corporation, as the Case may be, their Agents or Workmen, thereupon forthwith to enter upon such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work, or the Land whereon or near whereto the same may be situated, and, at the Expence of such Owner or other Person, to abate the said Nuisance, or take such other convenient Measures in regard thereto as to them shall seem meet, in order to prevent the Fire or Light from Time to Time burnt at or produced by such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work from being so mistaken for any Lighthouse (the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, and their Agents and Workmen aforesaid, doing no unnecessary Damage to the Owner or Occupier of such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work) ; and the said Master, Wardens, and Assistants, Commissioners or Corporation respectively, shall and may recover the Expence of so abating such Nuisance, or of such other Measures so by them taken in regard thereto under the Authority of this Act (with Treble Costs of Suit), in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, by Action of Debt or on the Case, against any One or more of such Owners, or against the Person having the Care or Management of such Kiln, Factory, Furnace, Forge, Chimney, Building, or other Work ; and no Conviction, Order, Direction, or Warrant made or purporting to be made by virtue of this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise



otherwise into any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or into the Court of Session in *Scotland*.

LXII. And be it enacted, That the said Master, Wardens, and Assistants, Commissioners and Corporation respectively, shall within One Month after the meeting of Parliament in every Year lay before each House of Parliament a true Account of the Receipt and Application of all Monies which shall have been received and applied by them respectively for any such Tolls in respect of any Lighthouse, together with a Report of the principal Alterations and Improvements (if any) that shall have been made by them respectively in any Lighthouse in the course of the then last past Year.

Accounts to be laid before Parliament yearly.

LXIII. And be it enacted, That in case any Suit or Action shall be commenced against the said Master, Wardens, and Assistants, Commissioners or Corporation, or any other Person, for any thing done in pursuance of this Act, the Defendant or Defendants in such Suit or Action may plead generally that the Matters complained of in and by such Suit or Action were done by the Authority of this Act of Parliament, and may give the special Matters in Evidence.

General Plea for Matters done in pursuance of this Act.

LXIV. And be it enacted, That in the Provisions of this Act which relate to the Purchase or vesting of Lighthouses, and to the Application of the Purchase Money thereof, the Word Lighthouse shall be construed to include (as the Case may be) Lighthouse, Light, or Sea Mark, and all Lands, Buildings, Fixtures, Apparatus, and Furniture belonging thereto and occupied therewith, and all Tolls or Duties or other Profits or Produce arising in respect of such Lighthouse, Light, or Sea Mark, or its Appurtenances, and any Estate or Interest therein, and Rent, Rent-charge, Annuity, Payment, or Incumbrance issuing thereout or charged thereon; and the Words "Purchase Money" shall include Compensation as well as Purchase Money, and whether ascertained by Agreement between the Master, Wardens, and Assistants and the Party interested, or by Assessment by a Jury; and the Word "Payment" shall include all Rents, Rent-charges, Annuities, or Sums of Money payable; and the Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and the Word "Precept" shall include "Warrant;" and the Word "Person" shall include Bodies Politic or Corporate; and in all other Parts of this Act the Word "Lighthouse" shall include Lighthouses, Lights, Sea Marks, Floating Lights, Beacons, Buoys, and other Marks or Signs for the Sea; and the Word "Tolls" shall in every Part of this Act include every Species of Duty or Payment payable by the Owners or Masters of Ships and Vessels in respect of a Lighthouse, Floating Light, Sea Mark, Buoy, or Beacon; and the Word "Vessel" shall include "Ship;" and the Expression "Officer of the Customs" shall include Collector, Comptroller, Receiver of Entries, Surveyor or Searcher, Waiter, or any other Officer of Customs of His Majesty, or his Deputy or Clerk; and the Expression "His Majesty" shall include the Heirs and Successors of His Majesty; and the Expression "His Majesty in Council" shall mean His Majesty acting by and with the Advice of His Most Honourable Privy Council; and the Term "Lord High Treasurer" shall mean also the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, while that

Interpretation Clause.

that Office is performed by Commission; and the Word "Commissioners" shall mean Commissioners of the Northern Lighthouses; and the Word "Corporation" shall mean Corporation for preserving and improving the Port of *Dublin*; and the Word "*England*" shall mean *England* and the Principality of *Wales*; and the Word "County" shall mean any Riding or other like Division of a County; 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.

Public Act.

LXV. 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.

The SCHEDULE to which the foregoing Act refers.

SKERRIES.  
SPURN POINT.  
TINMOUTH CASTLE.  
SMALLS.  
LONGSHIPS.

C A P. LXXX.

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. [13th August 1836.]

7 & 8 G. 4. c. 75. **W**HEREAS 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 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 late 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 present 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 present 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 His Majesty by a Land Tax in *Great Britain* and

‘ and for continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in *England* :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That 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 Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth ; that is to say,

Appointment  
of additional  
Commissioners.

[*Here follow the Names of the Commissioners for England, Scotland, and Wales.*]

II. And be it further 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 late 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 re-  
cited Acts ex-  
tended to this  
Act.

### C A P. LXXXI.

An Act to authorize His 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.

[17th *August* 1836.]

‘ **W**HEREAS the Two Houses of Parliament have, by their  
‘ Addresses of *June* the Sixth One thousand eight hundred  
‘ and six, *June* the Twenty-seventh One thousand eight hundred  
‘ and fourteen, *July* the Ninth One thousand eight hundred and  
‘ seventeen, *July* the Seventh One thousand eight hundred and  
‘ nineteen, and *May* the Ninth One thousand eight hundred and  
‘ thirty-five, requested His Majesty to conclude Treaties for the  
‘ effectual Suppression of the Slave Trade : And whereas His Ma-  
‘ jesty is at the present Time engaged in Negotiation with certain  
‘ Foreign Powers for the Purpose of concluding such Treaties  
‘ with them : And whereas it may happen that some such Treaties  
‘ may be concluded during the Time that Parliament is not sitting :  
‘ And whereas in such Case Delay would take place in carrying  
‘ into execution the Stipulations of such Treaties, and much Crime  
‘ might be perpetrated during the Interval that might elapse  
‘ between the Ratification of such Treaties and the Time when  
‘ Parliament

His Majesty may, by Orders in Council, carry into immediate Execution all Treaties, Conventions, and Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade, and such Orders shall have the Effect of Acts of Parliament.

‘ Parliament might pass Acts authorizing the Crown to carry the same into execution : And whereas it would materially tend to further the Accomplishment of the Objects which the Two Houses of Parliament had in view when they addressed His Majesty as aforesaid if the Crown were to be empowered to carry such Treaties into immediate Execution :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His 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 His 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 Tribunals 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 for the Suppression of the Slave Trade to the Persons detaining, seizing, or capturing any such Vessels; and it shall be lawful for His 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 for the carrying into execution or giving effect to any Treaty, Convention, or Stipulation heretofore 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 first above mentioned; 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 aforesaid, 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 an Act of Parliament.

II. And

II. And be it further 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. Continuance of Act.

## C A P. LXXXII.

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.

[17th August 1836.]

‘ WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His present Majesty King *William the Fourth*, 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 the Sum of Twenty Million Pounds Sterling was authorized to be raised by the said recited Act for the Purposes of the said Act; and Part thereof has been accordingly raised, and applied to the Payment of the several Persons entitled to Slave Compensation in certain of the Colonies mentioned in the said recited Act; and other Part of the said Sum of Twenty Millions has been provided for by the Creation of certain Capital Stock, in satisfaction of the several Claims to such Compensation by the Persons entitled thereto in the Colony of *Barbadoes*, in lieu of paying the same in Money; and it is expedient to make Provision for paying and satisfying the Balance remaining due upon the said Sum of Twenty Millions:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for any Three or more of the Lords Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland*, by Warrant under their Hands, to order and direct, from Time to Time and at any Time, until the whole of the said Sum of Twenty Millions shall be paid and satisfied, the issuing, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, for the Purposes of this Act, during the Quarter immediately ensuing the Day to which the annual Account of the Receipt and Expenditure of the said United Kingdom shall be made up (commencing with the annual Account made up to the Fifth Day of *July* One thousand eight hundred and thirty-six), the Whole or any Part of the One Fourth Part of the Sum which by every such annual Account shall appear to be the surplus Revenue of the said United Kingdom beyond the annual Expenditure thereout, which shall be required from Time to Time for the Purposes of this Act and the said recited Act, any thing in any Act or Acts to the contrary notwithstanding; and the Sum stated in every such Warrant shall be forthwith issued out of the growing Produce of the said Consolidated Fund to the Commissioners for the Reduction of the National Debt, upon the Account standing in their Names in the Books of the Bank of *England* under the Title

3 & 4 W. 4. c. 73.

5 W. 4. c. 45.

Surplus Revenue may be issued out of growing Produce for Payment of Slave Compensation Monies.

3 & 4 W. 4. c. 73.

Title of the “ *West India Compensation Account* ”; which said Monies shall be applied by the said Commissioners, in common with the Monies standing at any Time on the said Account, to the Purposes of the said recited Act and of this Act.

Rate of Interest to be allowed to Persons at the Cape of Good Hope and at the Mauritius.

II. ‘ And whereas it is enacted by the said recited Act that the said Act should come into operation in the Colonies of the *Cape of Good Hope* and the *Mauritius* at Periods more remote than in certain other Colonies mentioned in the said Act by the following Intervals of Time; (*videlicet*,) by Four Calendar Months in the Colony of the *Cape of Good Hope*, and by Six Calendar Months in the Colony of the *Mauritius*;’ be it therefore enacted, That the Interest upon the several Sums of Money awarded to Persons entitled to Slave Compensation in the Colony of the *Cape of Good Hope* shall be after the Rate of Two Pounds Twelve Shillings and Eight-pence *per Centum per Annum* from the First Day of *December* One thousand eight hundred and thirty-four exclusive to the First Day of *December* One thousand eight hundred and thirty-five inclusive, and after the Rate of Three Pounds Seven Shillings and Eight-pence *per Centum per Annum* from the First Day of *December* One thousand eight hundred and thirty-five up to and including the Day of the Payment of the Principal Sum awarded, if the Payment of Award shall be made in Money, or up to and including the Fifth Day of *April* One thousand eight hundred and thirty-six if Payment of the Sum so awarded shall be made in Three Pounds Ten Shillings *per Centum* Reduced Annuities, herein-after mentioned, from which last-mentioned Day the Interest or Dividend upon the Three Pounds Ten Shillings *per Centum* Reduced Annuities herein-after mentioned will commence; and in respect of the Colony of the *Mauritius* the Interest upon the several Sums of Money awarded to Persons entitled to Slave Compensation in the said Colony shall be after the Rate of Two Pounds Twelve Shillings and Eight-pence *per Centum per Annum* from the First Day of *February* One thousand eight hundred and thirty-five exclusive to the First Day of *February* One thousand eight hundred and thirty-six inclusive, and after the Rate of Three Pounds Seven Shillings and Eight-pence *per Centum per Annum* from the First Day of *February* One thousand eight hundred and thirty-six up to and including the Day of the Payment of the Principal Sum awarded, if the Payment of the Award shall be made in Money, or up to and including the Fifth Day of *April* One thousand eight hundred and thirty-six if Payment of the Sum awarded shall be made in Three Pounds Ten Shillings *per Centum* Reduced Annuities, from which last-mentioned Day the Interest or Dividend upon the said Three Pounds Ten Shillings *per Centum* Reduced Annuities will commence; and that all such Interest as may have been paid and allowed on such Claims by the Commissioners for the Reduction of the National Debt, under any Directions given by the Lords Commissioners of His Majesty’s Treasury previously to the passing of this Act, shall be and the same are hereby confirmed.

Creation of Stock towards providing for Payment of Slave Compen-

III. ‘ And whereas it is enacted by the said recited Act of the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, that no Part of the said Sum of Twenty Millions of Pounds Sterling shall be applied or shall be applicable

' to the Purposes aforesaid, for the Benefit of any Person now  
 ' entitled to the Services of any Slave in any of the Colonies  
 ' therein mentioned, unless an Order shall have been first made by  
 ' His Majesty, with the Advice of His Privy Council, declaring  
 ' that adequate and satisfactory Provision hath been made by Law  
 ' in such Colony for giving Effect to the said Act by such further  
 ' and supplementary Enactments as are therein referred to, nor  
 ' unless a Copy of such Order in Council, duly certified by One  
 ' of the Clerks in Ordinary of His Majesty's Privy Council, shall,  
 ' by the Lord President of the Council, have been transmitted to  
 ' the Lords Commissioners of His Majesty's Treasury or to the  
 ' Lord High Treasurer for the Time being, for their or his  
 ' Guidance or Information: And whereas no Order of the King  
 ' in Council has been made declaring that adequate and satisfac-  
 ' tory Provision hath been made by Law in the *Virgin Islands* for  
 ' giving Effect to the said recited Act by such further and supple-  
 ' mentary Enactments as are specified in the said recited Act, and  
 ' no Payment of Compensation for Slaves in the said Islands hath  
 ' yet been made, and it is further expedient that Provision should  
 ' be made for the Payment of Compensation awarded in the said  
 ' Islands, or in the said Colonies of the *Cape of Good Hope* and  
 ' *Mauritius*, or any Portions thereof, either in Money or in Three  
 ' Pounds Ten Shillings *per Centum* Reduced Annuities: And  
 ' whereas the Sums apportioned for Slave Compensation to the  
 ' several Persons entitled thereto in the said Colonies of the  
 ' *Cape of Good Hope*, the *Mauritius*, and the *Virgin Islands*,  
 ' amount together to the Sum of Three millions four hundred and  
 ' thirty-two thousand nine hundred and seventy-four Pounds and  
 ' One Penny; be it therefore enacted, That, towards providing for  
 the Payment and Satisfaction of such Compensation as aforesaid,  
 there shall be, immediately after the passing of this Act, written in  
 and placed to the Credit of the said Commissioners for the Reduc-  
 tion of the National Debt in the Books of the said Bank of  
*England*, by the Accountant General for the Time being 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*, such Capital  
 in the said Annuities being equivalent to the Sum of Three million  
 four hundred and thirty-two thousand nine hundred and seventy-  
 four Pounds and One Penny Sterling, estimating the Price of  
 such Three Pounds Ten Shillings *per Centum per Annum* Annuities  
 after the Rate of Ninety-nine Pounds Seventeen Shillings  
 and Sixpence for every One hundred Pounds of such Reduced  
 Three Pounds Ten Shillings *per Centum per Annum* Annuities  
 (such Price being the Average Price of the existing Reduced  
 Three Pounds Ten Shillings *per Centum per Annum* Annuities on  
 the Thirtieth Day of *July* One thousand eight hundred and thirty-  
 six, being the Day on which the Certificates of Award did com-  
 mence to be issued for the said Colony of the *Mauritius*), which  
 Capital Sum of Three millions four hundred and thirty-seven  
 thousand two hundred and seventy Pounds Eleven Shillings and  
 Ten-pence

sation to Per-  
 sons at the Cape  
 of Good Hope,  
 the Mauritius,  
 and the Virgin  
 Islands.

Ten-pence shall be added to and consolidated with, and shall be deemed and taken as Part of, and be subject to all the Conditions attending the Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain and Ireland*, and shall be assignable and transferrable and redeemable accordingly; and the Dividends and Charges of Management arising upon the said Capital Sum of Three millions four hundred and thirty-seven thousand two hundred and seventy Pounds Eleven Shillings and Ten-pence Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, the first half-yearly Payment whereof shall commence from the Fifth Day of *April* One thousand eight hundred and thirty-six exclusive; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England*, out of the Consolidated Fund of the United Kingdom, to the Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of Three millions four hundred and thirty-two thousand nine hundred and seventy-four Pounds and One Penny Sterling, together with the Charges attending the same.

Stock may be transferred or Payment made to Claimants at Cape of Good Hope, or Mauritius or Virgin Islands.

IV. And be it further enacted, That upon Application to the said Commissioners for the Reduction of the National Debt for the Payment of any Sum which shall hereafter 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 Slave Compensation under the Provisions of the said Act, the said Commissioners shall, at the Option and under the Directions of any Three or more of the Lords Commissioners of His Majesty's Treasury, pay the same in Money out of the said "*West India Compensation Account*," or transfer or cause to be transferred from the said Account intituled "*The Slave Compensation Account*," to the Person or Persons entitled to such Slave Compensation, such a proportionate Amount of the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded to such Person or Persons, as the whole Sum of Three millions four hundred and thirty-two thousand nine hundred and seventy-four Pounds and One Penny Sterling shall bear to the whole Capital of the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities to be created under the Provisions of this Act.

Slave Compensation Monies in respect of litigated Claims may be transferred to the Accountant General of Chancery.

V. And whereas the Claims for Slave Compensation of some of the Persons in the said Colonies of the *Cape of Good Hope* and the *Mauritius*, and also Claims in other Colonies mentioned in the said recited Act, may become the Subject of counter Claim or Litigation before the said Commissioners of Arbitration, or in the Courts of the said Colonies, or in any Court of Appeal, and it is expedient that Power should be given to transfer the Amount of such litigated Claims to the Name of the Accountant General of the Court of Chancery, to abide the final Settlement of such Claim; be it therefore enacted, That it shall be lawful for



for any Three or more of the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt from Time to Time to transfer or cause to be transferred into the Name of the Accountant General of the Court of Chancery at the Bank of *England* such Portion or Portions of the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities standing to the Credit of the said Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England* under the Title of "The Slave Compensation Account" as shall appertain to any Claim which may from Time to Time be certified by the said Commissioners of Arbitration to be the Subject of any counter Claim before them, or of any Suits in the Courts of any of the said Colonies mentioned in the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, or in any Court of Appeal, and also to direct the Payment to the Account of the said Accountant General at the Bank of *England*, by the said Commissioners for the Reduction of the National Debt, of the Amount of any Interest that may have accrued and become due upon any such Claims up to the Fifth Day of *April* One thousand eight hundred and thirty-six, from which Time the Interest on the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Reduced Annuities is to commence and be payable, and it shall be lawful for the said Accountant General to invest the Amount of any such Interest in the like Three Pounds Ten Shillings *per Centum per Annum* Reduced Annuities, and also to invest therein the future half-yearly Dividends arising from such Reduced Three Pounds Ten Shillings *per Centum* Annuities as the same shall arise and become due; and all such Reduced Three Pounds Ten Shillings *per Centum* Annuities so transferred to or purchased by the said Accountant General may be held by him in the Books of the said Governor and Company of the Bank of *England* in Trust for the Purposes of the said recited Act or this Act, and shall be liable to such and the like Provisions in respect to the Sale and Payment of the Proceeds thereof, or to the Transfer thereof, by the said Accountant General, so far as regards the Claims to Slave Compensation arising in any of the said Colonies, as the Three Pounds *per Centum* Consolidated Bank Annuities are subject and liable to in respect of litigated Claims referred to in an Act passed in the Fifth and Sixth Years of His present 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 passed in the Sixth Year of His present 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.*

5 &amp; 6 W. 4. c. 45.

6 W. 4. c. 5.

VI. And be it further enacted, That the said Accountant General of the Court of Chancery shall be and he is hereby indemnified and saved harmless from all or any Suit or Action at Law or in Equity for any Act to be done or performed by him in carrying into execution the Provisions of this Act, or in acting under the same, and shall not be held or taken to be responsible for or

Indemnification  
to Accountant  
General of  
Court of Chan-  
cery.

liable to make good any Payment of Money or Transfer of Bank Annuities erroneously made by him, unless the same shall have been occasioned by the wilful Default or Negligence of the said Accountant General.

Accountant General may appoint a Deputy, whose Acts shall be valid.

VII. And be it further enacted, That it shall and may be lawful for the said Accountant General of the Court of Chancery to nominate and appoint a fit and proper Person to do and perform all or any of the Acts and Duties imposed upon the said Accountant General by this Act; and that the Acts of the said Deputy shall be as valid and effectual as if the same had been done by the Accountant General himself.

If any Stock remaining after Claims are satisfied it may be cancelled.

VIII. And whereas there will be a Portion of the Reduced Three Pounds Ten Shillings *per Centum* Annuities, created for the Purposes of the said recited Act and this Act, left standing in the Names of the said Commissioners for the Reduction of the National Debt, after satisfying the several Claims for Slave Compensation in the said Colonies, and also by reason of the Awards for Slave Compensation being in many Instances paid in Money, and not in Reduced Three Pounds and Ten Shillings *per Centum* Annuities; be it therefore enacted, That it shall and may be lawful for any Three or more of the Lords Commissioners of His Majesty's Treasury, from Time to Time, by Warrant under their Hands, to order and direct the said Governor and Company of the Bank of *England* to cancel all such Portions of Stock, and thereupon the Dividends or Interest which would have been payable on the Reduced Three Pounds Ten Shillings *per Centum* Annuities so cancelled shall thenceforward cease to be charged upon or issued out of the said Consolidated Fund; and the accrued Dividends which may have been issued upon any such Stock previously to the cancelling of such Stock shall be paid by the Commissioners for the Reduction of the National Debt into the Receipt of His Majesty's Exchequer, to be carried to and form Part of the Income of the Consolidated Fund.

Powers in recited Acts to apply to this Act.

IX. And be it further enacted, That the Powers and Provisions contained in the said recited Acts passed in the Third and Fourth, Fifth and Sixth, and Sixth Years of the Reign of His present Majesty 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.

Act may be altered this Session.

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

### C A P. LXXXIII.

An Act for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in *Ireland*.

[17th August 1836.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Regulation of the Receipts and Issues of His Majesty's Treasury, and for securing the due Application of Money coming into the Hands of the Public Accountants, in Ireland*: And whereas an Act was passed in the

54 G. 3. c. 83.

Fifty-

‘ Fifty-sixth Year of the Reign of His said late Majesty, intituled  
 ‘ *An Act to unite and consolidate into One Fund all the Public* 56 G. 3. c. 98.  
 ‘ *Revenues of Great Britain and Ireland, and to provide for the*  
 ‘ *Application thereof to the general Service of the United Kingdom :*  
 ‘ And whereas an Act was passed in the Fifty-seventh Year of the  
 ‘ Reign of His said late Majesty, intituled *An Act to regulate the* 57 G. 3. c. 84.  
 ‘ *Offices of His Majesty’s Exchequer in England and Ireland re-*  
 ‘ *spectively :* And whereas an Act was passed in the Third Year of  
 ‘ the Reign of His late Majesty King *George* the Fourth, intituled  
 ‘ *An Act to provide for the more effectual Regulation of certain* 3 G. 4. c. 56.  
 ‘ *Offices relating to the Receipt of His Majesty’s Exchequer in Ire-*  
 ‘ *land :* And whereas, with a view to the Advantage of the Public  
 ‘ Service, it is expedient that the Receipt and Issue of all the  
 ‘ Monies forming the Public Revenues of the United Kingdom  
 ‘ should be placed under the Control and Superintendance of the  
 ‘ Commissioners of His Majesty’s Treasury, and further and more  
 ‘ effectual Regulations are therefore necessary in respect of the  
 ‘ Issue of the Public Monies in *Ireland*, and also in respect of the  
 ‘ Offices of Vice Treasurer and Teller of the Exchequer.’ Be it  
 therefore enacted by the King’s most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Temporal,  
 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, That it shall and may be lawful for the  
 Lord High Treasurer, or for the Commissioners of His Majesty’s  
 Treasury, for the Time being, or for any Three or more of them,  
 to reduce or consolidate the Offices of Vice Treasurer and Teller  
 of the Exchequer in *Ireland*, and from Time to Time to make such  
 Orders, Rules, and Regulations in regard to the Receipt and Issue  
 of the Public Monies into and from the Receipt of His Majesty’s  
 Exchequer in *Ireland*, and also for the Discharge of the Duties of  
 the said Offices of Vice Treasurer and Teller of the Exchequer in  
*Ireland*, as to the said Lord High Treasurer or Commissioners of  
 His Majesty’s Treasury shall seem proper; and all such Orders,  
 Rules, and Regulations shall be of full Force and Validity in all  
 respects, any thing in any Act or Acts contained to the contrary  
 notwithstanding.

Treasury may  
 reduce or con-  
 solidate the  
 Offices of Vice  
 Treasurer and  
 Teller of the  
 Exchequer in  
 Ireland, and  
 make Rules for  
 the Discharge  
 of the Duties of  
 the same.

II. And be it further enacted, That the several Orders, Rules,  
 or Regulations which may be issued by the said Lord High Treas-  
 urer or Commissioners of His Majesty’s Treasury under the  
 Authority of this Act shall be laid before both Houses of Parliam-  
 ent within Six Weeks after the Issue of such Orders, Rules, or  
 Regulations, if Parliament shall be sitting, or if not sitting, then  
 within Six Weeks next immediately after the re-assembling of  
 Parliament.

The Rules  
 issued under  
 this Act to be  
 laid before Par-  
 liament.

## C A P. LXXXIV.

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. [17th August 1836.]

‘ **W**HEREAS it is expedient to repeal the several Acts for the uniform Valuation of Lands and Tenements in *Ireland*, in order that the Provisions thereof may be amended and consolidated: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, save as herein-after excepted, the following Acts and Parts of Acts be repealed; (that is to say,) an Act passed in the Seventh Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively*; an Act passed in the First and Second Years of the Reign of His Majesty King *William the Fourth*, intituled *An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King George the Fourth, for making Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the Purpose of the more equally levying of the Rates and Charges upon the same*; an Act passed in the Second and Third Years of the Reign of His Majesty King *William the Fourth*, intituled *An Act to amend Two Acts, of the Seventh Year of the Reign of His late Majesty King George the Fourth, and in the First and Second Years of the Reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland*; and so much of an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King *William the Fourth*, intituled *An Act to amend Three Acts made respectively in the Seventh Year of the Reign of His late Majesty King George the Fourth, and in the First and Second Years and in the Second and Third Years of the Reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland; and to provide for the more effectual Levy of Grand Jury Cess, as relates to the uniform Valuation of Lands and Tenements in Ireland*; and the said several Acts and Parts of Acts are hereby repealed, save so far as they repeal any other Act or Part thereof: Provided nevertheless, that all Acts, Matters, and Things heretofore done under the Provisions of the said Acts, or any of them, hereby repealed, shall be and remain valid and effectual to all Purposes whatsoever; and that any Valuation made or in progress under the Provisions of the said Acts shall be deemed and taken to be a Valuation made by Authority of this Act; and that all Proceedings had

Acts and Parts  
of Acts re-  
pealed:

7 G. 4. c. 62.

1 & 2 W. 4. c. 51.

2 & 3 W. 4. c. 73.

and Part of  
4 & 5 W. 4. c. 55.

except as they  
repeal other  
Acts.

Proviso.

had or taken in or towards making the Valuation prescribed by the said Acts shall enure to the Purposes of the Valuation prescribed by this Act, and be taken to be good, valid, and effectual as if done for the Purpose of the Valuation prescribed by this Act and under the Authority hereof, subject nevertheless to the Provision hereinafter contained for the Amendment of the Valuation made or in progress under Authority of the said recited Acts.

II. And be it enacted, That the Commissioner of Valuation and other Persons heretofore appointed or acting under the said recited Acts, or any of them, in any County, shall and he and they are hereby authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several Duties and Offices, for the Purpose of carrying this Act into execution, without any further or other Appointment thereto, until the Lord Lieutenant of *Ireland* shall otherwise direct.

III. And be it enacted, That whenever the Survey of any County or of any Barony of a County liable to be separately assessed to raise and pay any Proportion of County Cess Charges and Grand Jury Rates, now and heretofore in progress, shall have been made and completed under the Direction of the Officers appointed by the Master General and Board of Ordnance, a Map or Plan of such Barony shall be transmitted by some such Officer to the Chief Secretary of the said Lord Lieutenant, from Time to Time when and as any such Survey shall have been or shall be made and completed, or when and as any such Map or Plan shall be required by such Chief Secretary to be transmitted as aforesaid.

IV. And be it further enacted, That at any Time after the Receipt of any such Map or Plan it shall and may be lawful for the said Lord Lieutenant to nominate and appoint one fit and proper Person to be Commissioner for the several Counties in *Ireland*, to be called the Commissioner of Valuation for such Counties, who shall hold such Office during the Will and Pleasure of the said Lord Lieutenant, and who shall repair to any County, and make a Valuation of the Houses and Lands within every Barony, Parish, or other Division in such County of which any such Map or Plan shall have been made and delivered as aforesaid, and shall proceed in such Valuation at such Times and in such Manner and under such Regulations as such Lord Lieutenant shall order, direct, and appoint; and the said Chief Secretary shall notify or cause to be notified in Writing to the Secretary of the Grand Jury of every such County the Appointment of such Commissioner of Valuation, and such Secretary shall lay such Notification before the Grand Jury of such County at the next ensuing Assizes.

V. And be it further enacted, That at the next ensuing Assizes after the Receipt of the Notification of the Appointment of such Commissioner of Valuation (or at any succeeding Assizes, if need be), the Grand Jury of such County shall nominate and appoint Committees for the several Baronies within every such County respectively, each consisting of not less than Three nor more than Five of such Grand Jurors or Persons who have served upon Grand Juries, together with any Number of Magistrates, not more than Five, resident within such County, each to be called a Committee of Appeal on Valuations for the Barony or Baronies to

Officers under recited Acts to discharge their Duties till otherwise directed.

When a Survey of any Barony, &c. completed, a Map to be sent to Chief Secretary.

Lord Lieutenant may appoint a Commissioner to value the Baronies, &c. so surveyed; Appointment to be notified to Secretary of Grand Jury.

Grand Juries at Assizes shall appoint Committees of Appeal for each Barony, and a general Committee of Revision for the County.

be named and appropriated to each Committee; and every such Committee shall sit and meet within the Barony or Baronies for which such Committee shall be appointed, at such Times as shall be required for the Execution of the Purposes of this Act; and such Grand Jury shall also in like Manner nominate and appoint one general Committee, to consist of not less than Seven nor more than Twelve Persons who have served on Grand Juries or who are Magistrates resident within such Counties, to be called a Committee of Revision of Valuations for the County; and such Committee shall sit and act under the Directions of this Act; and when it shall happen that any such Committee of Appeal or Committee of Revision respectively shall not have assembled, or shall not have received Notice to assemble, at any Time previous to the Assizes next ensuing such their Appointment respectively, the Grand Jury at such next ensuing Assizes shall nominate and appoint a Committee or Committees of Appeal and a Committee of Revision, as the Case shall require, either by Re-appointment of the former Members or any of them, or by the Appointment of any other Person or Persons, to be Members of such Committees respectively; and the Appointment of such Committee shall be made, and Lists thereof respectively shall be delivered by such Grand Jury to the Court, before any Presentment for any Road or Bridge shall be filed by the Judge at any such Assizes.

Lord Lieutenant may appoint Assessors to such Committees :

Decisions of Questions by Committees.

VI. And be it enacted, That it shall be lawful for the said Lord Lieutenant, on the Application of any such Commissioner, or when it shall seem expedient to him so to do, to appoint any practising Barrister to be an Assessor to any such Committee, either to assist such Commissioner, or in the Place and instead of such Commissioner; and such Commissioner, or in his Absence such Assessor, shall attend and act as Chairman of such Committee of Appeal or Revision; and such Committee so constituted shall decide on all Questions which shall come before them by a Plurality of Voices; and in case any such Committee shall be equally divided, the Commissioner of Valuation, or in his Absence the Assessor, being such Chairman, shall have the casting Voice.

Commissioner shall appoint Valuators.

VII. And be it enacted, That it shall be lawful for the Commissioner of Valuation who shall be appointed under this Act to nominate and appoint any Number of Persons, conversant and professionally employed in surveying and valuing Land and Houses, or in Cases of Towns in valuing of Houses only, to be Valuators, and to remove all or any such Valuators from Time to Time, and to nominate any other Person or Persons to be a Valuator or Valuators in the Place and Stead of the Person so removed; and previously to the Appointment of any Person to be a Valuator such Commissioner shall, in company with such Person, perambulate the Whole or any Part of a Barony, in order fully to ascertain his Competence for acting as such Valuator.

Lord Lieutenant may give Orders as to Conduct of Officers.

VIII. And be it further enacted, That it shall be lawful for the said Lord Lieutenant to give such Orders, Instructions, and Directions for the Conduct of the said Commissioner or Commissioners and Valuators respectively, and for the Employment of such Clerks or other Persons, in the Discharge of their several Duties under this Act, as to such Lord Lieutenant shall from  
Time

Time to Time seem fitting and expedient for the due Execution of this Act.

IX. And be it further enacted, That the Valuation of all Lands for the Purposes of this Act shall be made with reference to the Average Prices as herein-after specified of the several Articles following; (that is to say,)

Wheat at the general Average Price of Ten Shillings *per* Hundred Weight of One hundred and twelve Pounds :

Oats at the general Average Price of Six Shillings *per* Hundred Weight of One hundred and twelve Pounds :

Barley at the general Average Price of Seven Shillings *per* Hundred Weight of One hundred and twelve Pounds :

Potatoes at the general Average Price of One Shilling and Seven-pence *per* Hundred Weight of One hundred and twelve Pounds :

Butter at the general Average Price of Sixty-nine Shillings *per* Hundred Weight of One hundred and twelve Pounds :

Beef at the general Average Price of Thirty-three Shillings *per* Hundred Weight of One hundred and twelve Pounds :

Mutton at the general Average Price of Thirty-four Shillings and Sixpence *per* Hundred Weight of One hundred and twelve Pounds :

Pork at the general Average Price of Twenty-five Shillings and Sixpence *per* Hundred Weight of One hundred and twelve Pounds.

X. And be it enacted, That for the Purposes of this Act all Houses comprised in the Valuation hereby directed to be made shall be valued at the Sum or Rent for which each such House could be let by the Year, deducting therefrom One Third Part of such Sum or Rent: Provided always, that no House for which a greater Sum or Rent by the Year than Five Pounds could not be obtained shall be included in the said Valuation.

XI. And whereas in the Valuation heretofore made under the Authority of the several Acts hereby repealed, Houses of an annual Value exceeding Three Pounds have been included, and it is expedient that such Valuation should be amended in that respect; be it therefore enacted, That the said Lord Lieutenant shall and may, when he shall so think fit, authorize and direct the Commissioner of Valuation by whom any such Valuation may have been made to deduct and erase from the several Maps, Field Books, and Lists all Houses which shall therein appear to be of an annual Value not exceeding Five Pounds; and such Maps, Field Books, and Lists so amended shall be of the like Validity and Effect as the same now are, and as if such Houses had never been included therein: Provided always, that no Levy nor Assessment made previous to such Amendment shall be impeached by reason of Houses of an annual Value not exceeding Five Pounds having been included in the Valuation with reference whereunto such Levy or Assessment may have been made.

XII. And be it further enacted, That all Outbuildings, Barns, Stables, Warehouses, Yards, and Offices belonging or contiguous to any House, and occupied therewith by one and the same Person or by the same Persons, or his or their Servants, as one entire

Averages at which Valuations shall be made of Lands.

Valuation of Houses.

Lord Lieutenant may direct all Houses not exceeding £1. in annual Value to be erased from Lists, &c.

Outbuildings, &c. to be valued with House.

Concern or undivided Tenancy or Holding, shall be valued together with such House, and be deemed and taken to be Parcel thereof.

Effective Water Power of all Mills to be valued.

XIII. And be it enacted, That all Flour, Corn, Flax, or other Mills, or Buildings erected for manufacturing or other Purposes, shall be included in such Valuation; provided that the Water Power of any such Mill or Manufactory be only valued so far as it may be actually used, and that such Valuation shall not extend to or include the Value of any Machinery contained within such Mill or Manufactory.

Commissioner of Valuation shall distinguish all Houses, &c. which shall be exempted from Applotment, &c.

XIV. And be it enacted, That in making out the Lists or Tables of Valuation herein-after mentioned of the several Parishes within each Barony, and of the Townlands or other Sub-denominations or Divisions of Land within every such Parish, as herein-after specified, the Commissioner of Valuation shall distinguish all Houses, Lands, or Tenements of a public Nature or used for charitable Purposes, and the Value of the same shall be deducted from the gross Amount of the Valuation of the Houses, Lands, and Tenements comprised in each such List or Table; and all such Houses, Lands, or Tenements so distinguished and deducted shall be exempt from Applotment or Assessment for or towards all County Cess Charges and Parish Rates whatsoever so long as they shall continue to be of a public Nature or used for charitable Purposes; and the Lists, Tables, or Valuations so reduced shall be and be deemed to be the Lists, Tables, or Valuations whereby all Grand Jury and Parish Rates shall be assessed and levied as herein-after provided.

Exemptions from Applotment.

XV. And be it enacted, That no Houses, Lands, or Tenements shall be deemed to be of a public Nature or used for charitable Purposes within the Meaning of this Act unless such Houses, Lands, or Tenements shall be altogether of a public Nature or used exclusively for charitable Purposes: Provided nevertheless, that the Committee of Appeal and Committee of Revision respectively in each County shall, as herein-after provided, have Power and Authority to consider and determine the Justice and Propriety of all such Exemptions, and to make Order allowing or disallowing the same accordingly.

Who to determine Exemptions.

High Constables, &c. to make Returns to Commissioner of Valuation respecting Exemptions.

XVI. And in order to ascertain the Houses, Lands, and Tenements exempt from Assessment as aforesaid, be it further enacted, That the several High Constables or other Collectors of County Cess in every County shall, with all convenient Speed after the same shall have been demanded of them, make out and deliver to the Commissioner of Valuation for such County a Return of the several Houses, Lands, and Tenements which are altogether of a public Nature or used exclusively for charitable Purposes within their respective Districts of Collection; and such Return shall specify the Tenancy and Occupation in which each of such Houses, Lands, or Tenements may be or have been held, and the Use or Purpose to which applied, and shall describe the Situation thereof as fully and accurately as may be possible; and in case any High Constable or Collector shall neglect to make such Return as aforesaid, or make the same in an improper or insufficient Manner, it shall not be lawful to or for the Grand Jury of the County for which he may act to present any Fee or Salary for



for such High Constable or other Collector at the Assizes next ensuing such Neglect or Default.

XVII. And be it enacted, That it shall and may be lawful for any Commissioner appointed or continued under this Act, and for any Valuator or Valuators appointed under this Act, from Time to Time to enter into and upon any Land or House for the Purpose of making and carrying on any Valuation authorized by this Act: Provided always, that in every Case in which it shall be necessary for any such Commissioner or Valuator to enter any House, or any walled Garden or Orchard or Pleasure Ground, and when the Owner or Occupier thereof may oppose or refuse to allow such Entry, such Commissioner or Valuator shall give Three Days Notice to the Owner or Occupier of such House, Garden, Orchard, or Pleasure Ground, requiring to be permitted to enter the same; and at any reasonable Time after the Delivery of such Notice it shall be lawful to make such Entry; such Commissioner and Valuators doing as little Damage as may be in the Execution of the Powers to them granted by this Act, and making reasonable Satisfaction (if required) to the Owners of and other Persons interested in any such Houses, Lands, Gardens, Orchards, or Pleasure Grounds which shall or may be any way hurt or damaged in or by the Execution of any of the Powers of this Act, and this Act shall be sufficient to indemnify such Commissioner and Valuators and all Persons acting in aid or under the Orders of any of them in the Execution of this Act.

XVIII. And be it enacted, That the said Valuator shall enter the Particulars of the Valuation of each and every Parish, and of each and every Townland within the same, when and as each such Valuation shall be completed, in a separate and distinct Field Book, to be appropriated to each and every such Parish respectively, and to be distinguished and entitled as the Survey and Field Book of each such particular Parish respectively, distinguishing the Barony in which such Parish shall be situate, and also distinguishing the several Townlands within such Parish, and the Value of each thereof respectively; and such Valuators shall sign every such Book with their several Names, in their several and respective Handwritings, with the Date of completing such Valuation; and such Valuators shall transmit or deliver every such Field Book of every such Parish, so signed, to the Commissioner of Valuation for the County in which every such Parish shall be situate.

XIX. And be it enacted, That when and so soon as the Valuation of all the Parishes within any Barony shall be completed, the Commissioner of Valuation shall prepare and make out from such Field Books as aforesaid a List or Table of the several Parishes within such Barony, and of the Townlands within every such Parish respectively, distinguishing the Number of Acres contained in every Townland within such Parish, and the total Value of the Land and Houses in every such Parish respectively, according to the Survey thereof and of the Valuation thereof made in pursuance of the Directions of this Act; and such Commissioner of Valuation shall transmit printed Copies of such List, in the Form set forth in the Schedule Number One annexed to this Act, to the High Constable or other Collector of the County

Commissioner and Valuators may enter any Land, Houses, Gardens, &c. in execution of this Act.

Valuators shall enter Valuation of each Parish in a separate Field Book, and transmit the same to the Commissioner of Valuation.

Commissioner shall make out from such Field Books a List of the Parishes, Townlands, &c., and transmit it to the High Constable, &c.

Cess or Grand Jury Rate in or for the Barony, and shall at the Foot of such List specify the Day and Place appointed by such Commissioner of Valuation for the Meeting of the Committee of Appeal, and which Day shall not be sooner than Six Weeks after the Day of the Transmission of such List to such High Constable.

High Constable shall send Copies to Churchwardens of each Parish, who shall post them on Church Doors, &c.

XX. And be it enacted, That every High Constable or Collector to whom any such List shall be transmitted as aforesaid shall transmit Copies of each such List to the Churchwardens or Churchwarden of every Parish within such Barony; and every such Churchwarden within Ten Days after the Receipt of such List shall post and affix a Copy thereof on the principal outer Door of the Church, and of any One Roman Catholic Chapel, and of any One Presbyterian Meeting House within such Parish; there to remain affixed for Two successive *Sundays* after the affixing thereof; and if any such Copy of any such List shall be removed from the Church or other Place where the same shall have been posted or affixed as aforesaid, or shall be destroyed or defaced at any Time within Fourteen Days after the affixing the same, the Churchwardens or Churchwarden shall post and affix, or cause to be posted and affixed, a new Copy of every such List on the Door of such Church, Chapel, or Meeting House respectively, and so from Time to Time when any such Copy shall be so destroyed or defaced.

Churchwardens shall call a Vestry to consider the Lists, and the Necessity of appealing against them.

XXI. And be it enacted, That within Ten Days next after the Receipt of the Copy of any such List as aforesaid public Notice shall be given by the Churchwardens or Churchwarden in the usual Manner of Notices given for holding Vestries in such Parish, that a Select Vestry will be holden in and for such Parish on some Day to be named in such Notice, not being less than Ten Days nor more than Fourteen Days from the *Sunday* on which any such List shall have been first affixed on the Door of the Church and other Place or Places of Public Worship in such Parish, for the Purpose of taking such List into consideration, and to determine on the Necessity or Propriety of appealing against such List; and such Vestry so assembled shall proceed to take such List into consideration, and may adjourn from Time to Time to any Day not more than Ten Days distant from the First Day of Meeting.

Select Vestry shall consist of Persons having paid 20s. per Annum to County Cess, or being Justices of the Peace, or Freeholders of 20l. or upwards.

XXII. And be it enacted, That no Person shall be admitted or entitled to attend or to vote at any such Select Vestry to be holden for the Purposes last aforesaid, except such Persons as are hereafter described, (that is to say,) such Persons as shall have actually paid and satisfied County Cess Charges or Grand Jury Rates for Lands or Tenements in such Parish to the Amount of Twenty Shillings within Twelve Calendar Months next preceding the Day of holding any such Vestry, and Persons who shall be Justices of the Peace, qualified to act as such within such Parish, and Persons seised respectively of Freehold Estate, situate within such Parish, of the Value of Twenty Pounds or upwards, (not arising from a Rent-charge,) and duly registered as such under any Act or Acts in force relating to the Election of Members of Parliament in *Ireland*, and of which Registry such Persons shall produce a Certificate signed by the Clerk of the Peace; and if any Person shall attend or vote, or shall claim or offer to attend or vote, at any

any such Select Vestry, not being qualified in such Manner as is herein-before stated, every such Person shall for every such Offence forfeit the Sum of Ten Pounds.

XXIII. And be it enacted, That if on the First Day of the Meeting of such Vestry, or at any adjourned Meeting of such Vestry which shall be held on any Day not more than Ten Days distant from such First Day of Meeting, it shall be determined that an Appeal shall be made against any Valuation contained in such List in respect of the Valuation of the whole of such Parish as compared with any other Parish within the Barony, or if it shall appear to such Vestry that the Owners or Occupiers of the greater Portion in Extent and Value of Lands situate in any Townland within the Parish in which such Vestry shall be held shall be desirous of appealing against the Valuation of any such Townland as compared with that of any other Townland or Townlands within the said Barony, it shall be lawful for such Vestry to direct that such Appeal shall be made by such Vestry on behalf of such Parish, or by certain Persons to be named at such Vestry on behalf of the Owners or Occupiers of Land within any such Townland as aforesaid; and a Memorandum of the Agreement to make such Appeal, or some Minute or Entry of the same, and of the Grounds of such Appeal, shall be stated in Writing, and shall be entered in the Books of such Vestry, or in some Book to be kept for that Purpose, and shall be signed by the Chairman of such Vestry and Four other Persons present at such Vestry; and a Copy of the Memorandum of such Agreement and the Grounds of such Appeal shall be transmitted by the Chairman of such Vestry within Two Days after such Meeting to the Commissioner of Valuation for the County in which such Parish shall be situate, and shall be held to be sufficient Notice on the Part of such Parish or Townland of their Intention to appeal.

If Vestry agree to appeal for the Parish or for any Townland, a Memorandum thereof and of the Grounds of Appeal shall be sent to the Commissioner of Valuation.

XXIV. And be it enacted, That it shall and may be lawful for any Select Vestry to appeal against any Valuation contained in any Table or List, or against the Formation of any Table or List prepared under Authority of this Act, on the Ground of any Houses, Lands, or Tenements having been improperly considered as of a public or charitable Nature, and distinguished or deducted from any List or Valuation accordingly, whether such Houses, Lands, or Tenements be situate in the Parish wherein such Vestry may be holden, or in any other Parish of the same Barony; and that such Appeal shall be determined upon, and a Memorandum of the Agreement so to appeal made, and like Notice thereof given, as in case of Appeal on any Ground whereupon it may be lawful to appeal by virtue of the Provisions of this Act.

Appeal may be made against Exemption or Non-exemption.

XXV. And be it enacted, That in any Parish or Place in which there may be no Churchwarden or Churchwardens, the High Constable shall transmit Copies of the Valuation List to some Two Landholders resident within such Parish or Division, who shall post the same in like Manner as the Churchwardens of any Parish have been herein-before required to do, and shall summon a Special Vestry to meet for the Consideration of such List, at some convenient Time and Place within such Parish or Place, and notify the Time and Place appointed for the Meeting of such Vestry by Notices to be posted in like Manner as the said

How to proceed where there shall be no Churchwarden.

said Lists are herein-before directed to be posted; and the Special Vestry so summoned shall have all such Power and Authorities in respect of such Lists, and appealing against the same or any Part thereof, and shall be constituted in like Manner and subject to the like Rules and Regulations, as any Special Vestry summoned by any Churchwardens for the Purposes of this Act.

Notice by Commissioner to Secretary of Grand Jury, and by Secretary of Grand Jury to Committee of Appeal, of Day and Time appointed for hearing Appeals.

XXVI. And be it enacted, That the Commissioner of Valuation by whom such List of the Valuations of the several Parishes and Townlands in any Barony of any County shall be transmitted to the High Constable or Collector, as by this Act is required, containing such Notice of the Day and Place appointed by such Commissioner for the hearing Appeals against any Valuation specified in such List, shall, within Seven Days next after the transmitting such List to such High Constable or Collector, give and transmit Notice in Writing to the Secretary of the Grand Jury of such County of the Day and Place so appointed for the hearing of such Appeals; and such Secretary of the Grand Jury shall give Notice of the Day and Place so appointed for the hearing of such Appeals by Letters addressed to each and every of the Persons who shall have been nominated and appointed by the Grand Jury in pursuance of this Act to be the Committee of Appeal against Valuations in and for such Barony; and such Secretary of the Grand Jury shall also give Notice of such Day and Place of Meeting, by an Advertisement to be inserted in some public Newspaper usually circulated in such County, in some Publication of such Newspaper Fourteen Days at least before the Day appointed for such Meeting.

Meeting of Committee of Appeal.

XXVII. And be it enacted, That it shall be lawful for such Committee of Appeal to assemble, at the Day and Place appointed, for the hearing of all Appeals of which such Notice shall have been given as aforesaid, and that such Place shall be the usual Place of holding Sessions of the Peace within the Barony, unless some other Place shall be specially appointed in the Notice for the Sitting of such Committee of Appeal and for the hearing such Appeals; and it shall be lawful for such Committee of Appeal to adjourn from Time to Time as they shall see fitting and convenient.

Field Books shall be produced before Committee of Appeal; who may summon Witnesses;

XXVIII. And be it enacted, That the Commissioner of Valuation shall produce or cause to be produced before such Committee of Appeal all or any of the Field Books which shall have been transmitted to such Commissioner from the Valuers of any Parish, in case the same shall be required by such Committee; and it shall be lawful for such Committee of Appeal to send their Precept or Precepts, under their Hands and Seals, or the Hands and Seals of any Two of them, or under the Hand and Seal of the Commissioner of Valuation, or, in his Absence, of the Assessor to be appointed as aforesaid, to any Person or Persons whomsoever, to attend and appear and be examined before such Committee of Appeal; and all and every Person or Persons who shall be called upon or summoned by any such Precept shall and they and he are and is hereby required and directed to attend such Committee of Appeal at such Time and Times and Place and Places as shall be appointed; and it shall be lawful for such Committee of Appeal, or any Member thereof, and they and he is and are hereby

and examine them on Oath.

authorized and empowered, to examine any such Person or Persons upon Oath (or Affirmation in the Case of Quakers), and such Committee, or any Member thereof, (Three or more of the Members of such Committee being present,) shall and may and are and is hereby authorized and empowered to administer such Oath or Affirmation to any Person or Persons respectively; and all and every such Person or Persons shall answer upon Oath or Affirmation as aforesaid to all Questions which shall be put to them by such Committee, or any Member thereof; and if any Person or Persons shall, upon his, her, or their Examination before such Committee, wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect in *Ireland* Persons guilty of Perjury are subject and liable to.

Penalty for Perjury.

XXIX. And be it enacted, That if upon the hearing of such Appeal it shall appear to such Committee of Appeal that there is any just Cause of Complaint against such Valuation, or any Part thereof, either by reason of the Disproportion of the Valuation of any Parish or Townland as compared with the Valuation of any other Parish or Townland, or by reason of the Valuation not having been made with reference to the Standards fixed for such Valuation by this Act, or on any other Account whatsoever, it shall be lawful for such Committee of Appeal, if they shall think fit, to alter or amend such Valuation, or if they shall consider a new Valuation to be necessary, to direct that a new Valuation shall be made of any Parish or Townland or Parishes or Townlands contained in such Valuation, by some Valuator or Valuators, not being the same who were employed or engaged in making the Valuation appealed against; and such Committee shall order that such new Valuation shall be made and produced before such Committee on a Day to be appointed for that Purpose by the said Committee, to which Day it shall be lawful for such Committee of Appeal to adjourn accordingly; and at such adjourned Meeting of such Committee of Appeal it shall be lawful for the said Committee of Appeal, and they are hereby authorized and required, to compare such new Valuation with the former Valuation of the same Parish or Townland or Parishes or Townlands appearing in the Field Books made on the first Valuation thereof respectively, and to make such Alterations or Amendments in the Amount of such first Valuation, or otherwise to confirm the same, in such Manner as to such Committee of Appeal shall appear to be consistent with the Justice of the Case.

Committee of Appeal may direct Re-valuation, or amend or confirm the original Valuation.

XXX. And be it enacted, That it shall be lawful for such Committee of Appeal to ascertain and allow the Amount of any Costs incurred by or on behalf of any Parish in the bringing and hearing of any such Appeal; and the Amount of all such Costs so ascertained and allowed shall be assessed and apportioned by the Churchwardens or Churchwarden of such Parish, either on the Inhabitants of the Whole of such Parish, or on the Inhabitants of any Townland or Townlands within such Parish in respect of which such Appeal shall have been made, and shall be levied on such Inhabitants in like Manner and in such Proportions as any Assessment or Apportionment on any such Inhabitants in respect of any

Costs by Parishes on Appeal may be ascertained by Committee, and levied as other Parish Rates.

any Church Rates or other Parish Charges may be assessed, ap-  
plotted, and levied.

Where no Ap-  
peal, Valuation  
conclusive.

Decision of  
Committee of  
Appeal conclu-  
sive, if Com-  
missioner or  
Assessor assent,  
otherwise to  
be subject to  
Review of  
Committee of  
Revision.

XXXI. And be it further enacted, That where no Appeal shall have been made to such Committee of Appeal against any such Valuation within the Time directed by this Act, such Valuation, as stated in the List prepared by the Commissioner of Valuation under the Directions of this Act, shall be conclusive; and that, in case of Appeal, the Decision of such Committee of Appeal shall be conclusive in all Cases where such Decision shall be concurred in and approved of by the Commissioner of Valuation, or, in his Absence, by the Assessor to be appointed as aforesaid, and sitting as Chairman of such Committee of Appeal: Provided always, that in case it shall happen that such Commissioner of Valuation or Assessor respectively, sitting as such Chairman as aforesaid, shall disagree from the Decision of such Committee of Appeal, it shall and may be lawful for such Commissioner or Assessor to submit such Decision to the Committee of Revision for such County, at the Time when the Valuation of all the Baronies within the County shall be submitted to the Review of such Committee of Revision in manner herein-after mentioned; but until the Decision of such Committee of Revision shall have been obtained, the Valuation determined on by the Majority of the Committee of Appeal shall be acted on in the same Manner as if such Appeal to the Committee of Revision had not been made by the Commissioner of Valuation or his Assessor.

Committee of  
Appeal may in  
certain Cases  
direct a new  
Valuation to be  
made, although  
no Appeal shall  
have been  
lodged in re-  
spect thereof.

XXXII. Provided, and be it enacted, That where an Appeal shall have been made to any Committee of Appeal, under the Provisions of this Act, by or on behalf of any Parish, or the Owners or Occupiers of Land within any Townland of any Parish, against the Valuation or any Part of the Valuation of the same or of any other Parish or Townland or Townlands within the same Barony, and it shall appear to such Committee of Appeal that just Cause has been shown to warrant such Committee to direct that a new Valuation shall be made of any such Parish or Parishes, Townland or Townlands, in respect of or on behalf whereof such Appeal may have been made, then and in such Case it shall and may be lawful for the said Committee of Appeal, with the Consent of the Commissioner of Valuation for such County, or of his Assessor, to direct that a new Valuation shall in like Manner be made of any other Parish or Parishes, Townland or Townlands, within the same Barony, the Valuation whereof shall appear to the said Committee to have been defective or erroneous in the same respects, or to which the same Ground of Appeal may appear justly applicable, although no such Appeal shall have been made in respect of or on behalf of such other Parish or Parishes, Townland or Townlands.

When the Va-  
luation of any  
Barony is de-  
cided on, a List  
of the Parishes  
and other Divi-  
sions within  
them shall be  
published.

XXXIII. And be it enacted, That when and as the Valuation of any Barony within a County shall have been made by such Valuators, and transmitted to the Commissioner of Valuation and decided on by the Committee of Appeal, the said Commissioner of Valuation shall prepare and make out, in the Form of the Schedule (No. 1.) to this Act annexed, a List or Table of the several Parishes within such Barony, and of the several Townlands within each such Parish, distinguishing the Number of Acres contained

contained in every such Parish and Townland, and the Value of the Lands and Houses in each such Parish or Townland respectively, according to the Survey and Valuation thereof so decided upon; and each such List or Table shall be signed by the said Commissioner of Valuation or his Assessor and Three Members of the said Committee of Appeal, and shall be transmitted, so signed, to the Chief Secretary of the said Lord Lieutenant, and a Copy thereof shall be published in some Newspaper circulated in the County to which such Valuation shall relate; and from and after the End of the Assizes next ensuing the Day of such Publication, and until the End of the Assizes next ensuing the Day on which the List and Valuation of all the Baronies within the same County, as completed and agreed on by the first or preliminary Committee of Revision appointed under the Provisions of this Act, shall have been published, but no longer, all Grand Jury Rates, and the usual and accustomed Proportion of all County Cess Charges whatsoever, imposed or to be imposed on such Barony by Presentments of the Grand Jury, or to be raised off such Barony or any Parish and Division thereof, and all Parish Rates imposed or to be imposed or levied off any Parish or Townland of such Barony, under the Authority of any Law or Statute, shall be assessed and levied off such Barony, and off every Parish and Townland therein, according to the Proportions specified in such List and Valuation so signed and published as herein-before directed.

During the Period herein described, all County Cess, &c. shall be levied according to the Proportions therein specified;

XXXIV. Provided always, and be it enacted, That the Publication of the List and Valuation of any Barony, by Order of the Committee of Appeal under the Provisions of this Act, shall not alter or affect the relative Proportion of County Cess or Charges which by any Laws or Usage may be or have been borne by such Barony as compared with any other Barony or Baronies.

but not to affect the Proportions borne by such Barony.

XXXV. And be it enacted, That when and so soon as the Valuation of all the Parishes within any Barony shall be completed, the Commissioner of Valuation shall make out a Copy of the Field Book of each Parish, and shall make out a Field Map showing the several Portions of Land which may have been separately valued, and distinguishing and numbering the same so as to correspond with the said Field Book; and the said Commissioner shall deliver such Copy of the Field Books and Maps, attested by his Signature, to the Treasurer of the County, who shall keep the same in his Office, there to remain open to public Inspection; and any Owner or Occupier of Land within such Parish shall be at liberty to make Copies or Extracts therefrom without Fee or Reward.

When Valuation completed, Commissioner to lodge a Copy of Field Book and a Field Map with County Treasurer.

XXXVI. And be it enacted, That when and so soon as the Valuation of all the Baronies within any County shall have been made by such Valuers as aforesaid, and transmitted to the Commissioner of Valuation, and decided on by such Committee of Appeal, the said Commissioner shall prepare and make out a List or Table, in the Form contained in Schedule (No. 2.) to this Act annexed, of all the several Baronies within such County, specifying the Number of Acres within each such Barony according to the Survey made thereof by the Officers of Ordnance, and the total Value of the Land and Houses in such Barony according to the Valuation thereof by such Valuers pursuant to the Directions of

When Valuations of all the Baronies in any County are completed, Commissioner shall send List thereof to Secretary of Grand Jury, who shall summon the Committee of Revision.

this Act, and shall transmit a Copy of such List or Table, signed by such Commissioner, and dated on the Day of the Transmission thereof, to the Secretary of the Grand Jury of such County, and shall at the Foot of the Copy of such List specify the Day appointed by such Commissioner of Valuation for the Meeting of the first or preliminary Committee of Revision of the said County at the County Court House of the said County, for the Revision of the Valuation of the said Baronies, which Day shall not be sooner than Eight Weeks next after the Date of the Copy of such List signed by such Commissioner; and such Secretary of the Grand Jury shall give Notice of the Day and Place appointed for the Revision of such List, by Letters addressed to each and every of the Persons who shall have been nominated and appointed by the Grand Jury in pursuance of this Act to be the Committee of Revision for such County; and such Secretary of the Grand Jury shall also give Notice of such Day and Place of Meeting of such Committee of Revision, by an Advertisement to be inserted in some public Newspaper usually circulated in such County, in some Publication of such Newspaper Six Weeks at least before the Day appointed for such Meeting.

Committee of Revision may examine Valuations of Baronies in Field Books, and amend the same so as to make them just and proportionate with each other;

XXXVII. And be it enacted, That at the Day appointed for the Meeting of such Committee of Revision the Members of such Committee of Revision, together with the Commissioner of Valuation, or his Assessor, shall meet together in the Court House of such County, and shall there proceed to inquire and consider and determine whether the several Baronies of the said County have been equally and properly valued, pursuant to the Directions of this Act, with reference to the Standards fixed for such Valuation by this Act, and also with reference to the respective Valuations of the several Baronies as compared with each other; and the said Commissioner of Valuation shall produce or cause to be produced before the said Committee of Revision, if they shall require the same, all the Field Books containing the Valuation of the several Parishes within the several Baronies of the said County, and such Field Books shall and may be consulted, perused, and examined by the said Committee of Revision, or any Member thereof; and if upon such Examination or otherwise it shall appear to such Committee of Revision that any excessive or defective Valuation has been made of any Barony, or that the Standard required by this Act has not been adhered to in such Valuation, or on any other Account whatsoever, it shall be lawful for such Committee of Revision to correct any Errors which may appear to them upon Examination and Inquiry to have been made in such Valuations, so as to make the Valuation of the respective Baronies just and equal and in due Proportion with each other; and it shall be lawful for such Committee of Revision to adjourn from Time to Time as they shall see fitting and convenient.

and may alter the Valuation of any Division as well as of the whole Barony.

XXXVIII. And be it enacted, That when any such Committee of Revision shall think fit to alter the Amount of the Valuation of any Barony, as compared with any other Barony, it shall and may be lawful for them to alter the Amount of the Valuation of any Parish or Parishes, Townland or Townlands of such Barony, in such Manner and to such Extent as the said Committee shall think just with regard to the Reason or Principle on which the  
gross



gross Amount of the Valuation of such Barony may have been altered by them.

XXXIX. And be it enacted, That all fractional Parts of a Pound Sterling may be rejected from the total Value of any Barony, Parish, Manor, or other Denomination, as stated in any List and Valuation prepared under Authority of the said recited Acts or this Act, for the Purpose of computing the Proportions in which the same shall be respectively rated.

Fractions of a Pound may be rejected from Valuations.

XL. And be it enacted, That when the Committee of Revision shall have come to a Decision the List of the several Baronies and the Valuation thereof, as confirmed or amended, shall be signed by the Commissioner of Valuation or by the Assessor, and by Three at least of the Members of the said Committee of Revision appointed by the Grand Jury, and a Copy thereof, according to the Form (No. 3.) of the Schedule to this Act annexed, or in such other Form as shall be approved of by the Judge and Grand Jury at any Assizes to be holden for such County, shall be published in some public Newspaper circulated in the County to which such List and Valuation shall relate; and from and after the End of the Assizes next ensuing the Day on which such List and Valuation so signed shall be published as aforesaid, all County Cess and Charges whatsoever, and all Grand Jury Rates, imposed or to be imposed on any such County by Presentments of the Grand Jury, or to be raised off such County, or any Barony, Parish, or Townland thereof, and all Parish Rates imposed or to be imposed or levied or to be levied under the Authority of any Act or Acts of Parliament, shall be assessed and levied off such County, and off every Barony, Parish, or Townlands therein, according to the Proportions specified in such List and Valuation so published, until and unless the same shall be revised or altered by a Committee of Revision re-assembled as herein-after provided, and no longer.

When Committee of Revision have come to a Decision the List to be signed and a Copy published, and thenceforth all Charges and Rates shall be levied according to it.

XLI. And be it enacted, That at some Assizes within Three Years next after the Publication of such List and Valuation of all the Baronies of each County the Grand Jury shall nominate and appoint a Time for the Re-assembly of the Committee of Revision of such County, and the Secretary of the Grand Jury shall give Notice of the Time appointed for such Re-assembly of the Committee of Revision in like Manner as he is required to give Notice of the First Meeting of such Committee; and at the Time so appointed the Members of such Committee of Revision, together with the Commissioner of Valuation or his Assessor, shall meet in the Court House of such County, and shall there and then inquire into and determine all such Complaints as shall be made against the said Valuation or any Part thereof; and it shall be lawful for the said Committee to revise and amend such Valuation as to them may seem just, or to direct a new Valuation when the same shall appear necessary, and to adjourn from Time to Time; and the Valuation, as confirmed or amended and finally agreed on by such Committee, shall be in the Place and Stead of the former Valuation so published, and of like Force and Effect: Provided always, that Notice in Writing of any Complaint which it is intended to prefer to the said Committee so re-assembled shall

At some Assizes within Three Years after such Publication, Committee of Revision to meet to finally amend and settle Valuations.

How Notice of Complaints intended to be preferred at

such Meeting to be given.

be given to the Commissioner of Valuation of such County or to the Secretary of the Grand Jury, who shall forward the same to the said Commissioner, at least Thirty-one Days before the Time appointed for the re-assembling of such Committee; and that such Notice shall be subscribed by at least Two Persons each paying Grand Jury Cess to the Amount of Forty Shillings, or by at least Two Persons having each a Freehold or Leasehold Estate in Lands or Tenements of the annual Value of Twenty Pounds or upwards and situate in such County.

List and Valuation of the Baronies, when finally settled by Committee of Revision, shall be published in the Dublin Gazette.

XLII. And be it enacted, That when the Committee of Revision so re-assembled shall have come to a final Decision, the List of the several Baronies, and the Valuation thereof as confirmed or amended and finally agreed on by such Committee of Revision so re-assembled, shall be signed by the Commissioner of Valuation or by the Assessor and by Three at least of the Members of such Committee of Revision; and a Copy thereof, according to the Form contained in No. 3. of the Schedule to this Act annexed, or in such other Form as shall be approved by the Judge and Grand Jury at any Assizes to be holden for such County, shall be transmitted to the Chief Secretary of the Lord Lieutenant, and he shall cause the same to be published in the *Dublin Gazette* within Thirty-one Days next after he shall have received such List so signed by such Commissioner and Committee or Three Members thereof; and the Secretary to the Grand Jury shall also cause such List to be published in some public Newspaper circulated in the County to which such List and Valuation shall relate; and the several Field Books and other Documents shall be transmitted by the Commissioner of Valuation to the Office of the Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin Castle*, to be there arranged and kept as may be most for Convenience and Security; and a Copy of such Field Books shall be furnished by such Commissioner of Valuation to the Treasurer of the County.

After such Publication all County Cess shall be levied according to the Sums and Proportions in such Valuation.

XLIII. And be it enacted, That from and after the End of the Assizes next ensuing the Day on which such List and Valuation so signed and settled by the said Committee of Revision so re-assembled as aforesaid shall be published in the *Dublin Gazette*, all County Cess Charges whatsoever and all Grand Jury Rates imposed or to be imposed on such County by Presentments of the Grand Jury, or to be raised off such County, or any Barony, Parish, or Townland thereof, and all Parish Rates imposed or to be imposed or levied or to be levied under the Authority of any Act or Acts of Parliament, shall be assessed and levied off such County, and off every Barony, Parish, or Townland therein, according to the Proportions specified in such List and Valuation so published, and not otherwise; any Law, Usage, or Custom, or any former Assessment or Valuation, to the contrary in anywise notwithstanding.

Treasurer to furnish Copies of Field Books and Maps to Persons requiring same

XLIV. And be it enacted, That the Treasurer of each County shall furnish Copies of such Field Books, as and when the Valuation therein contained shall have been confirmed or amended and finally agreed on by the said Committees of Appeal and Revision respectively of such County in manner by this Act provided, and

of

of such Field Maps, marked and numbered to correspond with such Field Books, to any Person or Persons requiring the same for the Applotment of Grand Jury Cess, and such Copies shall be prepared under such Regulations as the Grand Jury of such County shall fix and determine; and they shall present, to be raised off the Townland or other Denomination of Land to which such Copies shall relate, the Expence of making the same: Provided always, that such Field Books and Field Maps shall not be conclusive in respect to such Applotment, but that such Applotment shall be varied from Time to Time when and as to the Applotters may seem just and necessary with regard to the Value of the Lands and Premises subject to such Applotment at the Time of making the same.

for Applotment of Grand Jury Cess.

XLV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant to order and direct that a Salary, at the Rate of not more than Five hundred Pounds by the Year, shall and may be paid to any Person who shall be appointed Commissioner of Valuation, and to each and every Person who shall be continued as a Commissioner of Valuation under the Authority of this Act, during the Time he shall be so employed.

Salary to Commissioners of Valuation.

XLVI. And whereas it is expedient for the more complete Uniformity of the said Valuation, that the same should be carried on under the Control and Direction of a single Commissioner of Valuation, and the Salary of Five hundred Pounds *per Annum* is an insufficient Remuneration for a Person appointed to act as such Commissioner in many Counties; be it therefore enacted, That in addition to the said Salary of Five hundred Pounds *per Annum* it shall and may be lawful for the said Lord Lieutenant, at his Discretion, to order and direct such Allowance for travelling and other Expences, not exceeding One Guinea *per Day* for every Day during which such Commissioner shall be engaged in the Business of such Valuation, as to the said Lord Lieutenant shall seem proper; and that every Valuator or other Person who shall be appointed under the Authority of this Act shall receive and be entitled to receive for his Trouble any Sum of Money or Allowance not exceeding the Rate of Twenty Shillings for every Day during which any and every such Person shall be employed by or engaged under the Orders of such Commissioner of Valuation, upon a Certificate, to be signed by such Commissioner, that such Person was so employed for the Number of Days to be stated in such Certificate, and that such Person diligently conducted himself in the Execution of this Act in a Manner satisfactory to such Commissioner.

Lord Lieutenant may order an Allowance for travelling Expences to Commissioner of Valuation in addition to his Salary.

XLVII. And be it enacted, That it shall be lawful for the Lord Lieutenant to order and direct that any such Sum or Sums of Money as he or they shall think proper shall from Time to Time be advanced out of the Produce of the Consolidated Fund of the United Kingdom, arising in *Ireland*, for the defraying the Salaries of the said several Commissioners of Valuation and the Allowances which shall be from Time to Time payable to the Persons employed in carrying this Act into execution; and all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations as shall from Time to Time

Lord Lieutenant may advance Money out of Consolidated Fund.

Sums paid to  
Commissioner  
and Valutors  
to be repaid by  
Presentment.

be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the Chief Secretary, or in his Absence by the Under Secretary, and it shall be lawful for such Chief Secretary or Under Secretary to certify to the Grand Jury of any and every County within which any such Persons shall be employed the Amount of Money which shall have been paid to the Commissioner of Valuation and to the several Persons employed within such County in the Execution of this Act out of the Advance authorized by this Act; and thereupon it shall and may be lawful for the Grand Jury of any and every such County respectively, and they are hereby authorized and required, to make Presentment of the Amount of such Expences as stated in such Certificate, to be raised off the County at large or the several Baronies therein in such Manner and in such Proportions as the Lord Lieutenant shall direct; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any County, such Treasurer shall pay over the same to such Bank or Person as the Lords Commissioners of the Treasury or any Three or more of them shall think fit to direct.

Construction of  
Terms.

5 G. 4. c. cxviii.

XLVIII. And be it enacted, That in the Construction of this Act the Words " Lord Lieutenant " shall be understood to mean Lord Lieutenant or other Chief Governor or Governors of *Ireland*; the Word " Inhabitant " to include every one rated to the Grand Jury Cess; and that all Provisions and Directions in this Act contained relating to Counties shall extend to all Counties, Counties of Cities, Counties of Towns, and Towns Corporate in *Ireland*, except such Parts of the County of *Dublin* or the County of the City of *Dublin* as lie within the Circular Road of the said City, and which are comprised in the Valuation made under Authority of an Act passed in the Fifth Year of His late Majesty's Reign, 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 that all the Acts and Duties by this Act required to be performed by the several Grand Juries at the Assizes for any County shall and may, in the County of *Dublin* or the County of the City of *Dublin*, be performed at the Presenting Terms by the Grand Juries duly met and impannelled; and that all Provisions and Directions relating to Baronies shall extend to Half Baronies and to all other Divisions of Counties being greater than Parishes; and that all Provisions and Directions relating to Parishes shall extend to all Chapelries or Divisions of Parishes or Extra-parochial Divisions, and to all Unions of Parishes, as if the same were One Parish, in Cases where any such Union or Division shall be rateable as One Parish; and that all Provisions and Directions relating to Townlands shall extend to all Divisions and Sub-denominations of Lands less than and being comprised within any Parish; and that where any Parish or Union shall be situate in more than One County or Barony, or partly in a County and partly in a County of a City, County of a Town, or Town Corporate, the several Parts of such Parish shall be valued as a distinct Parish in the several Baronies or Counties, or Counties of Cities or Counties of Towns, or Towns Corporate, to which they shall contribute

contribute to the Payment of any County Cess Charges or Grand Jury Rate.

XLIX. And be it enacted, That Ten Days previously to the Commencement of each Assizes the Commissioner of Valuation shall transmit to the Secretary of any Grand Jury of any County which shall be in the course of Valuation a Statement of the Progress made in such Valuation, together with the Amount of the Expenditure on the same, up to the Period when such Return shall be made.

Commissioner of Valuation to state Progress of Valuations.

L. And be it enacted, That if any High Constable or other Collector of County Cess or Grand Jury Rates, or any Churchwarden of any Parish, or any Landholder hereby required to act in lieu and stead of a Churchwarden, or any Commissioner of Valuation, or any Valuator appointed by such Commissioner, or any Secretary of the Grand Jury, shall omit or neglect or refuse to do any Matter or Thing which such High Constable or Collector, Churchwarden, Landholder, Commissioner, Valuator, or Clerk of the Peace are by this Act required and directed to do in the Execution of this Act in manner required by this Act, every Person so offending shall forfeit a Sum not exceeding Twenty Pounds and not less than Five Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Penalty on High Constable, Churchwarden, Commissioner, &c. neglecting their Duty in Execution of this Act.

LI. ' And whereas there are divers detached or isolated Parcels of Land belonging to or forming Part of certain Counties in *Ireland*, but locally situate within or surrounded by other Counties; and in like Manner there are divers detached or isolated Parcels of Land belonging to or forming Part of certain Baronies, but locally situate within or surrounded by other Baronies: And whereas it is expedient, for the Purpose of the General Survey of *Ireland* now carrying on under the Direction of the Master General and Board of Ordnance, and for the Purpose of the Valuation consequent upon such Survey, that such detached or isolated Portions of Counties and Baronies should be comprised and included in the Counties and Baronies within which they may be respectively locally situate or whereto they may adjoin, so that each County and Barony in *Ireland* may respectively consist of one continuous Tract of Land; be it therefore enacted, That whenever the Surveyors or Persons appointed by the said Lord Lieutenant to ascertain and mark out the reputed Boundaries of each or any County, Barony, Half Barony, Parish, or other Division or Denomination of Land in *Ireland*, with a view to the more effectual Execution of the General Survey now in progress throughout *Ireland* under the Direction of Officers appointed by the Master General and Board of Ordnance, pursuant to the Provisions of an Act made in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intitled *An Act to repeal an Act of the last Session of Parliament relative to the forming Tables of Manors, Parishes, and Townlands in Ireland, and to make Provision for ascertaining the Boundaries of the same*, shall find that there is any detached or isolated Portion of any one County locally situated within any other County, or between any Two other Counties, or surrounded by any other Counties, or that there is any detached or isolated Portion of any

When the Boundary Surveyors, &c. shall find any detached Portion of any one County situate within or surrounded by other Counties, &c. they shall report the same to Lord Lieutenant in Council;

6 G. 4. c. 99.

who shall order the Annexation of such detached Portions.

What such Order of the Lord Lieutenant, &c. in Council shall contain; to be published in Dublin Gazette, and Copies thereof delivered to Surveyors and lodged with Clerks of the Peace for the Counties to which same shall relate.

Lord Lieutenant in Council empowered to make a Supplemental Order.

one Barony locally situated within any other Barony, or between any Two other Baronies, or surrounded by any other Baronies, the said Surveyors or Persons shall make a Report to the said Lord Lieutenant in Council, stating the Situation of each such detached or isolated Portion of a County or Barony and of the adjoining Counties or Baronies, and describing the same in a Plan or Map to be annexed to such Report; and thereupon such Lord Lieutenant in Council shall make Order directing such detached or isolated Portion of a County or Barony to be annexed to and incorporated with the County or Barony wherein the same may be locally situate or by which it may be surrounded; or if such detached or isolated Portion of a County or Barony shall lie between Two or more Counties or Baronies, then and in such Case directing the same to be annexed to such of the said contiguous Counties or Baronies as he and they shall think proper.

LII. And be it enacted, That the said Lord Lieutenant in Council shall and may by such Order as aforesaid limit and determine the Purposes to which the Union and Annexation of such isolated or detached Portion of a County or Barony to such other County or Barony shall extend, and fix and declare from what Period the same shall take effect, and settle and adjust all such Matters in respect of the Right of voting at Elections of Members to serve in Parliament by Persons holding or occupying Houses, Lands, or Tenements in such County or Barony, and for the Alteration or Amendment of the Lists or Registers of Electors accordingly, and in respect of the Assessment, Applotment, and Levy of Grand Jury and other Rates and Assessments, and in respect of all other Matters and Things proper or necessary to be settled and adjusted in consequence of the Union or Annexation directed to be made by such Order; and the Order of the said Lord Lieutenant in Council shall be conclusive and binding in Law in respect of the said several Matters and Things therein contained; and every such Order shall be published in the *Dublin Gazette*; and a Copy or Copies of such Order, certified under the Hand of the Clerk of the said Council, shall be delivered to the said Surveyors or other Persons employed to ascertain and mark out the reputed Boundaries of each or any County, Barony, Half Barony, Townland, Parish, or other Denomination or Division of Land in *Ireland*, who shall mark out the Boundaries accordingly in pursuance to such Order; and a like Copy or Copies shall be transmitted to the Clerk of the Peace for each County to which such Order shall in any way relate, to be by him kept and preserved in his Office, and exhibited at all reasonable Hours to any Person or Persons who may desire to inspect the same, without Fee or Reward.

LIII. And be it enacted, That it shall be lawful for the said Lord Lieutenant in Council from Time to Time as Occasion may require to make any Supplemental Order or Orders for removing such Doubts or settling such Disputes as may arise in consequence of the Changes effected by virtue of the Provisions herein-before contained; and every such Supplemental Order shall be published and transmitted to the Clerk of the Peace, to be by him preserved and exhibited for Inspection in like Manner as herein-before

provided in respect of any original Order; and every such Supplemental Order shall have the same Force and Effect as if it had formed Part of any original Order made under the Provisions of this Act.

LIV. And for the Correction of any Maps or Surveys already made or in progress, be it further enacted, That it shall and may be lawful for the said Lord Lieutenant to appoint the said Boundary Surveyor or Person, or any Surveyor or Person whom he shall think fit, to ascertain if there be any detached or isolated Portion of any one County locally situated within any other County, or between any Two other Counties, or surrounded by any other Counties, of which County or Counties the General Survey under the Direction of Officers appointed by the Master General and Board of Ordnance, or the Boundary Survey under the Provisions of the said recited Act of the Sixth Year of the Reign of His late Majesty, shall have been in progress or completed before the passing of this Act; and in like Manner to ascertain if there be any detached or isolated Portion of any one Barony locally situate within any other Barony, or between any Two other Baronies, or surrounded by any other Baronies, of which Barony or Baronies the said General Survey or Boundary Survey shall have been completed before the passing of this Act; and the said Surveyor or Person shall make a Report to the said Lord Lieutenant in Council, stating the Situation of each such detached or isolated Portion of a County or Barony, if any, and of the adjoining Counties or Baronies, and describing the same in a Map or Plan to be annexed to such Report; and thereupon such Lord Lieutenant in Council shall have Power and Authority to make such and the like Order or Supplemental Order in respect of any such detached or isolated Portion of a County or Barony so appearing in any Survey or Map completed before the passing of this Act as such Lord Lieutenant in Council has been herein-before enabled to make in Cases where such Survey or Map shall not have been begun or shall not have been completed previous to the passing of this Act; and such Order or Supplemental Order in the Case of any Map or Survey already completed shall be made and dealt with in the like Manner and be of the like Validity and Effect as any Order or Supplemental Order made in the Case where any such Map or Survey has not yet been made or completed; and the said Boundary Surveyor or Person shall amend any Map or Plan furnished by him to the Officers appointed by the Master General and Board of Ordnance in conformity with such Order directing the Amendment of such Map of Survey; and the said Officers shall in like Manner amend the General Survey Map in conformity with such amended Map or Plan, and pursuant to the Directions of the said Lord Lieutenant in Council.

LV. And be it enacted, That if any Person or Persons shall take away, or remove, or displace, or alter the Situation of any Boundary Stone, Post, or Mark, which shall be set up and placed for the Purposes of this Act, or shall wilfully deface, mutilate, break, or destroy any such Boundary Stone, Post, or Mark, or shall wilfully obstruct or hinder any Surveyor in the Execution of his Duty in and about the ascertaining and marking out the

Provision for Counties or Baronies of which the General or Boundary Survey shall have been completed before the passing of this Act.

Penalty on Persons displacing Marks, &c. or obstructing Surveyors, &c.

Boundaries of any detached or isolated Portion of any County or Barony as aforesaid, or shall assault any such Surveyor, or shall in any way resist such Surveyor in the Performance of his Duty under this Act, or shall obstruct, hinder, assault, or resist any Workman or other Person acting in aid of any such Surveyor in the Execution of this Act, every Person or Persons so offending and being duly convicted thereof shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justices before whom he or they shall be so convicted.

No Order to affect the Boundaries of Land with respect to any Right or Interest therein, or any Proceedings in Law or Equity instituted previous thereto; nor any Description in any Deed.

LVI. Provided always, and be it enacted, That no Order made in pursuance of this Act shall in any way affect the Boundary or Boundaries of any Land with reference to any Right, Title, Claim, Possession, or Interest therein; nor shall the Description or Denomination in any Pleadings or Proceedings, Criminal or Civil, in any Court of Law or Equity, pending or instituted previous to the Time limited for such Order taking effect, be in any way vitiated or affected thereby; and that in the Case of any Suit or Proceeding, Civil or Criminal, pending or instituted previous to the Time assigned in and by such Order for the same taking effect, such Suit or Proceeding shall and may be continued as if no such Order had been made, and without regard thereto; and the said Order shall, in respect of such Suit or Proceeding, and any and every Matter relating thereto, be void and of none effect; and that wherever, in any Deed or Instrument made previous to the Time appointed for such Order taking effect, such isolated or detached Portion of a County or Barony, or any Place in such isolated or detached Portion, shall have been described or denominated by the Name of the County or Barony to which the same may have originally belonged, such isolated or detached Portion or Place therein shall be deemed and taken to have been described or denominated by the Name of the County or Barony to which it shall be by such Order united, as if such last-mentioned County or Barony had been named in such Deed or Instrument instead of such County or Barony to which the same originally belonged; and such isolated or detached Portion or Place shall and may, in all Suits and Proceedings at Law or Equity at any Time afterwards instituted, be described and denominated as belonging to such County or Barony to which it shall be so united by such Order.

Penalties may be recovered before Two Justices of the Peace.

LVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County or Place in which such Penalty shall be incurred, upon Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justices; and such Justices are hereby authorized and required to summon before them any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation) of and concerning such Offences,



Offences, Matters, or Thing, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices 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 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 Security, and which Security the said Justices 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 One of such Justices or any other Justice of the Peace for such County or Place as aforesaid, and such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Term not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures when so levied shall be paid to the Person who shall sue or prosecute for the same, and the other Moiety shall be paid and applied to the Use of the Poor of the Parish in which such Offence shall be committed, in such Manner as such Justices shall direct and appoint.

Application of Penalties.

LVIII. And for the more easy and speedy Conviction of the Offenders against this Act, be it further enacted, That the Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say,)

Form of Conviction.

‘ } BE it remembered, That on the  
 ‘ to wit. } Day of in the Year of our Lord  
 ‘ A.B. is convicted before us, Two of His Majesty’s  
 ‘ Justices of the Peace of the said County [or City or Town, as  
 ‘ the Case may be], by virtue of an Act passed in the Sixth and  
 ‘ Seventh Years of the Reign of King William the Fourth, inti-  
 ‘ tuled *An Act [here set forth the Title of this Act]*, of having  
 ‘ [here set out the Offence, and when and where committed,]  
 ‘ contrary to the said Act; for which Offence we do adjudge the  
 ‘ said to have forfeited the Sum of  
 ‘ Given under our Hands and Seals the Day and Year above  
 ‘ written.’

LIX. Pro-

Persons ag-  
grieved by Con-  
viction may  
appeal to Quar-  
ter Sessions,  
giving Ten Days  
Notice and  
Security.

LIX. Provided always, and be it further enacted, That it shall be lawful for any Person who shall think himself or herself aggrieved by any such Conviction to appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County or Place; and every Person appealing against such Conviction shall (if there be sufficient Time after the Cause of Complaint shall have arisen) first give or cause to be given Ten Days Notice at least, in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Justices whose Conviction shall be so appealed against, and within Seven Days next after the Date of such Notice shall enter into a Recognizance before some Justice of the Peace for the County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide by or submit to the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of any such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General or Quarter Sessions of the Peace to be holden for such County or Place; and the Justice at such First or Second Sessions, or any Adjournment thereof, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Sessions shall be final, binding, and conclusive to all Intents and Purposes; and it shall be lawful for the said Justices at such Sessions, by their Order or Warrant, to levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Costs of Ap-  
peal recoverable  
by Distress.

Proceedings not  
to be quashed  
for Want of  
Form.

LX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act shall be quashed for Want of Form, nor be removed nor removeable by Certiorari or any other Writ or Process whatsoever into any of His 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 or Conviction, or in the Warrant of Distress or other Proceedings 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

Satisfaction for the special Damage (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 behalf of the Party distraining before such Action commenced.

LXI. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Justice of the Peace, or any Commissioner of Valuation, or against any Valuator, or against any other Person or Persons, for any thing done in pursuance of this Act until Thirty Days Notice thereof shall be given to such Justice or Commissioner or Valuator, or other Person or Persons, nor after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed ; and every such Action or Suit or Prosecution shall be laid or brought in the County, County of a City, or County of a Town where the Cause of Action shall have arisen, and not elsewhere ; and the Defendant or Defendants in every such Action, Suit, or Prosecution shall and may, at his or their Election, plead specially or the General Issue Not guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act ; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this present Act, it shall and may be lawful and sufficient to and for any Person or Persons who shall be Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress by force of the Statute in that Case made and provided, without more particularly setting forth this Act, or the Cause of making or detaining the said Distress or Distresses, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding ; and if it shall appear that the Matter on which the Cause of Action arose was done, or that the Distress replevied was made, in pursuance and by Authority of this Act, or that such Action or Suit shall have been brought before Thirty Days Notice thereof was given as aforesaid, or after a 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, County of a City, or County of a Town than as aforesaid, then the Jury shall find for the Defendant or Defendants or Avowant or Avowants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action, Suit, or Prosecution after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants or Avowant or Avowants shall recover Double Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law.

Limitation of Actions.

Notice.

Tender of Amends.

Venue.

General Issue.

General Avowry in Replevin.

Costs.

## SCHEDULES to which this Act refers.

## No. 1.

## Barony of B. in the County of C.

VALUATION of LANDS, &c. within the several Parishes and Townlands in the said Barony, made in pursuance of the Act 6 & 7 Will. 4. c. ., for the uniform Valuation of Lands in Ireland.

	Acres.	Annual Value of Lands, &c.	Total in each Parish.	
			Acres.	Value.
Parish of A.		£	No.	£
Townland D. - - -	250	120		
———— E. - - -	100	100		
———— F. - - -	50	25		
Total in the Parish of A.			400	245
Exemptions in the Parish of A.				
Parish of G.				
Townland H. - - -	60	100		
———— L. - - -	47	37		
———— K. - - -	160	240		
Total in the Parish of G.			267	377
Exemptions. &c. &c. &c.				
Total in Barony		-	667	622

The Meeting of the Committee of Appeal, named for the said Barony by the Grand Jury of the said County, is appointed for the Day of next, at the Court House at [or at any other Place fixed for the Meeting]. Dated this Day of 18 .

To the High Constable [or  
Collector of the Cess] for  
the Barony of B. }

C. V.  
Commissioner of Valuation for  
the County of C.

A Copy of this List is to be transmitted by the High Constable [or Collector] to the Churchwardens of the several Parishes within the said Barony of B., and to be posted in manner directed by the said Act 6 & 7 Will. 4. c. ., for the Valuation of Lands in Ireland.

Letters to be addressed to C. V. at

No. 2.

County of C.

VALUATION OF LANDS, &c. within the several Baronies in the said County, made in pursuance of the Act 6 & 7 Will. 4. c. ., for the uniform Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	B. Exemptions.	No. 140	£ 90	340	£ 190
	F. Exemptions.	200	100		
	Total of Barony A. -				
I.	K. Exemptions.	400	200	480	240
	N. Exemptions.	80	40		
	Total of Barony I. -				
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County -					

The Meeting of the Committee of Revision named by the Grand Jury of the said County is appointed for the \_\_\_\_\_ Day of \_\_\_\_\_ next, at the County Court House at \_\_\_\_\_, for the Revision of the foregoing Valuation. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 18 .

C. V.  
Commissioner of Valuation of the said County.

The Secretary of the Grand Jury is required by the said Act to give Notice of the Day and Place above appointed to each and every Member of the said Committee of Revision, and also to advertise the same in some public Newspaper circulated in the said County Fourteen Days at least before the said Day of Meeting.

## No. 3.

## County of C.

VALUATION OF LANDS, &c., within the several Baronies in the said County, finally confirmed and agreed on by the Committee of Revision appointed by the Grand Jury of the said County, in pursuance of the Act 6 & 7 Will. 4. c. ., for the uniform Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	B. Exemptions.	No. 140	£ 90	No.	£
	F. Exemptions.	200	100		
	Total of Barony A. -				
I.	K. Exemptions.	400	200		
	N. Exemptions.	80	40		
	Total of Barony I. -				
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County -					

C.D.

Commissioner of Valuation for the  
County of C.

County Court House,  
Day of 18 .

E.F., } Members of the Committee  
G.H., } of Revision for the said  
I.K., } County.

## C A P. LXXXV.

An Act for Marriages in *England*. [17th August 1836.]

WHEREAS it is expedient to amend the Law of Marriages in *England*: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *March* in the Year One thousand eight hundred and thirty-seven, notwithstanding any thing in this Act contained, all the Rules prescribed by the Rubrick concerning the solemnizing of Marriages shall continue to be duly observed by every Person in Holy Orders of the Church of *England* who shall solemnize any Marriage in *England*: Provided always, that where by any Law or Canon in force before the passing of this Act it is provided that any Marriage may be solemnized after Publication of Banns, such Marriage

After 1st of  
March 1837  
all Rules pre-  
scribed by the  
Rubrick to  
continue to be  
observed.

Marriages may  
be solemnized  
an Production

Marriage may be solemnized in like Manner on Production of the Registrar's Certificate as herein-after provided; provided also, that nothing in this Act contained shall affect the Right of the Archbishop of *Canterbury* and his Successors, and his and their proper Officers, to grant Special Licences to marry at any convenient Time and Place, or the Right of any Surrogate or other Person now having Authority to grant Licences for Marriages.

of Registrar's Certificate.

II. And be it enacted, That the Society of Friends commonly called *Quakers*, and also Persons professing the Jewish Religion, may continue to contract and solemnize Marriage according to the Usages of the said Society and of the said Persons respectively; and every such Marriage is hereby declared and confirmed good in Law, provided that the Parties to such Marriage be both of the said Society, or both Persons professing the Jewish Religion respectively; provided also, that Notice to the Registrar shall have been given, and the Registrar's Certificate shall have issued in manner herein-after provided.

Marriages of Quakers and Jews.

III. And be it enacted, That the Superintendent Registrar of Births and Deaths of every Union, Parish, or Place shall be, in right of his Office, Superintendent Registrar of Marriages within such Union, Parish, or Place, and that such Union, Parish, or Place shall be deemed the District of such Superintendent Registrar of Marriages.

Superintendent Registrar of Births to be so of Marriages.

IV. And be it enacted, That in every Case of Marriage intended to be solemnized in *England* after the said First Day of *March* according to the Rites of the Church of *England*, (unless by Licence or by Special Licence, or after Publication of Banns,) and in every Case of Marriage intended to be solemnized in *England* after the said First Day of *March* according to the Usages of the Quakers or Jews, or according to any Form authorized by this Act, One of the Parties shall give Notice under his or her Hand, in the Form of Schedule (A.) to this Act annexed, or to the like Effect, to the Superintendent Registrar of the District within which the Parties shall have dwelt for not less than Seven Days then next preceding, or if the Parties dwell in the Districts of different Superintendent Registrars shall give the like Notice to the Superintendent Registrar of each District, and shall state therein the Name and Surname and the Profession or Condition of each of the Parties intending Marriage, the Dwelling Place of each of them, and the Time not being less than Seven Days during which each has dwelt therein, and the Church or other Building in which the Marriage is to be solemnized; provided that if either Party shall have dwelt in the Place stated in the Notice during more than One Calendar Month, it may be stated therein that he or she hath dwelt there One Month and upwards.

Notice of every intended Marriage to be given to the Superintendent Registrar of the District.

V And be it enacted, That the Superintendent Registrar shall file all such Notices, and keep them with the Records of his Office, and shall also forthwith enter a true Copy of all such Notices fairly into a Book, to be for that Purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the Cost of providing which shall be defrayed in like Manner as the Cost of providing Register Books of Births and Deaths; and the Marriage Notice Book shall be open at all reasonable Times without

Superintendent Registrar to keep Notices in a Book.

without Fee to all Persons desirous of inspecting the same; and for every such Entry the Superintendent Registrar shall be entitled to have a Fee of One Shilling.

Notices to be read at Meetings of Guardians.

VI. And be it enacted, That if such Superintendent Registrar shall be Clerk to the Guardians of any Poor Law Union, or of any Parish or Place comprising the District for which such Superintendent Registrar shall act, he shall read such Notices as herein-after directed; and if he shall not be such Clerk, then he shall transmit to such Clerk on the Day previous to each weekly Meeting of such Guardians all such Notices of intended Marriage as he shall have received on or since the Day previous to the weekly Meeting immediately preceding the same; and such Clerk shall read such Notices immediately after the Minutes of the Proceedings of such Guardians at their last Meeting shall have been read; and such Notices shall be so read Three several Times in Three successive Weeks at the weekly Meetings of such Guardians, unless in any Case Licence for Marriage shall be sooner granted, and Notice of such Licence being granted shall have been given to such Clerk: Provided also, that if it shall happen that the Board of Guardians of any such Union, Parish, or Place shall not so meet, it shall be sufficient for the Purposes of this Act that such Notices shall be read at any Meeting of such Guardians which shall be held within Twenty-one Days from the Day of such Notice being entered.

After Seven Days or Twenty-one Days, Certificate of Notice to be given upon Demand.

VII. And be it enacted, That after the Expiration of Seven Days if the Marriage is to be solemnized by Licence, or of Twenty-one Days if the Marriage is to be solemnized without Licence, after the Entry of such Notice, the Superintendent Registrar, upon being requested so to do by or on behalf of the Party by whom the Notice was given, shall issue under his Hand a Certificate in the Form of Schedule (B.) to this Act annexed, provided that no lawful Impediment be shown to the Satisfaction of the Superintendent Registrar why such Certificate should not issue, and provided that the Issue of such Certificate shall not have been sooner forbidden in manner herein-after mentioned by any Person or Persons authorized in that Behalf as herein-after is provided; and every such Certificate shall state the Particulars set forth in the Notice, the Day on which the Notice was entered, and that the full Period of Seven Days or of Twenty-one Days (as the Case may be) has elapsed since the Entry of such Notice, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have a Fee of One Shilling.

Forms of Certificates to be furnished.

Certificates for Marriage by Licence to be distinguishable from other Certificates.

VIII. And be it enacted, That the Registrar General shall furnish to every Superintendent Registrar a sufficient Number of Forms of Certificates, the Cost of which shall be accounted for by the Superintendent Registrar to the Registrar General; and in order to distinguish the Certificates to be issued for Marriages by Licence from the Certificates to be issued for Marriages without Licence, a Watermark in the Form of the Word "Licence," in Roman Letters, shall be laid and manufactured in the Substance of the Paper on which the Certificates to be issued for Marriage by Licence shall be written or printed; and every Certificate to be issued



issued for Marriage by Licence shall be printed with Red Ink, and every Certificate to be issued for Marriages without Licence shall be printed with Black Ink, and such other distinctive Marks between the Two Kinds of Certificate shall be used from Time to Time as shall seem fit to the Registrar General.

IX. And be it enacted, That any Person authorized in that Behalf may forbid the Issue of the Superintendent Registrar's Certificate by writing at any Time before the Issue of such Certificate the Word "Forbidden" opposite to the Entry of the Notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her Name and Place of Abode, and his or her Character, in respect of either of the Parties, by reason of which he or she is so authorized; and in case the Issue of any such Certificate shall have been so forbidden the Notice and all Proceedings thereupon shall be utterly void.

Issue of Superintendent Registrar's Certificate may be forbidden.

X. And be it enacted, That after the said First Day of *March* the like Consent shall be required to any Marriage in *England* solemnized by Licence as would have been required by Law to Marriages solemnized by Licence immediately before the passing of this Act; and every Person whose Consent to a Marriage by Licence is required by Law is hereby authorized to forbid the Issue of the Superintendent Registrar's Certificate, whether the Marriage is intended to be by Licence or without Licence.

Consent.

XI. And be it enacted, That after the said First Day of *March* every Superintendent Registrar shall have Authority to grant Licences for Marriage in any Building registered as herein-after provided within any District under his Superintendence, or in his Office, in the Form of Schedule (C.) to this Act annexed, and for every such Licence shall be entitled to have of the Party requiring the same the Sum of Three Pounds above the Value of the Stamps necessary on granting such Licence; and every Superintendent Registrar shall Four Times in every Year, on such Days as shall be appointed by the Registrar General, make a Return to the Registrar General of every Licence granted by him since his last Return, and of the Particulars stated concerning the Parties: Provided always, that no Superintendent Registrar shall grant any such Licence until he shall have given Security by his Bond in the Sum of One hundred Pounds to the Registrar General for the due and faithful Execution of his Office: Provided also, that nothing herein contained shall authorize any Superintendent Registrar to grant any Licence for Marriage in any Church or Chapel in which Marriages may be solemnized according to the Rites of the Church of *England*, or in any Church or Chapel belonging to the Church of *England* or licensed for the Celebration of Divine Worship according to the Rites and Ceremonies of the Church of *England*, or any Licence for Marriage in any registered Building which shall not be within his District.

Superintendent Registrar may grant Licences for Marriage.

Superintendent Registrar to give Security.

Proviso.

XII. And be it enacted, That before any Licence for Marriage shall be granted by any such Superintendent Registrar One of the Parties intending Marriage shall appear personally before such Superintendent Registrar, and in case the Notice of such intended Marriage shall not have been given to such Superintendent Registrar, shall deliver to him the Certificate of the Superintendent Registrar or Superintendent Registrars to whom such Notice shall

Certificate to be given before the Licence is granted.

have been given, and such Party shall make Oath, or shall make his or her solemn Affirmation or Declaration instead of taking an Oath, that he or she believeth that there is not any Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that One of the said Parties hath for the Space of Fifteen Days immediately before the Day of the Grant of such Licence had his or her usual Place of Abode within the District within which such Marriage is to be solemnized, and where either of the Parties, not being a Widower or Widow, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person having Authority to give such Consent, as the Case may be; and all such Licences and Declarations shall be respectively liable to the same Stamp Duties as Licences for Marriage granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

Caveat may be lodged with Superintendent Registrar against Grant of Licence or Certificate.

XIII. And be it enacted, That any Person, on Payment of Five Shillings, may enter a Caveat with the Superintendent Registrar against the Grant of a Certificate or a Licence for the Marriage of any Person named therein; and if any Caveat be entered with the Superintendent Registrar, such Caveat being duly signed by or on behalf of the Person who enters the same, together with his or her Place of Residence, and the Ground of Objection on which his or her Caveat is founded, no Certificate or Licence shall issue or be granted until the Superintendent Registrar shall have examined into the Matter of the Caveat, and is satisfied that it ought not to obstruct the Grant of the Certificate or Licence for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same; provided that in Cases of Doubt it shall be lawful for the Superintendent Registrar to refer the Matter of any such Caveat to the Registrar General, who shall decide upon the same: Provided likewise, that in case of the Superintendent Registrar refusing the Grant of the Certificate or Licence, the Person applying for the same shall have a Right to appeal to the Registrar General, who shall thereupon either confirm the Refusal or direct the Grant of the Certificate or Licence.

Marriages not to be solemnized until after 21 Days after Entry of Notice, unless by Licence.

XIV. And be it enacted, That after the said First Day of *March* no Marriage after such Notice as aforesaid, unless by virtue of a Licence to be granted by the Superintendent Registrar, shall be solemnized or registered in *England* until after the Expiration of Twenty-one Days after the Day of the Entry of such Notice as aforesaid; and no Marriage shall be solemnized by the Licence of any Superintendent Registrar or registered until after the Expiration of Seven Days after the Day of the Entry of such Notice as aforesaid.

New Notice required after Three Months.

XV. And be it enacted, That whenever a Marriage shall not be had within Three Calendar Months after the Notice shall have been so entered by the Superintendent Registrar, the Notice and Certificate, and any Licence which may have been granted thereupon, and all other Proceedings thereupon, shall be utterly void; and no Person shall proceed to solemnize the Marriage, nor shall any Registrar register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

XVI. And

XVI. And be it enacted, That the Superintendent's Certificate, or, in case the Parties shall have given Notice to the Superintendent of different Districts, the Certificate of each Superintendent, shall be delivered to the Officiating Minister, if the Marriage shall be solemnized according to the Rites of the Church of *England*; and the said Certificate or Licence shall be delivered to the Registering Officer of the People called *Quakers* for the Place where the Marriage is solemnized, if the same shall be solemnized according to the Usages of the said People; or to the Officer of a Synagogue by whom the Marriage is registered, if the same shall be solemnized according to the Usages of Persons professing the Jewish Religion; and in all other Cases shall be delivered to the Registrar present at the Marriage, as herein-after provided.

Superintendent Registrar's Certificate or Licence to be delivered to the Person by or before whom the Marriage is solemnized.

XVII. And be it enacted, That it shall be lawful for the Superintendent Registrar of any Union, Parish, or Place, subject to the Approval of the Board of Guardians thereof, to appoint by Writing under his Hand such Person or Persons as he may think fit, with such Qualifications as the Registrar General, by any general Rule, may declare to be necessary, to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized by virtue of this Act at which the Presence of a Registrar is made necessary, and every such Registrar of Marriages shall hold his Office during the Pleasure of the Superintendent Registrar by whom he was appointed, or of the Registrar General.

Superintendent Registrar may appoint Registrars of Marriages.

XVIII. And be it enacted, That any Proprietor or Trustee of a separate Building, certified according to Law as a Place of Religious Worship, may apply to the Superintendent Registrar of the District, in order that such Building may be registered for solemnizing Marriages therein, and in such Case shall deliver to the Superintendent Registrar a Certificate, signed in Duplicate by Twenty Householders at the least, that such Building has been used by them during One Year at the least as their usual Place of public Religious Worship, and that they are desirous that such Place should be registered as aforesaid, each of which Certificates shall be countersigned by the Proprietor or Trustee by whom the same shall be delivered; and the Superintendent Registrar shall send both Certificates to the Register General, who shall register such Building accordingly in a Book to be kept for that Purpose at the General Register Office; and the Registrar General shall indorse on both Certificates the Date of the Registry, and shall keep one Certificate with the other Records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other Records of his Office; and the Superintendent Registrar shall enter the Date of the Registry of such Building in a Book to be furnished to him for that Purpose by the Registrar General, and shall give a Certificate of such Registry under his Hand, on Parchment or Vellum, to the Proprietor or Trustee by whom the Certificates are countersigned, and shall give public Notice of the Registry thereof by Advertisement in some Newspaper circulating within the County, and in the *London Gazette*; and for every such Entry, Certificate, and Publication the Superintendent Re-

Places of Worship may be registered for solemnizing Marriages therein.

gistrar shall receive at the Time of the Delivery to him of the Certificates the Sum of Three Pounds.

On Removal of the same Congregation the new Place of Worship may be immediately registered, instead of the one disused.

XIX. And be it enacted, That if at any Time subsequent to the Registry of any Building for solemnizing Marriages therein it shall be made to appear to the Satisfaction of the Registrar General that such Building has been disused for the public Religious Worship of the Congregation on whose Behalf it was registered as aforesaid, the Registrar General shall cause the Registry thereof to be cancelled; provided that if it shall be proved to the Satisfaction of the Registrar General that the same Congregation use instead thereof some other such Building for the Purpose of public Religious Worship, the Registrar General may substitute and register such new Place of Worship instead of the disused Building, although such new Place of Worship may not have been used for that Purpose during One Year then next preceding; and every Application for cancelling the Registry of any such Building, or for such Substitution and Registry of a substituted Building, shall be made to the Registrar General by or through the Superintendent Registrar of the District; and such Cancel or Substitution, when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the Fact and the Date thereof in the Book provided for the Registry of such Buildings, and shall certify and publish such Cancel or Substitution and Registry in manner herein-before provided in the Case of the original Registry of the disused Building; and for every such Substitution the Superintendent Registrar shall receive, at the Time of the Delivery of the Certificate from the Party requiring the Substitution, the Sum of Three Pounds; and after such Cancel or Substitution shall have been made by the Registrar General it shall not be lawful to solemnize any Marriage in such disused Building, unless the same shall be again registered in the Manner herein-before provided.

Marriages may be solemnized in such registered Places, in the Presence of some Registrar and of Two Witnesses.

XX. And be it enacted, That after the Expiration of the said Period of Twenty-one Days, or of Seven Days if the Marriage is by Licence, Marriages may be solemnized in the registered Building stated as aforesaid in the Notice of such Marriage, between and by the Parties described in the Notice and Certificate, according to such Form and Ceremony as they may see fit to adopt: Provided nevertheless, that every such Marriage shall be solemnized with open Doors, between the Hours of Eight and Twelve in the Forenoon, in the Presence of some Registrar of the District in which such registered Building is situate, and of Two or more credible Witnesses; provided also, that in some Part of the Ceremony, and in the Presence of such Registrar and Witnesses, each of the Parties shall declare,

‘ I do solemnly declare, That I know not of any lawful Impediment why I *A.B.* may not be joined in Matrimony to *C.D.*’

And each of the Parties shall say to the other,

‘ I call upon these Persons here present to witness that I *A.B.* do take thee *C.D.* to be my lawful wedded Wife [or Husband ]’

Provided

Provided also, that there be no lawful Impediment to the Marriage of such Parties.

XXI. And be it enacted, That any Persons who shall object to marry under the Provisions of this Act in any such registered Building may, after due Notice and Certificate issued as aforesaid, contract and solemnize Marriage at the Office and in the Presence of the Superintendent Registrar and some Registrar of the District, and in the Presence of Two Witnesses, with open Doors, and between the Hours aforesaid, making the Declaration and using the Form of Words herein-before provided in the Case of Marriage in any such registered Building.

Marriages may be celebrated before the Superintendent Registrar.

XXII. And be it enacted, That the Registrar shall be entitled for every Marriage which shall be solemnized under this Act in his Presence to have from the Parties married the Sum of Ten Shillings if the Marriage shall be by Licence, and otherwise the Sum of Five Shillings.

Marriage Fees to the Registrar.

XXIII. And be it enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his Presence in a Marriage Register Book to be furnished to him for that Purpose from Time to Time by the Registrar General, according to the Form provided for the Registration of Marriages by an Act made in this present Session of Parliament, intituled *An Act for registering Births, Deaths, and Marriages in England*, the Cost of which shall be defrayed in like Manner as the Cost of providing Register Books of Births and Deaths; and every Entry of such Marriage shall be signed by the Person by or before whom the Marriage shall have been solemnized, if there shall be any such Person, and by the Registrar, and also by the Parties married, and attested by Two Witnesses; and every such Entry shall be made in Order from the Beginning to the End of the Book.

Registrar to register all Marriages solemnized before him in Books to be sent by the Registrar General. 6 & 7 W. 4. c. 86.

XXIV. And be it enacted, That in every Year, on such Days as shall from Time to Time be appointed by the Registrar General, within One Calendar Month next after the First Day of *April*, the First Day of *July*, the First Day of *October*, and the First Day of *January* respectively, every Registrar shall make and deliver to the Superintendent Registrar of his District a true Copy, certified by him under his Hand, according to the Form of Schedule (D.) to this Act annexed, of all the Entries of Marriage in the Register Book kept by him since the last Delivery, and the Superintendent Registrar shall verify the same, and if found to be correct shall certify the same under his Hand to be a true Copy; and if there shall have been no Marriage registered since the Delivery of the last certified Copy, the Registrar shall certify the Fact, and such Certificate shall be delivered to the Superintendent Registrar as aforesaid, and counter-signed by him; and the Registrar shall keep safely the said Register Book until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the Records of his Office.

Copies of the Marriage Register Book to be given quarterly to the Superintendent Registrar.

XXV. And be it enacted, That after any Marriage shall have been solemnized it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling of either of the Parties previous to the Marriage within the District wherein such Marriage was solemnized for the Time required by this Act, or of the

Proof of Residence of Parties, or Consent, not necessary to establish the Marriage.

the Consent of any Person whose Consent thereunto is required by Law; nor shall any Evidence be given to prove the contrary in any Suit touching the Validity of such Marriage.

Bishops, with Consent of Patrons, may license Chapels for the Solemnization of Marriages in populous Places.

XXVI. ' And whereas it is expedient that Provision should be made, under proper Restrictions, for relieving the Inhabitants of populous Districts remote from the Parish Church, or from any Chapel wherein Marriages may be lawfully celebrated according to the Rites and Ceremonies of the Church of *England*, from the Inconvenience to which they may be thereby subjected in the Solemnization of their Marriages; be it therefore enacted, That, with the Consent under the Hand and Seal of the Patron and Incumbent respectively of the Church of the Parish or District in which may be situated any public Chapel with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the Celebration of Divine Service according to the Rites and Ceremonies of the Church of *England*, or any Chapel the Minister whereof is duly licensed to officiate therein according to the Rites and Ceremonies of the Church of *England*, or without such Consent after Two Calendar Months Notice in Writing given by the Registrar of the Diocese to such Patron and Incumbent respectively, the Bishop of the Diocese may, if he shall think it necessary for the due Accommodation and Convenience of the Inhabitants, authorize by a Licence under his Hand and Seal the Solemnization of Marriages in any such Chapel for Persons residing within a District the Limits whereof shall be specified in the Bishop's Licence, and under such Provisions as to the Amount, Appropriation, or Apportionment of the Dues, and as to other Particulars, as to the said Bishop may seem fit, and as may be specified in the said Licence; provided that it shall be lawful for any Patron or Incumbent who shall refuse or withhold Consent to the Grant of any such Licence to deliver to the Bishop, under his or her Hand and Seal, a Statement of the Reasons for which such Consent shall have been so refused or withholden; and no such Licence shall be granted by any Bishop until he shall have inquired into the Matter of such Reasons; and every Instrument of Consent of the Patron and Incumbent, or, if such Consent be refused or withholden, a Copy of the Notice under the Hand of the Registrar, and every Statement of Reasons alleged as aforesaid by the Patron or Incumbent, with the Bishop's Adjudication thereupon under his Hand and Seal, shall be registered in the Registry of the Diocese; and thenceforth and until the said Licence be revoked Marriages solemnized in such Chapel shall be as valid to all Intents and Purposes as if the same had been solemnized in the Parish Church, or in any Chapel where Marriages might heretofore have been legally solemnized.

Appropriation of Fees on Marriages performed in such Chapels.

XXVII. And be it enacted, That all Fees, Dues, and other Emoluments on account of the Solemnization of Marriages which belong to the Incumbent or Clerk respectively of any Church or Chapel in any Parish or District within which the Solemnization of Marriages shall be authorized as aforesaid shall respectively be received, until the Avoidance of such Church or Chapel next after the passing of this Act, for and on account of such Incumbent, and, until the Vacancy in the Office of Clerk next after the passing

of this Act, for and on account of such Clerk, and be paid over to them, except such Portion of the Fees, Dues, or other Emoluments as the said Bishop of the Diocese, with the Consent of the said Incumbent and Clerk respectively, shall in such aforesaid Licence assign to the Minister and Clerk respectively of the Chapel in which the Solemnization of Marriages shall be authorized as aforesaid; and that it shall be lawful for the said Bishop in and by such Licence, without any such Consent, to declare that from and after such next Avoidance or Vacancy respectively the Whole or such Part of the Fees, Dues, and other Emoluments on account of the Solemnization of Marriages in such last-mentioned Chapel as shall be specified in such Licence, shall be receivable, and the same shall thenceforth be received by or for the Minister and Clerk of such Chapel respectively.

XXVIII. And be it enacted, That when the said Bishop shall authorize the Solemnization of Marriages in any such Chapel as aforesaid, without the Consent under the Hand and Seal of the Patron and Incumbent respectively, it shall be lawful for them or either of them to appeal within One Calendar Month to the Archbishop of the Province, who shall hear the same in a summary Manner, and shall make such Order confirming, revoking, or varying the Licence so given as to him shall seem meet and expedient, which Order shall be registered in the Registry of the Diocese, and shall be conclusive and binding on all Parties whatsoever.

XXIX. And be it enacted, That there shall be placed in some conspicuous Part in the Interior of every Chapel in respect of which such Licence shall be given as aforesaid a Notice in the Words following: "Marriages may be solemnized in this Chapel".

XXX. And be it enacted, That all Provisions which shall from Time to Time be in force relative to Marriages, and to providing, keeping, and transmitting Register Books and Copies of Registers of Marriages solemnized in any Parish Church, shall extend to any Chapel in which the Solemnization of Marriages shall be authorized as aforesaid, in the same Manner as if the same were a Parish Church, and every thing required by Law to be done relating thereto by the Rector, Vicar, Curate, or Churchwardens respectively of any Parish Church shall be done by the Officiating Minister, Chapelwarden, or other Person exercising analogous Duties in such Chapel respectively.

XXXI. Provided always, and be it enacted, That, notwithstanding any such Licence as aforesaid to solemnize Marriages in any such Chapel, the Parties may, if they think fit, have their Marriage solemnized in the Parish Church, or in any Chapel in which heretofore the Marriage of such Parties or either of them might have been legally solemnized.

XXXII. And be it enacted, That any such Licence or Order may at any Time be revoked by Writing under the Hand and Seal of the Bishop of the Diocese, with the Consent in Writing of the Archbishop of the Province; and such Revocation and Consent shall be registered in the Registry of the Diocese, the Registrar whereof shall notify the same in Writing to the Minister officiating in the Chapel, and shall also give public Notice thereof by

Patron or Incumbent may appeal to the Archbishop against such Licences.

Notice of such Licences to be affixed in Chapels.

Marriages performed in such Chapels to be under the same Regulations as those performed in Parish Churches.

Option to Parties to be married at Parish Church.

Bishop, with Consent of Archbishop, may revoke such Licences;

Advertisement in some Newspaper circulating within the County and in the *London Gazette*, and thenceforth the Authority to solemnize Marriages in such Chapel shall cease and determine.

in which Case Registers to be sent to the Incumbent of the Parish Church.

XXXIII. And be it enacted, That in case of the Revocation of the Licence to solemnize Marriages in any such Chapel all Registers of Marriages solemnized therein under such Licence which shall be in the Custody or Possession of the Minister of such Chapel at the Time of such Revocation shall forthwith be transmitted to the Incumbent or Officiating Minister of the Parish Church, and shall thenceforth be preserved, and in all other respects dealt with in the same Manner, and be of the same Force and Validity, to all Intents and Purposes, as if they had been originally made and deposited with such Incumbent or Officiating Minister; and that such Incumbent or Minister shall, when he next transmits to the Superintendent Registrar Copies of the Registers of Marriages solemnized in such Parish Church, also therewith transmit Copies of all such Entries as shall have been made in such first-mentioned Registers subsequent to the Date of the last Entry a Copy whereof was transmitted to the Superintendent Registrar, and shall also transmit to him One Copy of every Register Book so transmitted to him of which no Copy shall have been already transmitted to the Superintendent Registrar, having first signed his Name at the Foot of the last Entry therein.

Registrars of Dioceses to send to the Register Office, yearly, Lists of licensed Chapels within their Districts.

XXXIV. And be it enacted, That the Registrar of every Diocese shall within Fifteen Days after the said First Day of *March*, and also within Fifteen Days after the First Day of *January* in every succeeding Year, make out and send through the Post Office, directed to the Registrar General of Births, Deaths, and Marriages, at his Office, a List of all Chapels belonging to the Church of *England* within that Diocese wherein Marriages may lawfully be solemnized according to the Rites and Ceremonies of the Church of *England*, and shall distinguish in such List which have a Parish, Chapelry, or other recognized Ecclesiastical Division annexed to them, and which are Chapels licensed by the Bishop under this Act, and shall state therein the District for which each of such Chapels is licensed according to the Description thereof in the Licence; and the Registrar General shall in every Year make out and cause to be printed a List of all such Chapels, and also of all Places of Public Worship registered under the Provisions of this Act, and shall state in such List the County and Registrar's District within which each Chapel or registered Building is situated, and shall add also the Names and Places of Abode of the Registrars and Deputy Registrars of each District, and of the Superintendent Registrars; and a Copy of such List shall be sent to every Registrar and Superintendent Registrar.

List of all Chapels and Buildings registered to be printed.

Marriages under this Act cognizable.

XXXV. And be it enacted, That every Marriage solemnized under this Act shall be good and cognizable in like Manner as Marriages before the passing of this Act according to the Rites of the Church of *England*.

Registrar may ask certain Particulars of Parties.

XXXVI. And be it enacted, That it shall be lawful for the Registrar before whom any Marriage is solemnized according to the Provisions of this Act to ask of the Parties to be married the



several Particulars required to be registered touching such Marriage.

XXXVII. And be it enacted, That every Person who shall enter a Caveat with the Superintendent Registrar against the Grant of any Licence or Issue of any Certificate on Grounds which the Registrar General shall declare to be frivolous, and that they ought not to obstruct the Grant of the Licence, shall be liable for the Costs of the Proceedings, and for Damages to be recovered in a special Action upon the Case by the Party against whose Marriage such Caveat shall have been entered.

Persons vexatiously entering Caveat liable to Costs and Damages.

XXXVIII. And be it enacted, That every Person who shall knowingly and wilfully make any false Declaration or sign any false Notice or Certificate required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Superintendent Registrar's Certificate, by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

Persons making false Declarations, &c. guilty of Perjury.

XXXIX. And be it enacted, That every Person who after the said First Day of *March* shall knowingly and wilfully solemnize any Marriage in *England*, except by Special Licence, in any other Place than a Church or Chapel in which Marriages may be solemnized according to the Rites of the Church of *England*, or than the registered Building or Office specified in the Notice and Certificate as aforesaid, shall be guilty of Felony (except, in the Case of a Marriage between Two of the Society of Friends commonly called *Quakers*, according to the Usages of the said Society, or between Two Persons professing the Jewish Religion, according to the Usages of the Jews); and every Person who in any such registered Building or Office shall knowingly and wilfully solemnize any Marriage in the Absence of a Registrar of the District in which such registered Building or Office is situated shall be guilty of Felony; and every Person who shall knowingly and wilfully solemnize any Marriage in *England* after the said First Day of *March* (except by Licence) within Twenty-one Days after the Entry of the Notice to the Superintendent Registrar as aforesaid, or if the Marriage is by Licence within Seven Days after such Entry, or after Three Calendar Months after such Entry, shall be guilty of Felony.

Persons unduly solemnizing Marriage guilty of Felony.

XL. And be it enacted, That every Superintendent Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the Expiration of Three Calendar Months after the Notice shall have been entered by him as aforesaid, or any Certificate for Marriage by Licence before the Expiration of Seven Days after the Entry of the Notice, or any Certificate for Marriage without Licence before the Expiration of Twenty-one Days after the Entry of the Notice, or any Certificate the Issue of which shall have been forbidden as aforesaid by any Person authorized to forbid the Issue of the Registrar's Certificate, or who shall knowingly and wilfully register any Marriage herein declared to be null and void, and every Registrar who shall knowingly and wilfully issue any Licence for Marriage after the Expiration of Three Calendar Months after the Notice shall have been entered by the Registrar

Superintendent Registrars unduly issuing Certificates guilty of Felony.

as

as aforesaid, or who shall knowingly and wilfully solemnize in his Office any Marriage herein declared to be null and void, shall be guilty of Felony.

Limitation of Prosecution.

XLII. And be it enacted, That every Prosecution under this Act shall be commenced within the Space of Three Years after the Offence committed.

Marriages void if unduly solemnized with the Knowledge of both Parties.

XLII. And be it enacted, That if any Persons shall knowingly and wilfully intermarry after the said First Day of *March* under the Provisions of this Act in any Place other than the Church, Chapel, registered Building, or Office or other Place specified in the Notice and Certificate as aforesaid, or without due Notice to the Superintendent Registrar, or without Certificate of Notice duly issued, or without Licence, in case a Licence is necessary under this Act, or in the Absence of a Registrar or Superintendent Registrar where the Presence of a Registrar or Superintendent Registrar is necessary under this Act, the Marriage of such Persons, except in any Case herein-after excepted, shall be null and void: Provided always, that nothing herein contained shall extend to annul any Marriage legally solemnized according to the Provisions of an Act passed in the Fourth Year of His late Majesty *George the Fourth*, intituled *An Act for amending the Laws respecting the Solemnization of Marriages in England*.

4 G. 4. c. 76.

In Cases of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

XLIII. And be it enacted, That if any valid Marriage shall be had under the Provisions of this Act by means of any wilfully false Notice, Certificate, or Declaration made by either Party to such Marriage, as to any Matter to which a Notice, Certificate, or Declaration is herein required, it shall be lawful for His Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all Estate and Interest in any Property accruing to the offending Party by such Marriage; and the Proceedings thereupon and Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence before the passing of this Act according to the Rites of the Church of *England*.

Provisions of Registry Act extended to this Act.

XLIV. And be it enacted, That this Act shall be taken to be Part of the said Act for registering Births, Deaths, and Marriages, as fully and effectually as if incorporated therewith, and that all the Provisions and Penalties of the said Act relating to any Registrar or Register of Marriages, or certified Copies thereof, shall be taken to extend to the Registrars and Registers of Marriages to be solemnized under this Act, and to the certified Copies thereof, so far as the same are applicable thereunto.

Extent of Act]

XLV. And be it enacted, That this Act shall extend only to *England*, and shall not extend to the Marriage of any of the Royal Family.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Hendon* in the County of *Middlesex*.

I HEREBY give you Notice, That a Marriage is intended to be had, within Three Calendar Months from the Date hereof, between me and the other Party herein named and described; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party resides when the Parties dwell in different Districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street -</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Hendon, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	-	<i>Minor</i>	<i>Grove Farm -</i>	<i>More than a Month.</i>		

Witness my Hand this *Sixth* Day of *May* 1837.  
(Signed) *James Smith.*

[The *Italics* in this Schedule to be filled up as the Case may be.]

No. 14.

## SCHEDULE (B.)

## REGISTRAR'S CERTIFICATE.

I *John Cox*, Registrar of the District of *Stepney* in the County of *Middlesex*, do hereby certify, That on the *Sixth Day of May* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party dwells where the Parties dwell in different Districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street -</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Stepney, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	- -	<i>Minor</i>	<i>Grove Farm -</i>	<i>More than a Month.</i>		

Date of Notice entered }  
*6th May 1837.* }  
 Date of Certificate given }  
*27th May 1837.* }

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand this *Twenty-seventh Day of May One thousand eight hundred and thirty-seven.*  
 (Signed) *John Cox,*  
 Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *Sixth Day of August 1837.*

[The *Italics* in this Schedule to be filled up as the Case may be.]

## SCHEDULE (C.)

## LICENCE OF MARRIAGE.

*A.B.*, Superintendent Registrar of  
of  
greeting. and *E.F.* of  
to *C.D.*  
sendeth

WHEREAS ye are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the Seventh Year of the Reign of His Majesty King William the Fourth, intituled [*here insert the Title of this Act*], and are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or you E.F.*] have made and subscribed a Declaration under your Hand that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or E.F.*] have [*or has*] had your [*or his or her*] usual Place of Abode for the Space of Fifteen Days last past within the District of [                      ], and that you *C.D.* [*or E.F.*] not being a Widower [*or Widow*], are [*or is*] under the Age of Twenty-one Years, and that the Consent of *G.H.* whose Consent to your [*or his or her*] Marriage is required by Law, has been obtained thereto [*or that there is no Person having Authority to give such Consent*]; I do hereby grant unto you full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage, and to the Registrar of the District of [*here insert the Name of the District in which the Marriage is to be solemnized*] to register such Marriage according to Law; provided that the said Marriage be publicly solemnized in the Presence of the said Registrar and of Two Witnesses within Three Calendar Months from the [*here insert the Date of the Entry in the Notice Book of the Superintendent Registrar*], in the [*here describe the Building in which the Marriage is to be solemnized*], between the Hours of Eight and Twelve in the Fore noon. Given under my Hand this                      Day of  
One thousand eight hundred and

(Signed) *A.B.*  
Superintendent Registrar.

## SCHEDULE (D.)

I *John Cox*, Registrar of the District of *Stepney* in the County of *Middlesex*, do hereby certify, That this is a true Copy of the Entries of Marriage registered in the said District from the Entry of the Marriage of *John Wood* and *Ann Simpson*, Number *One*, to the Entry of the Marriage of *James Smith* and *Martha Green*, Number *Fourteen*. Witness my Hand this *First Day* of *July* 1837.

(Signed) *John Cox*,  
Registrar.

[The *Italics* in this Schedule to be filled up as the Case may be.]

## C A P. LXXXVI.

An Act for registering Births, Deaths, and Marriages in  
*England.* [17th August 1836.]

‘ WHEREAS it is expedient to provide the Means for a complete Register of the Births, Deaths, and Marriages of His Majesty’s Subjects in *England*: And whereas an Act passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages, and Burials* in England, and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for amending the Laws respecting the Solemnization of Marriages* in England, are insufficient for the Purpose aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *March* in the Year One thousand eight hundred and thirty-seven so much of the said Acts as relates to the Registration of Marriages shall be repealed.

52 G. 3. c. 146.

4 G. 4. c. 76.

So much of recited Acts as relates to Registration of Marriages repealed.

General Registry Office to be provided in London or Westminster.

II. And be it enacted, That it shall be lawful for His Majesty to provide a proper Office in *London* or *Westminster*, to be called “The General Register Office,” for keeping a Register of all Births, Deaths, and Marriages of His Majesty’s Subjects in *England*, and to appoint for the said Office under the Great Seal of the United Kingdom a Registrar General of Births, Deaths, and Marriages in *England*, and from Time to Time at Pleasure to remove the said Registrar General, and appoint some other Person in his Room.

Lord Treasurer or Lords Commissioners of His Majesty’s Treasury to appoint Officers and fix Salary.

III. And be it enacted, That the Lord Treasurer or Lords Commissioners of His Majesty’s Treasury, or any Three of them, or the Registrar General, subject to the Approval of the said Lords Commissioners, shall appoint from Time to Time such Officers, Clerks, and Servants as they shall deem necessary to carry on the Business of the General Registry Office, and at Pleasure remove them or any of them; and the said Lord Treasurer or Lords Commissioners shall fix the Salary of the Registrar General, so that the same shall not at any Time exceed the Sum of One thousand Pounds yearly, and shall fix the Salaries of the Officers, Clerks, and Servants in fit Proportion according to the Duties they may have to perform.

Salaries to be paid out of the Consolidated Fund.

IV. And be it enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks, and Servants, and the Amount of the Sums herein-after provided to be paid to the Superintendent Registrars for every Entry in the certified Copies of the Registers, and all Expences of carrying on the Business of the General Registry Office not herein otherwise provided for, shall be paid by the said Lord Treasurer or Lords Commissioners of His Majesty’s Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Regulations for Conduct of Officers to be framed under

V. And be it enacted, That One of His Majesty’s Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, from Time to Time may make Regulations

Regulations for the Management of the said Register Office, and for the Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars, Deputy Registrars, and Superintendent Registrars herein-after mentioned, in the Execution of this Act, so that they be not contrary to the Provisions herein contained; and the Regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers, and Servants, and on the Registrars, Deputy Registrars, and Superintendent Registrars.

VI. And be it enacted, That the Registrar General shall send once in every Year to One of the Principal Secretaries of State a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form as the said Secretary from Time to Time shall require; and every such annual General Abstract shall be laid before Parliament within One Month after Receipt thereof, or after the Meeting of Parliament.

VII. And be it enacted, That the Guardians of every Union declared under the Provisions of an Act passed in the Fifth and Sixth Years of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, and also of every Parish or Place in which a Board of Guardians shall have been established under the Provisions of the last-named Act, shall, on or before the First Day of *October* in this Year, if the said Board of Guardians shall have been established before the passing of this Act, or within Three Calendar Months next after the Establishment of the Board, if the said Board shall not have been established before the passing of this Act, divide the Union or the Parish or Place of which they are the Guardians into such and so many Districts as they, subject to the Approval of the Registrar General, shall think fit; and every such Division when made shall be published by the Guardians within the Union, Parish, or Place of which they are Guardians, in such Manner as the said Registrar General shall direct; and every such District shall be called by a distinct Name, and shall be a Registrar's District; and the Guardians shall appoint a Person, with such Qualifications as the Registrar General may by any general Rule declare to be necessary, to be Registrar of Births and Deaths within each District, and in every Case of Vacancy in the Office of Registrar shall forthwith fill up the Vacancy; and the Clerk to the Guardians of every such Union, Parish, or Place shall, if he shall think fit to accept such Office, and have such Qualifications as the Registrar General may by any general Rule declare to be necessary, be the Superintendent Registrar thereof; and in the event of his Refusal or Disqualification to act in that Capacity, the Guardians shall appoint a Person, with such Qualifications as the Registrar General may by any general Rule declare to be necessary, to be the Superintendent Registrar of each Union or of such Parish or Place, and in every Case of Vacancy of the Office of Superintendent Registrar shall forthwith fill up the Vacancy; and every Registrar and Superintendent Registrar shall hold his Office during the Pleasure of the Registrar General.

VIII. Provided always, and be it enacted, That in every Case in which the Clerk to the Guardians of any Union, Parish, or Place

Direction of  
Secretary of  
State.

Annual Ab-  
stract of Re-  
gisters to be  
laid before Par-  
liament.

Districts to be  
formed, and  
Registrars and  
Superintendent  
Registrars to  
be appointed.  
4 & 5 W. 4. c. 76.

Officers of  
Unions, &c.  
being dismissed  
Place

by Guardians,  
&c. to cease to  
act under this  
Act.

Place, or any other Officer of any such Union, Parish, or Place, shall hold any Office under this Act, and shall be removed by the Poor Law Commissioners from his Office in such Union, Parish, or Place, and in every Case in which any Registrar or Superintendent Registrar shall be removed by the Registrar General from his Office under this Act, Notice of such Removal shall be forthwith given by Advertisement in some Newspaper circulating in the County wherein the District for which such Officer may act shall be; and every such Person shall thenceforth cease to hold his Office under this Act, and shall be incapable of being re-appointed thereto: Provided also, that the Appointment of any Officer of any such Union, Parish, or Place to any Office under this Act shall be subject to the Approval of the Poor Law Commissioners, except as herein-before directed with respect to the Clerk to Guardians of any such Union, Parish, or Place.

Register Offices  
to be provided  
in each Union.

IX. And be it enacted, That the Guardians shall provide and uphold, out of the Monies coming to their Hands or Control as such Guardians, a Register Office, according to a Plan to be approved by the Registrar General, for preserving the Registers to be deposited therein, as herein-after provided; and the Care of the said Office and the Custody of the Registers deposited therein shall be given to the Superintendent Registrar of the Union or Parish or Place having a Board of Guardians as aforesaid.

Temporary  
Registrars and  
Superintendent  
Registrars to be  
appointed for  
Parishes not  
under the Poor  
Law Act.

X. And be it enacted, That the Poor Law Commissioners for *England* and *Wales* shall, as soon as may be after the said First Day of *October*, form all the Parishes, Townships, and Places in *England*, in or for which a Board of Guardians shall not have been then established under the Provisions of the said Act for the Amendment of the Laws relating to the Poor, into temporary Districts, having Regard in the Formation thereof to the Boundaries of Parishes and Townships, and shall appoint a Registrar to each of such temporary Districts, subject to being displaced as herein-after provided; and the Registrar General shall appoint a sufficient Number of fit Persons to be Superintendent Registrars for such temporary Districts, subject to being displaced as herein-after provided, and shall appoint the Districts which each shall superintend.

In case of sub-  
sequent Unions  
previous Ap-  
pointments to  
be vacated.

XI. And be it enacted, That in every Case in which a Board of Guardians shall be established under the Provisions of the said Act for the Amendment of the Laws relating to the Poor, in or for any Parish, Township, or Place forming Part of any temporary District in or for which a Registrar or Superintendent Registrar shall have been previously appointed as last aforesaid, and as soon as a Registrar or Registrars shall have been appointed for the Districts into which the Guardians shall have divided the Union or Parish or Place of which they are Guardians as aforesaid, and the Clerk of the Guardians of such Union, Parish, or Place shall have accepted the Office of Superintendent Registrar, or the said Guardians shall have appointed a Superintendent Registrar for such Districts, in like Manner as in the Unions formed before the passing of this Act, every such Parish or Place shall cease to be a Part of the temporary District to which it was so annexed by the Poor Law Commissioners, and every Registrar, Deputy Registrar,



Registrar, and Superintendent Registrar appointed before the Election of such Board of Guardians as aforesaid in or for such Parish, Township, or Place shall cease to hold their respective Offices, so far as relates to such Parish, Township, or Place, unless re-appointed.

XII. And be it enacted, That for every District for which a Registrar of Births and Deaths shall be appointed by the Guardians as aforesaid the Registrar shall have Power, subject to the Approval of such Guardians, and for every District for which a Registrar shall be appointed by the said Poor Law Commissioners, such Registrar shall have Power, subject to the Approval of such Commissioners, to appoint by Writing under his Hand a fit Person to act as his Deputy in case of the Illness or unavoidable Absence of such Registrar; and every such Deputy Registrar whilst so acting shall have all the Powers and Duties and be subject to all the Provisions and Penalties herein declared concerning Registrars, and in case of the Death of the Registrar shall act as Registrar until another Registrar is appointed; and every Registrar shall be civilly responsible for the Acts or Omissions of his Deputy.

Deputy Registrars to be appointed.

XIII. And be it enacted, That the Appointments of Registrars, Deputy Registrars, and Superintendent Registrars, and the Duplicates and certified Copies of Registers herein-after mentioned, shall be exempt from all Stamp Duties.

Appointments exempt from Stamp Duties.

XIV. And be it enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the Use of the Registrars under his Superintendence, a sufficient Number of strong Iron Boxes to hold the Register Books to be kept by such Registrar; and every such Box shall be furnished with a Lock and Two Keys, and no more; and one of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Superintendent Registrar; and the Register Books of each District, while in the Custody of the Registrar and not in use, shall be always kept in the Register Box, and the Register Box shall always be left locked.

Register Boxes to be provided.

XV. And be it enacted, That in every Case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as such Registrar or Superintendent Registrar shall be given as soon as conveniently may be to his Successor in Office; and if any Person shall refuse to give up any such Box, Key, Books, Documents, or Papers in such Case as aforesaid, it shall be lawful for any Justice of the Peace for the County or other Jurisdiction where such Person shall be or reside, upon Application made for that Purpose, to issue a Warrant under his Hand and Seal for bringing such Person before any Two Justices of the Peace for the said County or other Jurisdiction, and upon such Person appearing, or not being found, it shall be lawful for such Justices to hear and determine the Matter in a summary Way; and if it shall appear to the Justices that any such Box, Key, Books, Documents, or Papers are in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the said Justices are hereby required to commit such Offender to the Common Gaol or House of Cor-

All Books, &c. to be transferred on Removal of Registrar.

rection for the said County or Jurisdiction, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose Custody the same ought to be; and the said Justices may grant a Warrant to search for such Box, Key, Books, Documents, or Papers, as in the Case of stolen Goods, in any Dwelling House or other Premises in which any credible Witness shall prove upon Oath before them that there is reasonable Cause to suspect the same to be; and the same when found shall be delivered to the Person in whose Custody they ought to be.

Registrar and Deputy to dwell in the District, and their Names and Additions to be put on their Houses.

XVI. And be it enacted, That every Registrar and Deputy Registrar shall dwell within the District of which he is Registrar or Deputy Registrar, and shall cause his Name, with the Addition of Registrar or Deputy Registrar (as the Case may be) for the District for which he shall be so appointed to be placed in some conspicuous Place on or near the outer Door of his own Dwelling House; and the Superintendent Registrar shall cause to be printed and published in the Districts which he shall superintend a List of the Name and Place of Abode of every Registrar and Deputy Registrar under his Superintendence.

Register Books to be provided.

XVII. And be it enacted, That the Registrar General shall cause to be printed on account of the said Register Office a sufficient Number of Register Books for making Entries of all Births, Deaths, and Marriages of His Majesty's Subjects in *England*, according to the Forms of Schedules (A.) (B.) (C.) to this Act annexed; and the said Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively; and every Page of each of such Books 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.

Registrars to register Births and Deaths.

XVIII. And be it enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the Use of the Registrars under his Superintendence, a sufficient Number of Register Books of Births and of Register Books of Deaths, and of Forms for certified Copies thereof, as herein-after provided, at a reasonable Price, to be fixed from Time to Time by One of His Majesty's Principal Secretaries of State, the Cost whereof shall be borne by the Union, Parish, or Place in or for which the Superintendent Registrar is appointed, and shall be paid by the Guardians or by the Churchwardens and Overseers (as the Case may be), out of the Monies coming to their Hands or Control as such Guardians or Churchwardens and Overseers, to the Registrar, and shall be accounted for by him to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every Birth and every Death which shall happen within his District after the said First Day of *March*, and to learn and register as soon after the Event as conveniently may be done, without Fee or Reward save as herein-after mentioned, in One of the said Books, the Particulars required to be registered according to the

the Forms in the said Schedules (A.) and (B.) respectively touching every such Birth or every such Death, as the Case may be, which shall not have been already registered, every such Entry being made in Order from the Beginning to the End of the Book.

XIX. And be it enacted, That the Father or Mother of any Child born, or the Occupier of every House or Tenement in *England* in which any Birth or Death shall happen after the said First Day of *March*, may, within Forty-two Days next after the Day of such Birth or within Five Days after the Day of such Death respectively, give Notice of such Birth or Death to the Registrar of the District; and in case any new-born Child or any dead Body shall be found exposed, the Overseers of the Poor in the Case of the new-born Child, and the Coroner in the Case of the dead Body, shall forthwith give Notice and Information thereof, and of the Place where such Child or dead Body was found, to the Registrar; and for the Purposes of this Act the Master or Keeper of every Gaol, Prison, or House of Correction, or Workhouse, Hospital, or Lunatic Asylum, or public or charitable Institution, shall be deemed the Occupier thereof.

Parents or Occupiers of Houses in which Births or Deaths happen, and Overseers and Coroners in Cases of Foundlings or exposed dead Bodies, to give Notice to the Registrar.

XX. And be it enacted, That the Father or Mother of every Child born in *England* after the said First Day of *March*, or in case of the Death, Illness, Absence, or Inability of the Father and Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall, within Forty-two Days next after the Day of every such Birth, give Information, upon being requested so to do, to the said Registrar, according to the best of his or her Knowledge and Belief, of the several Particulars hereby required to be known and registered touching the Birth of such Child.

Parent or Occupier of House required to give Particulars of Birth so far as known.

XXI. And be it enacted, That if any Child of an *English* Parent shall be born at Sea on board of a *British* Vessel, the Captain or Commanding Officer of the Vessel on board of which the said Child shall have been born shall forthwith make a Minute of the several Particulars herein-before required to be inserted in the Register touching the Birth of such Child, so far as the same may be known, and the Name of the Vessel wherein the Birth took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other sooner Opportunity, send a Certificate of the said Minute through the Post Office to the Registrar General, who shall file the same, and enter a Copy thereof under his Hand in a Book to be kept for that Purpose in "The General Register Office", to be called the "Marine Register Book", and shall keep the said Book with the other Registers, according to the Provisions of this Act.

Registry of Children born at Sea.

XXII. And be it enacted, That after the Expiration of Forty-two Days following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth, save as herein-after is next mentioned; provided that, in case the Birth of any Child shall not have been registered according to the Provisions herein-before contained, it shall be lawful for any Person present at the Birth of such Child, or for the Father or Guardian thereof, at any Time within Six Calendar Months next after the Birth, to make a solemn Declaration of the Particulars required to be known touch-

As to Registry after the Expiration of 42 Days from the Birth of the Child.

ing the Birth of such Child, according to the best of his or her Knowledge and Belief, and it shall thereupon be lawful for the said Registrar then and there, in the Presence of the Superintendent Registrar, to register the Birth of the said Child according to the Information of the Person making the said Declaration; and in every such Case the Superintendent Registrar before whom the said Declaration is made shall sign the Entry of the Birth as well as the Registrar, and for every such Registry as last aforesaid the Superintendent Registrar shall be entitled to have a Fee of Two Shillings and Sixpence from the Person requiring the same to be registered; and the Registrar, over and above the Fee herein-after enacted in respect of every Birth registered by him, shall be entitled, unless the Delay shall have been occasioned by his Default, to have a Fee of Five Shillings from the Person requiring the same to be registered; and no Register of Births shall be given in Evidence to prove the Birth of any Child wherein it shall appear that Forty-two Days have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Superintendent Registrar; and every Person who shall knowingly register or cause to be registered the Birth of any Child, otherwise than herein-before is last mentioned, after the Expiration of Forty-two Days following the Day of the Birth of such Child, shall forfeit and pay for every such Offence a Sum not exceeding Fifty Pounds.

Births not to be registered after Six Months.

XXIII. And be it enacted, That after the Expiration of Six Calendar Months following the Birth of any Child it shall not be lawful for any Registrar to register the Birth of such Child, and no Register of Births, except in the Case of Children born at Sea, shall be given in Evidence to prove the Birth of any Child wherein it shall appear that Six Calendar Months have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child; and every Person who shall knowingly register or cause to be registered the Birth of any Child after the Expiration of Six Calendar Months following the Day of the Birth of such Child shall forfeit and pay for every such Offence a Sum not exceeding Fifty Pounds.

Name given in Baptism may be registered within Six Months after Registration of Birth.

XXIV. And be it enacted, That if any Child born in *England* whose Birth shall have been registered as aforesaid shall, within Six Calendar Months next after it shall have been so registered, have any Name given to it in Baptism, the Parent or Guardian of such Child, or other Person procuring such Name to be given, may, within Seven Days next after such Baptism, procure and deliver to the Registrar or Superintendent Registrar, in whose Custody the Register of the Birth of the Child may then happen to be, a Certificate, according to the Form of Schedule (G.) to this Act annexed, signed by the Minister who shall have performed the Rite of Baptism, which Certificate such Minister is hereby required to deliver immediately after the Baptism, whenever the same shall be then demanded, on Payment of the Fee of One Shilling, which he shall be therefore entitled to receive; and the said Registrar or Superintendent Registrar, upon Receipt of such Certificate and on Payment of the Fee of One Shilling, which he shall be therefore entitled to receive, shall, without any Erasure of the original Entry, forthwith register therein that the Child was baptized by such Name,

Name, and the Registrar shall thereupon certify upon the said Certificate the additional Entry so made, and shall forthwith send the said Certificate through the Post Office to the Registrar General.

XXV. And be it enacted, That some Person present at the Death or in attendance during the last Illness of every Person dying in *England* after the said First Day of *March*, or in case of the Death, Illness, Inability, or Default of all such Persons, the Occupier of the House or Tenement, or if the Occupier be the Person who shall have died, some Inmate of the House or Tenement in which such Death shall have happened, shall, within Eight Days next after the Day of such Death, give Information, upon being requested so to do, to the said Registrar, according to the best of his or her Knowledge and Belief, of the several Particulars hereby required to be known and registered touching the Death of such Person: Provided always, that in every Case in which an Inquest shall be held on any dead Body the Jury shall inquire of the Particulars herein required to be registered concerning the Death, and the Coroner shall inform the Registrar of the Finding of the Jury, and the Registrar shall make the Entry accordingly.

Some Person present at Death, or Occupier of House, required to give Particulars of Death, so far as known.

Registrar to make Entry of Finding of Jury upon Inquests.

XXVI. And be it enacted, That if any of His Majesty's *English* Subjects shall die at Sea on board of a *British* Vessel, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute of the several Particulars herein-before required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other sooner Opportunity, send a Certificate of the said Minute through the Post Office to the Registrar General, who shall file the same, and enter a Copy thereof under his Hand in the Marine Register Book, and keep the same with the other Registers, according to the Provisions of this Act.

Registry of Persons dying at Sea.

XXVII. And be it enacted, That every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall, without Fee or Reward, deliver to the Undertaker or other Person having Charge of the Funeral a Certificate under his Hand, according to the Form of Schedule (E.) to this Act annexed, that such Death has been duly registered, and such Certificate shall be delivered by such Undertaker or other Person to the Minister or officiating Person who shall be required to bury or to perform any religious Service for the Burial of the dead Body, and if any dead Body shall be buried for which no such Certificate shall have been so delivered, the Person who shall bury or perform any Funeral or any religious Service for the Burial shall forthwith give Notice thereof to the Registrar: Provided always, that the Coroner, upon holding any Inquest, may order the Body to be buried, if he shall think fit, before Registry of the Death, and shall in such Case give a Certificate of his Order in Writing under his Hand, according to the Form of Schedule (F.) to this Act annexed, to such Undertaker or other Person having Charge of the Funeral, which shall be delivered as aforesaid; and every Person who shall bury or perform

Registrar to give Certificate of Registry of Death to Undertaker, who shall deliver the same to Minister, &c.

Coroner may order Body to be buried, and give Certificate.

No dead Body to be buried without Certificate of Registry or of Inquest, Penalty, 10l.

Register to be signed by the Informant.

Registrars to make out Accounts quarterly.

Guardians or Overseers to pay Registrars.

Marriage Register Books to be provided.

Marriage Registers to be kept in Duplicate.

any Funeral or any religious Service for the Burial of any dead Body for which no Certificate shall have been duly made and delivered as aforesaid, either by the Registrar or Coroner, and who shall not within Seven Days give Notice thereof to the Registrar, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

XXVIII. And be it enacted, That every Person by whom the Information contained in any Register of Birth or Death under this Act shall have been given shall sign his Name, Description, and Place of Abode in the Register; and no Register of Birth or Death according to this Act shall be given in Evidence which shall not be signed by some Person professing to be the Informant, and to be such Party as is herein required to give such Information to the Registrar.

XXIX. And be it enacted, That every Registrar shall make out an Account Four Times in every Year of the Number of Births and Deaths which he shall have registered since the last quarterly Account, and the Superintendent Registrar shall verify and sign the same; and the Guardians or Overseers of the Parish, Township, or Place in or for which he shall be Registrar, on Production of the said Account so verified and signed, shall pay to the said Registrar, out of the Monies in their Hands or Power as such Guardians or Overseers, such Sums as he shall be entitled to receive on the said Account according to the following Scale; (that is to say,) for the first Twenty Entries of Births and Deaths in every Year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, Two Shillings and Sixpence each, and One Shilling for every subsequent Entry of Births or Deaths in each Year; and in the Case of an Union the said several Sums shall be charged to the Account of the Parishes in which such Births or Deaths respectively shall have occurred.

XXX. And be it enacted, That the Registrar General shall furnish or cause to be furnished to the Rector, Vicar, or Curate of every Church and Chapel in *England* wherein Marriages may lawfully be solemnized, and also to every Person whom the Recording Clerk of the Society of Friends commonly called *Quakers*, at their Central Office in *London*, shall from Time to Time certify in Writing under his Hand to the Registrar General to be a Registering Officer in *England* of the said Society, and also to every Person whom the President for the Time being of the *London* Committee of Deputies of the *British Jews* shall from Time to Time certify in Writing under his Hand to the Registrar General to be the Secretary of a Synagogue in *England* of Persons professing the Jewish Religion, a sufficient Number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof, as herein-after provided; and the Cost of all such Books and Forms shall be paid by the Churchwardens and Overseers of the Parish or Chapelry out of the Monies in their Hands as such Churchwardens and Overseers, or by the Registering Officer or Secretary respectively to whom the same shall be furnished.

XXXI. And be it enacted, That every Clergyman of the Church of *England*, immediately after every Office of Matrimony solemnized by him, shall register in Duplicate in Two of the Marriage Register

Register Books the several Particulars relating to that Marriage according to the Form of the said Schedule (C.); and every such Registering Officer of the Quakers, as soon as conveniently may be after the Solemnization of any Marriage between Two Quakers in the District for which he is Registering Officer, and every such Secretary of a Synagogue, immediately after every Marriage solemnized between any Two Persons professing the Jewish Religion, of whom the Husband shall belong to the Synagogue whereof he is Secretary, shall register or cause to be registered in Duplicate in Two of the said Marriage Register Books the several Particulars relating to that Marriage according to the Form of the said Schedule (C.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the Proceedings in relation thereto have been conformable to the Usages of the said Society, or of the Persons professing the Jewish Religion, as the Case may be; and every such Entry as herein-before is mentioned (whether made by such Clergyman or by such Registering Officer or Secretary respectively as aforesaid) shall be signed by the Clergyman or by the said Registering Officer or Secretary, as the Case may be, and by the Parties married, and by Two Witnesses, and shall be made in Order from the Beginning to the End of each Book, and the Number of the Place of Entry in each Duplicate Marriage Register Book shall be the same.

XXXII. And be it enacted, That in the Months of *April, July, October,* and *January*, on such Days as shall from Time to Time be appointed by the Registrar General, every Registrar shall make, and deliver to the Superintendent Registrar of his District, on durable Materials, a true Copy, certified by him under his Hand, according to the Form of Schedule (D.) to this Act annexed, of all the Entries of Births and Deaths in the Register Book kept by him since the last Certificate, the first of such Certificates to be given in the Month of *July* in the Year One thousand eight hundred and thirty-seven, and to contain all the Entries made up to that Time; and the Superintendent Registrar shall verify the same, and if found to be correct shall certify the same under his Hand to be a true Copy; and if there shall have been no Birth or Death registered since the Delivery of the last Certificate the Registrar shall certify the Fact, and such Certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said Register Books until it shall be filled, and shall then deliver it to the Superintendent Registrar, to be kept by him with the Records of his Office.

XXXIII. And be it enacted, That the Rector, Vicar, or Curate of every such Church and Chapel, and every such Registering Officer and Secretary, shall, in the Months of *April, July, October,* and *January* respectively, make and deliver to the Superintendent Registrar of the District in which such Church or Chapel may be situated, or which may be assigned by the Registrar General to such Registering Officer or Secretary, on durable Materials, a true Copy certified by him under his Hand of all the Entries of Marriages in the Register Book kept by him since the last Certificate, the first of such Certificates to be given in the Month of *July* One

**Certified Copies of Registers of Births and Deaths to be sent quarterly, and the Register Books, when filled, to the Superintendent Registrar.**

**Duplicates and certified Copies of Registers of Marriages to be sent to Superintendent Registrar.**

thousand eight hundred and thirty-seven, and to contain all the Entries made up to that Time, and if there shall have been no Marriage entered therein since the last Certificate, shall certify the Fact under his Hand, and shall keep the said Marriage Register Books safely until the same shall be filled; and one Copy of every such Register Book, when filled, shall be delivered to the Superintendent Registrar of the District in which such Church or Chapel may be situated, or which shall have been assigned as aforesaid to such Registering Officer or Secretary, and the other Copy of every such Register Book kept by any such Rector, Vicar, or Curate shall remain in the keeping of such Rector, Vicar, or Curate, and shall be kept by him with the Registers of Baptisms and Burials of the Parish or Chapelry within which the Marriages registered therein shall have been solemnized; and the other Copy of every such Register Book of Marriages among the People called *Quakers* and among Persons professing the Jewish Religion respectively, shall remain under the Care of the said People or Persons respectively, to be kept with their other Registers and Records, and shall, for the Purposes of this Act, be still deemed to be in the keeping of the Registering Officer or Secretary for the Time being respectively.

Superintendent Registrars to send certified Copies of Registers to the General Register Office.

XXXIV. And be it enacted, That every Superintendent Registrar shall, Four Times in every Year, on such Days as shall be therefore named by the Registrar General, send to the Registrar General all the certified Copies of the Registers of Births, Deaths, and Marriages which he shall have so received during the Three Calendar Months next preceding such quarterly Days of Transmission respectively; and if it shall appear, by Interruption of the regular Progression of Numbers or otherwise, that the Copy of any Part of any Book has not been duly delivered to him, he shall procure, as far as possible, consistently with the Provisions of this Act, that the same may be remedied and supplied; and every such Superintendent Registrar shall be entitled to receive the Sum of Two-pence for every Entry in such certified Copies; and every Superintendent Registrar shall make out an Account Four Times in every Year of the Number of Entries in the certified Copies sent to him during the last Quarter, and the certified Copies so sent to the General Registry Office shall be thereafter kept in the said Office in such Order and Manner as the Registrar General, under the Direction of the Secretary of State, shall think fit, so that the same may be most readily seen and examined.

Searches may be made, and Certificates given by the Persons keeping the Registers.

XXXV. And be it enacted, That every Rector, Vicar, or Curate, and every Registrar, Registering Officer, and Secretary, who shall have the keeping for the Time being of any Register Book of Births, Deaths, or Marriages, shall at all reasonable Times allow Searches to be made of any Register Book in his keeping, and shall give a Copy certified under his Hand of any Entry or Entries in the same, on Payment of the Fee herein-after mentioned; (that is to say,) for every Search extending over a Period not more than One Year the Sum of One Shilling, and Sixpence additional for every additional Year, and the Sum of Two Shillings and Sixpence for every single Certificate.

Indexes to be made at the Superintendent

XXXVI. And be it enacted, That every Superintendent Registrar shall cause Indexes of the Register Books in his Office to be made, and



and kept with the other Records of his Office; and that every Person shall be entitled at all reasonable Hours to search the said Indexes, and to have a certified Copy of any Entry or Entries in the said Register Books under the Hand of the Superintendent Registrar, on Payment of the Fees herein-after mentioned; (that is to say,) for every general Search the Sum of Five Shillings, and for every particular Search the Sum of One Shilling, and for every such certified Copy the Sum of Two Shillings and Sixpence.

Registrar's Office, and Persons allowed to search them.

XXXVII. And be it enacted, That the Registrar General shall cause Indexes of all the said certified Copies of the Registers to be made and kept in the General Register Office; and that every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the said Indexes between the Hours of Ten in the Morning and Four in the Afternoon of every Day, except *Sundays, Christmas Day, and Good Friday*, and to have a certified Copy of any Entry in the said certified Copies of the Registers; and for every general Search of the said Indexes shall be paid the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every such certified Copy the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Registrar General or such other Officer as shall be appointed for that Purpose on his Account.

Indexes to be kept at General Register Office, Searches allowed, and certified Copies given.

XXXVIII. And be it enacted, That the Registrar General shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all certified Copies of Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office shall be received as Evidence of the Birth, Death, or Marriage to which the same relates, without any further or other Proof of such Entry; and no certified Copy purporting to be given in the said Office shall be of any Force or Effect which is not sealed or stamped as aforesaid.

Certified Copies given at General Registry Office to be sealed.

XXXIX. And be it enacted, That every Sum received under the Provisions of this Act by or on account of the Registrar General shall be accounted for and paid by the Registrar General, at such Times as the Lords Commissioners of the Treasury from Time to Time shall direct, into the Bank of *England*, to the Credit of His Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*.

Fees for Searches in the General Register Office to be accounted for to the Exchequer. 4<sup>th</sup> & 5<sup>th</sup> W. 4. c. 15.

XL. And be it enacted, That it shall be lawful for every Clergyman of the Church of *England* who shall solemnize any Marriage in *England*, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said First Day of *March*, to ask of the Parties married the several Particulars herein required to be registered touching such Marriage.

Clergymen, &c. may ask Parties married the Particulars required.

XLI. And be it enacted, That every Person who shall wilfully make or cause to be made, for the Purpose of being inserted in any Register of Birth, Death, or Marriage, any false Statement touching any of the Particulars herein required to be known and registered, shall be subject to the same Pains and Penalties as if he were guilty of Perjury.

Penalty for wilfully giving false Information.

XLII. And

Penalty for not duly registering Births, Deaths, and Marriages, or for losing or injuring the Registers.

XLII. And be it enacted, That every Person who shall refuse or without reasonable Cause omit to register any Marriage solemnized by him, or which he ought to register, and every Registrar who shall refuse or without reasonable Cause omit to register any Birth or Death of which he shall have had due Notice as aforesaid, and every Person having the Custody of any Register Book, or certified Copy thereof or of any Part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his Keeping, shall forfeit a Sum not exceeding Fifty Pounds for every such Offence.

Penalty for destroying or falsifying Register Books.

XLIII. And be it enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or any Part or certified Copy of any Part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register Book or certified Copy thereof, or shall wilfully insert or cause to be inserted in any Register Book or certified Copy thereof any false Entry of any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy or Extract of any Register Book, knowing the same Register to be false in any Part thereof, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

Accidental Errors may be corrected.

XLIV. Provided always, and be it enacted, That no Person charged with the Duty of registering any Birth, Death, or Marriage, who shall discover any Error to have been committed in the Form or Substance of any such Entry, shall be therefore liable to any of the Penalties aforesaid if within One Calendar Month next after the Discovery of such Error, in the Presence of the Parents of the Child whose Birth may have been so registered, or of the Parties married, or of Two Persons attending upon any Person in his or her last Illness whose Death may have been so registered, or in case of the Death or Absence of the respective Parties aforesaid, then in the Presence of the Superintendent Registrar and of Two other credible Witnesses who shall respectively attest the same, he shall correct the erroneous Entry according to the Truth of the Case, by Entry in the Margin, without any Alteration of the original Entry, and shall sign the marginal Entry, and add thereunto the Day of the Month and Year when such Correction shall be made: Provided also, that in the Case of a Marriage Register he shall make the like marginal Entry, attested in like Manner in the Duplicate Marriage Register Book to be made by him as aforesaid, and in every Case shall make the like Alteration in the certified Copy of the Register Book to be made by him as aforesaid, or in case such certified Copy shall have been already made, provided he shall make and deliver in like Manner a separate certified Copy of the original erroneous Entry, and of the marginal Correction therein made.

Recovery of Penalties.

XLV. And be it enacted, That all Fines and Forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any Two Justices of the Peace for the County, City, or Place where the Offence shall have happened, upon the Information or Complaint of any Person; and if on the Conviction of the Offender, either on his or her Confession, or by the Oath of any One

or

or more credible Witness or Witnesses, (which Oath such Justices are hereby empowered to administer,) such Fines or Forfeitures, with the Costs of the Conviction, shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justices; and for Want of Distress such Justices may commit every such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offender shall be committed, without Bail or Mainprize, for any Term not exceeding One Calendar Month, unless such Fine and Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and one Moiety of all such Fines and Forfeitures shall go to the Person who shall inform and sue or prosecute for the same, and the other Moiety shall go to the Registrar General, or to such other Person as the Lords Commissioners of the Treasury shall appoint, for the Use of His Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person or Persons aggrieved by such Irregularity shall recover full Satisfaction for the special Damages sustained in an Action on the Case.

XLVI. And be it enacted, That in all Cases where the Sum Appeal. adjudged to be paid on any such summary Conviction shall exceed Five Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than Twelve Days after the Day of such Conviction for the County or other District wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

XLVII. And be it enacted, That no such Conviction or Adju- No Certiorari. dication made on Appeal therefrom shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's Superior Courts of Record, and no Warrant of Commitment shall be held void by reason of any Defect therein, provided

provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Correspondence of Registrar General relating to this Act to be free of Postage.

XLVIII. And be it enacted, That the Registrar General may receive and send by the General Post from and to Places in *England* all Letters and Packets relating exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the Registrar General be directed to the "Registrar General of Births, Deaths, and Marriages," at his Office, and that all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words "Registrar General of Births, Deaths, and Marriages" printed on the same, and be sealed with the Seal of the said Register Office, and be signed on the Outside thereof under such Words with the Name of such Person as the said Registrar General, with the Consent of the Lords Commissioners of the Treasury, or any Three or more of them, shall appoint, in his own Handwriting, (such Name to be from Time to Time sent to the Secretary of the General Post Office in *London*,) and under such other Regulations as the said Lords Commissioners, or any Three or more of them, shall think fit; and if the Person so to be appointed shall 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 exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall send or cause to be sent under any such Cover any Letter, Paper, or Writing, or any Inclosure, other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office; one Moiety of such Penalty to be paid to the Use of His Majesty, His 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 His Majesty's Courts of Record at *Westminster*.

Registers of Baptisms and Burials may be kept as heretofore.

XLIX. Provided always, and be it enacted, That nothing herein contained shall affect the Registration of Baptisms or Burials as now by Law established, or the Right of any Officiating Minister to receive the Fees now usually paid for the Performance or Registration of any Baptism, Burial, or Marriage.

Registrar General to furnish Notices to Guardians of Unions, &c. specifying Acts required to be done by Parties registering.

L. And be it further enacted, That the said Registrar General shall, within Three Calendar Months after his Appointment to such Office, furnish to the respective Guardians of every Union, Parish, or Place printed Notices, which the said Guardians shall, as soon as conveniently may be after the Receipt thereof, cause to be fixed or placed on the Outside of the several Church and Chapel Doors, or other public and conspicuous Buildings or Places, within their respective Unions, Parishes, or Places, and which said Notices shall specify the several Acts required to be done by Persons who may be desirous of solemnizing Marriage, or of registering the Birth of any Child or the Death of any Person under the Provisions of this Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1836.—BIRTHS in the *District of Marylebone, North*, in the County of *Middlesex*.

No.	When born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.	Baptismal Name, if added after Registration of Birth.
1	7th January.	James.	Boy.	William Green.	Rebecca Green, formerly Jennings.	Carpenter.	William Green, Father, Carpenter, 17, North Street, Marylebone.	9 January.	John Cox, Registrar.	

The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.

## SCHEDULE (B.)

1836.—DEATHS in the *District of Mary-le-bone, North*, in the County of *Middlesex*.

No.	When died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.
17	4 February.	William Green.	Male.	43	Carpenter.		Rebecca Green, Widow, 17, North Street, Mary-le-bone.	3 February.	John Cox, Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in according as the Case may be.]

SCHEDULE (C.)

1836.—MARRIAGES solemnized at the Parish Church in the Parish of *Mary-le-bone* in the County of *Middlesex*.

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17 March 1836.	<i>William Hastings.</i> <i>Sophia Ann Mitchell.</i>	<i>Of full Age.</i> <i>Minor.</i>	<i>Bachelor.</i> <i>Spinster.</i>	<i>Carpenter.</i> —	<i>3, South Street,</i> <i>17, High Street.</i>	<i>Peter Hastings.</i> <i>Geoffry Mitchell.</i>	<i>Upholsterer.</i> <i>Butcher.</i>

Married in the *Parish Church*, according to the Rites and Ceremonies of the *Established Church*, by *Licence*, or after *Banns*, by me,

*James Hollingshead, Vicar.*

This Marriage was solemnized between us, { *William Hastings,* } in the { *John Hastings.*  
*Sophia Anne Mitchell,* } Presence of us, { *Geoffry Mitchell.*

The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.

## SCHEDULE (D.)

I *John Cox*, Registrar of Births and Deaths in the *District of Mary-le-bone, North*, in the County of *Middlesex*, do hereby certify, That this is a true Copy of the Registrar's Book of Births [or Deaths] within the said *District*, from the Entry of the Birth [or Death] of *James Green*, No. 1, to the Entry of the Birth [or Death] of *William Strange*, No. 34. Witness my Hand this *Seventh Day of March 1838*.

*John Cox*, Registrar.

## SCHEDULE (E.)

I *John Cox*, Registrar of Births and Deaths in the *District of Mary-le-bone, North*, in the County of *Middlesex*, do hereby certify, That the Death of *Henry Hastings* was duly registered by me on the *Seventh Day of March 1836*. Witness my Hand this *Eighth Day of March 1836*.

*John Cox*, Registrar.

## SCHEDULE (F.)

I *James Smith*, Coroner for the County of *Dorset*, do hereby order the Burial of the Body now shown to the Inquest Jury as the Body of *John Jones*. Witness my Hand this *Eighth Day of March 1836*.

*James Smith*, Coroner.

## SCHEDULE (G.)

I *Gilbert Elliott*, Vicar of *Barming*, in the County of *Kent*, do hereby certify, That I have this Day baptized by the Name of *Thomas a Male Child*, produced to me by *William Green* as the Son of *William Green* and *Rebecca Green*, and declared by the said *William Green* to have been born at *Mary-le-bone* in the County of *Middlesex* on the *Seventh Day of January 1836*. Witness my Hand this *First Day of December 1838*.

*Gilbert Elliott*, Vicar.

[The Words and Figures in *Italics* in the above Schedules to be filled in as the Case may be.]

## C A P. LXXXVII.

An Act for extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham*, and *Cambridge*. [17th August 1836.]

WHEREAS it is expedient to put an end to the Secular Jurisdiction of the Archbishop of *York* in the Liberty of *Ripon* in the West and North Ridings of the County of *York*, and in the Liberty of *Cawood*, *Wistow*, and *Otley* in the said West Riding, and in the Soke of *Southwell* in the County of *Nottingham*, and to the Secular Jurisdiction of the Bishop of *Ely* in the *Isle of Ely* in the County of *Cambridge*: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and



Commons, in this present Parliament assembled, and, by the Authority of the same, That all the Secular Authority of the Archbishop of *York* in the said Liberty of *Ripon*, and in the said Liberty of *Cawood*, *Wistow*, and *Otley*, and in the said Soke of *Southwell*, shall, from and after the passing of this Act, cease and determine, and shall become and be transferred to and vested in His Majesty, His Heirs and Successors.

Secular Jurisdiction of Archbishop of *York* in the Places herein mentioned to cease.

II. And be it further enacted, That the several Towns, Parishes, and Places within the said Liberty of *Ripon*, and the said Liberty of *Cawood*, *Wistow*, and *Otley* respectively, shall severally be deemed and taken to be distinct Liberties, in the same Way as they have heretofore been, and shall enjoy all the same Rights, Privileges, and Exemptions which they have heretofore enjoyed, save only that all Secular Powers and Authorities heretofore exercised by the Archbishop of *York* within the said Liberties, or either of them, shall henceforth be exercised by His Majesty, His Heirs and Successors; and all Persons now holding any Office in the said Liberties or either of them shall continue to hold the same in the same Way as if this Act had not been passed.

Towns, &c. over which his Jurisdiction extended to enjoy their Privileges as heretofore.

III. And be it further enacted, That no new Commission of the Peace shall be henceforth issued for the said Soke of *Southwell*, but the Justices of the Peace for the said County of *Nottingham* shall within the said Soke of *Southwell* exercise the same Jurisdiction, both in and out of Sessions, as within every other Part of such County; any Charter or Custom to the contrary notwithstanding.

Justices of Peace for *Southwell*.

IV. And be it further enacted, That all the Secular Authority of the Bishop of *Ely* in the *Isle of Ely* in the County of *Cambridge*, and all Authority of the Chief Justice of *Ely* heretofore appointed by the Bishop of *Ely*, shall, from and after the passing of this Act, cease and determine; and all the Secular Authority of the said Bishop shall become and be vested in His Majesty, His Heirs and Successors: Provided always, that nothing herein contained shall prevent any Justice of the Peace now acting for the said Liberties, Soke, and *Isle* respectively from continuing to act as such within the Limits of their respective Jurisdictions as if this Act had not been passed.

Secular Jurisdiction of Bishop of *Ely* to cease.

V. And be it further enacted, That the County Rates for the said Liberty of *Ripon* and for the said *Isle of Ely* shall remain, as heretofore, distinct from the Rates for the rest of the Counties of *York* and *Cambridge* respectively, and shall be assessed and levied and paid and applied by and under the Order and Direction of the Justices of the Peace for the said Liberty and *Isle* respectively as if the same were separate Counties, but in all other respects under the same Regulations as are applicable to the Rates of other Counties in *England*.

County Rates of *Ripon* and *Isle of Ely*.

VI. And be it enacted, That the Custos Rotulorum of the said West Riding of *Yorkshire* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Liberty of *Ripon*, and of the said Liberty of *Cawood*, *Wistow*, and *Otley*, and that the Custos Rotulorum of the said County of *Nottingham* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Soke of *Southwell*, and that the Records of

Custos Rotulorum of West Riding and of *Nottinghamshire*.

the said several Courts shall be delivered to the said respective Keepers accordingly.

Custos Rotulorum of Ely.

VII. And be it enacted, That it shall be lawful for His Majesty, His Heirs and Successors, to appoint from Time to Time such Person as He and They shall think fit to be Custos Rotulorum of the said *Isle of Ely*.

Assizes, &c. for Ely to be held under 3 & 4 W. 4. c. 71.

VIII. And be it enacted, That the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business in the said County of *Cambridge*, including the said *Isle of Ely*, shall be holden in such Manner and at such Place or Places as shall be directed by His Majesty in Council under the Provisions of an Act passed in the Third and Fourth Years of His present Majesty's Reign, intituled *An Act for the Appointment of convenient Places for the holding of Assizes in England and Wales*.

Quarter Sessions of Isle of Ely.

IX. And be it further enacted, That separate Commissions of the Peace shall continue to be issued for the said Two Liberties and Isle respectively as heretofore; and the Sessions of the Peace for the said Liberties and Isle respectively shall be holden by and before the Justices of the Peace for the Time being acting in and for the said Liberties and Isle respectively in like Manner as the same have hitherto been holden.

Clerks of the Peace.

X. And be it further enacted, That the present Clerks of the Peace for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow*, and *Otley*, and for the said *Isle of Ely* respectively, shall continue Clerks of the Peace for the said Liberties and Isle respectively during their Lives, or until Resignation or other Determination of their Offices, and that thenceforth the Clerks of the Peace for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow*, and *Otley*, shall be appointed by the Custos Rotulorum of the said West Riding for the Time being, and the Clerk of the Peace for the said *Isle of Ely* shall be appointed by the Custos Rotulorum thereof for the Time being, and shall be subject and liable to the same Laws in all respects as the Clerks of the Peace in other Counties of *England*; and that the present Coroner of the Liberty of *Ripon* shall continue Coroner during his Life, or so long as he shall well behave himself; and upon the Death, Removal, or Resignation of such Coroner, and upon every future Vacancy of the Office, a Coroner shall be chosen by the Freeholders of the said Liberty of *Ripon* in like Manner as Coroners are chosen in the Case of other Counties or Divisions of Counties in *England*.

Coroner for Ripon.

Who shall be qualified to serve on Juries in Ripon.

XI. And be it enacted, That all Persons residing within the said Liberty of *Ripon* who by the Laws now in force would be qualified and liable to serve on Grand Juries in Courts of Sessions of the Peace, and on Petty Juries for the Trial of Issues in Courts of Sessions of the Peace, holden for the County of *York*, if the said Liberty were destroyed and the District comprised therein made for all Purposes Part of the said County, shall be qualified and liable to serve on such Juries in Courts of Sessions of the Peace holden within the said Liberty; and all Persons who by the Laws now in force would be exempted from serving on such Juries, if the said District were for all Purposes made Part of the said County,

County, shall in like Manner be exempted from serving on such Juries within said Liberty.

XII. And be it further enacted, That the present Chief Bailiff for the said *Isle of Ely* shall continue Chief Bailiff of the said *Isle* until Resignation or other Determination of his Office, and that thenceforth it shall be lawful for His Majesty, His Heirs and Successors, to appoint from Time to Time such Person as He or They shall think fit to be Chief Bailiff of the said *Isle*.

Chief Bailiff of the *Isle* of *Ely*.

XIII. And be it further enacted, That no Person shall from and after the passing of this Act be committed to the Gaol at *Ely*, but all Persons who, if this Act had not passed, might have been committed to or confined in such Gaol may be committed to and confined in the Gaol at *Cambridge*, and the Justices of the said *Isle of Ely* shall have full Power to commit to the said Gaol at *Cambridge*; and all Persons who at the Time of the passing of this Act shall be confined in the said Gaol at *Ely* shall, as soon as may be after the passing of this Act, be delivered up by the Keeper of the said Gaol at *Ely* to the Keeper of the said Gaol at *Cambridge*, together with the Warrant or Instrument under or by virtue whereof every such Person shall be then detained in Custody, and the Keeper of the said Gaol at *Cambridge* shall receive and detain such Persons in Custody in the same Way as if such Persons had originally been committed to his Custody.

Gaol at *Ely* abolished, and Prisoners to be confined in *Cambridge* Gaol.

XIV. And be it enacted. That the Houses of Correction at *Ely* and *Wisbech* in the said *Isle* shall remain, and the present Keepers thereof shall be continued in Office during the Pleasure of the Justices of the Peace for the said *Isle* in Quarter Sessions assembled; and the Keepers thereof shall be appointed by the said Justices so assembled as in other Counties of *England*.

Houses of Correction and their Keepers to remain.

XV. And be it enacted, That all the Regulations respecting Juries and Jurors for Counties in *England* shall after the passing of this Act be applied to the *Isle of Ely* as well as to the rest of the County of *Cambridge*, and the Sheriff of the Counties of *Cambridge* and *Huntingdon* shall have the same Power of summoning Jurors in the said *Isle of Ely* which he has in the rest of the said County of *Cambridge*, and all Persons residing in the said *Isle* shall be liable to serve on Juries for the said County in the same Manner as Persons residing in other Parts of the same County.

Regulations respecting Juries in *Ely*.

XVI. And be it enacted, That the present Coroners of the said *Isle of Ely* shall continue Coroners respectively during their respective Lives, or so long as they shall respectively well behave themselves; and that upon the Death, Removal, or Resignation of either of them, and upon every future Vacancy of the Office, a Coroner shall be chosen by the Freeholders of the said *Isle* in like Manner as Coroners are chosen in the Case of other Counties or Divisions of Counties of *England*; and the said Coroners for the Time being shall be entitled to demand and take the same Fees, Recompence, and Benefit as are given to or provided for the Coroners by an Act made and passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors*, and shall as such Coroners be subject to all the Provisions of the said Act.

Present Coroners of *Ely* continued, and future Vacancies provided for.

25 G. 2. c. 29.

Compensation to Persons affected by the Provisions of the Act.

XVII. 'And whereas it is expedient that due Provision shall be made for the Compensation of any Persons holding Offices which have been usually held for Life, for the Loss they may sustain by the Abolition of their Offices by virtue or in consequence of this Act;' be it therefore enacted, That from and after the Commencement of this Act there shall be issued, paid, and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the said Officers respectively, free and clear of all Taxes and Deductions whatsoever, such Sum of Money, at such Times, by way of Annuity or otherwise, as shall be adjudged and determined to be due to them by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* or any Three of them, who shall have full Power to inquire into and ascertain the Amount of such Compensation, having regard to the Nature and Value of the Office, the Mode of Appointment thereto, the Tenure thereof, and all the Circumstances of the Case.

Restrictions as to Compensations.

XVIII. Provided always, and be it enacted, That no such Officer shall be entitled to receive any such Compensation unless he shall previously make a full and true Statement to the said Commissioners of His Majesty's Treasury, to be verified on Oath before a Judge or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the Amount of his Salary and Fees, and of the Disbursements and Outgoings of the same, for the Space of Ten Years before the passing of this Act; and that such Compensation shall cease altogether or be reduced in Amount, as the Case may be, whenever he shall be placed in any other Public Office of which the Salary and Emoluments shall be equal to the Whole or to Part of such Compensation; nor in the last-mentioned Case shall be entitled to receive more of such Compensation than shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be hereafter placed.

Reservation of Patent Fees to Patentees for Life.

XIX. And be it further enacted, That nothing in this Act contained shall affect the Right of any Person holding a Patent for his Life of any Office, whether abolished by this Act or not, to receive during his Life any Fee or Stipend granted by such Patent out of the Revenues of the said respective Sees.

Reservation of all Profits to the Sees.

XX. And be it further enacted, That nothing herein-before contained shall have the Effect of severing or separating from the said Archbishoprick or Bishoprick any Lordships, Manors, Houses, Lands, Tenements, Tithes, Rents, Collieries, Mines, Minerals, Rectories, Advowsons, Profits or Emoluments of any Kind or Description whatsoever, whether held in right of the said Sees, other than and except only any Profits and Emoluments herein-before expressly mentioned and directed to be severed therefrom.

The Bishop of Ely to take and hold subject to future Provisions.

XXI. And be it enacted, That from and after the passing of this Act the Bishop of *Ely* for the Time being shall take and hold the said Bishoprick, and all the Property, Patronage, and Rights belonging thereto, except as herein-before provided, subject to and under any Provisions which shall be made by or under the Authority of Parliament with respect to the said Bishoprick within the Space of Three Years next after the passing of this Act; any Law, Statute, or Canon to the contrary notwithstanding.

XXII. Pro-

**XXII.** Provided always, and be it further enacted, That, notwithstanding any thing herein-before contained, the present Chief Justice of the said *Isle of Ely* shall have full Power, under any Commission of Assize, or of Oyer and Terminer or Gaol Delivery, which has already issued, to exercise all such Jurisdiction as he has heretofore exercised in the said *Isle*.

Chief Justice of Ely to act under Commission of Assize, &c., already issued.

### C A P. LXXXVIII.

An Act to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[17th August 1836.]

[*This Act is the same as 2 & 3 W. 4. c. 50.*]

### C A P. LXXXIX.

An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests.

[17th August 1836.]

**WHEREAS** it is expedient to provide for the Attendance of Medical Witnesses at Coroners Inquests, also Remuneration for such Attendance, and for the Performance of post-mortem Examinations at such Inquests: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, whenever upon the summoning or holding of any Coroner's Inquest it shall appear to the Coroner that the deceased Person was attended at his Death or during his last Illness by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue his Order, in the Form marked (A.) in the Schedule hereunto annexed, for the Attendance of such Practitioner as a Witness at such Inquest; and if it shall appear to the Coroner that the deceased Person was not attended at or immediately before his Death by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue such Order for the Attendance of any legally qualified Medical Practitioner being at the Time in actual Practice in or near the Place where the Death has happened; and it shall be lawful for the Coroner, either in his Order for the Attendance of the Medical Witness, or at any Time between the issuing of such Order and the Termination of the Inquest, to direct the Performance of a post-mortem Examination, with or without an Analysis of the Contents of the Stomach or Intestines, by the Medical Witness or Witnesses who may be summoned to attend at any Inquest; provided that if any Person shall state upon Oath before the Coroner that in his or her Belief the Death of the deceased Individual was caused partly or entirely by the improper or negligent Treatment of any Medical Practitioner or other Person, such Medical Practitioner or other Person shall not be allowed to perform or assist at the post-mortem Examination of the Deceased.

Coroner empowered to summon Medical Witnesses, and to direct the Performance of a post-mortem Examination.

A Majority of the Jury may require the Coroner to summon additional Medical Evidence if the first be not satisfactory.

II. And be it further enacted, That whenever it shall appear to the greater Number of the Jurymen sitting at any Coroner's Inquest, that the Cause of Death has not been satisfactorily explained by the Evidence of the Medical Practitioner or other Witness or Witnesses who may be examined in the first instance, such greater Number of the Jurymen are hereby authorized and empowered to name to the Coroner in Writing any other legally qualified Medical Practitioner or Practitioners, and to require the Coroner to issue his Order, in the Form herein-before mentioned, for the Attendance of such last-mentioned Medical Practitioner or Practitioners as a Witness or Witnesses, and for the Performance of a post-mortem Examination, with or without an Analysis of the Contents of the Stomach or Intestines, whether such an Examination has been performed before or not; and if the Coroner, having been thereunto required, shall refuse to issue such Order, he shall be deemed guilty of a Misdemeanor, and shall be punishable in like Manner as if the same were a Misdemeanor at Common Law.

Fees to Medical Witnesses; to be paid out of Funds collected for Relief of the Poor.

III. And be it further enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest in obedience to any such Order as aforesaid of the Coroner, the said Practitioner shall for such Attendance at any Inquest in *Great Britain* be entitled to receive such Remuneration or Fee as is mentioned in the Table marked (B.) in the Schedule hereunto annexed; and for any Inquest held in *Ireland*, the said Practitioner shall be paid in the Manner provided by the Laws in force in that Part of the United Kingdom; and the Coroner is hereby required and commanded to make, according to the Form marked (C.) in the Schedule hereunto annexed, his Order for the Payment of such Remuneration or Fee, when the Inquest shall be held in *Great Britain*, and such Order may be addressed and directed to the Churchwardens and Overseers of the Parish or Place in which the Death has happened; and such Churchwardens and Overseers, or any One of them, is and are hereby required and commanded to pay the Sum of Money mentioned in such Order of the Coroner to the Medical Witness therein mentioned, out of the Funds collected for the Relief of the Poor of the said Place.

No Fee for post-mortem Examination made without Order.

IV. Provided nevertheless, and be it further enacted, That no Order of Payment shall be given, or Fee or Remuneration paid, to any Medical Practitioner for the Performance of any post-mortem Examination which may be instituted without the previous Direction of the Coroner.

Inquests on Bodies of Persons dying in public Institutions.

V. Provided also, and be it further enacted, That when any Inquest shall be holden on the Body of any Person who has died in any public Hospital or Infirmary, or in any Building or Place belonging thereto, or used for the Reception of the Patients thereof, or who has died in any County or other Lunatic Asylum, or in any public Infirmary or other public Medical Institution, whether the same be supported by Endowments or by voluntary Subscriptions, then and in such Case nothing herein contained shall be construed to entitle the Medical Officer whose Duty it may have been to attend the deceased Person as a Medical Officer of such Institution as aforesaid to the Fees or Remuneration herein provided.

Penalty on Medical Practitioner for

VI. And be it further enacted, That where any Order for the Attendance of any Medical Practitioner as aforesaid shall have been

*Enacted by 1 Vict. c. 60. Sec 2. sub. 1. Instruct. by Coroner & Dep. Sec. of County Rates.*

been personally served upon such Practitioner, or where any such Order not personally served shall have been received by any Medical Practitioner in sufficient Time for him to have obeyed such Order, or where any such Order has been served at the Residence of any Medical Practitioner, and in every Case where any Medical Practitioner has not obeyed such Order, he shall for such Neglect or Disobedience forfeit the Sum of Five Pounds Sterling, upon Complaint thereof made by the Coroner or any Two of the Jury before any Two Justices having Jurisdiction in the Parish or Place where the Inquest under which the Order issued was held, or in the Parish where such Medical Practitioner resides; and such Two Justices are hereby required, upon such Complaint, to proceed to the Hearing and Adjudication of such Complaint, and, if such Medical Practitioner shall not show to the said Justices a good and sufficient Cause for not having obeyed such Order, to enforce the said Penalty by Distress and Sale of the Offender's Goods, as they are empowered to proceed by any Act of Parliament for any other Penalty or Forfeiture.

neglecting to attend.

VII. And be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Act not to extend to Scotland.

### SCHEDULE to which this Act refers.

#### (A.)

##### *Form of Summons.*

CORONER'S INQUEST at \_\_\_\_\_ upon the Body of \_\_\_\_\_

By virtue of this my Order as Coroner for \_\_\_\_\_ you are required to appear before me and the Jury at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_ of the Clock, to give Evidence touching the Cause of Death of \_\_\_\_\_ [and then *add, when the Witness is required to make or assist at a post-mortem Examination, and make or assist in making a post-mortem Examination of the Body, with [or without] an Analysis, as the Case may be*], and report thereon at the said Inquest.

(Signed) \_\_\_\_\_ Coroner.

To \_\_\_\_\_ Surgeon [or M.D., as the Case may be.]

#### (B.)

##### *Table of Fees.*

1. To every legally qualified Medical Practitioner for attending to give Evidence under the Provisions of this Act at any Coroner's Inquest whereat no post-mortem Examination has been made by such Practitioner, the Fee or Remuneration shall be One Guinea.
2. For the making of a post-mortem Examination of the Body of the Deceased, either with or without an Analysis of the Contents of the Stomach or Intestines, and for attending to give Evidence thereon, the Fee or Remuneration shall be Two Guineas.

(C.)

*Coroner's Order for the Payment of Medical Witnesses.*

By virtue of an Act of Parliament passed in the <sup>14th</sup> Session of His Majesty King George the Fourth, holden in the <sup>1822</sup> Session of Parliament, intituled <sup>1822</sup> *in that behalf made*, I, the Coroner of and for <sup>the County of York</sup> do order you, the Overseers of the Parish <sup>of</sup> ~~or Township, as the Case may be~~, to pay to <sup>me</sup> the Sum of ~~One Guinea, or Two Guineas, as the Case may be~~, being the ~~Fee for Fees~~ due to him for having attended as a Medical Witness at an Inquest holden before me this <sup>14th</sup> Day of <sup>November</sup> upon the Body of <sup>John Doe</sup> about the Age of <sup>40</sup> ~~Years~~ who was found dead at <sup>St. James's Street</sup> ~~or other Particulars or Description~~ and at which said Inquest the Jury returned a Verdict of

(Signed)

Coroner.

Witnessed by me \_\_\_\_\_ of \_\_\_\_\_

To the Overseers, *et cætera.*

C A P. XC.

54 G. 3. c. 137.

An Act to continue until the First Day of *May* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*. [17th August 1836.]

C A P. XCI.

An Act to enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to make and maintain a Road from the Church in the Parish of *Sunk Island* to the Town of *Ottringham* in the East Riding of the County of *York*. [17th August 1836.]

“ Authorizing Formation of Road. § 1. Appointment of Trustees. § 2. Power to appoint additional Trustees. § 3. Meetings of Trustees. § 4. Power to make the Roads, &c. § 5. Map of Road and Book of Reference deposited with the Clerk of the Peace, to remain there, and be open to Inspection; certified Copies thereof to be Evidence; limiting Deviations. § 6. Houses, &c. not to be taken without Consent unless mentioned in the Schedule. § 7. Unintentional Errors remedied. § 8. Limiting the Time for the Purchase of Property. § 9. The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased. § 10. The Right of Way to cease when Lands are not wanted. § 11. The Trustees to have the same Powers of cutting the Lands taken by them as if they had purchased the Fee Simple. § 12. Toll Houses may be erected. § 13. Table of Tolls. § 14. Fractions of One Halfpenny in Tolls. § 15. Restriction on Exemption. § 16. Horses, &c. for which Tolls have been once paid to repass Toll-free on the same Day, unless drawing a different Waggon or Carriage. § 17. Stage Coaches to pay each Time of passing. § 18. Post Chaises to pay on each new Hiring. § 19.



“ § 19. Only One Toll to be paid at the several Gates on the same Day. § 20. Steam Carriages to pay every Time of passing. § 21. Commissioners of Woods may advance Money to defray the Expences of this Act, &c. § 22. Exchequer Loan Commissioners under 1 & 2 W. 4. c. 24. may advance Money in Exchequer Bills for the Purposes of this Act. § 23. Security to be taken for Repayment of the Exchequer Bills. § 24. Application of Tolls. § 25. Rule for the Construction of certain Expressions in this Act. § 26. Term of Act. § 27. Public Act. § 28.”

## C A P. XCII.

An Act to render valid certain Marriages solemnized in the Church of *Saint Clement, Oxford.* [17th August 1836.]

WHEREAS the ancient Parish Church of *Saint Clement* in the City and Diocese of *Oxford*, being not only very much decayed, but insufficient in Size and Accommodation for a due Proportion of the Inhabitants of the said Parish to attend Divine Service, the same was some Time since taken down, and a new Church was erected on a different Site within the said Parish, and the same was duly consecrated by the then Lord Bishop of *Oxford*, and has since been used as the Parish Church of the said Parish of *Saint Clement*, and Public Worship has been regularly performed, and many Marriages solemnized therein, according to the Rites and Ceremonies of the Church of *England*: And whereas it is considered that the said new Church is not legally the Parish Church of the said Parish of *Saint Clement*; and it is expedient to remove all Doubts which may thereby arise touching the Validity of Marriages already solemnized therein: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages which have been solemnized within the said new Church according to the Rites and Ceremonies of the Church of *England* since the Consecration thereof shall be good and valid in the Law to all Intents and Purposes whatsoever, as if such Marriages had been solemnized in the old Church of the said Parish of *Saint Clement*.

All Marriages solemnized in the Church of *St. Clement, Oxford*, declared valid.

II. And be it further enacted by the Authority aforesaid, That all Parsons, Vicars, Ministers, and Curates who have solemnized any such Marriages shall not be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same Marriages respectively.

Ministers not to be liable to Penalties.

III. And be it further enacted, That the Registers of such Marriages so solemnized in the said new Church shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as they would have been receivable in Evidence in case the said Marriages respectively had been solemnized in the said old Church of the Parish of *Saint Clement* aforesaid.

Registers to be Evidence.

## C A P. XCIII.

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-seven.

[19th August 1836.]

‘ WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*; and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied; and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia, who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem* :

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where one is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem* :

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively :

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall

shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Contingent Fund.

II. And be it further enacted, That every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Depôt of the Corps to which they belong may be ordered to be stationed, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutant, &c. to reside where the Arms of the Corps are kept.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant; and shall out of the Allowance of Sixpence *per Annum* for each Private Man, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Serjeant Major.

said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

V. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

VI. 'And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, 'while disembodied, under certain Regulations;' be it further enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem* :

To an Ensign, Two Shillings *per Diem* :

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem* :

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain-Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VII. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Declaration to be taken to entitle Officers, &c. to such Allowances.

VIII. And be it further enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one of His Majesty's Justices of the Peace of the United Kingdom, or before some one of His Majesty's Ministers,

ters, Secretaries of Embassy, of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*.)

‘ I *A. B.* do solemnly and sincerely declare, That I belonged to the *of Militia* when the same was disembodied, and that I have continued to serve therein from that Time until the *Day of* inclusive, as a [Lieutenant, Ensign, Surgeon's Mate, or Assistant Surgeon, *as the Case may be*]; and that I was not in my own Right, or in the Right of my Wife, during any Part of the Period for which I now claim to receive my Allowance, that is to say, from the *Day of* to the *Day of* both inclusive, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of such an annual Value above Reprizes as would qualify me to hold a Commission of Captain of a Company in the Militia; that I was not in Holy Orders; that I have not during the above Period held the Appointment of Adjutant, Surgeon, Paymaster, or Quartermaster in any Regiment, Battalion, or Corps of Militia; that I did not hold or enjoy, nor did any Person for me hold or enjoy, during the said Period, any Place, Office, or Employment of Profit, Civil or Military, under the Crown or any other Government, besides the Allowance of *a Day* now claimed, except my Half Pay as a [of the Army or Navy or Marines, or of a Provisional Battalion formed from the Militia, *as the Case may be*], and any Pay and Allowances from the *to the* both Days inclusive, during which Period the Corps was assembled for Training and Exercise.’

Form of Declaration.

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

IX. And be it further enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain and Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and in lieu of his reduced Allowance.

Allowances to Officers reduced in 1829.

X. And be it further enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of His Majesty's Justices of the Peace in the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*.)

Declaration to be taken by Officers claiming the said Allowances.

‘ I *A. B.* do solemnly and sincerely declare, That I was serving as [Paymaster, Surgeon, or Quartermaster, *as the Case may be*], in the *of Militia* at the Reduction of *the*

Form of Declaration.

‘ the Staff of the said Militia in One thousand eight hundred and  
 ‘ twenty-nine; and that I was not in Holy Orders during any  
 ‘ Part of the Period for which I now claim to receive an Allow-  
 ‘ ance, that is to say, from the Day of  
 ‘ One thousand eight hundred and to the  
 ‘ Day of One thousand eight hundred and ;  
 ‘ and that I did not hold or enjoy, nor did any Person for me hold  
 ‘ or enjoy, during any Part of the said Period, any Place, Office,  
 ‘ or Employment of Profit, Civil or Military, under the Crown  
 ‘ or any other Government, besides the Allowance of  
 ‘ a Day now claimed, except my Half Pay as a [of the  
 ‘ Army or Navy or Marines, or of a Provisional Battalion formed  
 ‘ from the Militia, as the Case may be], and except my Pay and  
 ‘ Allowances from the to the both  
 ‘ Days inclusive, during which Period the Militia was  
 ‘ assembled for Training and Exercise.’

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of His Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to  
 Reduced Non-  
 commissioned  
 Officers and  
 Drummers not  
 to be received  
 while serving.

XI. ‘ And whereas certain Non-commissioned Officers and  
 ‘ Drummers of the Militia of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* have, on the Reduction of the Establishment  
 ‘ of the Disembodied Staff, been placed on the Out-Pension,  
 ‘ although not unfit for further Service;’ be it further enacted,  
 That no Non-commissioned Officer or Drummer so placed on  
 Pension shall be entitled to receive the said Pension for any  
 Period during which he shall be receiving Pay in the Militia.

Subalterns,  
 Mates, &c. to  
 attend the Ex-  
 ercise, &c.

XII. And be it further enacted, That every Paymaster, Surgeon,  
 or Quartermaster on the reduced Allowance, and every Subaltern  
 Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who  
 shall be entitled or claim to be entitled to any Allowances as afore-  
 said, shall regularly attend the Exercise and Training of the Regi-  
 ment, Battalion, or Corps to which he belongs during the whole of  
 the Time it shall be assembled for that Purpose, and shall during  
 the said Time punctually do and perform his Duty, as a Paymaster,  
 Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or  
 Assistant Surgeon of such Regiment, Battalion, or Corps, on pain  
 of forfeiting the said Allowance, as well as all Arrears of the said  
 Allowance and of Pay; and a Certificate of his having so attended  
 and performed his Duty, signed by the Commanding Officer of  
 the Regiment, Battalion, or Corps to which he may belong, shall  
 be transmitted to the Paymaster General by the Officer claiming  
 the Allowance: Provided always, that in case any such Paymaster,  
 Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or  
 Assistant Surgeon, claiming to be entitled to such Allowance, shall  
 by his Commanding Officer be permitted or suffered, for any  
 special Cause or unavoidable Necessity, to be absent during the  
 Whole or any Part of such Exercise, for which Purpose it shall be

Commanding  
 Officer may  
 grant Leave  
 of Absence.

lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

XIII. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XIV. And be it further enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations, being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned, for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

Allowances to be paid quarterly.

XV. And be it further enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion,

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

or

or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia is embodied.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVII. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Regular Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea Pensions, &c.

XVIII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per Week* for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24 Dec. 1814

XX. And be it further enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served



served faithfully, either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth of *July* One thousand eight hundred and

entitled to receive, after a Service of Twenty Years, if unfit for further Service, an Allowance of 8s. per Day;

provided they do not hold certain other Appointments.

Adjutants appointed since 24 Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Allowances to Adjutants, Surgeons, and Quartermasters.

XXI. ' And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service; be it further enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half Pay reserved.

Reduced Adjutants to receive 4s. per Day till 30th June 1836.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined, or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirtieth Day of *June* One thousand eight hundred and thirty-six, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and thirty-seven, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such Reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIII. ' And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*; be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and thirty-six to the Thirtieth Day of *June* One thousand eight hundred and thirty-seven.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXIV. And be it further enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance together with any Full Pay, Half Pay, or Allowance which was tenable, together with such Reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the*

*Militia in that Part of Great Britain called England, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third: Provided always, that no such Reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under His Majesty or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.*

Provisu,

XXV. 'And whereas certain Allowances have been granted to Reduced Adjutants of the Local Militia;' be it further enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants had been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Restrictions as to Allowances to Reduced Adjutants of the Local Militia.

XXVI. And be it further enacted, That in every County in England and Wales, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenantcy for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending the Law relating to the Militia in England, and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenantcy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of Cornwall and Devon for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War,' and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain*, and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in

Allowances to Clerks of General and Subdivision Meetings in England.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

Manner of granting Allowances.

Clerks, &c. to make Declaration of the Justness of their Accounts.

*Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in Scotland*, and of any other Acts relating to the said Militia.

XXVII. And be it further enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; *videlicet*,

*Declaration of a Clerk of General or Subdivision Meetings.*

‘ I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

*Declaration of a Schoolmaster, Constable, or other Officer in Scotland.*

‘ I do solemnly declare, That I am the Parochial Schoolmaster [*or Constable or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the Public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rates specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXVIII. ‘ And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Inrolment;’ be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the

Place where any Meeting for Appeals or Inrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*),

‘ I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination; and that I will not receive from any of them any Fee or Reward whatever for any such Examination.’

Declaration to be made by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenantcy Clerks, for Examination and Payment.

Allowance to Surgeon.

XXIX. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia when disembodied, shall be issued and paid, under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Directions of the Secretary at War.

XXX. And be it further enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXI. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary or

Expence of House for depositing Arms and Stores of the Militia in *Ireland*, &c. to be defrayed by the County.

by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain and Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Provision as to  
Amount of  
Rent.

Provisions of  
this Act relating  
to Counties  
shall extend to  
Ridings, Stew-  
artries, &c.

XXXIII. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Continuance of  
Act.

XXXIV. And be it further enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and thirty-six until the First Day of *July* One thousand eight hundred and thirty-seven.

#### TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

#### ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants -	1	11	6
Which Allowances are to be in full for engrossing Minutes, et cetera.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England			

	£	s.	d.
and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each - - -	0	0	6
For filling up printed Precepts to the School- masters, Chief Constables, or other Officers in Scotland, to return Lists, each - -	0	0	6
4. For writing the annual Advertisements for regu- lating, arranging, and fixing the First Sub- division Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof Schedule (D.) for the Privy Council, the Secretary of State, and the Secre- tary of War (the latter Copy to be annexed to the Clerk's Account as a Voucher), videlicet, In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - - - -	2	2	0
In Counties furnishing from 201 to 400 Men	3	3	0
Ditto - - - - 401 to 600 Men	4	4	0
Ditto - - - - 601 to 800 Men	5	5	0
Ditto - - - - 801 Men and upwards - - - - -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapen- takes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done: In Counties furnishing a Quota of 200 Men or under - - - - -	1	1	0
Ditto - - - - from 201 to 400 Men	2	2	0
Ditto - - - - from 401 to 600 Men	3	3	0
Ditto - - - - from 601 to 800 Men	4	4	0
Ditto - - - - from 801 Men and upwards - - - - -	5	5	0
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Inrolment, Schedule (E.): For engrossing 50 Names and under -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non- commissioned Officers, Drummers, and Private Men:			

	£	s.	d.
In Counties furnishing One Regiment, Battalion, or Corps - - -	0	15	0
Ditto - - - Two - Ditto - -	1	10	0
Ditto - - - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery :			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men -	2	0	0
Ditto - - - from 301 to 600 Men -	3	0	0
Ditto - - - from 601 to 900 Men -	4	0	0
Ditto - - - from 901 Men and upwards	5	0	0
10. For Copyings, Correspondence, et cetera, et cetera :			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under -	2	0	0
In a County furnishing from 201 to 400 Men	3	0	0
Ditto - - - from 401 to 600 Men	4	0	0
Ditto - - - from 601 to 800 Men	5	0	0
Ditto - - - from 801 Men and upwards - - -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.			
12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Sche-			



	£	s.	d.
dule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - -	1	0	0
In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps - - - - -	2	0	0
Ditto - - - Two - - - Ditto	3	0	0
Ditto - - - Three - - - Ditto	4	0	0

#### ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - -	0	5	0
Or, for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer (no Charge being made for the Draft), for each Letter - - - - -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings, at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For inrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists - - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders			

	£	s.	d.
to the Petty Constables to serve Notices upon ballotted Men, each Precept -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the Ballotting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men -	£2 per 1,000		
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Appointment of the Subdivision is -			
50 Men and under -	2	2	0
From 51 to 150 Men -	3	3	0
From 151 to 250 Men -	4	4	0
From 251 Men and upwards -	5	5	0
19. For making out fair and true Copies of Lists of Men inrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; videlicet,			
For a Roll containing 50 Names and under	0	5	0
from 51 to 150 Names -	0	10	0
from 151 to 250 Names -	0	15	0
from 251 Names and upwards -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions; videlicet,			
For a Subdivision furnishing 50 Men and under -	1	10	0
from 51 to 150 Men -	2	0	0
from 151 to 250 Men -	2	10	0
from 251 Men and upwards -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions; videlicet,			

For a Subdivision furnishing 50 Men and under	£	s.	d.
- - - - -	2	0	0
from 51 to 150 Men	3	0	0
from 151 to 250 Men	4	0	0
from 251 Men and upwards	5	0	0
<b>22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.</b>			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
<b>23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera :</b>			
For a Subdivision furnishing 50 Men and under		0	5 0
from 51 to 150 Men		0	10 0
from 151 to 250 Men		0	15 0
from 251 and upwards		1	0 0

#### TRAINING AND EXERCISE.

- 24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :**

For each Precept containing 50 Names and under		0	5 0
from 51 to 150 Names		0	10 0
from 150 to 250 Names		0	15 0
from 251 Names and upwards		1	0 0

And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :

	£	s.	d.
For each Precept containing 10 Names and under	0	0	6
from 11 to 30 Names	0	1	0
from 31 to 50 Names	0	2	6
from 51 to 70 Names	0	4	0
from 71 to 100 Names	0	7	0
from 100 upwards	0	10	0
25. For making out full and true Lists of the Names and Dates of Inrolment of all Persons inrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise :			
For a Roll containing 20 Names and under	0	2	6
from 21 to 50 Names	0	5	0
from 51 to 150 Names	0	10	0
from 151 to 250 Names	0	15	0
from 251 and upwards	1	0	0
26. For correcting the Books of Inrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain :			
For a Subdivision furnishing 50 Men and under	0	5	0
from 51 to 150 Men	0	10	0
from 151 to 250 Men	0	15	0
from 251 and upwards	1	0	0

#### ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day	0	5	0
31. For Stationery, per Annum	0	5	0

#### ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	4	0
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	£	s.	d.
33. For making out Lists, for each Folio consisting of Sixty Lines - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day - - - -	0	4	0
35. For filling up and delivering Notices to ballotted and inrolled Men, per Day - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's Annual Account.
38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

### C A P. XCIV.

An Act to amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the *French*, the Emperor of all the *Russias*, and the King of *Bavaria*. [19th August 1836.]

WHEREAS by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to carry into effect a Convention made between His Majesty the King of the French, the Emperor of all the Russias, and the King of Bavaria*, Provision is made for enabling His Majesty to carry into effect the Stipulations of the Twelfth Article of the said Convention, in virtue of which Article the Payment of the Interest and Sinking Fund of One Third Part of each of the several Three Instalments of Twenty Millions of Francs each, forming in the whole a Loan of the Amount of Sixty Millions of Francs, to be contracted by the King of *Greece*, was to be guaranteed by His Majesty, by the King of the *French*, and by the Emperor of all the *Russias* respectively: And whereas Doubts have arisen whether His Majesty is empowered by the Act aforesaid to grant His Guarantee for the Payment of the Interest and Sinking Fund of any One of the Instalments of the said Loan, or of any Portion of such Instalment, unless the King of the *French* and the Emperor of all the *Russias* concur, each for himself, in granting their respective Guarantees for the like Portion of the said Loan: And whereas it is expedient that His Majesty should be enabled to guarantee One Third Part of such Portion of the Third and last Instalment

3 W. 4. c. 121.

His Majesty authorized to guarantee the Payment of the Amount of Interest and Sinking Fund of Portion of the Third Instalment of the Greek Loan.

‘ of the said Loan as yet remains to be raised, or of any such  
 ‘ Portion thereof as may appear to be necessary, notwithstanding  
 ‘ that their Majesties the King of the *French* and the Emperor  
 ‘ of all the *Russias*, or either of them, should refuse or delay to  
 ‘ guarantee the like Portion or Portions of the said Third In-  
 ‘ stalment:’ Be it therefore enacted by the King’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords  
 Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, That it shall be  
 lawful for His Majesty, His Heirs and Successors, and He and  
 They is and are hereby authorized, to guarantee the Payment of  
 the Amount of the Interest and Sinking Fund of such Portion or  
 Portions of the Third and last Instalment of the Loan to be con-  
 tracted by the King of *Greece* under the Provisions of the Twelfth  
 Article of the aforesaid Convention as from Time to Time may  
 appear adviseable to His Majesty, notwithstanding that their  
 Majesties the King of the *French* and the Emperor of all the  
*Russias*, or either of them, shall refuse or delay to guarantee  
 the like Portion or Portions of the said Third and last Instalment  
 of the Loan aforesaid: Provided always, that the Amount to be  
 so guaranteed by His Majesty shall in no Case extend in the  
 whole to more than One Third Part of such Portion of the said  
 Third and last Instalment as still remains to be raised; and  
 provided also, that the whole Sum guaranteed by His Majesty  
 under the Powers given by this Act and by the said recited Act  
 shall not exceed the Sum of Twenty Millions of Francs.

Commissioners of Treasury empowered to issue Money out of Consolidated Fund for the Purpose.

II. And be it further enacted, That for the Purpose of giving effect to the said Guarantee, the Lord High Treasurer or the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, for the Time being respectively, shall be and he and they is and are hereby empowered from Time to Time, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to cause to be issued such Sums of Money as shall be required for the Payment of any Interest or Sinking Fund agreed to be paid by His Majesty under the said Convention as and when the same may from Time to Time respectively become payable, and so long as the same should be payable conformably to the Tenor of His Majesty’s Engagements as specified in the said Convention.

Amount of Monies advanced under this Act to be laid before Parliament.

III. And be it further enacted, That the said Lord High Treasurer or Commissioners of the Treasury for the Time being shall cause to be prepared and shall lay before both Houses of Parliament, within Twenty Days after the Commencement of every Session of Parliament, an Account, up to the Thirty-first Day of *December* then next preceding, of the Total Sums, if any, which shall from Time to Time have been issued and applied by virtue of this Act for paying and satisfying any Interest on the said Part of the said Loan so agreed to be guaranteed by His said Majesty, or towards paying and satisfying any Principal thereof.

## C A P. XCV.

An Act to suspend, until the Sixth Day of *April* One thousand eight hundred and thirty-seven, Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.

[19th August 1836.]

‘ **W**HEREAS by an Act passed in the Third and Fourth  
 ‘ Years of His present Majesty’s Reign, intituled *An Act* S&4W, 4. a. 100.  
 ‘ 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,*’ it is amongst other  
 ‘ Things enacted, that it should be lawful for any Person entitled  
 ‘ to any Tithes arising out of Lands in *Ireland*, for the Years  
 ‘ One thousand eight hundred and thirty-one, One thousand eight  
 ‘ hundred and thirty-two, or One thousand eight hundred and  
 ‘ thirty-three, to make Application to the Lord Lieutenant  
 ‘ praying Relief under the said Act in respect of such Tithes ;  
 ‘ and it is further enacted, that such Application should be made  
 ‘ by a Memorial, with a Schedule thereto annexed, setting forth  
 ‘ such Particulars as in the said Act are in that Behalf mentioned ;  
 ‘ and it is by the said Act further enacted, that the said Memorial  
 ‘ and Schedule amended as therein is mentioned should be trans-  
 ‘ mitted in manner therein mentioned to the Lord Lieutenant,  
 ‘ who should thereupon authorize and direct such Sum to be  
 ‘ advanced to such Memorialist as should appear by the said  
 ‘ Memorial and Schedule to be due and owing to him on account  
 ‘ of the Tithes therein included ; and it is thereby further enacted,  
 ‘ that the said Lord Lieutenant should cause every such original  
 ‘ Memorial and Schedule, together with a Certificate under his  
 ‘ Hand of the Amount of the Advances so made to the Memo-  
 ‘ rialist, to be lodged in the Office of the Remembrancer of the  
 ‘ Court of Exchequer in *Ireland*, and that the Amount stated in  
 ‘ each such Certificate to have been so advanced should be repaid  
 ‘ by Five equal Instalments, the First thereof to be made on the  
 ‘ First Day of *November* One thousand eight hundred and thirty-  
 ‘ four, and One of the Four remaining Instalments on the First  
 ‘ Day of *November* in each of the succeeding Four Years, in the  
 ‘ Manner and subject to the Conditions recited in the said Act :  
 ‘ And whereas, under the Powers contained in the said Act, Ad-  
 ‘ vances to a large Amount have been made to Parties entitled to  
 ‘ Tithes arising out of Lands in *Ireland* for the said Years One  
 ‘ thousand eight hundred and thirty-one, One thousand eight hun-  
 ‘ dred and thirty-two, and One thousand eight hundred and thirty-  
 ‘ three : And whereas it may be expedient not to enforce immediate  
 ‘ Payment from the Parties to whom such Advances have been  
 ‘ made of the several Instalments which became due from them  
 ‘ on the First Day of *November* One thousand eight hundred and  
 ‘ thirty-four and on the First Day of *November* One thousand  
 ‘ eight

5 &amp; 6 W. 4. c. 79.

‘ eight hundred and thirty-five: And whereas by an Act passed  
 ‘ in the Fifth and Sixth Years of His Majesty’s Reign, intituled  
 ‘ *An Act to suspend, until after the Sixth Day of April One thou-*  
 ‘ *sand eight hundred and thirty-six, Proceedings for recovering*  
 ‘ *Payment of certain Instalments of the Money advanced under the*  
 ‘ *Acts for establishing Tithe Compositions in Ireland, it was*  
 ‘ enacted, that it should be lawful for the Lords Commissioners  
 ‘ of His Majesty’s Treasury, if it should seem to them expedient  
 ‘ so to do, to delay or suspend the Institution or Prosecution of  
 ‘ any Proceedings for Recovery or enforcing Payment of any  
 ‘ such Instalments as aforesaid until after the Sixth Day of *April*  
 ‘ One thousand eight hundred and thirty-six: And whereas it is  
 ‘ expedient to make further and other Provisions with respect to  
 ‘ the Recovery of the said Instalments and of the Instalments  
 ‘ which will become due and payable on the First Day of *No-*  
 ‘ *vember* One thousand eight hundred and thirty-six: Be it there-

‘ fore enacted by the King’s most Excellent Majesty, by and with  
 ‘ the Advice and Consent of the Lords Spiritual and Temporal, and  
 ‘ Commons, in this present Parliament assembled, and by the Au-  
 ‘ thority of the same, That the Powers and Authorities vested by  
 ‘ the said last-recited Act in the Commissioners of His Majesty’s  
 ‘ Treasury shall be and the same are hereby revived and continued;  
 ‘ and that it shall be lawful for the said Commissioners or any Three  
 ‘ or more of them to delay or suspend the Institution or Prosecution  
 ‘ of any Proceedings for Recovery or enforcing Payment of any of  
 ‘ the said Instalments already become due or to become due on the  
 ‘ First Day of *November* One thousand eight hundred and thirty-  
 ‘ six until and after the Sixth Day of *April* One thousand eight  
 ‘ hundred and thirty-seven: Provided always, that the Institution  
 ‘ or Prosecution of such Proceedings shall not be delayed or  
 ‘ suspended under the Authority of this Act in any Case in which  
 ‘ the Parties applying for such Delay or Suspension have received  
 ‘ the Whole or the greater Part of the Tithe due to them respec-  
 ‘ tively for the Years One thousand eight hundred and thirty-four  
 ‘ and One thousand eight hundred and thirty-five.

Powers vested  
 in the Treasury  
 by last-recited  
 Act revived.

Repayment of  
 Instalments  
 postponed.

Proviso.

The Treasury  
 not to stop Pro-  
 ceedings for  
 Recovery of  
 Instalments in  
 certain Cases.

Act not to  
 extend to  
 Instalments due  
 from Lay Im-  
 propriators.

Proceedings  
 not to be  
 stopped where  
 Parties refuse  
 Information.

II. And be it further enacted, That it shall not be lawful for the Commissioners of His Majesty’s Treasury to suspend or delay the Institution or Prosecution of any Proceedings for the Recovery of the said Instalments in any Case in which, either by Act of Law or the Undertaking of the Parties, the said Instalments have become due and payable by the Owner or Landlord, and have ceased to be payable to the Tithe Owner by the Tenant in Possession.

III. Provided always, and be it further enacted, That the Provisions of this Act shall not extend or be construed to extend to the Case of any Instalment due by any Lay Impropiator, to whom Advances were made under the Authority of the Act of the Third and Fourth Years of His Majesty’s Reign, in respect of Tithes chargeable upon Lands the Estate and Property of the said Impropiator.

IV. And be it further enacted, That the Institution or Proceedings for the Recovery of such Instalments shall not be delayed or suspended in any Case in which the Parties shall neglect or refuse to furnish to the Satisfaction of the Commissioners of His Ma-  
 jesty’s



jesty's Treasury such Information as the said Commissioners shall require for the Purpose of enabling them to decide how far it may be expedient to delay or suspend the Institution of such Proceedings.

V. And be it further enacted, That an Account shall be laid before both Houses of Parliament, within Ten Days after the Fifth Day of *April* One thousand eight hundred and thirty-seven, of all Sums recovered in respect of any of the said Instalments, accompanied by a Statement of the several Cases in which, under the Power and Authority vested in them by this Act, the Commissioners of His Majesty's Treasury have delayed or suspended the Institution or Prosecution of Proceedings for the Recovery of the said Instalments, or any of them.

Account and Statement to be laid before Parliament.

### C A P. XCVI.

An Act to regulate Parochial Assessments.

[19th August 1836.]

‘ **W**HEREAS it is desirable to establish one uniform Mode of rating for the Relief of the Poor throughout *England* and *Wales*, and to lessen the Cost of Appeal against an unfair Rate: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after such Period, not being earlier than the Twenty-first Day of *March* next after the passing of this Act, as the Poor Law Commissioners shall by any Order under their Seal of Office direct, no Rate for the Relief of the Poor in *England* and *Wales* shall be allowed by any Justices, or be of any Force, which shall not be made upon an Estimate of the net annual Value of the several Hereditaments rated thereunto; that is to say, of the Rent at which the same might reasonably be expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and Tithe Commutation Rent-charge, if any, and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain them in a State to command such Rent; Provided always, that nothing herein contained shall be construed to alter or affect the Principles or different relative Liabilities (if any) according to which different Kinds of Hereditaments are now by Law rateable.

All Rates to be made on the net annual Value of the Property.

Proviso.

II. And be it further enacted, That every such Rate made after the said Period shall, in addition to any other Particular which the Form of making out such Rate shall require to be set forth, contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule to this Act annexed, so far as the same can be ascertained; and the Churchwardens and Overseers, or other Officers whose Duty it may be to make and levy the said Rate, or such a Number of the said Churchwardens and Overseers or other Officers as are competent to the making and levying of the same, shall, before the Rate is allowed by the Justices, sign the Declaration given at the Foot of the said Form; and otherwise the said Rate shall be of no Force or Validity: Provided always, that nothing herein contained shall

Rates to be made in a given Form.

Nothing herein  
to prevent  
Owners from  
compounding  
f Rates.

Power to order  
new Survey and  
Valuation.

Power for  
Surveyors to  
enter and ex-  
amine Lands, &c.  
for Purposes of  
Survey and  
Plans.

Power to take  
Copies or  
Extracts of  
Rates gratis.

Penalty for  
Refusal to  
permit.

be construed to prevent the Owners of Tenements from compound-  
ing for the Rates to be assessed on the same in such Manner as  
they were by any Statute or Statutes enabled to do before the  
passing of this Act, so that the gross estimated Rental of the  
Hereditaments compounded for be entered on the Rate in the  
proper Column.

III. And be it enacted, That when it shall be made to appear to  
the Poor Law Commissioners by Representation in Writing from  
the Board of Guardians of any Union or Parish under their Com-  
mon Seal, or from the Majority of the Churchwardens and Over-  
seers or other Officers competent as aforesaid to the making and  
levying the Rate, that a fair and correct Estimate for the aforesaid  
Purposes cannot be made without a new Valuation, it shall be  
lawful for the Poor Law Commissioners, where they shall see fit, to  
order a Survey, with or without a Map or Plan, on such Scale as  
they shall think fit, to be made and taken of the Messuages, Lands,  
and other Hereditaments liable to Poor Rates in such Parish, or  
in all or any One or more Parishes of such a Union, and a Valuation  
to be made of the said Messuages, Lands, and other Heredita-  
ments, according to their annual Value, and to direct such Guar-  
dians to appoint a fit Person or Persons to make and take every  
such Survey, Map or Plan, and Valuation, and to make Provision  
for paying the Costs of every such Survey, Map or Plan, and Valua-  
tion, either by a separate Rate or by a Charge on the Poor Rates,  
as they may see fit; but in case of such Charge being made, then  
Provisions shall be made for paying off 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,  
in each succeeding Year, till the whole is repaid.

IV. And be it further enacted, That for the Purpose of making  
every such Survey, Map or Plan, and Valuation, it shall be lawful  
for the Person or Persons so to be appointed for making the same  
respectively, together with their and every of their Assistants and  
Servants, at all reasonable Times, until the same respectively shall  
be completed, to enter, view, and examine, survey and admeasure,  
all and every Part of the Messuages, Lands, and other Heredita-  
ments aforesaid, and to do or cause to be done any Act or Thing  
necessary for making such Survey, Map or Plan, and Valuation:  
Provided always, that any Map, Survey, Plan, or Valuation made  
previously to the Appointment of such Person or Persons which shall  
be tendered to him or them, and which shall be in his or their Judg-  
ment and to his or their Satisfaction a just and true Map or Survey,  
proper for the Purposes aforesaid, may be used for such Purposes.

V. And be it further enacted, That it shall be lawful for any  
Person or Persons rated to the Relief of the Poor of the Parish  
in respect of which any Rate shall be made, at all reasonable  
Times, to take Copies thereof or Extracts therefrom without paying  
any thing for the same, any thing in any Act of Parliament to the  
contrary notwithstanding; 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 rated 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 forfeit  
and pay any Sum not exceeding Five Pounds, to be recovered in

a summary Way before any Justice of the Peace having Jurisdiction in the Parish or Place.

VI. And be it enacted, That the Justices acting in and for every Petty Sessions Division shall Four Times at least in every Year hold a Special Sessions for hearing Appeals against the Rates of the several Parishes within their respective Divisions, and shall cause public Notice of the Time and Place when and where such Special Sessions will be holden to be affixed to or near to the Door of the Parish Church of the said Parishes, Twenty-eight Days at the least before the holding of the same ; and such Special Sessions shall and may be adjourned from Time to Time by the Justices there present, as they may think fit ; and at such special or adjourned Sessions the Justices there present shall hear and determine all Objections to any such Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Hereditaments included therein, which Decision shall be binding and conclusive on the Parties, unless the Person or Persons impugning such Decision shall within Fourteen Days after the same shall have been made cause Notice to be given in Writing of his, her, or their Intention of appealing against such Decision, and of the Matter or Cause of such Appeal, to the Person or Persons in whose Favour such Decision shall have been made, and within Five Days after giving such Notice shall enter into a Recognizance before some 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 and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party or Parties 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 : Provided always, that no such Objection shall be inquired into by the said Justices in Special Session unless Notice of such Objection in Writing under the Hand of the Complainant shall have been given, Seven Days at least before the Day appointed for such Special Session, to the Collector, Overseers, or other Persons by whom such Rate was made : Provided also, that the said Justices in Special Session shall not be authorized to inquire into the Liability of any Hereditaments to be rated, but only into the true Value thereof and into the Fairness of the Amount at which the same shall have been rated.

Justices acting in Petty Sessions to hold Four Special Sessions in the Year to hear Appeals.

Seven Days Notice to be given of Objections.

Proviso.

VII. And be it enacted, That the Justices present at any such special or adjourned Session shall for the aforesaid Purpose have all the Powers of amending or quashing any such Rate so objected to of any Parish or other District within their Division, and likewise of awarding Costs to be paid by or to any of the Parties, and of recovering such Costs, which any Court of Quarter Sessions of the Peace has upon Appeals from any such Rate, except as herein excepted : Provided always, that no Order of the said Justices shall be removed by Certiorari or otherwise into any of His Majesty's Courts of Record at Westminster : Provided also, that nothing in this Act contained shall be construed to deprive any

Justices may act with all the Powers of Justices in Quarter Sessions.

Person or Persons of the Right to appeal against any Rate to any Court of General or Quarter Sessions: Provided also, that no Order of the said Justices in Special Session shall be of any Force pending any Appeal touching the same Subject Matter to the Court of General or Quarter Sessions of the Peace having Jurisdiction to try such Appeal, or in opposition to the Order of any such Court upon such Appeal.

Limits of Act.

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

Act may be repealed.

IX. And be it further enacted, That this Act may be repealed or amended by any Act which shall be passed in this Session.

SCHEDULE to which this Act refers.

*Form of Rate.*

An ASSESSMENT for the BELIEF of the POOR of the Parish of *Merton* in the County of *Surrey*, and for other Purposes chargeable thereon according to Law, made this *Thirtieth* Day of *March* in the Year of our Lord One thousand eight hundred and *thirty-seven*, after the Rate of *Sixpence* in the Pound.

No.	Arrears due, or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	Rate at 6d. in the Pound.
1	£ s. d. - - -	James Smith	John Green	Land and Buildings.	Whitacre Farm.	A. R. P. 40 0 0	£ s. d. 60 0 0	£ s. d. 55 0 0	£ s. d. 1 7 6
2	- - -	Ditto	Ditto	House and Garden.	In West Street	0 1 0	30 0 0	25 0 0	0 12 6
3	{ - - - 7½ } Excused	John Poor -	Ditto	House	In Brick Lane	- - -	1 10 0	1 5 0	0 0 7½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

*Declaration of Overseers and Churchwardens.*

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.

*Thomas Jones, Overseer.*

*John Thomas, [Churchwarden, &c. &c.]*

## C A P. XCVII.

An Act for continuing and making perpetual the Duty on certain Offices and Pensions. [19th August 1836.]

“ 4 *W. 4. c. 11.* 38 *G. 3. c. 5.*, recited. The Duties on Offices and Pensions continued by 4 *W. 4. c. 11.* from 25th *March* 1834 until 5th *July* 1835 further continued from that Period, and made perpetual. Duties assessed since 5th *July* 1835 deemed to have been lawfully assessed; and where not assessed or collected may be now done. § 1. Provisions of 6 *G. 4. c. 9.* for ascertaining and regulating the Duties extended to this Act. § 2. No Assessment shall be made in respect of the Duties on Pensions, &c. payable out of the Public Revenue, but such Duties shall be charged as heretofore, and Monies applicable to the Payment of the Pensions shall be paid less by the Amount of such Duties. Proviso for Salaries payable in part only out of the Public Revenue. § 3. Monies collected under the Act to be paid into the Exchequer, and carried to the Consolidated Fund. § 4.”

## C A P. XCVIII.

An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament.

[20th August 1836.]

§ I. There shall be applied, for the Service of the Year 1836, £4,000,000 out of the Consolidated Fund.

II. The Treasury may cause £4,000,000 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 3½*d. per Cent. per Diem.*

V. Bank may advance £4,000,000 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. Monies coming into the Exchequer by *cc. 1. 18. and 26. ante.*—£15,000,000 by Exchequer Bills under *c. 2. ante.*—£14,007,950 by Exchequer Bills under *c. 113. post.*—and also the said £4,000,000, shall be applied as hereafter expressed.

X. There shall be issued and applied,

£4,533,543	0	0	For Naval Services, <i>viz.</i>	} To 31st <i>March</i> 1837.
1,069,122	0	0	For Wages of 33,700 Seamen and Marines, and to the Ordinary and Yard Craft	
437,103	0	0	For their Victuals	
110,302	0	0	For Salaries, &c. of Officers, and contingent Expences of the Admiralty Office	

£26,370	0	0	For ditto of the Scientific De-	
			partments of the Navy	-
349,661	0	0	For Wages of Artificers, La-	
			bourers, and others in Naval	-
			Establishments at Home	-
300,000	0	0	For Naval Stores, &c.	-
813,985	0	0	For Half Pay of Navy and	
			Marines	-
538,570	0	0	For Military Pensions and Al-	
			lowances	-
210,042	0	0	For Civil Pensions and Allow-	
			ances	-
118,214	0	0	For Salaries, &c. of Officers, and	
			contingent Expences of Naval	-
			Establishments at Home	-
21,826	0	0	For ditto of Naval Establish-	
			ments Abroad	-
24,335	0	0	For Wages of Artificers, La-	
			bourers, and others in Naval	-
			Establishments Abroad	-
71,435	0	0	For completing the Sum ne-	
			cessary for the Purchase of	-
			Naval Stores for building	-
			Ships, &c.	-
106,091	0	0	For new Works and Improve-	
			ments in Yards	-
19,221	0	0	For Medicines and Medical	
			Stores	-
67,921	0	0	For Naval Miscellaneous Ser-	
			vices	-
150,089	0	0	For Charge of Transports, and	
			Conveyance and Victualling	-
			of Troops, and Freight of	-
			Stores, on account of Army	-
			and Ordnance	-
99,256	0	0	For conveying Convicts to <i>New</i>	
			<i>South Wales</i>	-
§ XI. 6,328,710	9	7	For Army Services after mentioned, <i>viz.</i>	
3,085,280	6	8	For Forces in the United King-	
			dom and Stations Abroad	-
			(except <i>India</i> )	-
153,684	8	5	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>	-
57,479	8	6	For Allowances to principal	
			Officers of Military Depart-	-
			ments in <i>Great Britain</i> , their	-
			Deputies and Clerks, and con-	-
			tingent Expences	-
13,764	15	8	For the Military Asylum and	
			<i>Hibernian Military School</i>	-

To  
31st *March* 1837.

From  
1st *April* 1836 to  
31st *March* 1837.

£ 106,211	6	8	For Volunteer Corps in <i>Great Britain</i>	} From 1st <i>April</i> 1836 to 31st <i>March</i> 1837.
16,311	13	4	For Rewards for Military Services and Allowances to Garrison Officers in the United Kingdom and Foreign Stations	
106,000	0	0	For Pay of General Officers not being Colonels of Regiments	
71,500	0	0	For Full Pay for reduced and retired Officers	
566,000	0	0	For Half Pay and Allowances to reduced and retired Officers	
75,760	0	0	For Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers	
148,990	0	0	For Pensions to Widows of Officers	
154,000	0	0	For Compassionate List, Allowances of His Majesty's Bounty, and Pensions to wounded Officers	
1,337,000	19	0	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals	
47,823	7	10	For Superannuations to Persons formerly belonging to Public Military Departments	
25,000	0	0	For Maintenance, &c. of Forces at the <i>Cape of Good Hope</i>	
195,895	13	2	For disembodied Militia.	
118,058	9	10	For the Commissariat Department.	
49,950	0	6	For Half Pay, Pensions, and Allowances in ditto.	
§ XII. 1,263,449	0	0	For Ordnance Services for the Year 1836-7.	
6,796	0	0	For Salaries to the Civil Establishments of the Ordnance at the <i>Tower</i> , <i>Pall Mall</i> , and <i>Dublin</i> .	
8,181	0	0	For the Civil Establishments at <i>Woolwich</i> .	
13,890	0	0	For Salaries at Home Stations.	
27,778	0	0	For ditto Abroad and in <i>Ireland</i> .	
£ 33,968	0	0	For Salaries of Barrack Masters and Serjeants.	
4,447	0	0	For Master Gunners in <i>Great Britain</i> , <i>Guernsey</i> , <i>Jersey</i> , and <i>Ireland</i> .	
73,821	0	0	For the Engineers, Sappers, and Miners in <i>Great Britain</i> , <i>Ireland</i> , and the Colonies.	
274,496	0	0	For the Royal Artillery.	
36,045	0	0	For Horse Artillery and Riding House Troop for the United Kingdom.	
602	0	0	For the Field Train Department.	
10,129	0	0	For the Medical Establishment for the United Kingdom and the Colonies.	
29,240	0	0	For Superintendence of Ordnance Works and Repairs.	

	£ 10,672	0	0	For Ordnance Works and Repairs, and Storekeepers Expenditure.
	29,240	0	0	For Superintendence of building and repair of Barracks.
	53,526	0	0	For building and repair of Barracks.
	57,753	0	0	For Barrack Masters Department.
	131,113	0	0	For Military, Civil, and Barrack Contingencies.
	75,000	0	0	For the Ordnance and Military Store Branch.
	20,000	0	0	For Stores for Foreign Works and Repairs for the Year 1837-8.
	5,418	0	0	For Ordnance Services not provided for by Parliament.
	159,617	0	0	For Superannuations, retired Allowances, Pensions, &c. for 1836-7.
	141,417	0	0	For Bread, Meat, &c. for Troops in <i>Great Britain</i> , and for Coals, &c. to Stations in the Colonies.
§ XIII.	28,521,550	0	0	To [pay off Exchequer Bills charged on the Aids of 1835 and 1836.
XIV.	486,400	0	0	To pay off Exchequer Bills issued for Public Works, and for Relief of Persons who have sustained Losses in the <i>West Indies</i> .
XV.	1,940	0	0	For the Civil Establishment of the <i>Bahama Islands</i> to the 31st of <i>March</i> 1837.
	4,449	13	4	For ditto of <i>Bermuda</i> .
	3,070	0	0	For ditto of <i>Prince Edward's Island</i> .
	10,905	15	10	For ditto of Settlements in <i>Western Africa</i> .
	14,140	18	6	For Ecclesiastical Establishment in <i>North America</i> .
	7,378	15	0	For Settlement in <i>Western Australia</i> .
	20,000	0	0	For the <i>Indian</i> Department in <i>Canada</i> .
	16,877	0	0	For Salaries to Governors, &c. of <i>West India</i> Colonies.
	963	0	10	For the Civil Establishment at <i>Heligoland</i> .
	1,900	0	0	For ditto at <i>Nova Scotia</i> .
	35,000	0	0	For Civil and Military Establishments at <i>St. Helena</i> .
XVI.	2,000,000	0	0	For Miscellaneous Services.
	50,000	0	0	For Civil Contingencies to 31st <i>March</i> 1837.
	64,450	0	0	For Public Buildings and Works heretofore charged upon the Civil List.
	15,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour.
	12,226	0	0	For ditto at <i>Port Patrick</i> Harbour.
	6,455	0	0	For <i>Holyhead</i> and <i>Liverpool</i> Roads, and <i>Holyhead</i> and <i>Howth</i> Harbours.
	25,860	0	0	For new Buildings at the <i>British Museum</i> .
	31,112	0	0	To complete the National Gallery.
	4,547	0	0	For temporary Accommodation of the Houses of Parliament.
	3,755	0	0	To complete the Works at <i>Windsor Castle</i> .
	15,300	0	0	For restoring the Penitentiary at <i>Milbank</i> .
	7,000	0	0	For Prison Buildings at <i>Dartmoor</i> for 1836.
	10,000	0	0	For Judges Chambers in 1836.
	42,300	0	0	For Deficiency of Fee Fund at the Treasury
	11,270	0	0	For ditto at the Home Office
	14,832	0	0	For ditto at the Foreign Office
				} To 31st <i>March</i> 1837.



£ 12,270	0	0	For ditto at the Colonial Office	}	
20,288	0	0	For ditto at the Privy Council Office		
6,000	0	0	For contingent Expences at the Treasury		
5,410	0	0	For ditto in the Home Department		
31,500	0	0	For ditto in the Foreign Department		
5,400	0	0	For ditto in the Colonial Department		
4,150	0	0	For ditto in the Privy Council		
14,650	0	0	For Salaries, &c. of Comptroller General of the Exchequer and Paymaster of Civil Services		
3,700	0	0	For Messengers and Officers at the Treasury and Exchequer		
2,006	0	0	For Professors in <i>Oxford</i> and <i>Cambridge</i>		
12,500	0	0	For Salaries and Expences of Insolvent Debtors Court		
1,000	0	0	For Superintendence of Aliens to 5th <i>April</i> 1837.		
15,600	0	0	For the Penitentiary at <i>Milbank</i> to 31st <i>March</i> 1837.		
29,800	0	0	For Expences under Municipal Corporations Acts.		
5,100	0	0	For Commissioners of Criminal Law.		
753	0	0	For Commissioners of County Rates.		
30,000	0	0	For Commissioners of Charities from the 22d <i>October</i> 1835 to 1st <i>March</i> 1837.		
36,800	0	0	For Commissioners of Religious Instruction in <i>Ireland</i> .		
10,090	0	0	For ditto in <i>Scotland</i> .		
49,180	0	0	For Commissioners of Poor Laws.		
14,700	0	0	For Commissioners for preventing Traffic in Slaves		
103,516	0	0	For Salaries, &c. of Consuls and Superintendents of Trade at <i>Canton</i>	}	
5,500	0	0	For Salaries of Factory Inspectors		
4,900	0	0	For ditto of Inspectors of Prisons		
73,905	0	0	For retired Allowances to Persons formerly in Public Offices or in the Public Service		
10,500	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 1836.		
3,000	0	0	For the Refuge for the Destitute for 1836.		

To  
31st *March* 1837.

To  
31st *March* 1837.

£ 2,900	0	0	For confining and maintaining Criminal Lunatics	}	To 31st March 1837.
4,600	0	0	For Protestant Dissenting Ministers, <i>French</i> Refugee Clergy and Laity, &c.		
80,000	0	0	For Civil Contingencies	}	To 31st March 1837.
21,974	0	0	For the <i>British Museum</i> to <i>Lady Day</i> 1837.		
36,000	0	0	For Foreign and other Secret Services	}	To 31st March 1837.
198,478	0	0	For Stationery, Printing, &c. for Public Departments and Parliament		
8,600	0	0	For Expence of Gold Coinage	}	To 31st March 1837.
8,000	0	0	For Prosecutions relating to the Coin		
10,000	0	0	For Law Charges	}	To 31st March 1837.
57,400	0	0	For Convicts at Home and in <i>Bermuda</i>		
242,000	0	0	For Convicts in <i>New South Wales</i> and <i>Van Diemen's Land</i>	}	To 31st March 1837.
20,000	0	0	For Support of captured Negroes, &c.		
2,500	0	0	For Compensation to Sir <i>A. B. King</i> .	}	To 31st March 1837.
2,400	0	0	For Parliamentary Fees on Turnpike Road Acts in 1836.		
20,000	0	0	For the Erection of Schoolhouses in <i>England</i> to the 31st <i>March</i> 1837.	}	To 31st March 1837.
40,200	0	0	For Barristers for revising Lists of Voters.		
40,000	0	0	For Charges hitherto paid out of County Rates for 1836.	}	To 31st March 1837.
18,700	0	0	For Expences of Sheriffs and Deficiency of Fees in the Remembrancer's Office.		
78,000	0	0	For Losses by Act of the <i>Danish</i> Government in 1807.	}	To 31st March 1837.
10,000	0	0	For distressed Poles.		
8,000	0	0	For Steam Communication with <i>India</i> .	}	To 31st March 1837.
69,950	0	0	For Salaries, &c. of Special Justices in the Colonies to 31st <i>March</i> 1837.		
25,000	0	0	For educating emancipated Negroes.	}	To 31st March 1837.
1,874	5	0	For Salaries of Agents for Emigration.		
73,250	0	0	For Officers of the Houses of Parliament, &c., for 1836, and to the 31st <i>March</i> 1837.	}	To 31st March 1837.
34,000	0	0	For Expences of Record Commission		
3,981	0	0	For the State Paper Office and Offices for the Custody of Records	}	To 31st March 1837.
6,497	0	0	For Works, &c. at <i>Buckingham Palace</i> .		
40,000	0	0	For Pay Offices of Army, Navy, and Ordnance to 31st <i>March</i> 1837.	}	To 31st March 1837.
9,250	0	0	For Purchases for the <i>British Museum</i> .		
1,500	0	0	For School of Design.	}	To 31st March 1837.

	£ 10,000	0 0	For the Erection of Schoolhouses and Model Schools in <i>Scotland</i> for 1836.	
	38,289	0 0	For repairing the Loss sustained by the Bank in 1831 by melting Silver Coia into Bullion.	
	55,000	0 0	For Miscellaneous Charges for <i>Scotland</i> .	
§ XVII.	38,500	0 0	For the Advancement of Education in <i>Ireland</i>	} To 31st March 1837.
	20,000	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>Stevens</i> Hospital	
	3,800	0 0	For the Fever Hospital and House of Recovery, <i>Dublin</i>	
	500	0 0	For the Hospital for Incurables	
	8,928	0 0	For the Roman Catholic College	
	5,300	0 0	For the Royal <i>Dublin</i> Society	
	300	0 0	For the Royal <i>Irish</i> Academy	
	300	0 0	For the Royal <i>Hibernian</i> Academy	
	2,375	0 0	For the Royal <i>Belfast</i> Academical Institution	
	11,653	0 0	For <i>Tyrone House, Dublin</i> , for 1836.	
XVIII.	700	0 0	For Board of Charitable Bequests in <i>Ireland</i> to 31st March 1837.	
	12,800	0 0	For the Board of Works for 1836.	
	22,472	0 0	For Secretaries to Lord Lieutenant, of the Privy Council Office, and Printing for Public Offices in <i>Ireland</i>	} To 31st March 1837.
	12,406	0 0	For Household of the Lord Lieutenant and other Officers, formerly charged on the Civil List	
	6,897	0 0	For the Offices of Vice Treasurer and Teller of the Exchequer	
	5,500	0 0	For publishing Proclamations and Statutes	
	25,579	0 0	For Dissenting Ministers	
	65,000	0 0	For Criminal Prosecutions	
	17,900	0 0	For the <i>Dublin</i> Police	
	3,140	0 0	For Public Works	
	7,000	0 0	For Townland Survey of <i>Ireland</i>	
	527	0 0	For Repairs of <i>Dunmore</i> Harbour	
	6,000	0 0	For Clerks of the Peace under 2 & 3 W. 4. c. 45.	

- § XIX. Supplies to be applied only for the Purposes aforesaid.
- XX. 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 1828*. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.
- XXI. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.
- XXII. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 5 & 6 *W. 4. c. 80.*, indemnified.
- XXIII. Half Pay allowed to the Officers of the *Manx* Fencibles.
- XXIV. Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.
- XXV. The Surplus of the Sum appropriated for Half Pay by 5 & 6 *W. 4. c. 80.* authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as His Majesty shall direct.
- XXVI. Widows and Persons claiming Pensions to make the required Declaration.
- XXVII. Declaration to be made as specified in 5 & 6 *W. 4. c. 62.*

## C A P. XCIX.

An Act to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of *Ireland*.

[20th *August 1836.*]

‘ WHEREAS an Act was passed in the Third and Fourth  
 ‘ Years of the Reign of His present Majesty, intituled *An*  
 ‘ Act to alter and amend the Laws relating to the Temporalities  
 ‘ of the Church in Ireland, which Act was amended by another  
 ‘ Act passed in the Fourth and Fifth Years of the Reign of His  
 ‘ said Majesty: And whereas it is expedient to extend, explain,  
 ‘ and amend, in certain respects, the Provisions of the said Acts:’  
 Be it therefore enacted by the King’s most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That it shall and may be  
 lawful for any inferior Tenant or Lessee, holding any Lands,  
 Tenements, or Hereditaments by virtue of any Lease or Contract  
 containing a *toties quoties* Covenant for Renewal, and whose next  
 immediate Landlord has or shall have acquired a perpetual Estate  
 or Interest in such Lands, Tenements, or Hereditaments under  
 the Provisions of the said recited Acts or of this Act, to apply  
 to such next immediate Landlord for a Conveyance of a per-  
 petual Estate and Interest in such Lands, Tenements, or Heredi-  
 taments, which Conveyance such next immediate Landlord is  
 hereby required to make and execute to such inferior Tenant,  
 his Heirs and Assigns; provided that such Tenant shall previously  
 have paid or tendered to such Landlord or his known Agent such  
 Sum

3 & 4 *W. 4. c. 37.*

4 & 5 *W. 4. c. 90.*

Inferior Tenants  
 may apply to  
 their immediate  
 Landlord,  
 having acquired  
 a Perpetuity,  
 for a like Con-  
 veyance;

such Tenant  
 having pre-

Sum or Sums of Money as shall be payable by such Tenant as or for Contribution to the Purchase Money paid or secured by such Landlord for the Purchase of a perpetual Estate or Interest in such Lands, Tenements, or Hereditaments, pursuant to the said recited Acts and this Act, together with all Rent, and Fines and Fees for Renewal, and all Arrears thereof, then due and payable by such Tenant by virtue of such Lease or Contract.

viously paid or tendered his Contribution and Arrears of Rent and Fine.

II. And be it enacted, That the yearly Rent to be reserved on every such last-mentioned Conveyance shall be ascertained in manner following; that is to say, when the Fine and Fees payable by such inferior Tenant upon each Renewal of his Interest in such Lands, Tenements, or Hereditaments shall be a fixed and ascertained Sum, then, in the Case of Leases or Interests renewable every Year, the Amount of such Fine and Fees, or, in the Case of Leases renewable at longer Intervals than every Year, the annual average Amount of such Fine and Fees computed as by the said first-recited Act directed for the Purposes of that Act, shall be added to the yearly Rent reserved and made payable by the Lease or Contract under which such Lands, Tenements, or Hereditaments are held by such inferior Tenant; and when the Fine and Fees payable by such inferior Tenant upon every such Renewal as aforesaid shall be a fixed Proportion of or dependent upon the Renewal Fine payable by the immediate superior Tenant of said Lands, Tenements, or Hereditaments, then there shall be added to the yearly Rent reserved upon such Lease or Contract a Sum of Money bearing a like Proportion to the average annual Amount of the Renewal Fine so payable by such immediate superior Tenant, as the same shall have been ascertained by the Ecclesiastical Commissioners for *Ireland* pursuant to the said recited Acts; and such yearly Rent reserved upon such Lease or Contract, together with such Sum of Money so to be added thereto as aforesaid, shall be the future Rent to be reserved on the Conveyance of a perpetual Estate or Interest in such Lands, Tenements, or Hereditaments to such inferior Tenant.

For ascertaining the yearly Rent to be reserved on such Conveyances.

III. And be it enacted, That in case of any Dispute or Difference between such inferior Tenant and his next immediate Landlord, or in case such Landlord shall not execute to such Tenant a Conveyance of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments within One Calendar Month next after the same shall have been duly tendered to him or to his known Agent, or in case such next immediate Landlord shall be an Infant or Lunatic, or shall not be resident in the United Kingdom of *Great Britain and Ireland*, then and in every such Case it shall and may be lawful for such inferior Tenant to apply to the Court of Chancery or Court of Exchequer in *Ireland* by Petition setting forth the Facts and Circumstances of the Case; and it shall and may be lawful for such Court to hear such Petition in a summary Manner, and to make such Order thereon as such Court shall think fit, and to appoint a Person to execute such Conveyance to such Tenant in the Name of such Landlord, in case such Landlord shall reside out of the Jurisdiction of such Court or shall labour under any legal Disability, or in case such Court for any other Reason shall think it expedient to appoint such Person; and every such

In case of Dispute, &c. the Tenant may petition the Court of Chancery or Exchequer.

Court may determine in a summary Manner, and appoint a Person to convey.

such Conveyance so executed shall be valid and effectual to all Intents and Purposes.

Tenants for Life, &c. (except Infants and Lunatics) may convey.

IV. And be it enacted, That it shall and may be lawful for every such next immediate Landlord, and he is hereby authorized and required, although he shall be Tenant for Life or for any other limited Interest of such Lands, Tenements, or Hereditaments, or although he shall labour under any legal Incapacity or Disability (except Infancy or Lunacy), to execute such Conveyance to his next inferior Tenant, subject to the Provisions herein-before contained, and every such Conveyance shall be valid and effectual to all Intents and Purposes.

Rent reserved on such Conveyance to be subject to Variation in certain Cases.

V. And be it enacted, That in case any Portion of the yearly Rent reserved on such Conveyance of any Lands, Tenements, or Hereditaments shall be a Proportion of or dependent upon the average annual Amount, as ascertained by the said Ecclesiastical Commissioners, of the Renewal Fine payable by the first and immediate Tenant of such Lands, Tenements, or Hereditaments, then and in every such Case such yearly Rent shall be subject to Variation in like Manner and at such Times as the Rents reserved upon the immediate Conveyance of any Lands, Tenements, or Hereditaments by the said Ecclesiastical Commissioners, or by the Archbishop, Bishop, or other sole Ecclesiastical Corporation under whom the said Lands, Tenements, or Hereditaments are held; and all the Provisions in the said recited Acts contained relative to the Variation of such last-mentioned Rents shall be applicable to Rents reserved on Conveyances to be made under the Provisions of this Act, so far as the Nature and Circumstances of each Case will admit.

6 G. 4. c. cxliii.

VI. And whereas certain Portions of the Lands belonging to the Sees of *Armagh* and *Clogher* have been or may be conveyed to the *Ulster Canal Company* under or by virtue of an Act of Parliament made and passed in the Eighth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for making and maintaining a navigable Canal from Lough Erne in the County of Fermanagh to the River Blackwater near the Village of Charlemont in the County of Armagh*; and of a certain other Act of Parliament made and passed in the Ninth Year of

9 G. 4. c. xcvi.

the Reign of His late Majesty *George* the Fourth, intituled *An Act to amend an Act for making and maintaining a navigable Canal from Lough Erne in the County of Fermanagh to the River Blackwater near the Village of Charlemont in the County of Armagh*; and of a certain other Act of Parliament made and passed in the Tenth Year of the Reign of His late Majesty *George*

10 G. 4. c. cix.

the Fourth, intituled *An Act to explain the Acts for making the Ulster Canal in the Counties of Fermanagh and Armagh*; and of a certain other Act of Parliament made and passed in the First and Second Years of the Reign of His present Majesty King

1 & 2 W. 4. c. lvi.

*William* the Fourth, intituled *An Act to amend the several Acts for making and maintaining the Ulster Canal in the Counties of Fermanagh and Armagh*; and of a certain other Act of Parliament made and passed in the present Session of Parliament,

6 W. 4. c. lxxii.

intituled *An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the Ulster Canal*

‘ in the Counties of Fermanagh, Monaghan, and Armagh in Ireland; for which Compensation has been already awarded or is provided by said Acts to be awarded to the said Sees of *Armagh* and *Clogher*;’ be it enacted, That the Ecclesiastical Commissioners, or the Arbitrators, as the Case may be, are hereby authorized and required to make such Abatement in the reserved Rents hereafter to be charged in the Perpetuity sought to be acquired, or in the Rent and Renewal Fine of any Lease sought to be renewed, as to them may appear reasonable and just in proportion to the Value of the Lands so conveyed or which may hereafter be so conveyed to said *Ulster* Canal Company as aforesaid.

Ecclesiastical Commissioners or Arbitrators to make Abatement in the reserved Rents and Renewal Fines of certain Leases.

VII. And be it enacted, That every such next immediate Landlord shall and may have all such and the like Remedies for the Recovery of the Rent reserved upon any such Conveyance to his inferior Tenant or Tenants as any Landlord or Lessor now has, or may, can, or shall have by virtue of any Law now or hereafter to be in force in *Ireland* for the Recovery of Rent payable under a Demise by which a Reversion is reserved to or remains in such Landlord or Lessor; and every Person who shall have acquired the Fee Simple or Inheritance in any Lands, Tenements, or Hereditaments pursuant to the Provisions of this Act shall and may have all such and the like Remedies against his Under-tenants as in and by the said recited Acts are provided in Cases of Persons who shall have acquired the Fee Simple and Inheritance of any Lands, Tenements, or Hereditaments under the Provisions of the said recited Acts.

Reservation of Remedies for Recovery of Rent.

VIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to alter or affect the Provisions of the said recited Acts with respect to Renewals to be made to inferior Tenants holding under Leases or Contracts containing *toties quoties* Covenants for Renewal in the Case of any such inferior Tenant who shall not apply to his next immediate Landlord, pursuant to the Provisions of this Act, for a Conveyance of the Fee Simple and Inheritance of and in the Lands, Tenements, or Hereditaments held by him under such next immediate Landlord.

Saving of Provisions of recited Acts as to Under-tenants who shall not apply for Perpetuities.

IX. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any Time after Application shall have been made to them for the Purchase of the Fee Simple and Inheritance of and in any Lands, Tenements, or Hereditaments pursuant to the said recited Acts or this Act, to cause such Certificate of the Terms of such Purchase, and of the Amount of Purchase Money to be paid on the Completion of such Purchase, and of the annual Rent to be reserved and made payable in and by the Deed or Deeds of Conveyance, as by the said recited Acts they are directed to grant to the Applicant when so required, to be without any Request on his Part delivered to him, together with a Notice in Writing to be annexed to such Certificate requiring such Applicant to complete such Purchase, pursuant to the said recited Acts, within such Time as shall be specified in such Notice, not being less than Six Calendar Months from the Service thereof; and the said Ecclesiastical Commissioners may, if they shall so think fit, cause such Certificate and Notice to be transmitted to such Applicant by Post, addressed to

Commissioners may give Certificates of Terms of Purchase, and call on Tenants by Notice to complete their Purchases.

Service of Notice.

In case of Failure to complete the Purchase, the Applicant shall be deemed to have renounced his Right thereto.

Reserving to Tenant the Right to call for an Arbitration.

Deeds shall be enrolled by depositing Transcripts in the Rolls Office.

Transcripts to be arranged in Books.

Transcripts and Certificates not liable to Duty.

Fee on Enrolment.

Searches in Enrolment Books may be made on Payment of a Fee of 2s. 6d.

to him at his usual Place of Residence, or to his known Agent or Receiver at the usual Place of Residence of such Agent or Receiver, and for the Purposes of this Act such Transmission by the Post to such Applicant, or his known Agent or Receiver, shall be deemed good and sufficient Service of such Certificate and Notice; and if such Applicant shall neglect or refuse to complete such Purchase within Six Calendar Months after the Service of such Certificate and Notice, or within such further Period as shall be specified in such Notice, then and in every such Case such Applicant shall be deemed to have renounced such Purchase, and his Right of Preference thereto; and the said Commissioners shall deduct from the Sum deposited or secured, pursuant to the said recited Acts, by such Person so neglecting or refusing as aforesaid to complete such Purchase, such Sum or Sums of Money as the said Ecclesiastical Commissioners shall find necessary to defray the Expences which they may have incurred in ascertaining the Terms of such Purchase upon his said Application: Provided always, that nothing herein contained shall have the Operation or Effect of interfering with the Right or depriving any Tenant of the Power of calling for and obtaining an Arbitration as provided by the said recited Acts in case he shall be dissatisfied with the Terms of Purchase declared by the said Commissioners; and that in the event of such an Arbitration being called for and proceeded with by the Tenant the said Notice in Writing attached to the Certificate herein-before mentioned shall be set aside, and a new Notice of like Form shall be served on the Tenant by the said Commissioners at any Time after the Award of the Arbitrators who may be chosen shall be declared.

X. And be it enacted, That in every Case in which any Deed has been or shall hereafter be executed, which by the Provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a Transcript of such Deed, certified under their Seal, to be made upon Parchment, and deposited in the Hands of the Deputy Keeper of the Rolls or other proper Officer of the Rolls Office of the High Court of Chancery in *Ireland*, who upon Receipt thereof shall, without any Fiat or other Order, cause the same to be preserved in the said Rolls Office, and such Transcripts shall be conveniently arranged in Books for the Purpose of Reference and Examination; and every such Transcript so deposited shall be and be deemed and taken to be an Enrolment of such Deed to all Intents and Purposes whatsoever: Provided always, that neither such Transcript for Enrolment, nor any Certificate required by the said recited Acts, or either of them, to be given or enrolled, shall be liable to any Stamp Duty whatsoever; and that no Fee shall be demanded or paid for the Enrolment of any Certificate required by Law to be annexed to the Enrolment of any such Deed as aforesaid, in addition to the Fee of Two Shillings and Sixpence payable on Enrolment of such Deed, pursuant to the said first-recited Act.

XI. And be it enacted, That it shall and may be lawful for any Person whatever to make Searches in such Enrolment Books for the Enrolment or Enrolments of any Deed or Deeds which he shall have Occasion to examine, and every Person making any such Search shall pay for the same (including the Liberty of taking



Notes or making Extracts from any Enrolment or Enrolments) a Fee of Two Shillings and Sixpence, and no more, for such Day on which he shall make any such Search.

XII. And be it enacted, That so much of the said first-recited Act as provides that any Archbishop, Bishop, or Person, other than the said Ecclesiastical Commissioners, shall cause any such Deed or Deeds to be enrolled, shall be and the same is hereby repealed; and that the said Ecclesiastical Commissioners shall defray the Costs and Expences of making such Transcript for Enrolment, and of enrolling the same in manner aforesaid, out of the Purchase Money paid for the Purchase of the Fee Simple and Inheritance of and in the Lands, Tenements, or Premises comprised in such Transcript.

Commissioners to defray Expences of Transcript and Enrolment.

XIII. And be it enacted, That if any Tenant or Under-tenant shall be the Purchaser of any Lands, Tenements, or Hereditaments held under or by virtue of Two or more Leases, it shall be lawful for the said Ecclesiastical Commissioners, if in their Discretion they shall so think proper, to accept of a Mortgage on the Lands comprised in any One or more of such Leases for the Purchase Money of the whole, provided that the yearly Value of the Portion or Portions of such Lands so proposed to be mortgaged, clear of all Rents, Charges, and Outgoings whatsoever, shall be at least Three Times the Amount of the yearly Interest payable in respect of such Mortgage.

If Tenants purchase Lands held by Two or more Leases, a Mortgage may be accepted of the Lands held by One of them.

XIV. And be it enacted, That the said Ecclesiastical Commissioners shall, with all convenient Speed, cause proper Forms of the Conveyances, Mortgages, Leases, and other Documents required for the Purposes of the said Acts and this Act to be prepared, and such Forms shall be authenticated by the Corporate Seal of the said Commissioners, and deposited in their Office, there to be kept and preserved, and such Forms may be used for the Purposes aforesaid, subject to such Exception or Variation as from Time to Time or in any particular Case the said Ecclesiastical Commissioners may find necessary or convenient; and such Forms so authenticated, or such amended Forms in like Manner authenticated, as the said Commissioners shall from Time to Time cause to be prepared, shall be alike good and effectual as if the same were inserted in this Act; and Copies of all such Forms shall be printed under the Directions of the said Commissioners, and given to any Person demanding the same on Payment of the reasonable Expence of providing the same.

Forms of Conveyances, Mortgages, &c. to be prepared by the Commissioners.

XV. And be it enacted, That the said Ecclesiastical Commissioners shall cause all such Monies as may hereafter accrue to their Credit in the Perpetuity Purchase Fund Account mentioned in the said last-recited Act to be invested from Time to Time in such Public Securities as the said Ecclesiastical Commissioners shall think fit; and the said Ecclesiastical Commissioners shall have Power to sell and dispose of the same as Occasion shall arise, and apply the Proceeds thereof, and the Dividends and Interest arising therefrom, to the Purposes authorized and directed by the said last-recited Act.

Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account.

XVI. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, in any Demise or Lease to be made by them, pursuant to the said first-recited Act, of the See

In Leases of See Houses, &c. Covenants not to sublet, except

with Consent of Commissioners, may be inserted, instead of absolute Covenants against subletting.

House, Offices, and Mensal or Demesne Lands of or belonging to any Archbishoprick or Bishoprick, to cause to be inserted, instead of such Clause or Covenant against assigning or subletting, as by the said Act is required, a Clause or Covenant making void such Demise or Lease in case the Premises thereby demised, or any Part thereof, shall be sublet or assigned without the previous Consent of the said Ecclesiastical Commissioners testified in Writing under their Common Seal; which Consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give, upon such Terms and subject to such Restrictions or Conditions as they shall deem expedient: Provided always, that such Consent shall not be construed to authorize or empower any Person deriving under the Person to whom the said Ecclesiastical Commissioners shall have given such Consent as aforesaid to assign or sublet the Premises so demised or leased by the said Commissioners, or any Part thereof.

Lessees of See Houses, &c. under Leases already made, may sublet with Consent of Commissioners.

XVII. And be it enacted, That it shall and may be lawful for the Lessee named in any Lease or Demise heretofore made by the said Ecclesiastical Commissioners of any such See House, Offices, Mensal or Demesne Lands, or for the Heirs, Executors, Administrators, or Assigns of such Lessee, by and with the Consent, testified in Writing under their Common Seal, of the said Commissioners, and subject to such Terms, Conditions, and Restrictions as shall be expressed therein, to assign or sublet such See House, Offices, and Lands, or such Part or Parts thereof as shall be specified in such Consent; and that no such Lease or Demise shall be or become void or voidable by reason of such assigning or subletting with such Consent as aforesaid, any thing in such Demise or in the said recited Act contained to the contrary hereof notwithstanding.

Ecclesiastical Commissioners may make Leases and Renewals of Lands belonging to suspended Dignities or Benefices pending Suspension.

XVIII. And be it enacted, That whensoever, under the Provisions of the said Acts or this Act, the Appointment, Presentation, or Collation to any Dignity, Office, Rectory, or Benefice has been or shall be suspended, the said Ecclesiastical Commissioners shall, for and during such Period as such Dignity, Office, Rectory, or Benefice shall remain vacant, have, and at their Discretion exercise, by and in their own Name and Right, all such Powers of leasing and demising any Lands or Premises whatsoever belonging or appertaining or appropriated to or usually enjoyed with such Dignity, Office, Rectory, or Benefice as, in case no Suspension had taken place, any Person filling the same might have had or exercised; and it shall be lawful for the said Commissioners, in the Case of Lands or Premises demised by Leases customarily renewed from Time to Time, to accept Surrenders of such Leases, and to make new Leases or Renewals of the same respectively, in like Manner to all Intents and Purposes as the said Commissioners are authorized and required to do in respect of any Lands or Premises, at any Time belonging to any Bishoprick, and which may have been transferred to and vested in them by virtue of the said Acts; and that it shall be lawful for the respective Tenants, Lessees, or Under-tenants of any such Lands or Premises, during the Suspension of such Appointment, Presentation, or Collation as aforesaid, to apply to the said Commissioners for the Purchase of a perpetual Estate and Interest of and in any such Lands or Premises,

Tenants of such Lands may purchase Perpetuities pending Suspension.

mises, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have done, by virtue of the said recited Acts or this Act, in case the Appointment, Collation, or Presentation to such Dignity, Office, Rectory, or Benefice had not been so suspended; and in case of any such Application all such and the like Proceedings shall be had as by the said Acts prescribed in the Case of any Application for the Purchase of the Fee Simple and Inheritance of and in any Lands or Premises at any Time belonging to any Bishoprick, and which may have been transferred to and vested in the said Commissioners by virtue of the said Acts.

XIX. And be it enacted, That in case of the Removal of any such Suspension as aforesaid, all Leases, Demises, Renewals, or Conveyances theretofore made as aforesaid by the said Ecclesiastical Commissioners shall be and remain valid and binding to all Intents and Purposes whatsoever: Provided that in the Case of the Removal of such Suspension, all Rent, Covenants, and Reservations made payable by or contained in such Lease, Demise, Renewal, or Conveyance shall, from and after the Time when such Dignity, Office, Rectory, or Benefice shall have been filled, become and be payable to and enure for the Benefit of the Person appointed, collated, or presented to such Dignity, Office, Rectory, or Benefice, and his Successors, who shall have all such and the like Remedies for enforcing Payment or Performance of such Rent, Covenants, and Reservations, as if the same had been expressly made payable to or reserved or covenanted with or by the Person filling such Dignity, Office, Rectory, or Benefice, and his Successors.

XX. And whereas it is expedient to make more effectual Provision for enforcing Payment of Stipends or Salaries for the Maintenance of officiating Clergymen in Parishes whereof the Tithes are appropriate or inappropriate, and the Owners thereof are bound to maintain such Clergymen: And whereas by the said recited Act of the Third and Fourth Years of His present Majesty's Reign it was provided, that in any Case where the Owners of Improvements or Improper Tithes are by Law bound, but refuse or neglect, to repair the Chancel of any Church, or to maintain an officiating Minister, it should be lawful for the said Ecclesiastical Commissioners, or for the Archbishop or Bishop of the Diocese, to present a Petition to the Court of Chancery or Exchequer in *Ireland*, praying Relief, and such Courts were authorized and required to hear such Petition in a summary Way, and to make such Order therein as should appear just: And whereas it is expedient to extend the said recited Provisions of the said Act; be it therefore enacted, That the same shall be deemed and taken to extend and shall extend to Cases where the Owners of Appropriations or Appropriate Tithes are by Law bound, but refuse or neglect, to repair the Chancel of any Church or to maintain an officiating Minister, in like Manner and as fully to all Intents and Purposes as to Cases where the Owners of Improvements or Improper Tithes are so bound and so refuse or neglect to repair the Chancel of any Church or to maintain an officiating Minister.

XXI. And be it enacted, That in any Case in which any Petition shall be presented pursuant to the said recited Act or this Act for

In case of Removal of Suspension, all Leases theretofore made to be valid, and the Rents reserved thereon payable to the Persons subsequently appointed and their Successors.

The Remedy granted by § & 4 W. 4. c. 37. against Improprators refusing to repair Chancels or maintain officiating Clergymen, extended to Cases of Refusal by Appropriators.

What is to be deemed Evidence of

Liability to  
pay Stipend or  
repair Chancels.

the Repair of any Chancel, or for Recovery of any Stipend or Salary of an officiating Minister, or any Arrears thereof, the Certificate of the Archbishop or Bishop of the Diocese in which the Church or Parish is situate, that such Chancel has been repaired or such Salary usually paid to the officiating Minister of such Parish, or that such Chancel has at any Time been agreed to be repaired or such Salary to be paid by the Owner or Owners of the Impropriation or Appropriation or Appropriate or Improprate Tithes, as the Case may be, of such Parish, shall be *prima facie* Evidence of the Liability of such Owner or Owners to pay such Stipend or Salary or repair such Chancel, as the Case may be; and every such Stipend or Salary shall be a Charge upon such Appropriate or Improprate Tithes, paramount to all other Charges whatsoever.

Court may ap-  
point Receiver.

XXII. And be it enacted, That it shall and may be lawful for the Court to which any such Petition shall be presented to appoint a Receiver over any such Appropriate or Improprate Tithes for Payment of any such Repairs, Stipend, or Salary, or Arrears thereof, or to direct that any Receiver already appointed over such Tithes shall pay such Repairs, Stipend, or Salary to the Person entitled to receive the same, in preference and priority to all other Charges whatsoever.

How Commis-  
sioners shall  
proceed if  
Impropriator  
or Appropriator  
in any Parish  
not having a  
Vicar or Curate  
endowed shall  
not contribute  
to the Mainte-  
nance of an  
officiating Mi-  
nister.

XXIII. And be it enacted, That whensoever the Impropriator or Appropriator or Owner of the Appropriate or Improprate Tithes of any Parish, not having a Vicar or Curate endowed, shall not maintain an officiating Minister in such Parish, or shall not have agreed to pay a Stipend or Salary for or towards the Maintenance of such officiating Minister, being by Law bound to maintain such Minister, then and in every such Case it shall and may be lawful for the Archbishop or Bishop of the Diocese in which such Parish is situate to certify to the Ecclesiastical Commissioners that there is no Vicar endowed, nor any Stipend paid to any Curate, or other Provision made by such Appropriator or Impropriator for the Discharge of the Spiritual Duties of such Parish, and that it is fit and proper that an officiating Minister should be maintained within the same; and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable Stipend to be paid by the Impropriator or Appropriator or Owner of the Appropriate or Improprate Tithes of such Parish, having regard to the annual Value of such Improprate Tithes, and to the Extent of the Duty to be performed in such Parish; and the said Ecclesiastical Commissioners shall cause to be lodged in the Registry of the Diocese in which such Parish shall be situate a Certificate under their Seal of the Amount of the Stipend so ascertained, and shall also transmit to the Owner, or, if more than One, to each of the Owners of the Improprate or Appropriate Tithes of such Parish a Copy of the said Certificate.

Stipend shall be  
a paramount  
Charge on the  
Improprate  
Tithes, and shall  
be payable from  
the lodging of  
the Certificate.

XXIV. And be it enacted, That the Amount of the Stipend so fixed and ascertained as aforesaid shall be a Charge on the Improprate Tithes of such Parish paramount to all other Charges whatsoever, and shall, from and immediately after the lodging of such Certificate in the Registry of the Diocese, be paid and payable to the officiating Clergyman of such Parish for the Time being

being by equal Half-yearly Payments; and such officiating Clergyman shall be nominated and appointed from Time to Time in such Manner and subject to such Provisions and Regulations as the Curate of any Curacy augmented by the Trustees and Commissioners of First Fruits pursuant to any Statutes heretofore in force in *Ireland*: Provided always, that the Amount of the Salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed Ten Pounds for every Hundred Pounds of the annual Value of the Improprate or Appropriate Tithes of such Parish, as the same shall have been ascertained by the Certificate of the Commissioners appointed to carry into effect the Composition for Tithes in the said Parish.

XXV. 'And whereas it appears by the Report of certain Commissioners constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in *Ireland*, bearing Date the Fifteenth Day of *April* One thousand eight hundred and thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various Names, and that some of such Corporations have dwindled down to a single Individual in each, who appears to be wholly discharged of any Duty whatever, and that some such Offices would long since have become wholly obsolete and extinct but for the Emoluments which still attach and are enjoyed by the Individuals who fill them;' be it therefore enacted, That the Right, Title, and Interest in and to all Lands, Tithes, Rents, Profits, and other Emoluments heretofore held and enjoyed by the Vicars Choral of the Cathedral Church of *Saint Patrick's, Cashel*, or by any Corporation of or belonging to any Cathedral Church in *Ireland*, known by the Names of Minor or Petty Canons, Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, or by any other Name, and whether sole or aggregate, who shall not discharge any Duty, or shall not discharge Duties commensurate with the Extent of their Emoluments, shall, in the Case of the said Vicars Choral of the Cathedral Church of *Saint Patrick's, Cashel*, from and after the passing of this Act, and in the Case of each and every such other Corporation as aforesaid whensoever the Lord Lieutenant in Council shall on the Recommendation of the said Ecclesiastical Commissioners think fit so to direct, vest in the said Ecclesiastical Commissioners, subject nevertheless to all valid Leases, Charges, and Incumbrances now affecting the same, and that the Rents, Issues, and Profits thereof shall be by the said Ecclesiastical Commissioners applied during the Lives of the present Members of such Corporations respectively to their Use, in the same Manner and Proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the Demise or Cession of the respective Members of such Corporations adequate Provision be made out of such Rents, Issues, and Profits for the due Maintenance of such and so many of his or their Successors as may in the Judgment of the said Commissioners be required for the effectual Discharge of the Duties, if any, appertaining to the Members of such Corporations respectively, in Cases where such Provision is not made from other Sources; and that the Surplus of such Rents, Issues, and

Proviso as to Amount.

Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners subject to existing Interests, and for the Maintenance of such Members of such Corporations as have Duties to perform.

Profits from Time to Time accruing to the said Ecclesiastical Commissioners shall be carried to the general Fund under the Administration of the said Commissioners, who shall have all and every the like Powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and be in all respects subject to such and the like Restrictions and Conditions.

For removing Doubts as to the Provisions of the recited Act respecting the Precentorship of Christ Church, Dublin.

XXVI. ' And whereas by the herein-before recited Act passed ' in the Fourth and Fifth Years of His Majesty's Reign the Lord ' Lieutenant or other Chief Governor or Governors of *Ireland*, ' and His Majesty's Privy Council there, are empowered, on the ' Recommendation of the said Ecclesiastical Commissioners, to ' order and direct that the Appointment to any Ecclesiastical ' Dignity or Office under the Rank of an Archbishoprick or ' Bishoprick, the Person holding which shall not have actual ' Cure of Souls within any Parish appropriated thereto, shall be ' suspended upon the next Avoidance until such Lord Lieutenant ' and Council shall think fit otherwise to direct, and that for and ' during such Period as such Dignity or Office shall remain vacant ' all and every the Tithes, Glebes, Lands, Rents, Profits, and ' Emoluments whatsoever belonging or appertaining thereto, and ' all Arrears of such Tithes, Rents, Profits, and Emoluments which ' may have accrued due since the same may have become void as ' aforesaid, shall be vested in and received by the said Ecclesiastical ' Commissioners, to be by them applied towards the like Purposes ' as the other Monies and Funds accruing to or vested in them ' under the Provisions of the said Act: And whereas Doubts ' have arisen whether the Provisions of the said Act apply to the ' Case of the Precentorship of the Church of the Holy and ' Undivided Trinity, otherwise called *Christ Church*, in *Dublin*, ' now vacant, by reason of the Cure of Souls in certain Parishes ' belonging in contemplation of Law to the said Precentor, ' although in fact such Cure has not been served by the Occupant ' of such Dignity, nor by any resident Curate employed at a ' sufficient Stipend: And whereas it is expedient to remove such ' Doubts, and also further to explain the said Act; be it therefore enacted, That the herein-before recited Provisions of the said Act shall be taken to extend to the said Precentorship, and also to all Dignities or Offices the Occupants whereof, although having in contemplation of Law Cure of Souls, habitual or actual, in any Parish or Parishes appropriated or in anywise belonging thereto, shall not for Three Years next preceding the First Day of *January* last have continuously served the Cure of Souls in such Parish or Parishes, either personally or by a Curate licensed thereto, or in case the Appointment, Presentation, or Collation of any Clerk to such Parish or Parishes shall have been suspended or hereafter shall be suspended under and by virtue of the said recited Act of the Third and Fourth Years of His present Majesty's Reign; and also that the said Provisions of the said Act shall be taken to extend to all such Offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same may not be Ecclesiastical Offices nor held by Ecclesiastical Persons, and also to all Cases where Tithes may have been held or enjoyed by the Occupants of such Dignities or Offices, though not in Law appropriated

appropriated to them, and also to Cases where Lands only, or Land as well as Tithes, may have been so held and enjoyed or appropriated, or where the same may be under Lease: Provided always, that if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the Cure of Souls within any Parish appropriated to any such Dignity or Office, and that the Stipends allowed to such Curates are insufficient, then and in such Case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the Profits or Emoluments of the Parish so appropriated, to allow such Stipend to any such Curate, not exceeding One hundred Pounds *per Annum*, as they may think necessary with regard to the Duties to be by him discharged.

Proviso.

XXVII. ' And whereas by the said recited Act of the Third and Fourth Years of His present Majesty's Reign, as the same is amended by the said Act of the Fourth and Fifth Years of His Majesty's Reign, Authority is given to the said Lord Lieutenant or other Chief Governor or Governors and Council, on the next Avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend, or Canonry, or with the Consent of the Incumbent thereof, to disappropriate, disunite, and divest from and out of the same any Rectory, Vicarage, Tithes or Portion of Tithes, and Glebes or Part or Parts thereof, and to unite any such Rectory, Vicarage, Tithes or Portion of Tithes, or Glebes or Part thereof, to the Vicarages or Perpetual or other Curacies of such Parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage, or Curacy, or to erect the same into a distinct Parish or Benefice: And whereas Difficulties have arisen in carrying the Provisions of the said Acts into effect by reason of the Existence of Leases of Tithes or Portions of Tithes and Lands, sometimes included in one and the same Demise, and sometimes situate in or arising out of several Parishes, and Doubts have arisen whether the said Provisions extend to Mensal or Demesne Lands; ' for Remedy whereof be it enacted, That the said Provisions shall be deemed and taken to extend to and comprise all and every Tithes or Portions of Tithes, whether under Lease or otherwise, and all Lands, Mensal, Demesne, or otherwise, belonging or appertaining or anywise held or enjoyed in right of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, whether such Tithes or Lands shall arise out of or be situate in One or more Parishes.

Provisions of recited Acts explained in respect of Tithes, &c. disappropriated from Dignities, &c.

XXVIII. And be it enacted, That in any Case where the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit, in the Exercise of the Powers conferred upon them by the said Acts and this Act, to disappropriate, disunite, and divest from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any Rectory, Vicarage, Tithes or Portion of Tithes, or Lands, or Part or Parts thereof, which by reason of the Existence of any such Leases as aforesaid, or for any other Reason, cannot be conveniently appropriated or united to any adjoining or neighbouring Rectory, Vicarage, or Curacy, or in case such Rectories, Vicarages, or Curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council

In case disappropriated Lands, &c. cannot be conveniently united to a neighbouring Vicarage or Curacy, or that such Vicarage or Curacy is already sufficiently endowed, the Lands, &c. disappropriated shall be transferred to the

Ecclesiastical Commissioners, and be by them carried to the general Fund.

to order that such Rectory, Vicarage, Tithes or Portion of Tithes, or Land, or Part or Parts thereof, so disappropriated, disunited, and divested as aforesaid, shall be transferred to the said Ecclesiastical Commissioners; and the Right and Interest in and to the same, and all Arrears thereof, shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general Fund under their Administration, but charged with and subject nevertheless to the Payment of such annual or periodical Sum or Sums of Money, if any, as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit to direct to be paid to any Rector, Vicar, or Curate, their or his Successors, whose Rectory, Vicarage, or Curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the Provisions of the said Acts, any such disappropriated Rectory, Vicarage, Tithes or Portions of Tithes, or Lands, might have been appropriated and united.

Commissioners shall have like Power of making Leases, &c. in disappropriated Lands, &c. as in those belonging to suspended Dignities.

XXIX. And be it enacted, That the said Ecclesiastical Commissioners shall have all such and the like Powers of making or renewing Leases, or of conveying a perpetual Estate or Interest of and in any Lands or Premises which may become vested in them by virtue of any such Disappropriation Order as aforesaid, as herein-before conferred upon them in respect of any Lands or Premises which may become vested in them by virtue of any such Suspension Order as herein-before mentioned; and all and every the Provisions herein-before contained in respect of such Lands or Premises as may be vested in the said Commissioners by any such Suspension Order, and the making Leases and Renewals and Conveyances thereof, shall apply and extend to Lands or Premises vested in them by any such Disappropriation Order, and the making Leases, Renewals, and Conveyances thereof.

Ecclesiastical Commissioners not to grant a perpetual Estate to any Tenant now holding by Lease any Tithes appropriated to certain Ecclesiastical Dignities.

XXX. 'Whereas by reason of the Insufficiency of the Endowment of the Vicarages in several Parishes the Rectorial Tithes whereof are appropriated to Archbishopricks, Bishopricks, and other Ecclesiastical Dignities, Prebends, and Canonries in *Ireland*, by reason whereof it has become necessary from Time to Time to unite Two or more of such Vicarages into One Benefice, to the Disadvantage of the Spiritual Interests and Concerns of such Vicarages respectively;' be it therefore enacted, That from and after the passing of this Act it shall not be lawful for the said Ecclesiastical Commissioners acting in pursuance of the Provisions of said recited Acts, in the Name and on the Behalf of any Archbishop, Bishop, Dignitary, Prebendary, or Canon, to grant a perpetual Estate or Interest to any Tenant now holding or who may hereafter hold any Tithes or Compositions for Tithes appropriated to such Archbishopricks, Bishopricks, Dignities, Prebends, or Canonries, under or by virtue of any Lease or Contract.

After the next Avoidance of any such Dignity, the Commissioners may declare that the Lease shall not be renewed; and, upon Ap-

XXXI. And be it further enacted, That at any Time from and after the next Avoidance of any Archbishoprick, Bishoprick, Dignity, Prebend, or Canonry as aforesaid, in which it may be deemed expedient so to do, it shall and may be lawful for the said Ecclesiastical Commissioners, in case any Tithes or Compositions for Tithes shall be disappropriated therefrom, by Instrument under their Common Seal to declare that the Lease or Contract by which such Tithes or Compositions for Tithes are now or hereafter may be



be held shall not be renewed; and in order to prevent any Loss or Damage to the Tenant or Tenants now holding or who may hereafter hold such Tithes or Compositions for Tithes by virtue of such Lease or Contract, by reason of the same not being capable of being renewed as heretofore, it shall and may be lawful for the said Commissioners, upon the Application of any such Tenant or Tenants declaring his or their Readiness to accept the Value in Money of his or their Estate or Interest in such Lease or Contract as if the same were still capable of Renewal, to estimate and compute the Value thereof accordingly; and in case such Tenant or Tenants shall think fit to accept the same, he or they shall thereupon convey his Estate and Interest in such Lease or Contract to the said Ecclesiastical Commissioners, and such Tithes or Compositions for Tithes shall thereupon be freed and discharged from all Debts, Liabilities, and Incumbrances of such Tenant or Tenants, or of any Person or Persons deriving under him, her, or them, or of any Person or Persons under whom he, she, or they may derive: Provided nevertheless, that the Purchase Money for such Estate and Interest shall become subject and liable to all such and the like Engagements, Liabilities, Uses, Trusts, Intents, and Purposes as may affect the Estate or Interest of such Tenant or Tenants in the Lease or Contract of said Tithes or Compositions for Tithes, and shall be paid to such Tenant or Tenants on his making out Title thereunto; and if he, she, or they shall not make out a sufficient Title thereto such Purchase Money shall be paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery in *Ireland*, and to the Credit of the Matter, upon an Order for that Purpose to be obtained upon Petition in a summary Way, and shall be disposed of by such Court by Order in like Manner to be obtained, as may be just.

plication of the Tenant to accept the Value in Money, may estimate the Value thereof.

Proviso.

XXXII. And be it further enacted, That from and after the Conveyance of the Estate or Interest of every such Tenant or Tenants in and to such Tithes or Compositions for Tithes to the said Ecclesiastical Commissioners as aforesaid, the same shall be and remain for ever vested in the said Ecclesiastical Commissioners, and be by them applied, as and when the same shall be received in the first instance in Liquidation and Discharge of the Purchase Money and Expences incurred by them in the Purchase thereof, with legal Interest, until the same shall be fully and entirely paid off, and from thenceforward in the Augmentation of small Benefices under the Provisions of the said recited Acts.

After Conveyance, the Interest of such Tenant to vest in the Commissioners.

XXXIII. And whereas, by and under the Provisions of the said recited Act of the Third and Fourth Years of His present Majesty's Reign, the Bishoprick of *Cork* and *Ross* has become united to the Bishoprick of *Cloyne*, and Doctor *Samuel Kyle* being at the Time of the passing of the said Act, and at the Time when the said Bishopricks became united as aforesaid, Bishop of *Cork* and *Ross*, has become and now is Bishop of the said united Bishopricks of *Cork* and *Ross* and *Cloyne*: And whereas upon such Union as aforesaid all and singular the Lands, Tenements, and Hereditaments, with all and singular the Tithes, Rents, and Emoluments appertaining or belonging to the said Bishoprick of *Cork* and *Ross*, were by virtue of the said Act transferred to and vested in the said Ecclesiastical Commissioners,

An annual Sum of 1,500*l.* to be paid to Dr. Kyle, Bishop of *Cork* and *Ross* and *Cloyne*, in order to make his present Revenue equal to that he had before the Union of the Sees.

‘ saving

' saving and excepting the See House and Offices and Mensal and  
 ' Demesne Lands to the said Bishoprick of *Cork* and *Ross* belong-  
 ' ing, which became thereafter by the said Act the See House and  
 ' Offices and Mensal or Demesne Lands of the said united Bishop-  
 ' ricks of *Cork* and *Ross* and *Cloyne*, and the said Doctor *Samuel*  
 ' *Kyle* became possessed of and entitled to the Revenues of the said  
 ' Bishoprick of *Cloyne*, saving and excepting to the See House and  
 ' Mensal or Demesne Lands thereunto belonging, which the said  
 ' Ecclesiastical Commissioners were authorized to let or demise for  
 ' such Rent or Fine as they should think fit: And whereas the said  
 ' Ecclesiastical Commissioners are authorized and required by the  
 ' said Act, out of the Revenues of the said Bishoprick of *Cork*  
 ' and *Ross* so vested in them as aforesaid, to make good to the said  
 ' Doctor *Samuel Kyle* the Sum or Sums of Money, if any, whereby  
 ' the Revenues of the said Bishoprick of *Cloyne* shall fall short  
 ' of the Revenues of the said Bishoprick of *Cork* and *Ross*: And  
 ' whereas the Revenues of the said respective Bishopricks, being  
 ' in great Measure dependent on Fines paid on the Renewal of  
 ' Leases, are liable to Uncertainty and Variation, and an annual  
 ' Valuation of the said several Bishopricks would be troublesome  
 ' and inconvenient: And whereas it has been found, upon a Com-  
 ' parison of the relative average Value of the said several Bishop-  
 ' ricks, that the Revenues of the said Bishoprick of *Cloyne* fall  
 ' short of the Revenues of the said Bishoprick of *Cork* and *Ross*  
 ' by the annual Sum of One thousand five hundred Pounds or  
 ' thereabouts, and the said Doctor *Samuel Kyle* consents to receive  
 ' such annual Sum of One thousand five hundred Pounds in full  
 ' Acquittance and Discharge of the Payment which the said Ec-  
 ' clesiastical Commissioners ought to make to him under the Pro-  
 ' visions of the said Act; be it therefore enacted, That the said  
 ' annual Sum of One thousand five hundred Pounds shall be deemed  
 ' and taken to be the Sum whereby the Revenues of the said  
 ' Bishoprick of *Cloyne* fall short of the Revenues of the said Bishop-  
 ' rick of *Cork* and *Ross*, and that the said Ecclesiastical Commis-  
 ' sioners shall pay to the said Doctor *Samuel Kyle*, in each and  
 ' every Year during his Incumbency of the said united Bishopricks  
 ' of *Cork* and *Ross* and *Cloyne*, the said annual Sum of One thou-  
 ' sand five hundred Pounds, commencing from the Fourteenth Day  
 ' of *September* One thousand eight hundred and thirty-five, and  
 ' that the first Payment thereof shall be made on the Fourteenth  
 ' Day of *September* in this current Year One thousand eight hun-  
 ' dred and thirty-six, by one entire Payment, and that the future  
 ' Payments thereof shall be made by equal Moieties, one Moiety on  
 ' the Fourteenth Day of *March*, and the other Moiety on the Four-  
 ' teenth Day of *September*, in each and every succeeding Year  
 ' during the Incumbency of the said Doctor *Samuel Kyle* in the said  
 ' united Bishopricks: Provided always, that the said annual Payment  
 ' shall be apportioned so and in such Manner that on the Demise or  
 ' Translation of the said Doctor *Samuel Kyle*, or other Determina-  
 ' tion of his said Incumbency, the said Ecclesiastical Commissioners  
 ' shall pay to him, or his Executors, Administrators, or Assigns, a  
 ' Proportion of such annual Sum according to the Time which shall  
 ' have elapsed from the Commencement or last Period of Payment  
 ' thereof respectively (as the Case may be), including the Day of

the Demise or Translation of the said Doctor *Samuel Kyle*, or other Determination of his said Incumbency in the said united Bishopricks: Provided also, that the Income of the present Bishop of *Cork* and *Ross* and *Cloyne* during his Incumbency be free from the Tax chargeable under the Provisions of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty.

XXXIV. ' And whereas it is provided by the said Act of the Fourth and Fifth Years of the Reign of His present Majesty that no Sum shall be paid by the said Ecclesiastical Commissioners to any Attorney or Solicitor as and for Costs, Charges, or Expences, unless the Amount of such Payment shall first have been approved of by the Lords of the Treasury, and that no Sum exceeding One thousand Pounds shall be allowed in any One Year by the Lords of the Treasury as and for the Costs, Charges, or Expences of any such Attorney or Solicitor, and that before any such Sum shall be allowed by the said Lords Commissioners of the Treasury on such Account as aforesaid the Particulars of all such Costs and Expences shall be laid before them: And whereas it is necessary to explain the said herein-before recited Provision; be it therefore hereby enacted and declared to be the Intent and Meaning of the said Act, That no Sum exceeding One thousand Pounds shall be allowed in any One Year for the personal Services of any such Attorney or Solicitor, but that no Disbursements nor Expences actually and properly made or incurred by such Attorney or Solicitor in and about the Affairs and Business of the said Ecclesiastical Commissioners, and by their Authority and Direction, shall be deemed or taken to be included in the said Sum of One thousand Pounds, or form Part thereof.

Provision of 4 & 5 W. 4. c. 90. relating to Costs of Solicitor explained.

XXXV. And be it further enacted, That the said several recited Acts of Parliament shall continue in full Force and Effect, save and except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as One Act to all Intents and Purposes; and that this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present Session of Parliament.

Former Acts to be construed with this Act.

XXXVI. ' And whereas it is enacted by the said first-recited Act, that in all Cases where, under and by virtue of an Act made in the Twenty-first of the Reign of King *George* the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches*, any Parochial Church shall have been or shall be made or shall become by Usage or Custom Cathedral and Parochial, and in all Cases where, under and by virtue of an Act made in the Parliament of *Ireland* in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the repairing of Cathedral Churches in Cases where the Parish Churches have been long in Ruins*, any Cathedral Church shall have been or shall be made use of as a Parish Church, it shall and may be lawful for the said Commissioners and they are thereby required to contribute to the Repairs of such Cathedral and Parochial Churches in such Proportion as has been agreed upon by and between the Dean

Act may be altered this Session.

Providing for the Repairs of Cathedral Churches.

39 G. 3. (I.)

‘ Dean and Chapter or Chapters of such Cathedral Church and  
‘ by the Protestant Inhabitants of the Parish or Union in which  
‘ such Church is situate, that the Inhabitants thereof should con-  
‘ tribute to the rebuilding, enlarging, and putting into and keeping  
‘ in repair of such Cathedral and Parochial Churches; and if it  
‘ shall happen that no such Agreement as aforesaid shall have been  
‘ made by and between the Parties aforesaid, it shall and may be  
‘ lawful for the Lord Lieutenant or other Chief Governor or  
‘ Governors of *Ireland* and the Privy Council thereof, upon Peti-  
‘ tion of the Dean and Chapter or of the said Commissioners,  
‘ finally to adjust and ascertain the Proportions in which such  
‘ Deans and Chapters or Chapters and said Commissioners shall  
‘ so respectively contribute for the Purposes aforesaid; and the  
‘ Sums necessary and sufficient for such Purposes shall be from  
‘ Time to Time apportioned and paid accordingly by the said  
‘ Deans and Chapters and the said Commissioners respectively:  
‘ And whereas it is just and reasonable that such Deans and  
‘ Chapters should in certain Cases be relieved in the whole or in  
‘ part from the Burthen of contributing to the Repairs of such  
‘ Cathedral Churches;’ be it therefore enacted, That in case there  
shall be no Economy Fund or Chapter or other Property appropri-  
ated to the Purpose of rebuilding, enlarging, and putting into  
and keeping in repair of any such Cathedral Church, or no such  
Economy Fund, Chapter, or other Property adequate or sufficient  
for such Purpose, it shall and may be lawful for the said Eccle-  
siastical Commissioners, if they shall so think fit, by Writing under  
their Seal to certify to the Lord Lieutenant or other Chief  
Governor or Governors of *Ireland* in Council that there is no such  
Economy Fund, Chapter or other Property appropriated to the  
Purpose of repairing such Cathedral Church, or no such Fund or  
Property adequate and sufficient for such Purpose, and that it is  
just and reasonable that the said Commissioners should defray the  
whole of the Sums necessary for such Purpose, or that the said  
Commissioners and the Dean and Chapter or Chapter should  
contribute for such Purpose in such Proportions as shall in such  
Writing be specified; and in case the Lord Lieutenant or other  
Chief Governor or Governors of *Ireland* and the Privy Council  
thereof shall signify his and their Approval of the Matters specified  
in such Certificate, then and in such Case it shall and may be  
lawful for the said Commissioners and they are hereby authorized  
and required from Time to Time to pay the whole of the Sums  
necessary for such Purpose as aforesaid, or such Proportion thereof  
as shall be specified in such Certificate, subject to such Regula-  
tions as in the said recited Acts and this Act or any or either of  
them are contained with respect to Monies to be expended for  
such Purposes: Provided always, that such Dean and Chapter or  
Chapter shall from Time to Time contribute for such Purpose as  
aforesaid such Proportion as shall be specified in such Certificate  
as just and reasonable to be contributed by such Dean and Chapter  
or Chapter.

## C A P. C.

An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland*. [20th August 1836.]

‘ WHEREAS it is fitting that Provision be made to the end that the Estates and Effects of the Bodies Corporate now constituted in sundry Towns in *Ireland* may 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:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That 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 this Act annexed, or any One or more of the Members of any of the said Bodies Corporate in this 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* in the present Year had or have since then acquired, any Right or Title, unless in pursuance of some Covenant or Contract or Agreement *bonâ 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* in the Year One thousand eight hundred and thirty-seven; 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 or 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*, 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 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* in the present Year shall be entitled by reason of such Appointment to have any Compensation for the Loss of such Office or Place

No Conveyance of Lands, &c. of any of the Bodies Corporate mentioned in the Schedule to be made before 1st Sept. 1837, or unless in pursuance of some Covenant *bonâ fide* entered into before the 16th Feb. 1836.

No Contracts made after the passing of this Act and before 1st Sept. to be valid.

Proviso for Sales made for legal and necessary Purposes.

Officers appointed since 16th February 1836 not to be therefore entitled to Com- Place

pensation for  
Loss of Office.

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.

SCHEDULE to which this Act refers.

Boroughs.	Style of Corporate Body.
Ardee - -	The Portreeve, Burgesses, and Commons of the Corporation of Atherdee.
Armagh -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Armagh.
Athlone -	The Sovereign, Bailiffs, Burgesses, and Freemen of the Town of Athlone.
Athy - -	The Sovereign, Bailiffs, Free Burgesses, and Commonalty of the Borough of Athy.
Bandon -	The Provost, Free Burgesses, and Commonalty of the Borough of Bandon Bridge.
Bangor - -	The Provost, Free Burgesses, and Commonalty of the Borough of Bangor.
Belfast -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Belfast.
Belturbet -	The Provost, Free Burgesses, and Commonalty of the Borough of Belturbet.
Boyle - -	The Borough Master, Free Burgesses, and Commonalty of the Borough of Boyle.
Callan - -	The Sovereign, Burgesses, and Freemen of Callan.
Carlow - -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Catherlagh.
Carrickfergus -	The Mayor, Sheriff, Burgesses, and Commonalty of the Town of Carrickfergus.
Cashel - -	The Mayor, Aldermen, Bailiffs, Citizens, and Commons of the City of Cashel.
Charleville - -	The Sovereign, Bailiffs, and Burgesses of the Borough of Charleville.
Clognakilty -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Clognakilty.
Clonmell - -	The Mayor, Free Burgesses, and Commonalty of the Town of Clonmell.
Coleraine - -	The Mayor, Aldermen, and Burgesses of the Town of Coleraine.
Cork - -	The Mayor, Sheriffs, and Commonalty of the City of Cork.
Dingle - -	The Sovereign, Burgesses, and Commonalty of the Town of Dingle-a-Couch.
Drogheda - -	The Mayor, Sheriffs, Burgesses, and Commonalty of the County of the Town of Drogheda.
Dublin - -	The Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin.

Boroughs.	Style of Corporate Body.
Dundalk - -	The Bailiff, Burgesses, and Commonalty of the Borough of Dundalk.
Dungannon -	The Provost, Free Burgesses, and Commons of the Borough of Dungannon.
Ennis - -	The Provost, Free Burgesses, and Commonalty of the Town of Ennis.
Enniscorthy -	The Portreeve, Free Burgesses, and Commonalty of the Borough of Enniscorthy.
Enniskillen -	The Portreeve, Free Burgesses, and Commonalty of the Borough of Enniskillen.
Fethard -	The Sovereign, Chief Burgesses, Portreeve, and Freemen of the Town of Fethard.
Galway -	The Mayor, Sheriffs, Free Burgesses, and Commonalty of the Town and County of the Town of Galway.
Gorey - -	The Sovereign, Burgesses, and Free Commons of the Borough and Town of Newborough.
Kells - -	The Sovereign, Provosts, Burgesses, and Commonalty of the Borough of Kells.
Kilkenny -	The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses, and Commons of the Borough or Town of Irishtown.
Kinsale -	The Sovereign, Burgesses, and Commonalty of the Town of Kinsale.
Limerick -	The Mayor, Sheriffs, and Citizens of the City of Limerick.
Londonderry -	The Mayor, Commonalty, and Citizens of Londonderry.
Longford -	The Sovereign, Bailiffs, and Burgesses of the Borough of Longford.
Maryborough -	The Burgomaster, Bailiffs, Burgesses, and Commonalty of Maryborough.
Monaghan -	The Provost, Free Burgesses, and Commonalty of the Borough of Monaghan.
Naas - -	The Sovereign, Provost, Burgesses, and Commonalty of Naas.
Navan - -	The Portreeve, Burgesses, and Freemen of the Town or Borough of Navan.
New Ross -	The Sovereign and Burgesses of New Ross.
Portarlington -	The Sovereign, Bailiffs, and Burgesses of the Borough and Town of Portarlington.
Sligo - -	The Provost, Free Burgesses, and Commonalty of the Borough of Sligo.
Strabane -	The Provost, Free Burgesses, and Commonalty of the Town of Strabane.
Tralee - -	The Provost, Free Burgesses, and Commonalty of the Borough of Tralee.
Trim - -	The Portreeve, Burgesses, and Freemen of Trim.
Tuam - -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Tuam.

Boroughs.	Style of Corporate Body.
Waterford	- The Mayor, Sheriffs, and Citizens of the County of the City of Waterford in the Kingdom of Ireland.
Wexford	- The Mayor, Bailiffs, Free Burgesses, and Commonalty of the Town or Borough of Wexford.
Wicklow	- The Portreeve, Free Burgesses, and Commonalty of the Borough of Wicklow.
Youghal	- The Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Youghal.

## C A P. CI.

An Act to legalize certain Lists of Voters and of Claims and Objections for the present Year. [20th August 1836.]

‘ WHEREAS Doubts have been occasioned with respect to the Days and Times upon or within which Notices, Claims, Objections, and other Matters by a certain Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People in England and Wales*, required to be given, delivered, transmitted, done, or performed in relation to such Lists, should be respectively given, delivered, transmitted, done, and performed in this Year:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the Overseers of the Poor of any Parish or Township shall have given Notice requiring all Persons who may be entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament, in respect of any Property situate wholly or in part in such Parish or Township, to deliver or transmit to the said Overseers on or before the Twentieth Day of *August* in the present Year, instead of the Twentieth Day of *July*, as fixed by the said Act, a Notice of their Claim as such Voters according to the Form by the said Act prescribed, or to the like Effect, and shall, on or before the last Day of *August* in the present Year, have made out or caused to be made out, according to the Form numbered 3. in the Schedule H. to the said Act annexed, an alphabetical List of the Names of all Persons who shall have so claimed as aforesaid, in respect of any Lands or Tenements situate wholly or in part within such Parish or Township, as having been entitled on the last Day of *July* in the present Year to have their Names inserted in such List, and also of the Names of all Persons who shall be upon the Register for the Time being as such Voters, and in all Cases in which the Overseers of the Poor of any Parish or Township wholly or in part situate within any City or Borough, or Place sharing in the Election for any City or Borough, shall have made out, in the Manner and according to the Form prescribed by the said Act, on

All Notices, Claims, &c. under recited Act valid, this Year, if done within the Time prescribed by Order in Council of 11 July 1832.



or before the last Day of *August*, and not on or before the last Day of *July*, in this Year, an alphabetical List of all Persons entitled on the said last Day of *July*, if duly registered according to the Provisions of the said Act, to vote in the Election of a Member or Members to serve in Parliament for such City or Borough in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, all Notices, Claims, Objections, and other Matters by the said Act required to be given, delivered, transmitted, done, or performed in relation to such Lists shall, in this Year but not afterwards, if given, delivered, transmitted, done, or performed upon or within the same Days of the several Calendar Months of this Year which were respectively appointed for the like Purpose in the corresponding Months of the Year One thousand eight hundred and thirty-two by an Order made by His Majesty, with the Advice of His Most Honourable Privy Council, bearing Date the Eleventh Day of *July* in the Year One thousand eight hundred and thirty-two, be as good and of the same Force and Effect as if they had been given, delivered, done, transmitted, or performed respectively upon or within the Days and Times in the said Act specified in that Behalf.

II. And be it enacted, That in lieu of the Period by the said Act limited for the Revision of the respective Lists of Voters by the Barristers, the Courts for that Purpose shall be held at some Time between the Fifteenth Day of *October* inclusive and the Twenty-fifth Day of *November* inclusive in the present Year, but not afterwards; and such respective Lists shall be copied out into Books by the Persons and in the Manner respectively prescribed by the said Act on or before the last Day of *November* in the present Year; and every such Book shall be the Register of Electors to vote at any Election which shall take place between the First Day of *December* next inclusive and the First Day of *November* One thousand eight hundred and thirty-seven.

III. And be it enacted, That if at any Time during which any Precept ought to be issued, or other Act done by or with regard to the Returning Officer for any City, Borough, or Town, the Office of Returning Officer for such City, Borough, or Town shall happen to be vacant, it shall be lawful for the Sheriff for the Time being of the County in which such City, Borough, or Town shall be situate, or which shall be next adjoining to such City, Borough, or Town, and he is hereby required, by Writing under his Hand, to appoint some fit Person as his Deputy to perform during such Vacancy the Duties of Returning Officer of such City, Borough, or Town; and that if at any Time, on the Receipt by any Sheriff or Sheriffs of a Writ or Precept for the Return of a Member or Members to serve in Parliament for any City, Borough, or Town, the Office of Returning Officer for such City, Borough, or Town shall happen to be vacant, in such Case it shall be lawful for such Sheriff or Sheriffs, and he or they are hereby required, by himself or themselves, or by his or their Deputy, to act on that Occasion as Returning Officer for such City, Borough, or Town.

Revising Bar-  
risters Courts  
for this Year  
to be held  
between  
15th Oct. and  
25th Nov.

Register.

Sheriff to ap-  
point a Person  
to act as Re-  
turning Officer  
in case of  
Vacancy.

## C A P. CII.

An Act for rendering more easy the taking the Poll at County Elections. [20th August 1836.]

2 & 3 W. 4. c. 64. **W**HEREAS by an Act passed in the Second and Third Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to settle and determine the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament*, it is among other Things enacted, that the Poll for the Election of Knights of the Shire shall be taken at such Places as in a certain Schedule to the said Act annexed marked (N.) are mentioned: And whereas it is expedient that Provision should be made for increasing the Number of such Polling Places: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, from Time to Time hereafter, on Petition from the Justices of any County, Riding, Parts, or Division in *England* or *Wales*, in Quarter Sessions assembled, representing that the Number of Polling Places for such County, Riding, Parts, or Division is insufficient, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County, Riding, Parts, or Division of the County within which such Place or Places is or are situate, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling Places for that County, Riding, Parts, or Division, and that the Justices of the Peace for such County, Riding, Parts, or Division in Quarter Sessions or some Special Sessions assembled, as in the said Act mentioned, shall conformably to the said Act divide such County, Riding, Parts, or Division into convenient Polling Districts, and assign one of such Districts to each Polling Place; and every such Direction or Order for creating additional Polling Places shall be certified under the Hand of One of the Clerks in Ordinary of His Majesty's Privy Council, and when so certified shall be published in the *London Gazette*, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament.

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled.

Notices to be given previous to any Petition being made.

II. And be it further enacted, That no such Petition as afore-said shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, One Month at the least before the holding of such Quarter Sessions, to the Clerk of the Peace of the County, Riding, Part, or Division wherein the same are held, signed by Two Justices of the Peace for such County, Riding, Part, or Division, and residing therein, or by Ten Inhabitants being registered Voters for such County, Riding, Part, or Division, which Notice shall state that the Court will, when such Sessions are held, be moved to make such Petition, nor unless the Clerk of the Peace shall, Ten Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted twice at the least in Two of the Newspapers of such County, Riding, Part, or Division, if Two Newspapers are published therein, or if not, in a Newspaper published or commonly circulated therein, together

together with a Notice of the Day upon which such Quarter Sessions will be held: Provided always, that when such Motion is made, any Person objecting to the same shall be heard by such Court against the same or any Part thereof, if he thinks fit.

III. Provided always, and be it enacted, That at every contested Election of a Knight or Knights to serve in any future Parliament for any County, or for any Riding, Parts, or Division of a County, as many Polling Booths shall be provided at each Polling Place as will allow One for every Four hundred and fifty Electors whose Names appear upon the Registry of the said County or Division of a County, and who may lawfully vote at such Polling Place; and the High Sheriff shall provide the same accordingly.

As to the Number of Polling Booths to be provided.

### C A P. CIII.

An Act to make temporary Provision for the Boundaries of certain Boroughs. [20th August 1836.]

‘ WHEREAS by the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales, the Boundaries of certain Boroughs named in the Schedules (A.) and (B.) to the said Act annexed were made to include all the Liberties of such Boroughs and large Tracts of Land beyond the Limits of the Towns, and which ought not to be included therein:*’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act for regulating Corporations as provides that the Metes and Bounds of every Borough and County named in the said Act shall include the whole of the Liberties of such Borough and County by Land and by Water is hereby repealed; and that, notwithstanding any thing in the said Act contained, no Part of any County, or of the Liberties of any Borough, Town, or City, named in the First Sections of the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, which before the passing of the said Act was not Part of such Borough, Town, or City, or within the Parliamentary Boundary of such Borough, Town, or City, shall be taken to be within the Metes and Bounds of any such Borough, Town, or City, or within the County of such Borough, Town, or City, or to be within the Jurisdiction of the Justices of such Borough, Town, or City, or County of a Borough, Town, or City; and that no Part of any County, or of the Liberties of any Borough, Town, or City, named in the Second Section of the said Schedules (A.) and (B.), which was not Part of such Borough, Town, or City before the passing of an Act passed in the Second and Third Year of His Majesty, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament,* shall, for the Purposes of the said Act passed in the last Session of Parliament, be taken to be within the Metes and Bounds of any such Borough, Town, or City, or within the County of such Borough, Town, or City, or to be within the Jurisdiction of the Justices of such Borough, Town, or City, or County of a Borough,

5 & 6 W. 4. c. 76.

Part of the recited Act repealed.

New Provision as to Boundaries of Boroughs, &c.

2 & 3 W. 4. c. 64.

Proviso as to  
the Liability  
of Rate-payers.

Town, or City, but every such Part, until Parliament shall otherwise direct, shall be taken to be within and to be subject to the same Jurisdiction as the County, Riding, Parts, or Divisions of a County, other than a County of a Borough, Town, or City, wherein such Part is situated or with which it has the longest common Boundary: Provided also, that all the Provisions of the said Act for regulating Corporations concerning the Liability of the Rate-payers of any Place or Precinct which under the Provisions of this Act shall not be included within any such Borough, Town, or City, or County of a Borough, Town, or City, to any Debt to which the Rate-payers of such Borough, Town, or City, or County of a Borough, Town, or City, were liable to contribute before the passing of the said Act for regulating Corporations, shall be applicable to such Place or Precinct as if the same had not been included within the Metes and Bounds of such Borough, Town, or City under the Provisions of the said Act for regulating Corporations: Provided also, that no Election of any Mayor, Alderman, Councillor, Auditor, or Assessor heretofore made, or any other Proceeding whatsoever, in any such Borough, Town, or City, since the Twenty-fifth Day of *December* last, shall be liable to be questioned after the passing of this Act by reason that any such Part of any County, or Liberties of any Borough, Town, or City, may or may not have been taken to be Part of such Borough, Town, or City under the Provisions of the said Act.

Proviso as to  
the Election of  
Mayor, &c.

Boundaries of  
the Borough of  
Sunderland.

II. Provided always, and be it enacted, That, notwithstanding any thing in this Act contained, the Borough of *Sunderland*, for the Purposes of the said Act passed in the last Session of Parliament, and until Parliament shall otherwise direct, shall consist of the Parish of *Sunderland*, the Townships of *Monkwearmouth* and *Monkwearmouth Shore*, and so much of the Townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns* as is included within a Circle of One Mile from the Centre of *Wearmouth Bridge*.

The Division of  
Boroughs into  
Wards by the  
Barristers not to  
be affected by  
the Exclusion of  
any Ward or  
Part of a Ward.

III. And be it enacted, That the Division of every Borough, Town, and City into Wards by the Barrister or Barristers appointed in pursuance of the Provisions of the said Act for regulating Corporations shall not be annulled or vitiated by the Exclusion of any Ward or Wards, or any Part of any of the said Wards which shall be excluded from such Borough, Town, or City by this Act, but the said Division shall remain in all other respects in force until Parliament shall otherwise direct, as if the Ward or Wards, or Part of a Ward or Wards, so excluded from the Borough, Town, or City, had not been at any Time included therein: Provided nevertheless, that if any Borough, Town, or City shall have been so divided into Wards that the whole of any One or more Wards shall consist wholly of a District excluded from such Borough, Town, or City by this Act, the Barrister or Barristers who originally divided the Borough, Town, or City into Wards shall, as soon as conveniently may be after the passing of this Act, assign the Councillors who were chosen in such Ward or Wards to the remaining Wards of the Borough, Town, or City, or such of them as he or they shall select, upon the same Principles or as nearly as may be, in his or their Judgment, as were provided by the said Act for the Guidance of the Barristers in their Assignment of Councillors to each Ward, and thenceforth, and until Parliament shall

If a Borough  
has been so di-  
vided that the  
whole of a Ward  
shall consist of  
a District ex-  
cluded by this  
Act a new  
Assignment of  
Councillors to  
be made by the  
Barrister until  
Parliament shall  
otherwise direct.

shall otherwise direct, the Number of Councillors in each of the remaining Wards shall be the Number originally assigned to such Ward by the Barrister or Barristers, with the Addition of the Number so assigned to it by the Barrister or Barristers under this Act, and the Councillors so assigned under this Act to each Ward shall thenceforth be deemed to have been elected in the Ward to which they shall have been respectively so assigned, and shall go out of Office, and Vacancies among them shall be filled at the same Time and in the same Manner, as if the Burgesses of the Ward by whom they were originally elected had been Burgesses of the Ward to which they shall have been so assigned.

IV. And be it enacted, That nothing contained in the said Act for regulating Corporations shall be construed to affect any Local Act heretofore passed for the Relief and Management of the Poor, or to alter the District comprised within the Provisions of any such Local Act.

Local Acts for the Relief of the Poor not to be affected.

V. And be it enacted, That nothing contained in the said Act for regulating Corporations shall be construed to affect or alter the Assessments of the Land Tax or Assessed Taxes, or to extend or diminish the Jurisdiction of any Commissioners of Land and Assessed Taxes; but that all Manors, Lands, Tenements, and Hereditaments, and all Parishes and Parts of Parishes, and Places, shall continue to be charged as heretofore towards the Land Tax charged upon the County or other District of which they were a Part before the passing of the said recited Act, and to be subject in that Behalf to the Jurisdiction of the Commissioners of the same County or other District as they would have been if the said recited Act had not been passed.

Nothing herein to affect the Assessments of the Land or Assessed Taxes, or the Jurisdiction of the Commissioners.

VI. And be it declared and enacted, That the Borough and Town of *Berwick-upon-Tweed*, within the Limits assigned to it by the said Act, or hereafter to be assigned to it by Authority of Parliament, shall be a County of itself to all Intents and Purposes, except only so far as relates to the Return of a Member or Members to serve in Parliament; and that the Provisions of the Act passed in the Third and Fourth Years of His Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, and the Modes of Assurance therein provided, shall extend and apply to Lands locally situated in the said Borough, Town, and County, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Berwick-upon-Tweed declared a County to all Intents but for Parliamentary Elections.

3 & 4 W. 4. c. 74.

#### C A P. CIV.

An Act for the better Administration of the Borough Fund in certain Boroughs. [20th August 1836.]

‘ WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, Provision was made for the Payment of the Rents and Profits of the Real and Personal Estate of the Mayor, Aldermen, and Burgesses of certain Boroughs named in the Schedules (A.) and (B.) to the said Act annexed, and also for the Payment of certain Penalties to a Fund to be called in each Case “The Borough Fund” of that Borough: And whereas certain Difficulties have

5 & 6 W. 4. c. 76.

New Securities  
may be given  
for old Debts.

Extending the  
Power of Dis-  
position given  
to the Council  
as to certain  
Demises;

and the Power  
allowed to be  
exercised over  
the Lands, &c.  
with the Appro-  
bation of the  
Treasury.

Treasurer of a  
Borough may  
apply Proceeds  
of Sales as here-  
in mentioned.

Persons as-  
signed to keep  
the Peace in any  
Borough may  
act as Justices  
in levying  
County Rates  
made before  
May 1836.

Mayor may  
issue his War-  
rant for levying  
Borough Rate,  
&c.

‘ occurred in putting the said Act into execution, and certain  
‘ Penalties have been imposed, which ought not to be imposed,  
‘ for the Benefit of the said Borough Fund.’ Be it therefore  
enacted by the King’s most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Au-  
thority of the same, That from and after the passing of this Act  
it shall be lawful for the Council of any Borough named in the  
said Schedules to execute from Time to Time any Deed or  
Obligation in the Name of the Body Corporate whose Council  
they are, for securing Repayment and Satisfaction of any Debt or  
Obligation contracted by or on behalf of the said Body Corporate  
before the passing of the said Act for regulating Corporations.

II. And be it enacted, That the Power of Disposition given to  
the Council of any Body Corporate in the Instances of Demises  
for Seventy-five Years, authorized by the said Act, shall extend to  
the Demise or Lease thereof, either at a reserved Rent or a Fine  
or both, as the Council shall think fit; and the Power of Dispo-  
sition allowed by the said Act over the Lands, Tenements, and  
Hereditaments of such Body Corporate, to be exercised with the  
Approbation of the Lords Commissioners of His Majesty’s Treas-  
ury or any Three of them, shall extend to the Disposition of such  
Lands, Tenements, and Hereditaments, with such Approbation as  
aforesaid, whether by way of absolute Sale, or by way of Exchange,  
Mortgage, or Charge, Demise or Lease, and to every other Dis-  
position of the same whatsoever which shall be so approved of  
as aforesaid.

III. And be it enacted, That nothing in the said Act con-  
tained shall be construed to restrain the Treasurer of any Borough,  
under the Direction of the Council, from applying the Proceeds  
of the Sale of any Advowson, or Right of Nomination or Pre-  
sentation to any Benefice or Ecclesiastical Preferment directed by  
the said Act, which shall have been paid to him, or any Part  
thereof, towards the Liquidation of any Debt contracted before  
the passing of the said Act by the Body Corporate named in the  
said Schedules in conjunction with such Borough.

IV. ‘ And whereas by the said Act it is provided, that no Per-  
‘ son assigned to keep the Peace within any Borough, Town, or  
‘ City under the Provisions of the said Act shall by virtue of such  
‘ Assignment act as a Justice of the Peace in making or levying  
‘ any County Rate, or Rate in the Nature of a County Rate;’  
be it enacted, That notwithstanding any thing in the said Act  
contained, it shall be lawful for any such Person to act as a  
Justice of Peace in levying any County Rate, or Rate in the  
Nature of a County Rate, which shall have been legally made  
previously to the First Day of *May* One thousand eight hundred  
and thirty-six.

V. And be it enacted, That in any Case in which, for the Pur-  
pose of levying any County Rate, a Warrant might be lawfully  
issued by One or more Justices of the Peace, a Warrant may be  
lawfully issued in the like Case by the Mayor of any Borough  
named in the said Schedules, under his Hand and the Corporate  
Seal of the said Borough, whether the Matter of such Warrant  
relates to the Borough Rate or to the Watch Rate; and that in  
every

every Case in which in a Matter relating to the County Rate a Warrant is required to be directed to or issued by a High Constable, such Warrant may in a like Matter relating to the Borough Rate or Watch Rate be directed to or issued by the High Constable of the Borough, or any Borough Officer of the like Description, or by any Person or Persons who may have been or may hereafter be appointed by the Council of the Borough for the Purpose of collecting the said Borough Rate or Watch Rate, or either of them.

VI. And be it enacted, That no Burgess of any Borough named in the said Schedules shall be deemed an incompetent Witness in any Suit or Proceeding at Law or in Equity by reason of his being a Member of such Body Corporate, or interested in the Borough Fund of any Borough.

Burgesses competent Witnesses.

VII. And be it enacted, That, notwithstanding any thing in the said Act contained, no Person enrolled on the Burgess Roll for the Time being of any Borough named in the Schedules to the said Act, and who shall act as Mayor, Alderman, or Councillor, Auditor or Assessor, of such Borough, shall be liable to any Penalty for so acting on the Ground that he was not entitled to be on the Burgess List of such Borough.

Mayor, &c. if enrolled on Burgess Roll not liable to Penalty for so acting.

VIII. And whereas no Provision is made in the said Act for resigning any Corporate Office on Payment of a Fine or otherwise; be it enacted, That every Person elected into any Corporate Office in any of the said Boroughs may at any Time resign such Office on Payment of the Fine which he would have been liable to pay for Non-acceptance of the same Office; provided that no Person enabled by Law to make an Affirmation instead of taking an Oath shall be liable to any Fine for Non-acceptance of Office in any Borough by reason of his Refusal on conscientious Grounds to take any Oath or make any Declaration required by the said Act, or to take upon himself the Duties of such Office.

Corporate Offices may be resigned on Payment of Fine.

Proviso for Persons refusing on conscientious Grounds.

IX. And be it enacted, That nothing contained in the said Act for regulating Corporations shall be construed to alter or affect the Right of any Person claiming Discharge or Exemption from Tolls levied in whole or in part by or to the Use of any Body Corporate by virtue of any Title to such Discharge or Exemption other than as an Inhabitant of any Borough, or as a Citizen, Freeman, or Burgess, or as a Member by any Name whatsoever of any Body Corporate named in the said Schedules, or as the Widow or Kindred of any such Inhabitant, Citizen, Freeman, Burgess, or Member of such Body Corporate.

Reservation of Exemption from Tolls enjoyed by Persons in virtue of other than Corporate Rights.

X. And be it enacted, That the Council of each Borough, Town, or City named in the said Schedules, or in which a Body Corporate of Mayor, Aldermen, and Burgesses may be created under the Provisions of the said Act, shall, before the First Day of *March* in each Year, transmit to One of His Majesty's Principal Secretaries of State a Statement of all Monies received and expended on account of the Mayor, Aldermen, and Burgesses of that Borough, Town, or City within the Year preceding, which Statement shall be prepared in such Form and Manner as the Secretary of State shall direct, and such Accounts shall refer to the Year ended upon the First of *January* of the Year in which such Account is hereby required to be so transmitted; and an

Accounts of Corporations to be transmitted to Secretary of State, and Abstracts laid before Parliament.

Abstract of such Statements and Accounts, under general Heads, shall be laid before both Houses of Parliament during their Sitting in the same Year in which they are hereby required to be transmitted as aforesaid.

## C A P. CV.

An Act for the better Administration of Justice in certain Boroughs. [20th August 1836.]

5 &amp; 6 W. 4. c. 76.

County Justices may contract with Council of a Borough in which there is a sufficient Gaol for the Com-mittal of County Prisoners thereto.

5 G. 4. c. 85.

If there is a separate Court of Quarter Sessions in the Borough such Offenders may be tried there.

Power to try Prisoners at Borough Sessions, although committed for Trial under Contract to a County Prison more than Two Miles from the Borough.

‘ WHEREAS by reason of certain Defects in an Act passed in the last Session of Parliament, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales, the Administration of Civil and Criminal Justice is injuriously hindered and delayed in certain Boroughs named in the Schedules (A.) and (B.) to the said Act annexed:*’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices of the Peace of any County, Riding, Parts, or Division of a County shall have the same Powers of contracting with the Council of any Borough, Town, or City named in the said Schedules in which it shall have been made to appear to the Satisfaction of One of His Majesty’s Principal Secretaries of State that there is a Gaol or House of Correction fit for the Confinement of Prisoners, for the Conveyance to and Support and Maintenance in such Gaol or House of Correction of Prisoners committed thereto by any Justice or Justices of such County, Ridings, Parts, or Division of a County, which the Council of any other Borough have with respect to Prisoners committed to such Gaol or House of Correction from such last-mentioned Borough; and all the Provisions of an Act made in the Fifth Year of His late Majesty, intituled *An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*, shall extend, or as nearly as may be, to all such Contracts; and in case His Majesty shall have granted to the Borough, Town, or City in which such Gaol or House of Correction shall be situated a separate Court of Quarter Sessions of the Peace, such Offenders may be tried and sentenced by such Court for all Offences of which the Court has Cognizance, and punished accordingly, and all the Provisions of the last-recited Act made in the Fifth Year of His late Majesty shall extend as nearly as may be to the Trial and Punishment of such Offenders, and to all Acts necessary for such Trial or consequent thereon.

II. ‘ And whereas it is expedient to enlarge the Powers given to the Councils of the Boroughs named in the said Act for the Regulation of Municipal Corporations, in which a separate Court of Quarter Sessions of the Peace shall be holden, of contracting with the Justices of the Peace having Authority or Jurisdiction in and over any Gaol or House of Correction of the County, Riding, or Division wherein such Borough is situated or whereunto it is adjacent, for the Conveyance, Support, and Maintenance in such last-mentioned Gaol or House of Correction of Prisoners committed thereto from such Borough;’ be it enacted, That



That it shall be lawful to try any such Prisoner at the Borough Court of Quarter Sessions of the Peace, and for the proper Officer of such Borough to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial or consequent thereon, notwithstanding that the Gaol or House of Correction so receiving under Contract a Prisoner committed for Trial may be situate more than Two Miles from the usual Place of Trial of such Borough.

III. ' And whereas it is by the said recited Act enacted, that no Recorder or Person assigned to keep the Peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough until he shall have taken the Oaths provided to be taken by Justices of the Peace, except the Oath as to Qualification by Estate; ' be it enacted, That all Oaths so required to be taken by any such Recorder or Person assigned to keep the Peace may be taken before the Mayor or any Two Aldermen or Councillors of the said Borough, without suing out or obtaining any special Dedimus or other Commission or Authority for administering such Oaths.

Oaths required to be taken by Recorder, &c. may be taken before the Mayor or Two Aldermen or Councillors.

IV. ' And whereas by the said Act it is provided that the Mayor of every Borough named in the said Schedules (A.) and (B.) shall continue in his Office for One whole Year; ' be it enacted, That the Mayor of every such Borough shall continue in Office for One whole Year, and until his Successor shall have accepted the Office of Mayor, and shall have made and subscribed the Declaration required in that Behalf.

Mayor to hold over until Acceptance of Office by his Successor.

V. And be it enacted, That so much of the said Act as provides for the Appointment of any Sheriff on the First Day of *November* in this or any following Year is hereby repealed; and that every such Appointment of Sheriff shall be on the Ninth Day of *November*, at the quarterly Meeting of the Council, and immediately after the Election of Mayor, and in all other respects according to the Provisions of the said Act; and every Sheriff appointed under the Provisions of the said Act or of this Act shall hold his Office until the Appointment of his Successor.

Sheriff to be elected on Ninth *November* instead of First *November*.

VI. And be it enacted, That in case of Illness or unavoidable Absence the Coroner for the Time being of any Borough, Town, or City named in the said Act shall be empowered, and he is hereby required, by Writing under his Hand and Seal, to appoint a fit Person, being a Barrister at Law or an Attorney of one of His Majesty's Courts at *Westminster*, and not being an Alderman or Councillor of such Borough, Town, or City, to act for him as Deputy Coroner during the Illness or unavoidable Absence of such Coroner, but no longer or otherwise: Provided always, that the Mayor or Two Justices of such Borough, Town, or City shall on each Occasion certify under their Hands and Seals the Necessity for the Appointment of such Deputy Coroner; and such Certificate shall state the Cause of Absence of the Coroner, and shall be openly read to every Inquest Jury summoned by such Deputy Coroner; and the Particulars of every Inquest holden before any Deputy Coroner shall be included in the Return to be made by the Coroner to the Secretary of State as provided by the said Act.

Coroner may appoint a Deputy in case of Illness or unavoidable Absence.

Proviso.

VII. And

Extension of  
Jurisdiction  
of Courts of  
Requests.

VII. And be it enacted, That in every Case in which before the passing of the said Act a Court of Requests or of Conscience for the Recovery of Small Debts was established in any Borough, Town, City, or County of a Town or City, the Boundary whereof shall have been enlarged by the said Act, the Jurisdiction of such Court shall be extended to such enlarged Boundary: Provided nevertheless, that nothing herein contained shall extend to give such Court Cognizance of any Suit which before the passing of this Act could not be brought therein, and could be brought in some other Court of Conscience or Requests.

Powers of Local  
Acts heretofore  
exercised by  
Justices in  
Quarter Ses-  
sions, and not  
within the  
Powers of the  
Recorder,  
vested in the  
Council.

VIII. And be it enacted, That every thing provided under any Local Act of Parliament to be done exclusively by any particular or limited Number, Class, or Description of the Members of any Body Corporate named in the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, the Continuance of which is not inconsistent with the Provisions of the said Act, and also every thing provided in any such Local Acts to be done by the Justices, or by some particular Class or Description of Members of such Body Corporate, being Justices, at some Court of General or Quarter Sessions assembled, and which does not relate to the Business of a Court of Criminal or Civil Judicature, shall and may be done by the Council at some quarterly Meeting of the Council, or by some Committee of the Council, or any Three or more of such Committee to be appointed at a quarterly Meeting of the Council: Provided also, that every thing herein authorized to be done at a quarterly Meeting of the Council may be done at a Meeting of the Council to be specially summoned for that Purpose as soon as may be after the passing of this Act: Provided also, that no Recorder by virtue of his Office shall have Power to allow, apportion, make, or levy, or do any Act whatsoever with relation to the Allowance, Apportionment, making, or levying of any Rate whatsoever.

Provision for  
holding Courts  
of Record.

IX. And whereas Doubts have arisen as to the Provisions of the said Act for regulating Corporations respecting Judges in Borough Courts of Record for the Trial of Civil Actions not regulated by the Provisions of any Local Act of Parliament, or in which at the Time of passing the said Act a Barrister of Five Years Standing did not act as Judge or Assessor; be it therefore enacted and declared, That from and after the passing of this Act the Recorder, and in the Absence of the Recorder, such Person, being a Barrister of not less than Five Years Standing, as shall be appointed by the Recorder under his Hand and Seal to hold the said Court, shall be the Judge of such Court and shall hold the said Court at such Times as the said Recorder in his Discretion may think fit, or as His Majesty shall think fit to direct; and every Recorder or Person so appointed to hold such Court shall be entitled to have such Salary paid to him out of the Borough Fund as the Council shall fix by some Bye Law to be made in that Behalf: Provided also, that all Rules hereafter to be made for regulating the Practice of such Courts shall be approved and signed by the Recorder of such Borough, if there shall be a Recorder, before the same shall be submitted to the Judges of the Superior Courts for Allowance and Confirmation by them according to the Provisions of said recited Act.

X. And be it enacted, That so much of the said Act as provides that the Courts of Quarter Sessions of the Peace of the Towns and Ports of *Hastings, Sandwich, Dover, and Hythe*, and of the ancient Town of *Rye*, or of such of the said Towns and Ports and ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have Jurisdiction over Offences and Matters committed, arising, and happening within the Towns named in the Schedule to the said Act which are ancient Corporate Members and Liberties of the said Towns and Ports and ancient Town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and also provides that any or either of the said Towns and Ports of *Hastings, Sandwich, Dover, and Hythe*, and ancient Town of *Rye*, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its Members and Liberties, shall, for all Purposes relating to the Jurisdiction of Courts of Quarter Sessions of the Peace, be respectively within the Jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said Towns and Ports or ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, is hereby repealed; and it is hereby enacted, that, until other Provision shall be made by Parliament in that Behalf, Courts of General Sessions of the Peace and Gaol Delivery shall and may be holden in and for the said Towns and Ports of *Hastings, Sandwich, Dover, and Hythe*, and ancient Town of *Rye*, or such of the said Towns and Ports and ancient Town to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and for the ancient Members and Liberties thereof, not being Corporate, and also in and for the Towns of *Deal, Faversham, Folkestone, and Tenterden*, or such of the said Towns to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, before the Person who at the Time of the passing of the said Act was or acted as Recorder or Steward or Assessor, or by whatsoever other Name he was called, of the said Towns and Ports, ancient Town and Towns respectively, or in case of his Death or Resignation or Absence, or in case there was no such Recorder or Steward or Assessor, then before any Barrister at Law, of not less than Five Years Standing, whom His Majesty shall appoint to hold the same, in the same Manner in other respects, and with the same Powers and Authorities, as before the passing of the said Act, except as regards the Trial of Capital Felonies; and so long as such Courts of General Sessions of the Peace and Gaol Delivery shall be holden the Offices of Clerk of the Peace and Coroner shall be holden and exercised by the same Persons, or by the same Officers of such of the said Towns and Ports, ancient Town and Towns respectively, to which His Majesty shall not grant a separate Court of Quarter Sessions, by whom or by which the same were holden at the Time of the passing of the said Act, or in case of their Death or Resignation, or there being no longer such Officers, then by such Persons as the Councils of such Towns and Ports, ancient Town and Towns respectively, shall appoint to hold the same, with the same Powers and Authorities as before the passing of the said Act; and the Non-corporate Members and Liberties of the said Towns and Ports of *Hastings, Sandwich, Dover,*

Repeal of Part of 5 & 6 W. 4. c. 76. as to Courts of Quarter Sessions for the Cinque Ports, and new Provision made.

*Dover*, and *Hythe*, and the said ancient Town of *Rye*, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively with a due Proportion of the Expences of such Towns and Ports and ancient Town respectively, and the Non-corporate Members and Liberties thereof, to the Payment of which Expences Rates in the Nature of County Rates are applicable, and the same shall and may be assessed and levied in the Manner in which Rates of that Description were assessed and levied before the passing of the said Act; and a due Proportion of Inhabitant Householders to serve as Grand Jurors and Jurors at the Courts of General or Quarter Sessions of the Peace of the said Towns and Ports of *Hastings*, *Sandwich*, *Dover*, and *Hythe*, and of the said ancient Town of *Rye*, shall be summoned by the Clerks of the Peace of the said Towns and Ports and ancient Town from the Non-corporate Members and Liberties thereof respectively, and the Attendance of such Jurors shall be enforced and their Defaults punished in the Manner by the said Act directed with respect to Jurors in Boroughs.

Justices acting under Commissions granted by virtue of 51 G. 3. c. 36. may exercise all the Powers of Justices in Counties relating to the granting of Licences to Victuallers.

XI. And be it enacted, That His Majesty's Justices of the Peace acting under the Authority of a Commission or Commissions issued by virtue of an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to facilitate the Execution of Justice within the Cinque Ports*, shall and may have and exercise all the Jurisdiction, Powers, and Authorities belonging to Justices of the Peace in Counties relating to the granting of Licences or Authorities to Persons to keep Inns, Alehouses, or Victualling Houses, or to sell exciseable Liquors by Retail, within any of the said Towns and Ports of *Hastings*, *Sandwich*, *Dover*, and *Hythe*, and of the ancient Town of *Rye* respectively, which shall not have Justices of the Peace assigned to them by virtue of the said Act passed in the last Session of Parliament, and the Non-corporate Members and Liberties thereof, and also within any of the said Towns of *Deal*, *Faversham*, *Folkestone*, and *Tenterden* respectively, which shall not have Justices of the Peace assigned to them by virtue of the same Act.

His Majesty may appoint the Vice Chancellor of Cambridge University to be a Justice of the Peace in the Borough.

XII. ' And whereas Doubts have been entertained whether, ' under the Provisions of the said recited Act, it may be lawful ' for His Majesty from Time to Time to constitute and appoint the ' Vice Chancellor of the University of *Cambridge* for the Time ' being a Justice of the Peace in and for the Town and Borough ' of *Cambridge*;' be it therefore enacted, That it shall be lawful for His Majesty, His Heirs and Successors, from Time to Time, if His Majesty shall so think fit, in and by His Commission of the Peace for the said Town and Borough to constitute and appoint the Vice Chancellor of the University for the Time being a Justice of the Peace for the said Town and Borough, any thing in the said recited Act or in this Act to the contrary notwithstanding: Provided always, that no Vice Chancellor of the said University, by reason of his being named in any Commission of the Peace for the said Town and Borough, shall thereby have, as touching the Grant of Licences to Alehouses, any greater Authority as Justice of the Peace than any other Justice of the Peace named in any such

Proviso as to Vice Chancellor's Power of licensing Alehouses.

such Commission, but that nothing in this Act shall be construed to alter or in any way to affect the Rights and Privileges which the Vice Chancellor by virtue of his Office now lawfully has or enjoys, or might have lawfully had and enjoyed if the Vice Chancellor had not been appointed under the Provisions of this Act a Justice of the Peace for the said Town and Borough.

### C A P. CVI.

An Act to make Provision for the better and more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries. [20th August 1836.]

WHEREAS there has existed throughout the Stannaries of *Cornwall* a Court in which the Vice Warden has in certain Cases, wherein Tin or Tinnors or Matters connected with Tin are concerned, exercised Original Equitable Jurisdiction: And whereas there has existed a Court in each of the Stannaries of *Cornwall*, called the Steward's Court, and in which the Steward of the Stannaries has exercised a Common Law Jurisdiction in such like Cases: And whereas the Jurisdiction so exercised by the Vice Warden and the Steward respectively has been confined to Cases wherein Tin or Tinnors are concerned: And whereas in late Times Lead, Copper, and other Metals and Metallic Minerals than Tin have been discovered in the County of *Cornwall*, and over the Matters connected with the working for and purifying and smelting of which Lead, Copper, and other Metals and Metallic Minerals such Jurisdiction has not been considered to extend: And whereas the various Persons in the said County working and interested in such Lead, Copper, and other Metals and Metallic Minerals are greatly inconvenienced in their Disputes in Cases where such Metals and Metallic Minerals other than Tin are concerned, and are put to great Inconvenience in obtaining Redress therein: And whereas it is expedient to unite the Court of Equity of the Vice Warden with the Courts of Common Law of the Steward of the said Stannaries, and to extend the Jurisdiction of the Court to and over all Metals and Metallic Minerals in the said Stannaries, and to and over all Transactions connected therewith in the said County of *Cornwall*, in manner herein-after mentioned, and also to confirm, alter, and enlarge the Powers of such Court in various Particulars, and to make other Provision than heretofore for the hearing of Appeals and Writs of Error therefrom: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Death or Resignation or other Removal of the present Vice Warden it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty and His Successors, King or Queen Regnant of *England* for the Time being, if there be no Duke of *Cornwall* or if the Duke of *Cornwall*

Appointment  
of future Vice  
Warden.

*Cornwall* for the Time being is under Age, to nominate and appoint from Time to Time (by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the Case may be,) a fit Person, being a Barrister at Law of Five Years standing at the least, to be and be called the Vice Warden of the Stannaries.

Vice Warden to hold Office during good Behaviour.

Power of Removal.

II. And be it further enacted, That the present Vice Warden and every future Vice Warden shall be Judge of the Court hereinafter mentioned, and which shall have both a Common Law and an Equity Side, and shall comprehend the Court heretofore the Court of the Vice Warden and the Court heretofore the Courts of the Stannaries, and that the Vice Warden for the Time being shall hold such Office during his good Behaviour: Provided always, that it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty and His Successors, King or Queen Regnant of *England* for the Time being, if there is no Duke of *Cornwall* or if the Duke of *Cornwall* for the Time being be under Age, on a Requisition to him for that Purpose, stating therein at length sufficient Grounds, and signed by the Majority or Five of the Council or of the Commissioners or principal Officers of the Duchy of *Cornwall*, but not otherwise, (the Lord Warden of the Stannaries being always One of the Persons signing such Requisition,) to remove the Person for the Time being holding the said Office of Vice Warden.

Present Lord Warden to have the Appointment of Vice Warden in case of Vacancy.

III. Provided always, and be it enacted, That notwithstanding any thing herein contained, the Appointment of Vice Warden (should any Vacancy occur during the Time the present Lord Warden of the Stannaries holds that Situation) shall be in such Lord Warden, subject nevertheless to all the Provisions as to the Qualification of the Person to be appointed Vice Warden, and his Removal, as herein-before contained.

Original Equitable Jurisdiction of Vice Warden confirmed, and extended to Matters connected with all Metals and Metallic Minerals in the County, in the same Way as heretofore over Tin.

IV. And be it further declared and enacted, That the Original Equitable Jurisdiction heretofore lawfully exercised by the Vice Warden for the Time being shall and may be henceforth exercised by the present and every future Vice Warden for the Time being, and that the present and every future Vice Warden for the Time being shall have, exercise, and enjoy the same Equitable Jurisdiction, and the same Power and Authority in all Matters and Things brought before him, so far as relates to the working, managing, conducting, or carrying on any Mine worked for any Lead, Copper, or other Metal or Metallic Mineral within the said County of *Cornwall*, or to the searching for, working, smelting, or purifying any Lead, Copper, or other Metal or Metallic Mineral within the said County, in as full and ample a Manner as if the same had related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin, in the said County: Provided always, that nothing herein contained shall be deemed or taken to affect any Suit or Matter now pending in any Court of Law or Equity.

Decrees, &c. of Vice Warden subject to re-hearing and Appeal.

V. Provided nevertheless, and be it enacted, That all Decrees, Orders, and Acts, as well already or hereafter to be made or done by the Vice Warden for the Time being, shall in each and every Case be subject to be re-heard and varied by the Vice Warden for the Time being according to the Practice of the Court, and that the Lord Warden for the Time being shall have full Power and Authority

riety on any Appeal or Appeals presented to him for that Purpose, within the Time limited by the Practice of the Court, (such Appeal or Appeals being left with the Secretary of the Lord Warden at the Duchy Office,) and, with the Aid and Assistance of Three or more Members of the Judicial Committee of His Majesty's Privy Council for the Time being, to affirm, alter, or reverse any Decrees, Orders, or Acts already or hereafter made or done by the Vice Warden for the Time being, either in whole or in part, and to dismiss such Appeal or Appeals, with Costs or otherwise, as may to the Lord Warden so aided and assisted seem just: Provided, that the Judgment pronounced by the Lord Warden so aided and assisted on any Appeal or Appeals presented shall be transmitted to the Court of the Vice Warden, to be by such Court carried into effect, and shall be subject to Appeal to the Lords Spiritual and Temporal in Parliament assembled.

Judgments on Appeal to be transmitted to Vice Warden's Court.

VI. And be it further enacted, That the Courts of Law of the respective Stannaries heretofore held before the Stewards or Steward thereof shall be One Court for all the Stannaries, and shall be held by and before the Vice Warden for the Time being, who as Judge thereof shall have, exercise, and enjoy the same Common Law Jurisdiction, and the same Powers, Privileges, and Authorities with reference thereto, and shall transact, do, and perform the same Duties, Matters, and Things in relation thereto, as have heretofore been lawfully transacted, done, performed, or to be exercised or enjoyed by the Steward for the Time being of any of the Stannaries.

The Courts of the Stannaries consolidated, and to be held before the Vice Warden, who is to have the same Jurisdiction as the Steward;

VII. And be it further enacted, That such Vice Warden for the Time being shall also have, exercise, and enjoy the same Common Law Jurisdiction and the same Power and Authority in all Matters and Things which shall be brought before him in any Way connected with the working, managing, conducting, or carrying on any Mine worked for Lead, Copper, or any other Metal or Metallic Mineral within the said County of *Cornwall*, or in any Way relating to Lead, Copper, or any other Metal or Metallic Mineral, or the searching for, working, smelting, or purifying Lead, Copper, or any other Metal or Metallic Mineral within the said County, in as full and ample a Manner as if the same had been connected with or related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin, in the said County: Provided always, that it shall and may be lawful for either or any of the Parties, Plaintiff or Defendant, against whom any Judgment or Order or Sentence shall be given, to appeal therefrom to the Lord Warden for the Time being, and that the Lord Warden for the Time being shall have Power and Authority to receive Appeals (the same to be lodged with his Secretary at the Duchy Office as aforesaid) from such Judgments, Orders, and Sentences, and shall have Power and Authority, being aided and assisted by Three or more Members of the Judicial Committee of His Majesty's Privy Council for the Time being, to hear such Appeals, and to affirm, alter, and reverse such Judgments, Orders, or Sentences, in whole or in part, or to dismiss the said Appeals, with Costs or otherwise, as may be just: Provided always, that a Record of every Judgment, Order, or Sentence pronounced by the Lord Warden so aided and assisted as aforesaid, and signed by such Lord Warden, be remitted to the

and also similar Jurisdiction in all Cases connected with all Metals and Metallic Minerals in Cornwall.

Appeal.

Judgment on Appeal to be sent to the Vice Warden's Court.

Court

Judgment not to be reversed except on Error of Law.

Court of the Vice Warden, to be by such Court carried into effect, according to Law: Provided also, that upon any Appeal from any Judgment upon the Verdict of a Jury, the Lord Warden, so aided and assisted as aforesaid, shall not reverse, alter, or inquire into the said Judgment, except only for Error of Law apparent upon the Record; and that every Judgment of the Lord Warden shall be subject to an Appeal to the Lords Spiritual and Temporal in Parliament assembled.

Vice Warden may grant a new Trial.

VIII. And be it further enacted, That any Party to any Action at Law brought in the said Court may apply for a new Trial in any such Action to the Vice Warden within Eight Days after the Trial of such Cause, if the said Vice Warden shall be then sitting, or within the first Four Days of the next Term, and the said Vice Warden may grant a new Trial upon any of the Grounds on which new Trials are now granted by the Courts at *Westminster*, and upon such Terms and Conditions as by the said Vice Warden shall be thought reasonable; and the said Vice Warden, if he shall think that an impartial Trial cannot be had in *Cornwall*, may direct that the Nisi Prius Record on any Cause shall be sent to the Judges of Assize for the County of *Devon*, who shall have Authority to try such Cause, and after the Trial to cause such Record to be transmitted to the Court of the Vice Warden, who shall proceed on the said Record as if the Cause had been tried in his own Court: Provided always, that the Orders of the said Vice Warden upon such Application for a new Trial shall be subject to such Appeal as herein-before provided as to other Decrees, Orders, and Acts of the said Vice Warden.

Service of Subpœna on Witnesses good in any Part of England or Wales;

IX. And be it enacted, That the Service of every Writ of Subpœna to attend and give Evidence hereafter to be issued out of either Side of the said Court of the Vice Warden, and served upon any Person in any Part of *England* or *Wales*, shall be as valid and effectual in Law, and shall entitle the Party suing out the same to all and the like Remedies by Action or otherwise howsoever, as if the same had been served within the Jurisdiction of the said Court of the Vice Warden; and that in case the Person so served shall not appear according to the Exigency of such Writ, it shall be lawful for the said Court of the said Vice Warden, upon Oath or Affirmation to be taken in open Court, or Affidavit, of the personal Service of such Writ, to transmit a Certificate of such Default under the Seal of the said Court to the Court of King's Bench at *Westminster*; and the said last-mentioned Court may and shall thereupon proceed against and punish by Attachment or otherwise, according to the Course and Practice of the same Court, the Person so having made Default, in such and the like Manner as the same Court might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court.

and to be enforced by Process from King's Bench;

provided Expenses be tendered.

X. Provided always, and be it further enacted, That the said Court of King's Bench shall not in any such Case as aforesaid proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing to give Evidence in obedience to any such Writ of Subpœna as aforesaid for that Purpose, issued under the Authority of this Act,



unless it shall be made to appear to the said Court of King's Bench that a reasonable and sufficient Sum of Money to defray the Expences of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna was served upon such Person.

XI. And be it further enacted, That whenever a Plaintiff or Defendant in any Action or Suit in which Judgment shall be recovered in the said Court of the Vice Warden shall remove his Person or Goods or Chattels from or out of the Jurisdiction of the said Court of the Vice Warden, it shall and may be lawful for any of the Superior Courts at *Westminster*, upon a Certificate from the Registrar, under the Seal of the said Court of the said Vice Warden, of the Amount of final Judgment obtained in any such Action, to issue a Writ of Execution thereupon, for the Amount of such Judgment and the Costs of such Writ and Certificate, to the Sheriff of any County, City, Liberty, or Place, against the Person or Goods of the Party against whom such final Judgment shall have been obtained, in such Manner as upon Judgments obtained in any of the said Superior Courts at *Westminster*.

XII. And be it further enacted, That in case any Rule of the said Court of the Vice Warden cannot be enforced by reason of the Non-residence of any Party or Parties within the Jurisdiction thereof, it shall be lawful, upon a Certificate of such Rule by the Registrar, under the Seal of the said Court of the said Vice Warden, and an Affidavit that by reason of such Non-residence such Rule cannot be enforced, to make such Rule a Rule of any one of the said Courts at *Westminster*, if such Superior Court shall think fit, and that thereupon such Rule shall be enforced as a Rule of such Superior Court.

XIII. And be it further enacted, That neither the Vice Warden for the Time being, nor the Court of such Vice Warden, shall have, use, or exercise any Power or Authority save as hereby provided, and that any Person against whom Proceedings shall be instituted in the Court of the Vice Warden shall, after the Appearance entered, be at liberty to demur or plead to the Jurisdiction of the said Court; but that no Question as to the Jurisdiction of the said Court with respect to the Matters embraced in such Proceedings shall hereafter be raised unless such Person shall within Fourteen Days after Appearance entered by or on behalf of himself, or entered by the Person instituting such Proceedings in manner hereby provided, demur or plead to such Proceedings by filing a Statement of the Grounds of such Demurrer or Plea at the Registrar's Office, and serving a Copy thereof on the Person instituting such Proceedings, or his Solicitor or Attorney.

XIV. And be it further enacted, That the Vice Warden for the Time being shall have Power and Authority from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the Forms and Manner of proceeding in the Court of the Vice Warden, and the Practice and Pleadings in all Matters to be brought therein, the appointing Commissioners to examine Witnesses, the taking of Examinations *de bene esse*, and allowing the same as Evidence, the Process of the said Court and the Mode of executing the same,

Where Judgment obtained, and the Person and Effects cannot be found within the Jurisdiction of the Court of the Vice Warden, &c.

Rule of Court may be enforced by making it a Rule of a Superior Court.

The Vice Warden to have no Jurisdiction except as hereby provided, and any Parties may demur to Jurisdiction of the Court.

Vice Warden empowered to make Rules and Orders touching the Practice and Proceedings of the Court.

the Fees reasonable to be demanded by Attornies, Solicitors, and others, and by the Officers of the said Court, for Business by them transacted in the said Court, and such other Rules, Orders, and Regulations as shall from Time to Time seem necessary and proper for expediting the Business of the said Court with most Convenience and at most reasonable Expence to the Parties concerned therein, and that the Vice Warden for the Time being shall have Power to revoke, alter, and amend the Rules, Orders, and Regulations so from Time to Time made; provided that the Rules, Orders, and Regulations so at any Time made by such Vice Warden for the Time being are not inconsistent with this Act or any of the Provisions herein contained, and that such of them as shall apply to the Equity Side of the said Court be approved of by the Lord Chancellor of *England*, and that such of them as apply to the Common Law Side of the said Court be approved of by a Judge of one of the Superior Courts of Common Law at *Westminster*; provided always, that such Rules and Orders, when so approved, shall be transmitted to One of His Majesty's Principal Secretaries of State, and be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament: Provided nevertheless, that all Rules, Regulations, and Orders, and all Forms of Practice, heretofore in use, and all Fees heretofore authorized or accustomed to be taken, in the Court of the Vice Warden for the Time being, or in any of the Courts of the Stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid Rules, Regulations, and Orders, and Forms of Practice, and authorized Fees, until the same be altered, amended, or revoked by virtue of the Powers hereby given.

Old Practice to continue until such Rules and Orders are made.

Vice Warden authorized to regulate how Evidence shall be taken.

XV. And be it further enacted, That the Vice Warden for the Time being shall in all Cases in Equity brought before him, whether by Bill, Petition, or otherwise, have Power and Authority to take the Whole or any Part of the Evidence therein, either *vivâ voce* on Oath or Affirmation before himself or before the Registrar, or before Persons duly authorized by him for administering Oaths and taking Affidavits, or on Depositions taken before the Registrar or Commissioners appointed for that Purpose, or otherwise as the Vice Warden may from Time to Time direct by any general Rule to be made by virtue of this Act: Provided always, that the said Vice Warden for the Time being may, on interlocutory Matters, and in such other Cases as to him shall seem desirable, receive Evidence either in whole or in part on Affidavits, and that either with or without further Evidence *vivâ voce* or on Depositions: Provided nevertheless, that the Practice heretofore adopted as to taking Evidence in the Court of the Vice Warden and of the Steward's Courts shall nevertheless in the meanwhile continue in each and every Case until the same shall be altered by virtue hereof or of the Powers herein contained.

Old Practice to remain until otherwise ordered.

Vice Warden may direct and try an Issue of Fact arising on the Equity Side.

XVI. And be it further enacted, That it shall and may be lawful for the Vice Warden to direct an Issue of any Fact arising before him in any Suit instituted by Bill, Petition, or otherwise on the Equity Side of the said Court, to be tried by a Jury, and to issue  
Process

Process to compel the Attendance of Jurors and Witnesses for that Purpose, and that the Vice Warden shall have all necessary Powers for trying the same and carrying the Verdict thereof into execution; and that after any such Issue shall be tried a new Trial may be moved before the Vice Warden for the Time being, who shall have Power to grant or refuse such new Trial according to the Rules of the Common Law and Practice of the Courts of *Westminster* in granting or refusing new Trials.

Motion for new Trial.

XVII. And be it further enacted, That it shall and may be lawful for the Vice Warden for the Time being, whether he be at the Time in the County of *Cornwall* or otherwise, in all Cases which may be brought before him, whether in the said County of *Cornwall* or otherwise, over which Cases he has Jurisdiction, to make such Order by way of Injunction or otherwise, as the Nature of the Case may require, notwithstanding he may have adjourned his Court to some future Time or some other Place; and that for the Entry of Pleadings, Orders, Proclamations, and other Matters touching the Practice of the Court in Process and Execution the said Court shall be considered and be at all Times open; provided that nothing be therein done on any *Sunday, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving.

Power to Vice Warden to make Orders, though Court adjourned or not sitting.

XVIII. And be it further enacted, That in case the Vice Warden shall in any Proceedings instituted for that Purpose make any Decree or Decretal Order against any Person for the Payment of any Money due or payable in respect of the working or Management of or the providing Goods for any Mine worked for any Metal or Metallic Mineral, and the Person against whom such Order or Decretal Order shall be made, or any Person in Trust for him, shall have any Share or Interest in such Mine, and shall not pay the Sum so decreed to be paid, it shall and may be lawful for the Vice Warden, under such Regulations and in such Way as to him shall seem fit, to cause a Sale of such Share or Interest, or of so much thereof as shall be necessary to raise such Sum and the Costs attending such Sale.

Vice Warden ordering a Person having a Share in a Mine to pay Money may order a Sale of his Share.

XIX. And be it further enacted, That the Seal of the Stannaries heretofore used by and considered as the Seal of the Vice Warden for the Time being shall be and be deemed and taken to be the Seal of the Court of the Vice Warden, and that every Process issuing from either the Equity or Common Law Side of the said Court shall issue under such Seal; and that all Orders, Proceedings, Documents, and Copies by the Laws of the Stannaries as now existing, or by the Act or by any Rule or Order of either Side of the said Court, or of the Vice Warden as Judge of the said Court, as shall be required to be sealed, shall be sealed therewith.

The Vice Warden's Seal to be the Seal of his Court.

XX. And be it further enacted, That all Barristers at Law and all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Westminster* may appear and plead in any Proceedings in the said Court of the Vice Warden; and in case any Person, not being an Attorney or Solicitor of such Superior Courts, shall practise in the said Court of the Vice Warden as Attorney or Solicitor, he shall be deemed guilty of a Contempt of the said Court, and be liable to all the Penalties incident thereto, on Complaint thereof made to the said Court; and that all the Laws and

None but Barristers, &c. of the Superior Courts to practise in Vice Warden's Court.

Statutes now in force concerning Attornies or Solicitors shall, so far as the same are applicable, extend to Attornies or Solicitors practising in the said Court of the said Vice Warden.

Court to have Jurisdiction throughout the County of Cornwall, to be a Court of Record, and to be held at Truro.

XXI. And be it further enacted, That the Court of the Vice Warden shall have Jurisdiction throughout the County of *Cornwall*, and be held at *Truro* in the said County, and shall be a Court of Record, and shall have within the Limits of its Jurisdiction all the Powers, Rights, Privileges, and Incidents of a Court of Record as fully and amply to all Intents and Purposes as the same are used or exercised or enjoyed by any of His Majesty's Courts of Law at *Westminster*; and that the Vice Warden for the Time being shall have, use, exercise, and enjoy all the Powers, Rights, Privileges, and Exemptions of a Court of Record; and that the Sitting of the said Court shall be held as often as shall be found necessary, and at least once in every Three Calendar Months, on such Days as the Vice Warden shall from Time to Time appoint.

Appointment of Registrar.

XXII. And be it further enacted, That it shall and may be lawful for the Duke of *Cornwall* for the Time being, or for His Majesty, His Heirs and Successors, King or Queen Regnant of *England* for the Time being, in case there shall be no Duke of *Cornwall* or the Duke of *Cornwall* for the Time being shall be under Age, by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the Case may be, from Time to Time to appoint a fit and proper Person, being a Barrister at Law or a Solicitor or Attorney of one of the Superior Courts at *Westminster*, to be and act as the Registrar of the said Court of the Vice Warden, and to attend upon and assist the said Vice Warden in his said Court, whether sitting as a Court of Law or Equity, and to enter and draw up all Orders, Decrees, Sentences, and Judgments of all Kinds made and pronounced by him, and to take such Accounts and to execute such References as the said Vice Warden shall direct, and that the Person so appointed as Registrar shall hold his Office during his good Behaviour: Provided always, that it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty, His Heirs and Successors, King, or Queen Regnant of *England* for the Time being, if there be no Duke of *Cornwall* or if the Duke of *Cornwall* for the Time being be under Age, on a Requisition to him for that Purpose, stating therein sufficient Grounds, and signed by the Vice Warden for the Time being and by Five or more of the Council or of the Commissioners or of the principal Officers of the Duchy, but not otherwise, to remove the Person for the Time being holding the said Office of Registrar.

Removal of Registrar.

Present Lord Warden to have the Appointment of Registrar.

XXIII. Provided always, and be it enacted, That, notwithstanding any thing herein contained, the Appointment to the Office of such Registrar shall, during the Time the present Lord Warden of the Stannaries holds such Situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the Provisions as to the Qualification of the Person appointed, and his Removal, as herein-before contained.

Vice Warden may appoint

XXIV. And be it further enacted, That it shall and may be lawful for the Vice Warden for the Time being to appoint by Writing

Writing under the Seal of his Court a fit and proper Person to be and act as his Secretary, and also in like Manner to appoint one other fit and proper Person to be and act as Prothonotary or Assistant Registrar in the said Court, and also in like Manner to appoint one other fit and proper Person (who shall enter into such Security as the Vice Warden for the Time being shall think fit) as Collector for the said Court.

Secretary,  
Prothonotary,  
and Collector.

XXV. ' And whereas it is expedient that the Vice Warden for the Time being, and the Registrar, and the other before-mentioned Officers of his Court, should be paid by fixed Salaries, and that all Fees received by such Registrar and the other Officers aforesaid for Business done in the Court should be accounted for in manner herein-after mentioned: And whereas His Majesty has been graciously pleased to direct that One Moiety or Half Part of the Salaries of the Vice Warden and of the before-mentioned Officers of His Court should be paid out of and be a Charge upon the Revenues of the Duchy, subject nevertheless to be in part indemnified by Contribution of Part of such Fees so to be accounted for as aforesaid: And whereas it is expedient that for the Purpose of raising Money sufficient, with the remaining Portion of such Court Fees, to pay the other Moiety or Half Part of the aforesaid Salaries of the said Vice Warden and the aforesaid Officers of his Court, a small Assessment should be made on all Metals and Metallic Minerals (except Tin Ore) over all Matters connected with which the Jurisdiction of such Court is hereby extended as aforesaid, and which shall be from Time to Time brought to Sale in or withdrawn from any Mine in the said County of *Cornwall*; be it therefore enacted, That there shall be paid and payable, in the Manner herein-after mentioned, the yearly Sums following as and for the Salaries to the Vice Warden and the before-mentioned Officers of his said Court for the Time being; (*videlicet*,) to the Vice Warden the Sum of One thousand five hundred Pounds, to the Registrar the Sum of Five hundred Pounds, to the Person who shall be so appointed the Secretary to the Vice Warden the Sum of One hundred Pounds, to the Prothonotary or Assistant Registrar the Sum of Two hundred Pounds, and to the Collector the Sum of Thirty Pounds; which said several Sums shall be paid from Time to Time half-yearly, in manner hereby provided, free and clear from all Taxes and Deductions whatsoever, on the Twenty-fifth Day of *March* and on the Twenty-ninth Day of *September* in each Year, by equal Portions, the first of such respective Portions to be paid on the Twenty-fifth Day of *March* next; and that if any Person at any Time holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to have such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have held his Office since the last Payment; and that the Successor of any such Person so dying, resigning, or being removed as aforesaid shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

The Salary of  
the Vice Warden  
and other  
Officers.

Apportionment  
of Salary on  
Death, &c.

The Revenues of the Duchy charged with Half the Salaries.

XXVI. And be it further enacted, That a Moiety or Half Part of the aforesaid Salaries to the Vice Warden for the Time being and to the aforesaid Officers of his said Court shall be a Charge on the Revenues of the Duchy of *Cornwall*, and that the same shall be paid by the Receiver General for the Time being of the said Duchy, under Debentures for that Purpose from the Auditor for the Time being of the said Duchy, in which the said Auditor is hereby authorized to issue; and that the said Receiver General shall, on the Twenty-fifth of *March* and the Twenty-ninth of *September* in each Year, under the Debentures so issued, pay, free from all Deductions, the Sums following; (*videlicet*,) to the Vice Warden for the Time being the Sum of Three hundred and seventy-five Pounds, to the Registrar the Sum of One hundred and twenty-five Pounds, to the Person so appointed Secretary to the Vice Warden the Sum of Twenty-five Pounds, to the Prothonotary or Assistant Registrar the Sum of Fifty Pounds, and to the Collector the Sum of Seven Pounds Ten Shillings.

Secretary, &c. to account for all Fees half-yearly.

XXVII. And be it further enacted, That the Person so as aforesaid appointed Secretary to the Vice Warden, and the said Prothonotary or Deputy Registrar, and the said Collector shall once in every Half Year account for and pay over to the Registrar for the Time being of such Court all Fees received by them by virtue of their respective Appointments during the previous Half Year; and that the Registrar for the Time being shall forthwith make out a full and true Account of all Fees received by him during such preceding Half Year, and of all Fees received by the aforesaid Officers of the said Court, and accounted for and paid to him as aforesaid, for the same Period; and that such Registrar shall have such Account audited by the said Vice Warden for the Time being, in which Account and Audit there may and shall be charged and allowed such small Sums of Money as to the Vice Warden shall seem reasonable for the keeping Order in, and the lighting, airing, and cleansing the Place in which such Court shall be held, and shall transmit a Copy of such Account so audited to the Auditor for the Time being of the said Duchy, and shall pay or cause to be paid to the said Receiver or his Deputy One Third Part of the total Amount of Fees so appearing to have come to the Hands of such Registrar, for which Sum so paid the Receiver shall on passing his Accounts give Credit to the Duchy in part Discharge of the Moiety of the Salaries so as aforesaid charged on the Revenues of the said Duchy.

Account to be audited by Vice Warden, and One Third of Fees to be paid in aid of Moiety of the Salaries charged on the Duchy Revenues.

Assessment of One Farthing in the Pound Sterling on all Metals, &c. except Tin; and Head Manager of every Mine to make a Return quarterly of the Quantity and Value.

XXVIII. And be it further enacted, That there shall be paid and payable the Sum of One Farthing in the Pound Sterling on the Value of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall be from Time to Time brought to Sale in or withdrawn from any Mine within the said County of *Cornwall*; and that the Head Manager of every Mine in the said County of *Cornwall* shall, within Ten Days after each quarterly Account of the Mine over which he is Head Manager shall have been or ought to have been made up, transmit to the Registrar for the Time being of the Vice Warden's Courts a full, true, and particular Account and Return of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall have been brought to Sale in or shall

have been withdrawn from the Mine of which he is such Head Manager during the preceding Quarter, and shall in such Return state the Value in Money of the respective Quantities of the Metals and Metallic Minerals specified therein at the Time the same were respectively brought to Sale or withdrawn, as the Case may be; and that the Head Manager of every such Mine shall on Application from the Collector of the Vice Warden's Court pay, or cause to be paid to such Collector the Sum of One Farthing in the Pound Sterling on the aggregate Value of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall have been brought to Sale or withdrawn from such Mine during the preceding Quarter; and that every such Payment by such Head Manager shall be considered as Costs, and shall on passing his Account with respect to the Mine of which he is such Head Manager be allowed to him accordingly.

XXIX. And be it further enacted, That the Registrar for the Time being shall, out of the Monies which shall from Time to Time be in his Hands by means of such Assessments as aforesaid, and by means of the remaining of the Court Fees as aforesaid, pay to the said Vice Warden and to himself and the other Officers aforesaid of the said Court the Sums following, being other Moiety of the said Salaries, in manner following; (that is to say,) shall pay on the Twenty-fifth Day of *March* and on the Twenty-ninth Day of *September* in each Year, free from all Deductions, to the said Vice Warden the Sum of Three hundred and seventy-five Pounds, to himself the Registrar the Sum of One hundred and twenty-five Pounds, to the Person filling the Situation of Secretary to the Vice Warden the Sum of Twenty-five Pounds, to the Prothonotary the Sum of Fifty Pounds, and to the Collector the Sum of Seven Pounds Ten Shillings.

XXX. And be it further enacted, That the said Registrar for the Time being shall at the End of every Half Year lay before the Vice Warden for the Time being a full, true, and particular Account of the Balance remaining in his Hands at the Commencement of such preceding Half Year, and of all Monies received by him during such last Half Year in respect of such Assessment as aforesaid, and when and from whom and from what Mine received, and also shall in such Account give Credit for the remaining Portion of the said Court Fees so in his Hands after such Payment to the Auditor of the Duchy as aforesaid, and shall also in like Manner lay before the Vice Warden a full, true, and particular Account of all Salaries and other Expences paid by such Registrar during the same Period; and that a Balance shall be thereby struck, showing the Balance remaining in the Hands of such Registrar at the End of the then last Half Year; and that thereupon the Vice Warden for the Time being shall and is hereby required to audit the said Account, and also the said Account for Court Fees herein-before mentioned, and if the same shall be found correct to allow the same respectively, by putting his Signature thereto; and that such Accounts when so allowed shall be filed amongst the Records of the said Court, and be open for the Inspection of all Persons in the usual Way: Provided always, that if it shall at any Time appear to the Vice Warden for the Time being, on auditing such Account of the Registrar, that there

Registrar, out of the Assessment and the remaining Fees, to pay the other Moiety of the Salaries.

The Registrar to have his Accounts of Receipts from the Assessment and the Fees, and his Payments thereout, audited by the Vice Warden half-yearly.

If at the End of any Half Year a Balance appears suf-

sufficient for the next Half Year, no Assessment to be made until the Expiration of such Half Year; but nevertheless the Head Manager to make the Returns.

remains a general Balance in his Hands sufficient to meet all Payments hereby authorized to be made thereout for the next Half Year, then and in such Case the Vice Warden shall have Power and is hereby required to give Notice thereof by Advertisement in the County Papers, or in such Way as he shall think fit; and that thereupon no Assessment shall be made or become payable in respect of the said One Farthing in the Pound Sterling on the Value of all Metals and Metallic Minerals as aforesaid during such succeeding Half Year: Provided nevertheless, that, although no such Assessment shall in such Case be made during such Period, the said Manager of every Mine is required to and shall make such Return as aforesaid to the said Registrar of all Metals and Metallic Minerals (except Tin and Tin Ore) brought to Sale or withdrawn from the Mine over which he is such Head Manager, precisely as if such Assessments were or would be payable in respect of the Ore specified in such Return.

Penalty on Head Manager omitting to make any Return, or making a false Return.

XXXI. And be it further enacted, That if the Head Manager of any Mine shall omit to make such full, true, and particular Return as hereby required of the Quantities of Metals and Metallic Minerals (except Tin and Tin Ore) brought to Sale or withdrawn as aforesaid in the Mine of which he is such Head Manager, or of the Value thereof, as is hereby required, or shall, on Demand made, omit to pay or cause to be paid such Assessment as aforesaid, or shall wilfully make any false or incorrect Return, then and in every such Case such Head Manager shall be subject for every such Offence to a Penalty not exceeding Fifty Pounds.

Jurors.

XXXII. And be it enacted, That the Vice Warden for the Time being may and shall in the present and every succeeding Year order the Clerk of the Peace of the County of *Cornwall* to make out a Duplicate of the Jurors Book at the Time in use, or about to be brought into use, or of such Part of the said Book as such Vice Warden may think fit to specify in such Order; and the Clerk of the Peace, upon the Receipt of such Order, shall with all convenient Speed make out such Duplicate, and deliver the same to the Registrar of the Court of such Vice Warden; and that every such Duplicate shall be the Book of Jurors qualified and liable to serve as Jurymen in all Cases before the Vice Warden for the Time being, and that every such Duplicate shall be kept by the Registrar, and shall be by him used as the Jurors Book for the Time being.

Summoning of Jurors.

XXXIII. And be it enacted, That the Registrar of the said Court shall cause to be summoned, One Week before the First Day of each Sitting of such Vice Warden, Forty-eight Persons named in the Jurors Book by him kept as aforesaid to attend at the Time and Place appointed for holding such Sitting; and every such Summons shall be according to the Form given in the Schedule hereto annexed, and shall be served either personally on each such Person or by leaving it at his Dwelling House; and that in summoning such Persons Regard shall always be had as far as may be to the Convenience of the Individuals so summoned; and no Person shall be summoned oftener than once in a Year.

Ballot and Challenge of Jurors.

XXXIV. And be it enacted, That the Registrar of the said Court shall make a List of the Jurors so summoned, together with the



the Places of Abode and Additions, and shall cause their Names to be written severally on Slips of Paper and put into a Box, and the Names of the Jurors for the Trial of Causes shall be drawn out of the Box by the Registrar; and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause; and if any Objection is made to the Twelve so remaining, it must be stated to and decided on by the Vice Warden for the Time being; and if any such Objection be allowed, the Names of the Jurors rejected without Cause assigned shall be returned to the Box, and drawn again until a sufficient Number be found to make a Jury of Twelve; and such Jury of Twelve shall be the Jury sworn for the Trial: Provided always, that if there shall not be Twelve Persons attending, or against whom no Objection shall have been allowed, it shall be lawful for the said Vice Warden to order the requisite Number of Persons from among the By-standers to be summoned by the Registrar, and sit on the Jury, subject to any Objections which may be made for Causes assigned, except for Want of Qualification or Want of Summons: Provided also, that the said Vice Warden may, if he sees fit, direct the Registrar to divide the List of Forty-eight Jurors into Two Lists, and to require the Persons in the one List to attend and serve for so many Days at the Beginning of the Sittings as the said Vice Warden shall order, and those in the other List to attend and serve for the Residue of the Sittings, according as the said Vice Warden shall think fittest for the Convenience of the said Persons; and then and in that Case the Registrar shall divide the said List of Forty-eight Jurors into Two Lists, and cause the Persons named in each of such Lists to be summoned to attend on different Days accordingly.

Jury to consist  
of 12.

Jury de Cir-  
cumstantibus.

XXXV. And be it enacted, That if any Person having been duly summoned to attend as a Juror in the Court of the Vice Warden shall not attend in pursuance of such Summons, or being thrice called in Court shall not answer to his Name, or if any such Person being present in Court, or any such By-stander in Court, after having been called shall not duly appear, or after his Appearance shall wilfully withdraw himself from the Presence of the said Court, it shall be lawful for the said Vice Warden to impose such Fine upon every such Person or By-stander so making Default (unless some reasonable Excuse shall be given to the Satisfaction of the said Vice Warden) as to the said Vice Warden shall seem meet; and if such Fine shall not be paid at the Time ordered by the said Vice Warden, the same shall and may be levied by Writ of Fieri facias to be issued out of the Common Law Side of the said Court of the Vice Warden.

Penalty on  
Jurors for Non-  
attendance.

XXXVI. And be it further enacted, That the Vice Warden for the Time being shall and may appoint a fit and proper Person to be Crier and Usher of his said Court, who shall hold his Office during the Pleasure of the Vice Warden for the Time being, and may be removed in a summary Manner, and may and shall receive such Fees for acting as Crier and Usher of the said Court as the said Vice Warden shall from Time to Time by virtue of the Provisions herein contained authorize.

Appointment  
of Crier and  
Usher.

XXXVII. And

Vice Warden  
and Registrar  
not to practise.

XXXVII. And be it further enacted, That the Vice Warden for the Time being shall not during his Continuance in such Office practise as a Barrister, and that the Registrar for the Time being of the said Court shall not during his Continuance in such Office practise as a Barrister or Solicitor or Attorney in such Court, or in any other Court of Law or Equity in the United Kingdom of *England* and *Ireland*.

Vice Warden,  
Registrar, and  
other Officers to  
take no Fees,  
&c. except as  
hereby pro-  
vided, &c.

XXXVIII. And be it further enacted, That the Vice Warden for the Time being shall not demand or take, upon any Pretence, any Fee, Gratuity, or Reward whatever; and that such Registrar and other aforesaid Officers of the said Court appointed under this Act shall not demand or take, upon any Pretence whatever, any Fee, Gratuity, or Reward other than and except such as are hereby authorized, or as shall be from Time to Time settled and allowed by the Vice Warden for the Time being by virtue hereof or of the Provisions herein contained; and that if any such Person shall offend in that Behalf he shall be removed from the Office he shall then hold, and be disabled from again holding the same or any other Office under this Act.

Penalty.

A List of Fees  
to be hung up.

XXXIX. And be it further enacted, That a Table of all Fees for the Time being authorized by the Vice Warden to be taken by any Solicitor or Attorney practising in his said Court, or by any Officer of his said Court, for Business done therein, shall be hung up in some conspicuous Place in such Court.

The County  
Prison at Bod-  
min to be the  
Prison of the  
Vice Warden's  
Court.

XL. ' And whereas the Gaol belonging to the Courts heretofore ' the Courts of the Vice Warden and of the Stannaries is situate ' at *Lostwithiel* in the said County of *Cornwall*: And whereas it ' would tend more to the Public Convenience that the Court of ' the Vice Warden should use as its Gaol or Prison for all Purposes ' the Prison belonging to the County of *Cornwall*, and situate at ' *Bodmin*, in lieu or place of the said Gaol at *Lostwithiel*;' be it therefore enacted, That every Person hereafter arrested or taken Prisoner or detained by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of or from or by either Side of the said Court of the Vice Warden of the Stannaries, or committed for Contempt of the said Court, shall be taken to the County Prison at *Bodmin* in the said County of *Cornwall*, or to other the Prison for the Time being of the said County, in the same Manner, and subject to the same Provisions and Regulations in every respect, as if such Person were arrested and conveyed to the Prison by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of any of the Superior Courts of Law or Equity at *Westminster*, or committed for Contempt by any of the said last-mentioned Courts; and the Gaoler or Keeper for the Time being of such County Prison as aforesaid is hereby authorized and required to receive into such County Prison every Person so arrested and conveyed to Prison by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of or from or by either Side of the said Court of the Vice Warden, or so committed for Contempt of the said Court as aforesaid, and to maintain, support, and provide for every such Person in the same Manner as if he had been arrested and brought to the said County Prison by virtue of any Writ, Process, Order, Decree, or Proceeding

Proceeding issued out of any of the Superior Courts of Law or Equity at *Westminster*, or were committed for Contempt of any of the said last-mentioned Courts; and that all and singular the Charges and Expences of maintaining, supporting, and providing for every Person so arrested or committed to the said County Prison as aforesaid shall be paid and defrayed out of such Portion of County Rate of the said County of *Cornwall* as for the Time being shall be applicable to the Support of the Debtors confined in the said County Prison.

XLII. And be it enacted, That all Jurisdictions, Powers, and Authorities heretofore lawfully exercised by the Vice Warden or Steward or any Judge of any of the Stannaries shall be hereafter exercised by the Vice Warden for the Time being; and that all Penalties heretofore authorized to be recovered, and all Oaths heretofore required or authorized to be taken, and all Acts, Matters, and Things heretofore required or authorized to be had or done in any of the Courts of the Stannaries, or before the Vice Warden or the Steward of any of the Stannaries, shall be and are hereby required and authorized to be recovered, taken, had, and done before the Vice Warden or in the Court of the Vice Warden, as the Case may be; and that all Proclamations, Returns, Certificates, Exhibits, Matters, and Things heretofore required to be made, transmitted, or given to or deposited with any of the Courts of the Stannaries, or the Vice Warden or Steward of any of the Stannaries, shall be and are hereby required to be made, transmitted, and given to and deposited with the Court of the Vice Warden; and all Bonds and Recognizances heretofore required to be entered into before the Steward or any of the Courts of the Stannaries shall be entered into before the Registrar of the said Court.

The Powers heretofore vested in the Vice Warden or Steward or Court of the Stannaries to be exercised by the Vice Warden.

XLIII. And be it further enacted, That it shall be lawful for the Court of King's Bench at *Westminster*, on the Application of any Party to any Action or Suit on the Common Law Side of the said Court of the Vice Warden, on special and sufficient Cause shown by Affidavit to the Satisfaction of such Court of King's Bench, that an impartial or sufficient Trial cannot be had in such Court of the Vice Warden, to remove, by Writ of Certiorari, all Proceedings which may have been had in such Action or Suit, and to deal therewith, and to make such Orders respecting the same, and the future Trial of and Proceedings in such Action or Suit, as to the said Court of King's Bench shall seem meet.

Removal of Causes in certain Cases to the Court of King's Bench.

XLIII. And be it further enacted, That all Acts, Statutes, Laws, Liberties, Privileges, Customs, Rights, Usages, and Freedoms at the Time of passing this Act in force in any of the Stannaries of the said County of *Cornwall* shall, notwithstanding any thing herein contained, continue and be and have the same Force and Effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the Laws of this Realm or inconsistent with the Provisions herein contained, or are annulled, repealed, or altered hereby, or by means of any of the Powers and Authorities hereby given.

All existing Laws, Customs, &c. not inconsistent with this Act or the Law of the Realm preserved.

XLIV. And be it further enacted, That wherever this Act, in describing or referring to any Person or Matter or Thing, uses the Words importing the Singular Number or the Masculine Gender only,

Interpretation of this Act.

only, the same shall be understood to include and shall be applied to several Persons as well as one Person, and to Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters or Things respectively as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and that wherever the Word "Plaintiff" or "Defendant" is used, it shall mean the Person instituting the Proceedings, or the Person against whom Proceedings are instituted respectively, in whatever Way such Proceedings are commenced; and wherever the Word "Mine" is used, it shall mean any Mine, Work, or Adventure wherein or connected with which any Metals or Metallic Minerals are worked; and that wherever the Words "Head Manager of any Mine" is used, it shall mean the Captain, Purser, or other Person who for the Time being shall have the principal Superintendence over such Mine; and that the Powers hereby given to the Lord Chancellor of *England* shall and may be used by the Lords Commissioners for the Custody of or the Lord Keeper of the Great Seal for the Time being: Provided always, that nothing herein contained shall apply to or affect or extend or be considered as extending to the County of *Devon*, or the Stannaries within the said County, except as to the Service in the said County of *Devon* of any Writ of Subpcena issuing out of such Vice Warden's Court as herein-before provided.

Commence-  
ment of Act.

XLV. And be it further enacted, That this Act shall commence and take effect on the Twenty-ninth Day of *September* One thousand eight hundred and thirty-six.

Act may be  
altered this  
Session.

XLVI. And be it further enacted, That this Act may be amended, altered, or repealed during the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

*Form of Summons to Jurors.*

You are hereby required to attend and serve as a Juror at the Sitting to be holden before Vice Warden of the Stannaries, at his Court, on the Day of

Registrar of  
Day of 183 .

To *A. B.*

C A P. CVII.

An Act to extend the Period for the Repayment of Loans made 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*.  
[20th *August* 1836.]

4 & 5 W. 4. c. 76.

‘ WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, it is enacted, that when any Sum of Money shall have been borrowed for certain Purposes therein mentioned, the Principal Sum shall be repaid by annual Instalments of not less than One Tenth of the Sum borrowed, with

‘ with Interest on the same, in any One Year: And whereas several  
 ‘ Loans have been made by the Exchequer Loan Commissioners  
 ‘ and by private Persons to divers Parishes and Unions, the Amount  
 ‘ whereof or of a large Part thereof is still due, and it is ex-  
 ‘ pedient that Authority should be given in certain Cases to allow  
 ‘ a longer Period for the Repayment of such Money:’ Be it there-  
 fore enacted by the King’s most Excellent Majesty, by and with  
 the Advice and Consent of the Lords Spiritual and Temporal,  
 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, That when any Money shall have been  
 so borrowed by any Parish or Union under the Direction or with  
 the Sanction of the Poor Law Commissioners, it shall be lawful  
 for the Exchequer Loan Commissioners, with the Approbation of  
 the Lords Commissioners of His Majesty’s Treasury or of any  
 Three or more of them, or for any private Persons, if they shall  
 see fit, to extend the Repayment of the Principal Sum borrowed  
 under the Provisions of the said recited Act, and then remaining  
 due, 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, as provided for by the said recited Act;  
 and in every future Advance it shall be lawful for the Exchequer  
 Loan Commissioners, with the Approbation of the Lords Com-  
 missioners of His Majesty’s Treasury or of any Three or more of  
 them, and also for any private Persons, if they shall see fit, to  
 extend the Repayment of any Principal Sum so to be borrowed to  
 a Period not exceeding Twenty Years as aforesaid: Provided  
 always, that not less than One Twentieth Part of such Principal  
 Sum and the Interest due in each Year upon the whole Sum  
 remaining due shall be paid off in every Year.

Period for Re-  
 payment of  
 Loans already  
 made may be  
 extended to 20  
 Years instead  
 of 10 Years;

and in future  
 Advances the  
 Repayment  
 may be extended  
 to 20 Years.

II. And be it further declared and enacted, That any Loans  
 which have or shall in future be made by the said Exchequer  
 Loan Commissioners or by any private Persons under the said  
 recited Act, and the Period of Repayment of which shall be  
 extended under the Provisions of this Act, such Extension shall  
 be without Prejudice to any Security or Securities taken or which  
 may in future be taken for such Sums or Advances respectively,  
 and such Loans shall by virtue of such Extension be repayable at  
 the extended Periods in such and the like Manner as if such  
 extended Periods of Repayment had been inserted in such Security  
 or Securities respectively instead of the Periods provided by the  
 said recited Act and set forth in such Security or Securities  
 respectively.

Extension of  
 Repayment of  
 Loans not to  
 prejudice the  
 Securities.

### C A P. CVIII.

An Act to amend an Act passed in the First and Second  
 Years of His present Majesty, for the Extension and Pro-  
 motion of Public Works in *Ireland*. [20th August 1836.]

‘ **WHEREAS** by an Act passed in the First and Second  
 ‘ Years of His present Majesty’s Reign, intituled *An Act*  
 ‘ *for the Extension and Promotion of Public Works in Ireland*, the  
 ‘ Commissioners of His Majesty’s Treasury are authorized and  
 ‘ empowered to cause or direct to be made out from Time to  
 ‘ Time,

1 & 2 W.4. c.33.

3 & 4 W. 4.  
c.100.

‘ Time, as might be necessary for the Purposes of the said Act, any Number of Exchequer Bills, the Amount whereof at any Time outstanding should not exceed in the whole the Sum of Five hundred thousand Pounds: And whereas Exchequer Bills to an Amount little short of the said Sum of Five hundred thousand Pounds have been issued and applied to the Purposes of the said Act: And whereas by an Act passed in the Third and Fourth Years of His Majesty’s Reign, 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 said Commissioners of the Treasury were authorized and empowered to cause or direct other Exchequer Bills to be made out for any Sum or Sums of Money not exceeding in the whole the Sum of One million Pounds, to be applied to the Relief of the Owners of Tithes in *Ireland* in manner by the said last-recited Act directed: And whereas the Sum of Six hundred and thirty-five thousand seven hundred and twelve Pounds Fourteen Shillings and Eleven-pence, Part of the said Sum of One million Pounds, has been applied, pursuant to the said last-recited Act, to the Purposes thereof: And whereas over and above the Sum required for the Purposes of the said last-recited Act, Exchequer Bills to the Amount herein-after mentioned, or thereabouts, were made out pursuant to the Provisions of the said last-recited Act, and delivered to the Teller of His Majesty’s Exchequer in *Ireland*, in whose Custody the same now remain; and it is expedient that such Exchequer Bills, to an Amount not exceeding One hundred thousand Pounds, should, the same not being required for the Purposes of the said last-recited Act, be applied to the Purposes of the said first-recited Act:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That over and above and in addition to the Sum of Five hundred thousand Pounds to which the outstanding Loans or Advances to be made by the Commissioners for the Execution of the said recited Act for the Extension and Promotion of Public Works in *Ireland* were by such Act limited, it shall and may be lawful for the said Commissioners to make further Loans or Advances to an Amount not exceeding in the whole One hundred thousand Pounds, and for the Lords Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* to authorize and direct the Teller of His Majesty’s Exchequer in *Ireland* to issue and deliver, upon the Warrant in Writing of the Commissioners for the Execution of the said Act, to the Person or Persons in such Warrant named, such of the Exchequer Bills made out in pursuance of the said recited Act of the Third and Fourth Years of His Majesty’s Reign, for the Relief of the Owners of Tithes, as may now be in the Possession of the said Teller of the Exchequer, to an Amount not exceeding One hundred thousand Pounds, and such Exchequer

In addition to the Sum of 500,000*l.* in Exchequer Bills made applicable for the Promotion of Public Works in *Ireland* by the first-recited Act 100,000*l.* of the Exchequer Bills made out under 3&4W.4.c.100. may be so applied.

quer Bills shall and may be applied accordingly to the Purposes of the said Act for the Extension and Promotion of Public Works, and of this Act, as if made and issued for such Purposes and under the Provisions of that Act.

II. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act for the Extension and Promotion of Public Works, in respect of the Loans or Advances to be made under Authority of that Act, and in respect of the Exchequer Bills to be issued for the Purposes of such Act, shall, so far as the same are applicable or shall not be varied by this Act, be applied and extend to the Loans and Advances to be made under this Act, and to the Exchequer Bills to be issued and applied as herein before directed to the Purposes of the said Act and this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses and Provisoos were herein repeated and re-enacted, and made specially applicable thereto.

III. And be it enacted, That it shall and may be lawful for the said Commissioners for the Execution of the said Act for the Extension and Promotion of Public Works in *Ireland* to make any Loan or Advance upon Application duly made conformably to the Provisions of the said Act and this Act, and which may be approved of by the said Commissioners and by the Lords Commissioners of the Treasury, at such Rate of Interest, payable half-yearly, not less than Ten Shillings *per Centum per Annum* above the Rate of Interest on the Exchequer Bills which may be issued for the Purpose of providing for such Loan or Advance, as the said Lords Commissioners of the Treasury shall direct, any thing in the said recited Act requiring a different or higher Rate of Interest on any Loan or Advance to the contrary notwithstanding.

IV. 'And whereas it is provided by the said recited Act that the Rules and Regulations to be established by the said Commissioners in respect of the Applications to be made to them thereunder shall contain Provisions requiring in all Cases the Production of such detailed Estimates, Maps, Plans, or Specifications as may be applicable to the Nature of the Work in respect whereof such Applications may be made: And whereas it may be convenient that the previous Preparation of such Estimates, Maps, Plans, or Specifications should be dispensed with in certain Cases; be it therefore enacted, That it shall be lawful for the said Commissioners to receive and take into their Consideration Applications made to them pursuant to the Provisions of the said Act or this Act, without the Production of the Estimates, Maps, Plans, and Specifications required by the said Act as aforesaid, in such Cases as they in their Discretion shall think fit to dispense with the Production of the same, and the said Commissioners shall amend the Regulations established by them as aforesaid accordingly; and it shall be lawful for the said Commissioners, if upon the Consideration of any such Application they shall so far approve of the same, to appoint and employ some competent Surveyor or Surveyors to inspect and survey and make the necessary Estimates, Maps, Plans, or Specifications of any Work referred to in such Application, and investigate the general Object, Utility, and Nature thereof, and report thereon to the said Commissioners,

Provisions of 1 & 2W. 4. c. 33. extended to Loans under this Act.

Advances may be made at such Rate of Interest as the Treasury shall appoint, not being less than 10s. per Cent. above the Interest on Exchequer Bills.

The Commissioners may receive and consider Applications without the Production of Estimates, &c. as required by the said Act; and if they shall approve thereof may appoint a Surveyor to inspect, survey, and report thereon, provided Applicants deposit Expence of such Survey, &c.

missioners, provided that the Party making such Application shall previously deposit, as the said Commissioners shall direct, a Sum adequate to defray the Expence attendant upon such Survey and Report, and the making such Maps, Plans, Specifications, or Estimates, and all attendant Expences.

Commissioners may take Deposits or Transfers of the Shares, Stock, &c. of public Companies as chief or collateral Security.

V. And be it enacted, That it shall be lawful for the said Commissioners for the Execution of the said Act, in the Place of such real or other Security or Securities as they are by the said Act empowered and directed to take and require, or as collateral thereto, to accept and take as Security for any Loan or Advance to be made under the Provisions of the said Act or this Act Deposits or Transfers of the Shares, Stock, Bonds, or Debentures of such public Companies as shall be approved by the said Lords Commissioners of the Treasury, in like Manner as by the said Act such Commissioners are empowered to accept and take Deposits or Transfers of Bank or Government Stock, Exchequer Bills, or *India* Bonds; and all such Deposits or Transfers of the Shares, Stock, Bonds, or Debentures of such public Companies so assigned, transferred, or deposited shall, in default of Payment of such Loan, with Interest due thereon, in the Manner directed and appointed by the said Commissioners for the Execution of the said Act, become and be absolutely vested in the said Commissioners or their Secretary, as the Case may be, and shall and may be sold and disposed of, or the Monies due or payable by virtue thereof shall and may be sued for in due Course of Law, in the Name of their Secretary for the Time being, for the Use of the said Commissioners.

Instead of Obligations to the King, Bonds may be made to the Secretary of Commissioners.

VI And be it enacted, That notwithstanding any thing in the said recited Act to the contrary it shall not be necessary in any Case, except as herein-after mentioned, for any Party to whom any Loan shall be made in pursuance of the Provisions of the said recited Act and of this Act, or of either of them, to execute any Writing obligatory to our Sovereign Lord the King, but in lieu thereof any Party who would have been liable to execute any such Writing obligatory to our Sovereign Lord the King shall and is hereby required, before any Payment shall be made in respect of any Loan to be made under the Provisions of the said recited Act and of this Act, or of either of them, to make and enter into, or cause some sufficient Persons or Person, to the Satisfaction of the said Commissioners, to make and enter into, a Bond or Obligation in Writing to the Secretary for the Time being of the said Commissioners, together with a Warrant of Attorney for confessing Judgment thereon (the entering of which Judgment shall be in the Discretion of the said Commissioners), whereby the Obligors or Obligor therein named shall bind themselves, himself, or herself, their, his, or her Heirs, Executors, or Administrators, in such Penalty as the said Commissioners shall direct; and such Bond or Obligation shall be conditioned to be void if the Parties or Party to whom any Loan shall be made in pursuance of the Provisions of the said recited Act and of this Act, or either of them, shall apply or cause to be applied all the Money so to be advanced at such Times and in such Manner and for such Purposes as shall be specified in any Agreement which shall have been or shall hereafter be entered into between such



Parties or Party and such Commissioners for that Purpose, and shall, so often as may be required by the said Commissioners, lay before them a Statement of the Application of the Money advanced, and of the Progress and State of the Work mentioned in such Agreement, and of such further Sums as may be necessary for the Completion thereof, together with all Contracts which may have been entered into with reference to the Execution of such Work, and all Accounts and Vouchers in any Way relating thereto, and shall keep and perform all such other Covenants and Conditions as the said Commissioners shall prescribe and require to be inserted in such Bond or Obligation: Provided nevertheless, that if in any Case the Lords Commissioners of His Majesty's Treasury shall think fit to require that a Writing obligatory to our Sovereign Lord the King should be entered into by or by any sufficient Sureties or Surety on behalf of any Party by or on whose Behalf any Loan shall be applied for as aforesaid, then and in such Case the said Commissioners shall and they are hereby authorized to require from such Party, or sufficient Sureties or Surety, such Writing obligatory to our Sovereign Lord the King as is by the said recited Act directed to be taken; and all the Provisions contained in the said recited Act as to any Writing obligatory to our Sovereign Lord the King, and the Remedies for putting the same in force, shall be in full Force and Effect as against such Party, or Sureties or Surety, their, his, or her Heirs, Executors, Administrators, or Assigns, and their, his, or her Estate and Effects, any thing in this Act to the contrary notwithstanding.

Bond to be made to the King when required by the Treasury.

VII. And be it enacted, That so often as any Breach or Default shall be made in the Performance of all or any Part of the Condition of any Bond or Obligation which shall be entered into to the said Secretary under the Provisions of this Act, it shall be lawful for the said Commissioners from Time to Time at their Discretion to direct their Solicitor for the Time being to proceed against all or any of the Obligors or Obligor, his, her, or their Heirs, Executors, or Administrators, and upon Proof of any such Breach or Default the Jury shall award such Sum for Damages and Costs as they shall think fit, not exceeding the Penalty of the said Bond or Obligation; and such Sum so awarded, when levied, shall be paid into the Bank of *Ireland* to the Credit of the said Commissioners, to be applied by them for the Purposes of the said recited Act and of this Act: Provided always, that the said Commissioners shall and they are hereby authorized at any Time at their Discretion to direct against which of the Obligors in any such Bond, if there are more than One, Proceedings shall be from Time to Time taken on any such Bond or Obligation, and by Writing under their Hands and Seals, to be exhibited to the Barons of His Majesty's Court of Exchequer in *Dublin*, to direct any such Proceedings to be discontinued, quashed, or abated, and the same shall thereupon be discontinued, quashed, or abated.

Bond to be sued upon.

VIII. And be it enacted, That so soon as the Work in respect of which any such Bond or Obligation shall have been made to the said Secretary shall be completed, and the Conditions thereof fully satisfied, to the Satisfaction of the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, upon the Application of any Obligor therein named, to

Upon Performance of the Condition the Bond to be cancelled.

certify in Writing that the said Condition has been performed, and upon Production of such Certificate to the proper Officer of any of His Majesty's Courts in *Ireland* in which Judgment may have been entered up on such Bond or Obligation Satisfaction shall be entered up on the Record of such Judgment; and in case Judgment shall not have been entered up thereupon the said Bond or Obligation shall be delivered up by the Party holding the same to such Obligor to be cancelled, and shall be cancelled accordingly.

Grants may be made for Harbours, &c. on navigable Lakes and Rivers, in like Manner as on Coast Harbours, &c.

IX. And be it enacted, That it shall and may be lawful for the Commissioners for the Execution of the said Act to receive Applications and make Grants in aid of the Construction and Erection of small Harbours, Piers, and Quays on navigable Rivers and Lakes, on the same Terms and subject to the like Conditions and Regulations as to the Amount of such Grants, and all other Particulars, as by the said Act provided in respect of Applications and Grants in aid of the Construction and Erection of small Harbours, Piers, and Quays on the Sea Coast of *Ireland*, and with the like Powers and Authorities in relation thereto, save as such Conditions and Regulations, Powers and Authorities, may be altered by this Act.

Power to levy Tolls.

X. And be it enacted, That when and so often as any Pier, Harbour, or Quay shall have been constructed, either wholly or in part, under the Provisions of the said recited Act or of this Act, or of either of them, it shall and may be lawful for the said Commissioners and they are hereby authorized to levy or cause to be levied and paid, for the Use of such Pier, Harbour, or Quay, such Tolls as the Lords Commissioners of His Majesty's Treasury shall from Time to Time approve of: Provided always, that the Amount of such Tolls shall not exceed the probable average annual Expence of maintaining and repairing such Pier, Harbour, or Quay, and of the contingent Expences to be incurred by the said Commissioners in relation thereto, and of the Amount of Interest at the Rate of not less than Five Pounds *per Centum per Annum* on the Capital, whether public or private, expended on such Work; and provided further, that in case it shall appear to the said Commissioners that it would promote the Public Advantage that a greater Amount of Tolls should be levied, under the Provisions of this Act, for the Use of any such Pier, Harbour, or Quay, or that such Tolls should be at any Time increased with a View of thereby creating a Fund for the Improvement of such Pier, Harbour, or Quay, it shall be lawful for the said Commissioners and they are hereby authorized to increase or to lower such Tolls to such Extent and for such Period as the said Commissioners shall from Time to Time direct, with the Approbation of the Lords Commissioners of His Majesty's Treasury.

Amount of Tolls.

Power to increase the Tolls for Improvements.

Power to let the Tolls.

XI. And be it enacted, That it shall be lawful for the said Commissioners, if they shall so think fit, by public Bidding, from Time to Time to let and from Time to Time to relet all or any of the Tolls payable under the Provisions of this Act, for Terms not exceeding Ten nor less than Five Years, on such Conditions and with such Security for Payment of the Rent reserved on such Lease as the said Commissioners shall think fit, and the Lords Commissioners of His Majesty's Treasury shall from Time to Time approve :

approve: Provided always, that every such Lease shall contain a Covenant on the Part of the Lessee or Lessees to keep such Work in repair (so far as the ordinary Wear and Tear of such Work may render necessary), and shall also contain a Power of Re-entry on the Nonpayment of such Rent, or Nonperformance of such Covenant for Repairs, within Three Calendar Months after the same shall become due, or after any Breach of any such Covenant and a Power to such Commissioners at any Time to put an end thereto on giving Three Calendar Months Notice to the Lessees or Lessee thereof of an Intention so to do: Provided always, that nothing in this Act contained shall be construed to extend to or affect any Tolls already raiseable and payable or which shall hereafter be made raiseable or payable by virtue of the Provisions of any Act of Parliament passed before the passing of this Act.

Covenants in Leases.

XII. And be it enacted, That the Tolls payable under the Provisions of this Act, or the Rent payable upon any Lease thereof, shall be applied in manner following; (that is to say,) first, in repairing and maintaining the Pier, Harbour, or Quay in respect of which such Tolls or Rents shall be payable; and, in the next place, in defraying all the contingent Expences of the said Commissioners in relation to such Work; and, in the next place, in paying Interest on the Capital, whether private or public, expended in the Execution of such Work, to the Parties entitled to receive the same, at a Rate not exceeding Five Pounds *per Centum per Annum*, so far as the same will extend; and the Surplus of such Tolls or Rent shall be in the meantime invested in Public or Government Securities, and suffered to accumulate so as to form a Fund for the future Improvement of such Work, and such Fund shall be applied for such Purpose, at such Time, and in such Manner as the said Commissioners shall from Time to Time direct, and the Lords Commissioners of His Majesty's Treasury shall from Time to Time appoint.

Application of Tolls.

XIII. And be it enacted, That it shall be lawful for the said Commissioners, in Cases in which such Tolls shall not be leased or let, and for the Lessees or Lessee of such Tolls if leased or let, from Time to Time to appoint sufficient Collectors and Officers or Agents for the Purpose of receiving the Tolls payable under this Act; and in case any Person liable to pay such Tolls shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners, or for the Lessees or Lessee of the said Tolls, or their Officer or Agent or other Person to whom such Toll ought to have been paid, to seize the Vessel, Goods, Articles, and Things in respect of which such Tolls ought to have been paid wherever the same may be found, and to detain the same until such Tolls, together with the reasonable Cost and Expences of such Seizure and Detention, shall be paid; and if such Vessels, Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the Seizure thereof, the same shall be appraised and sold, and, after deducting the Costs of such Seizure, Detention, and Sale, all such Sums as shall be due in respect of such Toll shall be satisfied thereout, and the Overplus paid to the Owner, in like Manner as the Law directs in Cases of Distress for Rent in arrear.

Power of enforcing Payment of Tolls.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners to make such Bye Laws, Rules, and Regulations for

Commissioners may make such Bye Laws for

Payment of Tolls and Use of such Piers, &c. as said Commissioners are enabled to do under 1 & 2 W. 4. c. 33.

for the Payment of Rates or Tolls in, and for the Use and Occupation of any such Pier, Harbour, or Quay, and the Preservation and safe Keeping of the same, such Bye Laws, Rules, and Regulations not being contrary to the Laws or Statutes of this Realm, as the Directors of General Inland Navigation in *Ireland* were enabled to make and establish under any Act or Acts for promoting Inland Navigation, or as the said Commissioners for the Promotion and Extension of Public Works in *Ireland* are now enabled to do under the Provisions of the said recited Act of the First and Second Years of His present Majesty's Reign, vesting the Powers and Authorities theretofore enjoyed by the said Directors General in the said Commissioners; and any Person or Persons guilty of any Breach of or offending against any such Bye Laws, Rules, or Regulations, shall and may be proceeded against, and shall incur a like Penalty or Forfeiture, to be levied and enforced in like Manner as in the Case of any Person offending against the Bye Laws, Rules, or Regulations at any Time made by the said Directors General or by the said Commissioners in respect of any Canal or Navigation.

Advances for Repair of Bridges may be made by Commissioners of Public Works.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners of Public Works, with the Consent and Approval of the Lords Commissioners of the Treasury, to make Advances under this Act or the Acts herein-before recited for the building, rebuilding, or repairing of Public Bridges on Lines of Turnpike Roads, provided the Repayment of such Advance be adequately secured upon the Tolls of such Turnpike Roads, or other adequate Security.

Treasury authorized to enlarge the Time for Payment of the Principal, and to reduce the Interest on existing and new Loans.

XVI. And be it enacted, That, notwithstanding any thing in the said recited Act or in this Act contained, in any Case in which any Loan or Advance for any Purpose has already been or shall be made, under the Provisions of the said recited Act and of this Act, or of either of them, to any Body, Company, or Party, on any Security whatever, to be repaid on any Terms whatever, either as to Principal or Interest, it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury and they are hereby authorized at their Discretion, notwithstanding the Terms of any Agreement which may have been made or shall hereafter be made as to such Loan, to enlarge the Time within or to increase the Number of Instalments in which such Loan or any Part thereof shall be required to be repaid, or to reduce the Rate of Interest which shall be payable on such Loan or on any unpaid Part thereof; and every such Extension of Time or Reduction of the Rate of Interest, when made as aforesaid, shall be as valid and effectual as if the same had been Part of the Terms of such Loan or Advance, and as if all the Securities entered into in relation to such Loan had been entered into after such Extension of Time or Reduction of Interest had been made: Provided always, that the Interest shall in no Case be reduced to a Rate less than Ten Shillings *per Centum per Annum* above the Rate of Interest on the Exchequer Bills made out or issued for the Purpose of such Loan or Advance.

In existing Loans Treasury to have Power to dispense with

XVII. And be it enacted, That, any thing in the said recited Act to the contrary notwithstanding, it shall be lawful for the said Lords Commissioners of the Treasury to release and discharge,

if they shall so think fit, any Party who under the Provisions of the said recited Act shall be liable to be called upon to contribute any Sum of Money for the Purpose of completing any Work in respect of which any Loan has been or shall be made, over and above or in addition to the Amount for which such Party subscribed or contracted to subscribe towards the Execution of any such Work; and that in any Loans which shall hereafter be made under the Provisions of the said recited Act and of this Act, or either of them, no such Liability shall be incurred unless the Lords Commissioners of His Majesty's Treasury shall so direct: Provided always, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, if they shall think fit, at any Time by any Writing under their Hands to declare that any Loan which shall hereafter be made shall be made subject to such Liability to contribute being incurred, and at any Times or Time after such Liability shall have been incurred, if they shall so think fit, to release and discharge all or any of the Parties who shall be so liable to contribute from the Payment of the Whole or any Part of the Sums or Sum of Money which he, she, or they shall be so liable to contribute or pay; and in case the Lords Commissioners of His Majesty's Treasury shall think fit to make any such Declaration requiring such Liability to be undertaken, the said Commissioners for the Execution of the said recited Act and of this Act shall make such Loan upon such Condition that such Liability to contribute shall be incurred; and in case the said Lords Commissioners of His Majesty's Treasury shall subsequently release or discharge any Party from such Liability, every such Party shall from thenceforth be so released and discharged therefrom accordingly.

XVIII. And be it enacted, That every Mortgage, Assignment, or other Security (except the Writing obligatory herein-before mentioned) which is directed or required to be made in pursuance of the Provisions of the said recited Act and of this Act, or of either of them, for securing the Repayment of any Loan and Interest, may be made in such of the Forms set forth in the Schedule to this Act as shall be applicable thereto, or as near thereto as the Circumstances of the Case will admit; and that every Estate, Right, Title, Interest, Claim, and Remedy created by or which shall arise by virtue of such Mortgage, Assignment, or other Security, or by any Bond or Obligation in Writing to be executed to the Secretary of the said Commissioners under the Provisions of this Act, shall be vested in the Secretary for the Time being of the said Commissioners, without any Assignment or Transfer being executed to him.

XIX. And be it enacted, That in case His Majesty shall think fit to issue a Commission deputing and appointing any Persons to consider and report upon the principal Lines of Communication in *Ireland*, with reference to the comparative Advantages and Facilities they afford for the Construction of Railways, with a view to ascertain the best Lines between any of the principal Places in *Ireland* which it may be desirable to connect by Railways, and for which Works Joint Stock Companies may be willing hereafter to apply to Parliament, it shall and may be lawful for such Persons and their Surveyors or Agents, for the Purpose of making

or release from Liability to contribute towards the Completion of Works beyond the Estimate.

Securities to be taken in the Form set forth in the Schedule.

Powers to enter Lands given to any Commissioners that may be appointed to report upon and survey the principal Lines best adapted for the Construction of Railways.

such Survey as may be necessary to carry into effect such His Majesty's Commands and Instructions, to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to do and execute all Matters and Things necessary or convenient for making such Survey, such Persons doing as little Damage as may be in the Execution of the Powers to them by the said Commission and hereby granted, and making reasonable Satisfaction (if required) to the Owners of and other Persons interested in any such Lands which shall or may be in any way injured or damnified in or by the Execution of the Powers by the said Commission and hereby granted to such Persons; and this Act shall be sufficient to indemnify such Persons, and all Surveyors, Agents, or Persons acting in and under the Orders of any of them, for what they or any of them shall do by virtue of the Powers by such Commission and hereby granted.

Penalty for preventing such Commissioners or their Surveyors in making such Survey, &c.

XX. And be it enacted, That if any Person shall wilfully prevent, assault, or threaten to assault any such Commissioner, or any Surveyor or Agent acting in aid or under the Orders of any such Commissioner, pursuant to the Provisions herein-before contained, or shall wilfully destroy or injure any Surveyor's Instruments or Implements used for the Purpose of making such Survey as aforesaid, every Person so offending shall forfeit and pay for every such Offence, upon Conviction by the Oath of One credible Witness before any Two Justices of the Peace for the County wherein such Offence shall have been committed at Petty Sessions, such Sum not exceeding Ten Pounds as the said Justices shall think fit; and in case the same shall not be paid such Justices are hereby empowered and required to commit such Offender to any Gaol, Bridewell, or House of Correction for any Time not exceeding Three Months, or until such Forfeiture shall be paid.

Construction of Terms.

XXI. And be it enacted, That wherever the Lords Commissioners of the Treasury shall be named in this Act, the Provision shall be deemed to import and apply to any Three or more of them, or to the Lord High Treasurer when such Officer there shall be.

Act may be altered.

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

SCHEDULE to which the foregoing Act refers.

No. 1.

*Form of Security by way of Mortgage or Assignment of any Freehold or Leasehold or Personal Estate, or by way of Deposit of any Title Deeds or Documents relating to any Freehold, Leasehold or other Personal Estate.*

WHEREAS by virtue of an Act passed in the First and Second Years of His present Majesty, intituled "An Act for the Extension and Promotion of Public Works in Ireland," and of an Act passed in the

Year of His present Majesty, intituled [here insert the Title of this Act], the Commissioners for the Execution of the said Acts have agreed to lend and advance to us, A.B. [here insert the Names of the Parties receiving the Loan or Advance, and the Sum, and the Terms on which it is made]; it is therefore

therefore witnessed, that in pursuance of the said Agreement, and in consideration of the Sum of \_\_\_\_\_ so agreed to be advanced as aforesaid, we the said *A.B.* [*here insert the Names of the Parties to the Agreement interested in the Work*] do assign [*here insert the Description of the Work*], together with all our Estate, Right, Title, and Interest therein, and we the said *A.B.* of [*Principals*], and *C.D.* of \_\_\_\_\_ [*Sureties*], do for the like Consideration assign [*or deposit, as the Case may be*], [*here insert a Description of the Property intended to be assigned or deposited by way of Security*], together with all our respective Estates, Rights, Title, and Interest therein respectively, unto the Secretary of the Commissioners for the Extension and Promotion of Public Works in Ireland, to hold the same respectively in Trust for the said Commissioners and their Successors until the said Sum of \_\_\_\_\_ and all Interest to become due thereon, shall be fully paid and satisfied, and until [*here insert such other Conditions as the Commissioners shall prescribe*], in pursuance of the Terms of the said Agreement. Given under our Hands this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ .

## No. 2.

*Form of Security by way of Bond or Obligation in Writing.*

WHEREAS by virtue of an Act passed in the First and Second Years of His present Majesty, intituled "An Act for the Extension and Promotion of Public Works in Ireland," and of an Act passed in the \_\_\_\_\_ Year of His present Majesty, intituled [*here insert the Title of this Act*], the Commissioners for the Execution of the said Acts have agreed to lend and advance to us, *A.B.* [*here insert the Names of the Parties receiving the Loan or Advance, and the Sum, and the Terms on which it is made*]; it is therefore witnessed, that in pursuance of the said Agreement, and in consideration of the said Sum of \_\_\_\_\_ Pounds so agreed to be advanced as aforesaid, we the said *A.B.* [*here insert the Names of the Parties to the Agreement interested in the Work*] do assign the said [*here insert the short Description of the Work*], together with all our Estate, Right, Title, and Interest therein, unto the Secretary of the Commissioners for the Extension and Promotion of Public Works in Ireland, to hold in Trust for the said Commissioners and their Successors until the said Sum of \_\_\_\_\_ Pounds, and all Interest to become due thereon, shall be fully paid and satisfied, in pursuance of the Terms of the said Agreement; and for the like Consideration we *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ [*here insert the Names of all the Obligors*] are jointly and severally held and firmly bound to the said Secretary of the said Commissioners in \_\_\_\_\_ Pounds, to be paid to him in Trust for the said Commissioners and their Successors, for which Payment we bind ourselves and each of us, and our and each of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our respective Seals, dated this \_\_\_\_\_ Day of \_\_\_\_\_ : Provided always, and the Condition of these Presents is, that if the said Sum of \_\_\_\_\_ Pounds mentioned in the said Agreement of the \_\_\_\_\_ Day of \_\_\_\_\_ and all Interest to become due thereon, shall be fully paid and satisfied in pursuance of the

Terms of the said Agreement, and if [*here insert such other Conditions as the Commissioners shall prescribe*], then these Presents shall be void, or else shall remain in full Force.

## C A P. CIX.

An Act to repeal certain Provisions respecting the Coal Trade. [20th August 1836.]

9 Ann. c. 28.

‘ WHEREAS by an Act passed in the Ninth Year of the  
 ‘ Reign of Her late Majesty Queen *Anne*, intituled *An*  
 ‘ *Act to dissolve the present and prevent the future Combination*  
 ‘ *of Coal Owners, Lightermen, Masters of Ships, and others to*  
 ‘ *advance the Price of Coals, in prejudice of the Navigation,*  
 ‘ *Trade, and Manufactures of this Kingdom, and for the further*  
 ‘ *Encouragement of the Coal Trade*, and made perpetual by an  
 ‘ Act passed in the First Year of the Reign of His late Majesty  
 ‘ King *George the First*, it was amongst other things enacted,  
 ‘ that all and every Contract or Contracts, Covenants, or Agree-  
 ‘ ments, whether the same were in Writing or not in Writing, and  
 ‘ whether theretofore made or entered into, or thereafter to be  
 ‘ made or entered into, by or between any Coal Owners, Lighter-  
 ‘ men, Fitters, Masters or Owners of Ships or Vessels, Crimps,  
 ‘ Coal Factors, or other Person or Persons whatsoever concerned  
 ‘ in the said Coal Trade, for engrossing Coals, or for restraining  
 ‘ or hindering any Person or Persons whomsoever from freely  
 ‘ selling, buying, loading, or unloading, navigating, or disposing  
 ‘ of Coals in such Manner as they lawfully might, should be and  
 ‘ were thereby declared to be illegal, null, and void, to all Intents  
 ‘ and Purposes; and further, that if any Coal Owners, Lighter-  
 ‘ men, Fitters, Masters or Owners of Ships or Vessels, Crimps,  
 ‘ Coal Factors, or any other Person or Persons whatsoever, should,  
 ‘ at any Time or Times from and after the First Day of *June*  
 ‘ One thousand seven hundred and eleven, keep up, continue, act  
 ‘ in, make, enter into, sign, seal, or be knowingly interested or  
 ‘ concerned in any Contract or Contracts, Covenants or Agree-  
 ‘ ments, before by that Act declared to be illegal, null, and void,  
 ‘ or should erect or keep up any Office or Offices, Chamber or  
 ‘ Chambers, or other Place or Places for the Management of such  
 ‘ Contract or Contracts, Covenants or Agreements, as Party or  
 ‘ Parties to or knowingly interested in the same, or should anyways  
 ‘ act or officiate therein as Officer, Clerk, Agent, or Servant to  
 ‘ or for the Persons so contracting, agreeing, or acting contrary  
 ‘ to the true Intent and Meaning of this Act, the Person or  
 ‘ Persons so offending should for every such Offence forfeit and  
 ‘ pay as follows; (that is to say,) every Coal Owner or Owners, or  
 ‘ Proprietor of or in any Pit or Mine, Pits or Mines of Coal, the  
 ‘ Sum of One hundred Pounds; and every Fitter, whether acting  
 ‘ by himself, his Agent or Servant, the Sum of Fifty Pounds;  
 ‘ and every Master or Owner of any Ship or Vessel the Sum of  
 ‘ Twenty Pounds; and every Officer, Clerk, Agent, or Servant as  
 ‘ aforesaid the Sum of Twenty Pounds: And whereas by an Act  
 ‘ passed in the Fourth Year of the Reign of His late Majesty  
 ‘ King *George the Second*, intituled *An Act for rendering more*  
 ‘ *effectual an Act made in the Third Year of His Majesty’s Reign,*  
 ‘ intituled

4 G. 2. c. 30.



' intituled ' *An Act for the better Regulation of the Coal Trade,*  
 ' so far as the same relates to the preventing the enhancing the  
 ' *Price of Coals in the River of Thames by the keeping of Turn*  
 ' *in delivering of Coals there,* it was amongst other things enacted,  
 ' that from and after the Fifteenth Day of *May* One thousand  
 ' seven hundred and thirty-one it should not be lawful for any  
 ' Owner or Owners of any Ship, or Vessel employed in the Coal  
 ' Trade, or any Person authorized by them, or any other Person  
 ' or Persons whatsoever, directly or indirectly, by Writing or  
 ' otherwise, to give any Orders or Directions to any Master or  
 ' Person having the Command or Rule of any Ship or Vessel  
 ' employed in the Coal Trade, or to any Agent or Servant em-  
 ' ployed in the selling of Coals, which should anyways relate to the  
 ' keeping of Turn in selling or delivering of Coals in the River of  
 ' *Thames,* and that no Master or Masters or other Person having  
 ' the Command or Rule of any Ship or Vessel as aforesaid should  
 ' obey any such Orders or keep Turn as aforesaid, upon pain that  
 ' every Person giving such Directions, and the Person or Persons  
 ' observing and following the same, or any otherwise, directly  
 ' or indirectly, acting contrary to the true Intent and Meaning of  
 ' that Act, should respectively forfeit and pay the Sum of One  
 ' hundred Pounds for every such Offence, one Moiety thereof to  
 ' His Majesty, His Heirs and Successors, and the other Moiety to  
 ' him or them who should sue for the same within the Space of  
 ' Six Months next after such Offence or Offences should be com-  
 ' mitted, to be recovered, with Treble Costs of Suit, by Action  
 ' of Debt, Bill, Plaint, or Information in any of His Majesty's  
 ' Courts of Record, wherein no Essoign, Protection, Wager of  
 ' Law, nor more than One Imparance should be allowed: And  
 ' whereas by an Act passed in the Twenty-eighth Year of the  
 ' Reign of His late Majesty King George the Third, intituled  
 ' *An Act to indemnify and save harmless all Persons who may have* 28 G. 3. c. 53.  
 ' *incurred Penalties or Forfeitures under an Act passed in the*  
 ' *Ninth Year of the Reign of Queen Anne, intituled ' An Act to*  
 ' *dissolve the present and prevent the future Combination of Coal*  
 ' *Owners, Lightermen, Masters of Ships, and others to advance*  
 ' *the Price of Coals, in prejudice of the Navigation, Trade, and*  
 ' *Manufactures of this Kingdom, and for the further Encourage-*  
 ' *ment of the Coal Trade,' and also an Act passed in the Third*  
 ' *Year of the Reign of His late Majesty King George the Second,*  
 ' intituled ' *An Act for the better Regulation of the Coal Trade,*  
 ' and for the better preventing of Combinations in the Trade of  
 ' Coals, it was amongst other things enacted, that from and after  
 ' the First Day of *June* One thousand seven hundred and eighty-  
 ' eight any Number of Persons united in Covenants or Partner-  
 ' ships, or in any Way whatsoever, consisting of more than Five  
 ' Persons, for the purchasing of Coals for Sale, or for making  
 ' Regulations with respect to the Manner of carrying on the said  
 ' Trade in Coals, shall be deemed and adjudged to be an unlawful  
 ' Combination to advance the Price of Coals, and every Person  
 ' concerned therein shall be liable to be punished by Indictment or  
 ' Information for the same in His Majesty's Court of King's Bench  
 ' at *Westminster*: And whereas the herein-before recited Pro-  
 ' visions are injurious to the Public, by obstructing the free and  
 ' open

‘ open Trade in Coals, and preventing the Employment of large joint Capital in the said Trade:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, so far as the same are herein-before recited and set forth, shall be and the same are hereby repealed.

Repeal of certain Provisions in recited Acts.

Public Act.

II. 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.

### C A P. CX.

An Act to repeal so much of an Act of the Fifty-fourth Year of King *George* the Third, respecting Copyrights, as requires the Delivery of a Copy of every published Book to the Libraries of *Sion College*, the Four Universities of *Scotland*, and of the King’s Inns in *Dublin*.

[20th August 1836.]

54 G. 3. c. 156.

‘ **W**HEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the several Acts for the Encouragement of Learning by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns*, it is among other Things enacted, that Eleven Copies of every published Book shall be gratuitously delivered to Eleven Public Libraries named in the said Act: And whereas the Provisions of the said Act have in certain respects operated to the Injury of Authors and Publishers, and have in some Cases checked or prevented the Publication of Works of great Utility and Importance, and it is therefore expedient that the said Act should be amended: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as requires that a Copy of every Book which shall be printed and published shall be delivered in manner therein mentioned to the Warehouse Keeper of the Company of Stationers for the Use of the Library of *Sion College*, the Libraries of the Four Universities of *Scotland*, and the King’s Inns Library at *Dublin*, shall be and the same is hereby repealed.

So much of recited Act as requires the Delivery of Copies of Books for the Libraries herein mentioned repealed.

Compensation to be made to the said Libraries out of Consolidated Fund.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer or for the Commissioners of His Majesty’s Treasury, or any Three or more of them, from Time to Time to issue and pay out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Person or Persons or Body Politic or Corporate, Proprietors or Managers of each of the aforesaid Libraries, such an annual Sum as may be equal in Value to and a Compensation for the Loss which any such Library may sustain by reason of the said Act being repealed, so far as relates to such Library; such annual Compensation to be ascertained and determined according to the Value of the Books which may have

been actually received by each such Library, in such Manner as the Commissioners of His Majesty's Treasury or any Three or more of them shall direct, upon an Average of the Three Years ending the Thirtieth Day of *June* One thousand eight hundred and thirty-six.

III. And be it further enacted, That the Person or Persons or Body Politic or Corporate, Proprietors or Managers of the Library for the Use whereof any such Book would have been delivered, shall and they are hereby required to apply the annual Compensation hereby authorized to be made in the Purchase of Books of Literature, Science, and the Arts, for the Use of and to be kept and preserved in such Library: Provided always, that it shall not be lawful for the said Lord High Treasurer or Commissioners of His Majesty's Treasury to direct the Issue of any Sum of Money for such annual Compensation until sufficient Proof shall have been adduced before him or them of the Application of the Money last issued to the Purpose aforesaid.

Application of  
the Compensation.

### C A P. CXI.

An Act to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given.

[20th August 1836.]

‘ **W**HEREAS by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for further improving the Administration of Justice in Criminal Cases*, Provision is made for the more exemplary Punishment of Offenders who shall commit any Felony not punishable with Death after a previous Conviction for Felony: And whereas since the passing of the said Act the Practice has been on the Trial of any Person for any such subsequent Felony to charge the Jury to inquire at the same Time concerning such previous Conviction: And whereas Doubts may be reasonably entertained whether such Practice is consistent with a fair and impartial Inquiry as regards the Matter of such subsequent Felony, and it is expedient that such Practice should from henceforth be discontinued:’ Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful on the Trial of any Person for any such subsequent Felony to charge the Jury to inquire concerning such previous Conviction until after they shall have inquired concerning such subsequent Felony, and shall have found such Person guilty of the same; and whenever in any Indictment such previous Conviction shall be stated, the reading of such Statement to the Jury as Part of the Indictment shall be deferred until after such Finding as aforesaid: Provided nevertheless, that if upon the Trial of any Person for any such subsequent Felony as aforesaid such Person shall give Evidence of his or her good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Indictment and

7 & 8 G. 4. c. 28.

A previous Conviction not to be given in charge or read to the Jury until after the Finding for a subsequent Felony, except when Evidence as to good Character is given.

and Conviction of such Person for the previous Felony before such Verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction for Felony at the same Time that they inquire concerning the subsequent Felony.

## C A P. CXII.

An Act for further facilitating the hearing and determining of Suits in Equity in His Majesty's Court of Exchequer at Westminster. [20th August 1836.]

57 G. S. c. 18.

3 &amp; 4 W. 4. c. 41.

His Majesty may empower One of the Barons to hear and determine Causes, &c. upon the Occasions mentioned in

‘ WHEREAS by an Act of Parliament passed in the Fifty-  
 ‘ seventh Year of the Reign of His Majesty King *George*  
 ‘ the Third, intituled *An Act to facilitate the hearing and deter-*  
 ‘ *mining of Suits in Equity in His Majesty's Court of Exchequer*  
 ‘ *at Westminster*, it was enacted, that the Lord Chief Baron of  
 ‘ the said Court for the Time being should have Power to hear  
 ‘ and determine all Causes, Matters, and Things which should be  
 ‘ at any Time depending in the said Court as a Court of Equity,  
 ‘ and that if the Lord Chief Baron of the Court of Exchequer  
 ‘ should by Sickness or any other unavoidable Cause be pre-  
 ‘ vented from sitting on the Equity Side of the said Court for the  
 ‘ Purposes in the said Act mentioned, then it should and might be  
 ‘ lawful for His Majesty and His Successors to nominate and  
 ‘ appoint from Time to Time, under the Royal Sign Manual,  
 ‘ revocable at Pleasure, any other of the Barons of the Degree  
 ‘ of the Coif of the said Court for the Time being to hear and  
 ‘ determine such Causes, Matters, and Things: And whereas by  
 ‘ an Act of Parliament passed in the Third and Fourth Year of  
 ‘ the Reign of His present Majesty, intituled *An Act for the better*  
 ‘ *Administration of Justice in His Majesty's Privy Council*, it was  
 ‘ declared and enacted, that it should and might be lawful for  
 ‘ His Majesty and His Successors to nominate and appoint from  
 ‘ Time to Time, by Warrant under the Royal Sign Manual,  
 ‘ revocable at Pleasure, any One of the Barons of the Coif of the  
 ‘ said Court for the Time being to hear and determine on such  
 ‘ Days as the Lord Chief Baron should sit on the Common Law  
 ‘ Side of the said Court during Term, or should preside at the  
 ‘ Sittings at Nisi Prius in *London* or *Middlesex* after the Term,  
 ‘ or should attend at the Judicial Committee of His Majesty's  
 ‘ Privy Council, all Causes, Matters, and Things which should at  
 ‘ any Time be depending in the Court of Equity: And whereas  
 ‘ great Inconvenience has been sustained by the Suitors and Prac-  
 ‘ titioners on the Equity Side of the said Court by reason of the  
 ‘ last-recited Act not having provided for the Case of the Lord  
 ‘ Chief Baron being prevented from sitting by his Absence on the  
 ‘ Circuit, or for the Case of a Cause not being fully heard and  
 ‘ decided by the Baron sitting in the Absence of the Chief  
 ‘ Baron:’ Be it therefore enacted by the King's most Excellent  
 Majesty, by and with the Advice and Consent of the Lords  
 Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, That it shall and  
 may be lawful for His Majesty and His Successors to empower  
 the Baron so appointed or to be appointed under the said recited  
 Acts as well to hear and determine all Causes, Matters, and Things  
 upon

upon the Occasions in the said Acts mentioned, as also during the Absence of the Lord Chief Baron upon the Circuit, and to continue the Sittings of such Baron upon One or more successive Days until he shall have fully heard and determined any Cause which shall have been but partly heard before him on any Day when he shall be sitting by virtue of His Majesty's Warrant.

recited Acts as also during the Absence of the Lord Chief Baron.

II. And be it further enacted, That all the Powers and Authorities given to the Baron appointed or to be appointed under the first-recited Act shall apply and be extended to the Baron to be nominated and appointed under the Authority of this Act.

Powers of the Baron.

### C A P. CXIII.

An Act for raising the Sum of Fourteen millions seven thousand nine hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six. [20th August 1836.]

### C A P. CXIV.

An Act for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney. [20th August 1836.]

WHEREAS it is just and reasonable that Persons accused of Offences against the Law should be enabled to make their full Answer and Defence to all that is alleged against them: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* next all Persons tried for Felonies shall be admitted, after the Close of the Case for the Prosecution, to make full Answer and Defence thereto by Counsel learned in the Law, or by Attorney in Courts where Attornies practise as Counsel.

All Persons tried for Felony after 1st October next may make their Defence by Counsel or Attorney.

II. And be it further declared and enacted, That in all Cases of summary Conviction Persons accused shall be admitted to make their full Answer and Defence, and to have all Witnesses examined and cross-examined by Counsel or Attorney.

In Cases of summary Conviction.

III. And be it further enacted, That all Persons who after the passing of this Act shall be held to bail or committed to Prison for any Offence against the Law shall be entitled to require and have, on Demand, (from the Person who shall have the lawful Custody thereof, and who is hereby required to deliver the same,) Copies of the Examinations of the Witnesses respectively upon whose Depositions they have been so held to bail or committed to Prison, on Payment of a reasonable Sum for the same, not exceeding Three Halfpence for each Folio of Ninety Words: Provided always, that if such Demand shall not be made before the Day appointed for the Commencement of the Assize or Sessions at which the Trial of the Person on whose Behalf such Demand shall be made is to take place, such Person shall not be entitled to have any Copy of such Examination of Witnesses, unless the Judge or other Person to preside at such Trial shall be of opinion that such Copy may be made and delivered without Delay or Inconvenience to such Trial; but it shall nevertheless be competent for such Judge or

Copies of Depositions to be allowed to Prisoners.

Proviso.

or other Person so to preside at such Trial, if he shall think fit, to postpone such Trial on account of such Copy of the Examination of Witnesses not having been previously had by the Party charged.

Prisoners entitled to inspect Depositions on Trial.

IV. And be it further enacted, That all Persons under Trial shall be entitled, at the Time of their Trial, to inspect, without Fee or Reward, all Depositions (or Copies thereof) which have been taken against them, and returned into the Court before which such Trial shall be had.

Act may be altered in this Session.

V. 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; and that nothing herein contained shall extend to *Scotland*.

### C A P. CXV.

An Act for facilitating the Inclosure of Open and Arable Fields in *England* and *Wales*. [20th August 1836.]

41 G. S. c. 109.

1 G. 4. c. 23.

Open and Common Lands may be inclosed with the Consent of Two Third Parts in Number and Value of the Parties interested therein.

‘ WHEREAS there are in many Parishes, Townships, and Places in *England* and *Wales* divers Open and Common Arable, Meadow, and Pasture Lands and Fields, and the Lands of the several Proprietors of the same are frequently very much intermixed and dispersed, and it would tend to the improved Cultivation and Occupation of all the aforesaid Lands within such Parishes, Townships, and Places, and be otherwise advantageous to the Proprietors thereof and Persons interested therein, if they were enabled by a General Law to divide and inclose the same: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed in the First Year of His late Majesty King *George* the Fourth, intituled *An Act to amend the Law respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for Two Third Parts in Number and Value (such Value to be ascertained as herein-after mentioned) of the several Persons who shall be seized or possessed of or entitled in possession to or interested in possession in any Rights of Common or other Rights in any Open and Common Arable Fields (including any untilled Slips or Balks therein), or any Open and Common Meadow or Pasture Lands or Fields, in any Parish, Township, or Place in *England* or *Wales*, known by Metes and Bounds, or occupied according to known and legal Rights (except as herein-after provided), as Tenant in Fee Simple or in Fee Tail, General or Special, or for Life or Lives, or by the Courtesy of *England*, or for any other Estate of or as of Freehold, or for Years determinable on any Life or Lives, or for any Term of Years whereof One hundred Years shall be unexpired, or as a Holder of Lands or Rights of Copyhold, Customary, Tenant Right, or other Tenure, of

of an Estate or Interest equal in Quantity to the Estates herein-before mentioned or any of them, and for the Guardian, Trustee, Feoffee for charitable or other Uses, Husband or Committee of such Person who at the Time of any Agreement for or on the making of any Inclosure authorized by this Act shall be an Infant, Idiot, Lunatic, or Feme Covert, or under any other Disability, in such Manner and with such Consent as is herein-after mentioned, to inclose such Open and Common Arable, Meadow, and Pasture Lands and Fields, or any of them, and to extinguish the Right of Inter-commonage which shall exist as well over as in respect of such Land; provided that no such Inclosure shall take place without the Consent in Writing under the Hands of Two Third Parts in Number and Value of the Persons so seised, possessed, entitled, or interested as aforesaid, or of the Guardians, Trustees, Feoffees, Husbands, or Committees aforesaid of such of the said Persons who may be under Disability as aforesaid, such Value to be ascertained by the Assessments of the Poor Rates of the respective Parishes or Townships for the then current Year, which Assessments of the Poor Rates, in case they shall not be made according to the full annual Amount or Value of the Tenements and Property thereby assessed, shall be increased or diminished so as to represent the full or true annual Value of the several Lands, Fields, and Rights liable to be affected by the intended Inclosure, and where the Lands are extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by the full or true annual Value thereof: Provided also, that no such Inclosure shall take place, nor shall any Agreement for that Purpose be binding, until a public Meeting of the Proprietors and Persons interested in the Lands intended to be inclosed shall have been previously called for the Purpose of taking the Expediency of such Inclosure into consideration by Notice under the Hands of Three or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Church or Chapel of the Parishes, Townships, or Places wherein the Lands intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish, Township, or Place, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least Fourteen Days before the said intended Meeting; provided that such Inclosure may after such Meeting be proceeded with by and with the Consent in Writing of Two Third Parts in Number and Value of the Proprietors and Persons interested in the Lands intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such Inclosure may not be present at such Meeting, and may signify their Consent thereto after the same shall have been holden.

II. And be it further enacted, That whenever any Inclosure shall be proposed to be made or consented to under the Authority of this Act, or any Agreement for Compensation in pursuance of the Provisions in that respect herein-after contained shall be entered into, by any Person or Persons who being necessary to make up, and without whom there shall not be consenting Parties sufficient to make up, the Proportion of Two Third Parts in Number and Value herein-before required, or other the Proportion herein-after required

The Consent of the Tenant in Remainder necessary in certain Cases.

required in the Case of an Inclosure without the Assistance of Commissioners, and who shall have a less Estate or Interest in the Land to be inclosed, or the said Rights therein, than a Fee Simple or an Estate in Tail, or be an Holder of a Copyhold or Customaryhold Tenant Right or other Tenure in such Lands or Rights for any less Estate than an Estate or Interest in Fee or in Tail, or shall be under any Disability, such Consent shall not be available for the Purposes of this Act unless the Person to whom the next immediate vested Estate of Freehold or of Copyhold or Customaryhold Tenant Right or other Tenure of Inheritance, in Remainder or Reversion, shall have been limited, (provided such Person shall be of the full Age of Twenty-one Years, and being a Female shall be unmarried,) shall consent thereto in Writing; and such Consent shall be sufficient for the Purposes of this Act, notwithstanding the Person giving the same may have an equitable Estate only in the Land intended to be inclosed, or may have previously charged or incumbered his Reversionary Estate therein: Provided always, that if the Person to whom such next immediate vested Estate in Remainder or Reversion may have been limited shall at the Time such Inclosure is proposed to be made happen to be an Infant, Feme Covert, Idiot, or Lunatic, it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot, or Lunatic to consent to such Inclosure in his or her Stead: Provided always, that in respect to any Land held in right of any Benefice no Consent of the Incumbent thereof shall alone be available for the Purposes of this Act, where such Consent shall be necessary to make up the Proportion of Two Third Parts in Number and Value herein-before required, or other the Proportion herein-after required in the Case of an Inclosure without the Assistance of Commissioners, without the Concurrence of the Patron of such Benefice, and of the Archbishop or Bishop to whose Ordinary or Peculiar Jurisdiction the said Benefice shall be subject; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian, Committee, or Husband of such Patron to consent to such Inclosure in the Stead of such Patron, and on his or her Behalf: Provided always, that if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly Value of Twenty Pounds in the King's Books, no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up either of the Proportions aforesaid, without the Concurrence of the Lord High Treasurer, or the First Lord Commissioner of the Treasury for the Time being, who are respectively hereby authorized so to concur; but if such Benefice shall not exceed the yearly Value of Twenty Pounds in the King's Books, then no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up either of the Proportions aforesaid, without the Concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the Time being, who is and are hereby authorized to give such Consent on behalf of the Crown.

III. And be it further enacted, That whenever the Persons whose Consents are hereby rendered necessary to any such Inclosure shall

Commissioners  
to be nominated  
by the Parties



shall have consented thereto in manner in that Behalf herein authorized and required, it shall be lawful for the major Part in Number and Value of the Proprietors of and Persons interested in the Lands intended to be divided and inclosed, or their known Agents, who may be present at a Meeting to be called for that Purpose, to nominate and appoint in Writing under their Hands One or more Person or Persons (not interested in the Premises) to be a Commissioner or Commissioners for dividing, allotting, and inclosing, and he or they is and are hereby empowered to divide, allot, and inclose, all or any of the Open and Common Arable, Meadow, or Pasture Lands or Fields in any such Parish, Township, or Place, or in any Parishes, Townships, or Places adjoining or lying within Two Miles of the aforesaid Parish, Township, or Place which may have been agreed to be divided, allotted, and inclosed as aforesaid; and when and as often as any such Commissioner, or any Commissioner to be from Time to Time appointed in his Place, shall die, neglect or refuse or become incapable to act, it shall be lawful for the major Part in Number and Value of the Proprietors of such Open Common Arable Fields or other Lands or Fields as aforesaid so agreed to be divided, allotted, and inclosed, or of their Agents, assembled at a public Meeting to be held in manner herein-before mentioned in respect to the Meeting for taking such Inclosure into consideration, to nominate and appoint any other Person not interested in the Premises to be a Commissioner in the Stead or Place of the Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid shall make default in appointing any new Commissioner within Two Calendar Months after any such Death, Neglect, Refusal, or Disability shall happen, and shall be known and signified to them or any Two of them respectively as aforesaid, then the surviving or remaining Commissioner (if any) shall and he is hereby required from Time to Time, by Writing under his Hand, within One Calendar Month next after the Expiration of the said Period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner, not interested in the said Inclosure, in the Place of such Commissioners so dying, neglecting, refusing, or becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed shall have the like Powers and Authorities for carrying this Act into execution in all respects whatsoever as the Commissioner in whose Place he shall have been so appointed and chosen as aforesaid was invested with under and by virtue of this and the said herein-before recited Act.

IV. And be it further enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the Execution of the said recited Act and this Act, and shall and may remove such Clerk and appoint another in his Room as to him or them shall seem meet; and in case of the Death, Incapacity, Neglect, or declining to act of any such Clerk, then and in any such Case the said Commissioner or Commissioners shall and may appoint any other Person to be Clerk.

consenting to  
the Inclosure.

Commissioners  
to appoint a  
Clerk.

Umpire to be appointed.

In case of Difference of Opinion between the Commissioners, the Matter to be determined by the Umpire.

V. And be it further enacted, That in all Cases where Two Commissioners shall have been appointed for any such Inclosure they shall, before they proceed upon the Business of such Inclosure, by Writing under their Hands appoint a fit and proper Person (not interested in the said Division and Inclosure) to act as Umpire between them, and from Time to Time afterwards renew such Appointment in the event of the Death, Refusal, Neglect, or Incapacity to act of the Person so appointed; and if any Difference of Opinion shall arise between them touching or concerning any Matter or Thing to be done by them by virtue or in the Execution of the said recited Act or of this Act, the Matter upon which such Difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose Determination therein shall be deemed and taken to be the Determination of the said Commissioners, and shall be reduced into Writing, and shall be binding and conclusive upon all Parties whomsoever (so far as the Acts and Determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the Purposes aforesaid such Umpire shall have and he is hereby invested with the same Powers and Authorities as by the said recited Act and this Act are given or vested in the said Commissioners.

Commissioners and Umpire to take an Oath.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner or an Umpire or a Surveyor in the Execution of this Act or the said recited Act until he shall have taken and subscribed an Oath or made an Affirmation in the Form or to the Effect following before One of His Majesty's Justices of the Peace for the County, Riding, Division, or Place in which the Lands intended to be inclosed, or some Part thereof, are situate; which Oath or Affirmation the said Justice is hereby empowered to administer; (that is to say,)

Form of Oath.

‘ I *A.B.* do swear, [*or being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as a Commissioner [*or an Umpire*] *or* Surveyor [*as the Case may be*] by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], according to Equity and good Conscience, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Commissioners to give Notice of Meetings, &c.

VII. And be it further enacted, That the said Commissioner or Commissioners or Umpire shall and he or they is or are hereby required to cause Notice in Writing to be affixed to the respective Church or Chapel Doors of the Parish, Township, or Place wherein the Lands intended to be inclosed are situate, or if there be no Church or Chapel, then in some conspicuous public Place there, and also a like Notice to be published in some Newspaper circulating in the County wherein such Lands lie, of the Time and Place of his or their Attendance or Meeting, and of all other subsequent Attendances or Meetings for executing the Powers hereby

or

or in and by the said recited Act vested in him or them, Ten Days before any such Meeting (Meetings by Adjournment only excepted); and if there be Two Commissioners, and not more than One of them shall attend at the Time and Place appointed for any such Meeting, it shall be lawful for the Commissioner who shall attend such Meeting, or the Clerk of the said Commissioners, or if Notice shall have been given of such Meeting by any Umpire, and both the Commissioners shall not attend the same, it shall be lawful for such Umpire, to adjourn such Meeting to any future Day not exceeding Fourteen Days from the Day of Adjournment; and such Clerk shall cause Notice of such Adjournment to be given to the said Commissioners: Provided always, that all the Meetings of the said Commissioners, or Umpire and Commissioners, shall be holden in one of the Parishes or Townships wherein the Lands to be inclosed are situate, or within Seven Miles of the Boundaries of One of them.

Adjournment of Meeting in case of Failure of Attendance of Commissioners.

Place of Meeting.

VIII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner or Commissioners or Umpire shall be so given by affixing the same on the respective Church or Chapel Doors of the several Parishes, Townships, or Places wherein the Lands to be inclosed are situate, or if there be no Church or Chapel, in some conspicuous public Place in such Parishes, Townships, or Places, and by Advertisement in a Newspaper circulating in the County wherein such Lands are situate.

Mode in which other Notices are to be given.

IX. And be it further enacted, That out of the Money that shall arise for defraying the Expences of executing this Act there shall be paid to each of the Commissioners (if more than One) and to the Umpire who shall act in the Execution thereof, as a Recompence for his Pains and Trouble, the Sum of Three Guineas for each and every Day they shall respectively be employed in travelling to, returning from, and attending in the Execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall, out of such Allowance, defray their own Expences; and there shall be paid to the Surveyor or Surveyors to be appointed for the Purposes of this Act such Allowances in respect of his or their Services as the said Commissioner or Commissioners shall adjudge to be a full Recompence and Satisfaction for all his or their Expences and Charges whatsoever in attending the said Commissioners, and in surveying and admeasuring the Lands and Grounds to be inclosed, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

Allowance to Commissioners, Umpire, and Surveyors.

X. Provided always, and be it enacted, That it shall be lawful for the major Part in Number and Value of the Proprietors and Persons interested as aforesaid to make any Agreement with any Commissioner or Commissioners or Surveyor or Surveyors to be appointed under this Act for the Payment to them respectively of One Sum for the whole Duty or any Part thereof to be performed by them or either of them.

Major Part of Proprietors may agree for Payment of a gross Sum to Commissioners, &c.

XI. Provided further, and be it enacted, That it shall be lawful for Four Fifths in Number and Value of such Proprietors and Persons interested as aforesaid to agree, upon the Adoption of

Four Fifths of Proprietors, &c. may agree to adopt any previous Plan, &c.

the Purposes of this Act of any Plan, Map, Admeasurement, or Valuation previously made, and such Agreement shall be binding upon any Commissioner or Commissioners or Umpire who may be appointed in pursuance of the Provisions of this Act.

Four Fifths in Number may agree upon Rules for Guidance of Commissioners or Umpire.

XII. Provided also, and be it enacted, That it shall be lawful for Four Fifths in Number and Value of such Proprietors and Persons interested as aforesaid to agree upon the Rules, Conditions, and Principles according to which any such Commissioner or Commissioners or Umpire shall act in allotting the Lands to be inclosed to the several Persons interested therein, and such Agreement shall be binding upon such Commissioner or Commissioners or Umpire as aforesaid.

Such several Agreements may be appealed against to the Quarter Sessions.

XIII. Provided nevertheless, and be it further enacted, That it shall be lawful for any Proprietor or Person interested as aforesaid, who may deem himself aggrieved by any such Agreement as herein-before mentioned for the Payment of a Commissioner or Commissioners, Surveyor or Surveyors, or for the Adoption of any Plan, Map, Admeasurement, or Valuation, or for establishing any Rules, Conditions, and Principles for the Guidance of the Commissioner or Commissioners or Umpire in making Allotments, to appeal against the same to the first General Quarter Sessions of the Peace to be holden in and for the County, Riding, or Division wherein the Lands, or the greater Part thereof, in respect of which the Matter of Complaint may arise, shall be situate, or some Adjournment thereof, or if such General Quarter Sessions shall be holden within One Month from the making of such Agreement, then to the General Quarter Sessions next following such first General Quarter Sessions, or some Adjournment thereof; and Notice of such Appeal shall in each Case be given in Writing to the Commissioner or Commissioners Seven Days at the least before the Day on which such Sessions respectively shall be holden: Provided always, that in the event of the Decision upon any such Appeal being in favour of the Appellant it shall be lawful for any Party who shall have consented to such Agreement for Inclosure as aforesaid to withdraw his Consent from such Agreement, by giving Notice in Writing to that Effect to the Commissioner or Commissioners at any Time within Twenty-one Days after the Day on which the Decision upon such Appeal as aforesaid shall have been given; and if by reason of such Withdrawal of Consent the Proportion of Two Thirds in Number and Value of consenting Parties shall not remain, the said Agreement for Inclosure shall thenceforth cease and determine.

Notice of Appeal.

Proviso.

A Copy of the Objections to be left with the Party objected to, or given to his Agent.

XIV. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf, and One Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last and most usual Place or Places of Abode, at such Time or Times

as

as the said Commissioner or Commissioners shall appoint for that Purpose.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Rights or Interests which they or any of them shall claim to have in, to, or out of the Lands and Fields hereby authorized to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the Title to any Manors, Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

For settling Disputes between Parties interested.

XVI. And be it further enacted, That in case the said Commissioner or Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are respectively hereby empowered, upon Application being made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid, either for the public Account for or towards the Expences occasioned in or relating to the Investigation, settling, and determining of such Claim or Claims, if finally disallowed, or to the Party or Parties in whose Favour any Determination of the said Commissioner or Commissioners shall be made, by the Person or Persons whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the Person or Persons who shall be liable to pay such Costs shall neglect or refuse to pay the same, upon Demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to such Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Commissioners may award Costs.

XVII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioner or Commissioners or Umpire touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, and shall cause Notice in Writing of such Dissatisfaction to be delivered to or left at the usual Places of Abode of the Commissioner or Commissioners or Umpire making such Determination,

Appeal allowed when Parties are dissatisfied with Decision of the Commissioners.

ration, and of the Party or Parties in whose Favour such Determination shall have been made, if there be any Party or Parties specially interested in the same, or his, her, or their Agent, within Thirty Days next after such Determination shall have been notified in Writing to the several Parties or Persons specially interested, if any such there be, it shall be lawful for such Person or Persons so dissatisfied, and giving such Notice as aforesaid, to bring or cause to be brought an Action or Actions upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, and to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the then First or Second Assizes to be holden for the County wherein the Lands relating to which such Dispute shall arise are situate; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, Rights in question, and the Property, Right, and Interest thereby insisted upon, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the said Parties shall differ about the same; and the Verdict or Verdicts which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim, Property, Right, or Interest thereby determined according to the Event of such Trial or Trials; and the Costs and Charges payable by the said Commissioner or Commissioners in or relating to such Action or Actions shall be paid and discharged out of the Monies to be raised by him or them for the Purposes of this Act: Provided always, that if no such Notice shall be given, and such Action or Actions at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner or Commissioners or Umpire shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided always, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that no Difference, Suit, or Proceeding as aforesaid, nor any Difference or Dispute touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioner or Commissioners in the Execution of the Powers of this Act, but the Division, Allotment, and Inclosure hereby authorized to be made shall be proceeded in notwithstanding any such Difference or Proceeding.

XVIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour such Determination as

Death of Parties  
not to abate  
Actions.

aforesaid

aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons who might have brought such Action or Actions against the Person or Persons so dying to bring the same within the Time so limited as aforesaid against such Person or Persons as aforesaid as if actually living, and to serve the Clerk of the said Commissioner or Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent upon the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

XIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made within the Period of Twenty Years next preceding the passing of this Act; but in case the said Commissioner or Commissioners shall be of opinion against the Right of the Person or Persons so in Possession they shall forbear to make any Determination thereupon until the Possession shall have been given up by or taken from such Person or Persons by Ejectment or other due Course of Law.

XX. And be it further enacted, That all Encroachments or Intakes which at any Time within Twenty Years next preceding the Date of the Agreement for any such Inclosure have been made upon the said Lands and Fields hereby authorized to be divided and inclosed shall be deemed and considered Part and Parcel of the Lands and Fields to be allotted and inclosed by virtue of this Act as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments or Intakes, or as to the Extent thereof, such Dispute or Difference shall be determined by the said Commissioner or Commissioners.

XXI. Provided also, and be it further enacted, That in case any such Lands shall have been taken or used at any Time before the passing of this Act for the Erection of a School-house or School-houses, or the Appurtenances thereto, or for other charitable Purposes, such Lands so taken, or the Erections made thereon, shall not be taken or deemed to be of the Nature of an Encroachment within the Meaning of this Act.

XXII. Provided always nevertheless, and be it further enacted, That all Lands which shall have been inclosed from the Open Fields, or any of them, for more than Twenty Years next preceding the Date of the Agreement for such Inclosure, shall for the Purposes of this Act be deemed and taken to be ancient Inclosures.

Commissioners not to determine Rights between Parties except in Cases of Encroachments within 20 Years.

Encroachments made within 20 Years to be deemed Part of the Land to be allotted.

Lands used for charitable Purposes not to be deemed an Encroachment

Lands inclosed more than 20 Years deemed to be ancient Inclosures.

Cultivated  
Ground to be  
allotted to Pro-  
prietors only.

XXIII. Provided always, and be it enacted, That it shall not be lawful for the said Commissioner or Commissioners or Umpire to allot to any other Person than the Proprietor thereof any Land which may be cultivated as Orchard or Garden, or on which any Building may have been erected, or which may have been inclosed by virtue of any voluntary Agreement between the Proprietor thereof and the Persons having Right of Common over the same, without the Consent in Writing of such actual Proprietor.

Compensation  
to be made for  
Standing Crops.

XXIV. And be it further enacted, That the said Commissioner or Commissioners shall, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing at the Time of the said intended Division and Allotment, for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing, tilling, and manuring of any Lands or Fields which shall be allotted to some other Person or Persons, and for the Profit or Advantage which any such Person or Persons to whom the said Lands and Fields shall be allotted will obtain thereby, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of any following or way-going Crop in any of the Open and Common Lands or Fields by this Act authorized to be divided, allotted, and inclosed, or by means of the said Division, Allotment, and Inclosure; and if in any or either of the said Cases last mentioned such Recompence and Satisfaction shall not be made at the Time and in the Manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or Warrants under his or their Hands and Seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels.

Commissioners  
to direct the  
Course of Hus-  
bandry to be  
followed.

XXV. And be it further enacted, That the said Commissioner or Commissioners shall, as soon after his or their Appointment as conveniently may be, by some Writing or Writings under his or their Hands to be affixed on the principal outer Doors of the several and respective Churches or Chapels of the Parishes or Townships in which the Lands to be inclosed are situate, or if there be no Church or Chapel, then in some conspicuous Place in the Parish, Township, or Place where such Lands shall be, order and direct the Course of Husbandry that shall be used in, over, and upon the Open Arable, Meadow, or Pasture Lands or Fields to be divided, allotted, and inclosed by virtue of this Act, until the Time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to  
breaking



breaking up and laying down, as the ploughing, sowing, fallowing, and tilling the same Lands and Fields; and by the same or any other Writing or Writings under his or their Hands, to be affixed as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Owners and Occupiers of the same Lands and Fields, for the preventing the committing of Waste or Destruction by any Person or Persons whomsoever upon any of the Lands and Fields to be divided and allotted by virtue of this Act, in the meantime and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested therein, their Farmers and Tenants; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures upon every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding Five Pounds *per* Acre; all which Penalties and Forfeitures shall be paid to such Person or Persons and for such Uses and Purposes as the said Commissioner or Commissioners shall by any such Writing or Writings as aforesaid, or any other Writing or Writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same, for the Use of the Person or Persons he or they may consider entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of carrying this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third into execution may be raised and levied.

XXVI. And be it further enacted, That the said Commissioner or Commissioners shall apportion, divide, set out, and allot the said Open or Common Arable, Meadow, and Pasture Lands or Fields authorized by this Act to be divided, allotted, and inclosed unto and amongst the several Proprietors thereof and Persons interested therein, in proportion to their respective Shares, Rights of Common, and all other Rights, Property, and Interest, and in proportion to the true and real Value of their several Shares, Rights of Common, and all other Rights, Property, and Interests, and the same, when so apportioned, divided, set out, and allotted, shall be taken to be in lieu and full Satisfaction of and for such their said several Shares, Rights of Common, and all other Rights, Property, and Interests, to be ascertained and adjusted by such Ways and Means and in such Manner as to the said Commissioners shall seem just and expedient, but subject to the Rules, Orders, and Regulations herein contained or referred to and authorized to be established concerning the same.

Commissioners to allot the Lands to be inclosed.

XXVII. And be it further enacted, That in case any Number of the Proprietors or Persons interested in the Lands and Fields agreed to be inclosed under the Authority of this Act shall deem it expedient and desire to have their Allotments thrown together and distinguished by Metes and Bounds, but not fenced from each other, and of such their Desire shall give Notice in Writing to the said Commissioner or Commissioners, such Commissioner or Commissioners shall and he and they is and are hereby required to set out the several Allotments of the said Persons so giving Notice as aforesaid in One Plot or Parcel of Land, distinguishing the

At the Desire of the Parties several Allotments may be set out together, distinguished by Metes and Bounds, but not fenced from each other.

Portion

Portion of such Plot or Parcel of Land allotted to each of such Proprietors by Metes and Bounds, but not requiring them to make any Subdivision Fences or other Fences, save such Ring or outer Fences as may be necessary and may be ordered by the said Commissioner or Commissioners to be made for dividing the said Plot or Parcel of Land from the Residue of the Lands so to be inclosed.

For ascertain-  
ing Boundaries.

XXVIII. And be it further enacted, That for the Purposes of shortening or rendering straight or otherwise improving any Boundary Fence or Fences between the Lands and Fields hereby authorized to be divided, allotted, and inclosed, and the old or other Lands thereunto adjoining, or between such Allotments and inclosed or other Lands, or any of them, and any adjoining Lands and Grounds, it shall be lawful for the said Commissioner or Commissioners (with the Consent of the Lord of any Manor in which the Lands are respectively situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate,) to set out, ascertain, and determine the Boundaries between the Lands hereby authorized to be divided, allotted, and inclosed, and any adjoining Lands or Grounds lying in the same or in any adjoining Manor, Parish, or Place, as the said Commissioner or Commissioners shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the said Commissioner or Commissioners shall direct, and shall for ever thereafter be deemed the Boundaries between the said allotted and inclosed Lands respectively, or (as the Case may be) between the said Allotments or inclosed or other Lands and such adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

Right of Her-  
bage in private  
Roads to be set  
out.

XXIX. And be it further enacted, That the said Commissioner or Commissioners shall in and by his or their Award order and appoint the Grass and Herbage growing and renewing upon all and every the private Roads to be set out by him or them within the said Lands and Fields hereby authorized to be divided, allotted, and inclosed, to be and for ever hereafter remain to and for the Use and Benefit of such Persons as the said Commissioner or Commissioners shall in his or their Judgment think best entitled to the same.

Empowering  
Rectors to erect  
Buildings on  
Lands allotted  
in right of  
Glebe, and  
charge Ex-  
pences thereon.

XXX. And whereas the Allotments made to any Rector or Vicar who may be entitled to any Glebe Lands in such Open and Common Arable, Meadow, or Pasture Lands or Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the same of greater Value to the said Rectors and Vicars respectively, and their respective Successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision Fences may be necessary to be made, planted, and raised in and upon the said Allotments or some of them: And whereas the erecting of such further Buildings, and the making, planting, and raising such Fences, will be attended with considerable Expence, and as the same will probably

ably be more beneficial to the Successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose Incumbency such Allotment and Inclosure may take place; be it therefore further enacted, That it shall and may be lawful to and for the said Rectors and Vicars respectively, and their respective Successors, by and with the Consent in Writing of the respective Patrons of the said Rectories and Vicarages, and of the Ordinary of the Diocese for the Time being, to erect or cause to be erected for Agricultural Purposes such further Buildings upon the Allotment or Allotments (which Buildings the said Rectors and Vicars respectively, and their respective Successors, are hereby required to cause to be insured equal to the Value thereof annually in some of the Offices in *London* established for Insurance against Fire,) so as aforesaid to be set out unto the said Rectors and Vicars and their respective Successors as aforesaid, and also to make, plant, and raise such outer division as well as interior or subdivision Fences in and upon the said Allotment or Allotments as the said Commissioner or Commissioners shall judge necessary and proper for the Occupation of the Lands so to be allotted to the said Rectors and Vicars respectively, and their respective Successors, and by any Deed or Deeds, Writing or Writings, under the respective Hand and Seal of such Rectors or Vicars respectively, and their respective Successors, and attested by Two or more credible Witnesses, by and with the Consent in Writing of the Bishop of the Diocese for the Time being, to charge such Allotment or Allotments so as aforesaid to be set out for the said Rectors and Vicars respectively, and their respective Successors as aforesaid, and the Buildings so to be erected thereon, with such Sum or Sums of Money, not exceeding in the whole Two Years annual Value of the respective Allotments so to be set out to the said Rectors and Vicars respectively, as the said Commissioners shall think necessary for the Purposes of and in order to be applied to paying and defraying the Charges and Expences of erecting the said further Buildings, and of making, planting, or raising such division or subdivision Fences, or for either of the said Purposes, and in applying for and obtaining the Consent of the said Bishop, and in exercise of the Powers given to and vested in the said Rectors and Vicars respectively by virtue of this Act and the said recited Act; which Sum or Sums of Money shall be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied or disposed of accordingly; and for securing the Repayment of such Sum or Sums of Money, with Interest for the same, to grant, mortgage, lease, or demise the Allotments so as aforesaid to be set out unto and for the said Rectors and Vicars respectively, and their respective Successors, as aforesaid, and the Buildings so to be erected thereon, unto such Person or Persons who shall advance and lend the same, his, her, and their Executors, Administrators, or Assigns, for any Term or Number of Years, so that every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or Mortgagees advancing and lending the Money

Money so to be borrowed shall not be obliged to see to the Application or be in anywise answerable for the Misapplication of such Monies or any Part thereof; and the said Rectors and Vicars respectively, and their respective Successors for the Time being, shall be and are hereby required and made liable, at the End of every Year after the Date of such Mortgage, to pay to the Person or Persons to whom such Grant, Mortgage, Lease, or Demise shall be made, his, her, or their Executors, Administrators, or Assigns, One Thirtieth Part of the respective Principal Monies so to be borrowed, until the whole thereof shall by such annual Payments be paid off and discharged, and also to pay and keep down the Interest of the said respective Monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes or Townships becoming possessed of such respective Lands and Fields shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger Share of such Monies than his or their Proportion thereof according to such last-mentioned Condition, or any Interest for the same save only from the Day of the Death, Resignation, or Cession of the preceding Incumbent of the said Rectories or Vicarages respectively; and that it shall and may be lawful to and for the Person or Persons who shall advance and lend such Monies, his, her, or their Heirs, Executors, Administrators, and Assigns, for the more easily recovering the said One Thirtieth Part of the said Principal and the whole of the Interest which is enacted annually to be paid, to have, use, exercise, and take such and the same Powers and Remedies, by Entry and Distress upon the Premises so to be charged, mortgaged, and demised, and Sale of such Distress, as by the Laws now in force are provided for and given to Landlords or as they can use and take for the Recovery of Rack Rents in arrear.

Rectors, with  
Consent of  
Bishop, may  
demise the  
Allotments.

XXXI. And be it further enacted, That it shall and may be lawful for the Rectors of the said Rectories and the Vicars of the said Vicarages respectively for the Time being, by Indentures under their respective Hands and Seals, with the Consent and Approbation of the Bishop of the Diocese for the Time being, and of the Patron of the said Rectories and Vicarages, from Time to Time to lease and demise all or any Part of the Allotments to be set out and allotted to them respectively by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the Time being by Four equal quarterly Payments in every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for granting any such Lease, and so that no such Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of Rent or Rents to be thereby reserved within a reasonable Time, to be therein limited, after the same shall become due, and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made  
as

as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

XXXII. Provided always, and be it further enacted, That in case through the Necessity of Situation or any other Accident or Circumstance, it shall happen that One or more of the said Proprietors shall not have an equal or proportionable Quantity of Boundary Mounds or Fences allotted to him, her, or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain, and appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a Proportion of Mounding or Fencing allotted to him, her, or them by virtue of this Act, the same to be settled by the said Commissioner or Commissioners in such Manner as he or they shall order, direct, or appoint; and the Money so ordered, directed, or appointed to be paid shall be raised, levied, and recovered in such and the same Manner as the other Expences of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

Commissioners  
in certain Cases  
to apportion  
Expences of  
erecting Bound-  
dary Fences.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter, or annul any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent-charge, Debt, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right in pursuance of this Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in Exchange or as a Compensation for any other Estate or Right shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Deeds, Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made or acted upon; save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rents as shall become void, by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act or of the said Act of the Forty-first Year of the Reign of His late Majesty King George the Third.

Act not to affect  
Settlements.

XXXIV. Pro-

Leases at Rack  
Rent may be  
voided.

XXXIV. Provided also, and be it further enacted, That all Leases, Agreements, and Tenancies at Rack Rent subsisting of any Part or Parts of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed at the Time of the first Appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such Time or Times as the said Commissioner or Commissioners shall by Writing under his or their Hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss which shall be sustained by the Determination of such Leases respectively, so far as regards the said Lands the Tenancy and Leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners, being required by either of the Parties, shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved on any such Lease or Agreement, for or in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due and the Determination of any such Lease or Agreement; and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every Case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with other Lands or Hereditaments, by one entire Rent, to apportion and determine what Part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agreement comprised as to which the same shall be determined as aforesaid, and from what Time such Deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Residue of such Lands and Hereditaments, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately before such Apportionment be payable and recoverable.

Exchanges may  
be made.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner or Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, whether situate within the Boundary of such Open and Common Lands or Fields as aforesaid, or adjoining thereto, within the Parishes, Townships, or Places in which the Lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the same Parishes, Townships, or Places respectively, or any of them, or within any Parish, Township, or Place adjoining to the said Parishes, Townships, or Places respectively, or any of them; provided

vided that all such Exchanges shall be ascertained, specified, and declared in the Award of the said Commissioner or Commissioners, and be made with the Consent in Writing of the Proprietor or Proprietors of the Hereditaments and Premises which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Rector, Parson, Vicar, or other Ecclesiastical Person or Persons, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, Special or General, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Husbands, Committees, or Attornies of or acting for any such Proprietor or Proprietors who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Coverts, Idiots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, or of the Trustees or Feoffees for charitable, parochial, or other Uses, or of the Person or Persons having Power to sell and dispose of the Hereditaments and Premises which shall be so exchanged (such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange and Exchanges so to be made respectively shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, and Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Benefice shall be situate.

XXXVI. Provided always, and be it further enacted, That the Lands, Grounds, and Hereditaments which shall be allotted or exchanged by virtue of this Act shall be held in like Manner, under and by virtue of the same Terms and Rents, and shall be thereafter deemed to be of the same Quality and Tenure, as the Lands, Tenements, or Hereditaments in respect of which such Allotment or Allotments or Exchanges shall be made were held or deemed to be of immediately before the making of every such Allotment or Exchange respectively: Provided always, that when the Tithes of any Common Lands or Fields agreed to be allotted or inclosed under the Provisions of this Act belong to different Persons or do not extend over the whole of such Common Lands or Fields it shall be lawful for the Commissioners or Commissioner to allot the Tithes as well as the Land, in order that all Persons may have Tithe-free Allotments in lieu of Lands which were before exempted from Tithes.

XXXVII. Provided also, and be it further enacted, That all Costs, Charges, and Expences attending the making any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges and Partitions in such Manner and in such Proportions as the said Commissioner or Commissioners shall by any Writing under his or their Hands, order and direct.

XXXVIII. And be it further enacted, That the said Commissioner or Commissioners shall and may scour out, widen, and alter

Allotments to be under the same Tenure as the Lands in respect of which they are allotted.

For defraying Expence of Exchanges.

Ditches, &c. may be cleaned, altered, or widened.

alter all such ancient Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges in the respective Open Common Arable; Meadow, or Pasture Lands or Fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen, and make any new Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges in, through, and over the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, (the Expences thereof to be raised and defrayed as the other Expences of executing the Powers of this Act are herein directed to be raised and defrayed,) and of such Breadth, Depth, and Dimensions, and in such Directions, as the said Commissioners shall think proper; and the said Commissioner or Commissioners shall and may and they are hereby directed and required in and by their Awards to order and determine by whom, and at whose Expence, and at what Time and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges shall be afterwards cleansed, scoured, and maintained, and also shall and may direct, order, and award all or any of the Streams, Springs, and Watercourses within the said Lands and Fields hereby authorized to be divided, allotted, and inclosed to be carried, diverted, and turned into such Courses, and through, over, and across such Parts of the Lands and Fields hereby authorized to be divided, allotted, and inclosed, as they the said Commissioners shall in their Discretion judge proper for the draining or watering the several Allotments so to be made as aforesaid.

Power to Commissioners to make Drains through Land not proposed to be inclosed, due Compensation being made for Damage done.

XXXIX. Provided always, and be it enacted, That if it shall be necessary, for the Purpose of carrying off the Water from such Drains as may be made under the Authority of this Act, to make Drains through any Land not to be inclosed, divided, or allotted under the same, it shall be lawful for the said Commissioners and their Servants to enter upon such Lands, and make such Drains accordingly, due Compensation being made for any Damage done to such Lands thereby; and it shall be lawful for such Commissioners in their Award to direct by which of the Persons to whom any Allotment shall be made in any Field so divided and inclosed such Drains shall be maintained, and the Persons so directed to maintain such Drains shall maintain the same accordingly, and have the same Authority to enter upon such Lands as herein-before described, for the Purpose of maintaining the same, as is herein-before given to the said Commissioners and their Servants for the making of the same, making due Compensation for any Damage which may be done to such Lands.

Upon the Consent of Seven Eighths in Number and Value, an Inclosure may take place without the Intervention of Commissioners.

XL. And be it enacted, That in case Seven Eighths in Number and Value of the Persons being seised, possessed of, entitled to, or interested in any Open and Common Arable Fields, or Open and Common Meadow or Pasture Lands or Fields, in *England* or *Wales*, and any Rights of Common or any other Rights therein, being Persons having such Estates or Interests in the said Lands, Fields, or Rights as are herein-before required for the Purpose of consenting to any such proposed Inclosure as aforesaid, shall by themselves or their known Agents, or if Covert, Infants, Idiots, or Lunatic, then by their Husbands, Guardians, or Committees, at a public Meeting to be called for that Purpose in the Manner and after the Notice herein-before provided for, or at

some



some Adjournment thereof, enter into an Agreement for such Inclosure under the Provisions of this Act, but without the Intervention of Commissioners, and for the Discharge of the Lands to be inclosed from all Rights of Common, and for the granting of Compensation to such Persons as may be possessed of such Rights, whether consenting Parties to any such Agreement or not, and shall sign or seal (as the Case may require) the Schedule herein-after mentioned, every such Inclosure shall, from and immediately after the Expiration of the Notices of such Schedule having been deposited as herein-after mentioned, be as valid and effectual to all Intents and Purposes (subject only to the Right of Appeal herein-after given) as if the same had been effected by means of Commissioners to be appointed under this Act.

XXI. And be it further enacted, That before any Land shall be inclosed under the Provisions herein contained for Inclosure without the Assistance of Commissioners, a Schedule of such Land, containing a correct Description thereof, and signed by the Persons proposing to make such Inclosure, and also by the Persons whose Consent to such Inclosure is herein-before required to be given, and whenever the Inclosure shall be proposed to be made by any Person having a less Estate than a Fee Simple or under Disability, then accompanied by a Copy of the several Limitations contained in the Deed or Will under which such Person may be entitled, shall be deposited with the Clerk of the Parish, Township, or Chapelry, and also with the Clerk of the Peace of the County in which the Land proposed to be inclosed may be situated; and a Notice of such Schedule having been so deposited (such Notice containing a Description of the Land intended to be inclosed) shall be published in some Newspaper usually circulating in the County wherein such Land is situated, at Three several Times in Three successive Months after such Schedule shall have been so deposited, and a Copy thereof shall be affixed on the principal outer Door of the Church or Chapel of the Parish or Township in which the Land may be situated, before the Commencement of Divine Service, or if there be no Church or Chapel then in some conspicuous Place there, for Three successive *Sundays* after such Schedule shall have been so deposited: Provided always, that whenever such Inclosure shall be proposed to be made by a Corporation Aggregate, or the Consent of a Corporation Aggregate shall be necessary thereto, the affixing of the Common Seal of such Corporation to such Schedule shall be deemed a sufficient Compliance with the Provisions of this Act.

XLII. And be it further enacted, That it shall be lawful for any Person who shall be seised or possessed of or entitled in Possession to any Land or Tenement in respect of which Compensation may be proposed or ought to be given, or to which any Right of Common may attach, or who having no Land in the Common Field in which an Inclosure is proposed to be made, may nevertheless have a Right of Common therein, whether such Person shall be Tenant in Fee Simple, or Fee Tail, General or Special, or for Life or Lives, or by the Courtesy of *England*, or for any other Estate of Freehold, or for Years determinable on any Life or Lives, and also for any Person whose Right of Common may be merely personal, and for the Guardian; Trustee, Feoffee for

Schedule of Land proposed to be inclosed to be deposited with the Clerk of the Parish and the Clerk of the Peace; and a Notice thereof affixed on the Church Door, and published in some Newspaper circulating in the County.

Incapacitated Persons enabled to enter into an Agreement for Compensation.

charitable or other Uses, Husband, or Committee of such Person who shall be an Infant, Idiot, Lunatic, or Feme Covert, or under any other Disability, to consent and agree to the Compensation which may be offered or which ought to be given by the Persons making such Inclosure, not only as to the Nature and Amount of such Compensation, but as to the Manner in which the same shall be secured, and to sign the Agreement for that Purpose; but no such Agreement shall be valid if entered into by any Person having a limited Interest only, or by any Incumbent of a Benefice, without the Consent of the same Persons and to be testified in the same Manner as is herein-before required in the Case of such Persons being respectively Parties to any Agreement for Inclosure: Provided always, that in case such Compensation or any Part thereof shall be agreed to be paid in Money, and such Money shall belong to any Persons who in the said first-recited Act are mentioned or described as Persons incapacitated to receive the same, then such Money shall be paid and applied in such and the same Manner as Money belonging to such Persons is directed to be applied under the Provisions of the said first-recited Act.

Persons having Objections to such Inclosure to deposit them with the Clerk of the Peace within Six Months;

XLIII. And be it further enacted, That whenever any Agreement for Compensation may or may not have been entered into, and notwithstanding any such Agreement, if any Person interested in any such Inclosure, other than a Person who may have signed such Agreement or otherwise consented thereto, shall object to such Inclosure, or to the Nature or Amount of any Compensation which may be offered, or to the Manner in which such Compensation may be proposed to be secured, or on account of there not having been any Compensation offered, it shall be lawful for him to state such Objection in Writing, and to deposit the same with the Clerk of the Peace at any Time within Six Calendar Months from the Expiration of the aforesaid Notices of the Deposit of such Schedule; and such Schedule and Copy of Limitations, and every Statement and Document annexed to such Schedule, and every Statement of Objection which may be so deposited, shall be open to the Inspection of any Person interested, and the Deposit of such Statement of Objections in manner aforesaid shall be deemed and taken to be a sufficient Notice to all Persons interested in such Inclosure.

to be open to Inspection.

Clerk of the Peace to lay the Schedule, &c. before the Justices at Quarter Sessions, who shall hear and determine upon such Objections.

XLIV. And be it further enacted, That the Clerk of the Peace shall cause the Schedule and Statement of Objections, and all other Papers relating thereto, and which shall have been so deposited with him, to be laid before the Justices at the General Quarter Sessions of the Peace, or at some adjourned Meeting thereof, which shall be held not earlier than Twenty-eight Days next after the Deposit of such Objections, in and for the County, Riding, or Division wherein the Lands proposed to be inclosed, or the greater Part thereof, shall be situate; and all such Objections shall be heard and determined by the said Justices in manner herein-after provided.

Persons interested in Allotments may sell the same before the Award; and Commissioners

XLV. And be it further enacted, That it shall and may be lawful for any Person or Persons interested in the said Allotments at any Time to mortgage, sell, demise, or dispose of all such Estate, Right, Title, Interest, and Property which he, she, or they shall then have in or to the said Open and Common Arable, Meadow, or Pasture Lands

Lands or Fields (or any one of them), and of the Allotments set out in lieu thereof before the Execution of the Award of the said Commissioner or Commissioners; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the Conveyance or other Instrument by which such Sale or Disposition is confirmed being produced to them, and the Execution thereof proved to their Satisfaction, to allot the same to the Purchaser or Purchasers thereof respectively; and if not so allotted such Conveyance or other Instrument shall be valid and effectual in Law, notwithstanding it may have been so made before the Execution of the said Award.

may allot them to the Purchasers.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioner or Commissioners, in case he or they shall be requested by Writing under the Hand or Hands of any Person or Persons being Tenant for Life, or other Person being in Possession of, but not having the absolute Estate or Interest in, any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any Part or Parts of the Allotment or Allotments belonging to such Person or Persons, for the Purpose of defraying his, her, or their Shares of the Costs, Charges, and Expences of putting into execution this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third, and the Expences of fencing, ditching, subdividing, and inclosing such Allotment or Allotments; and the said Commissioners shall accordingly sell such Part or Parts of such Allotment or Allotments, either by private Contract or public Auction, as they shall think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such Purchaser or Purchasers by any Deed under their Hands and Seals; and the Receipt of the said Commissioners for such Money shall be a full and complete Discharge to such Purchaser or Purchasers for such Purchase Money; and the said Commissioners shall apply the Purchase Money in or towards the Payment of such Expences, and in fencing, ditching, subdividing, and inclosing the said Allotment or Allotments respectively, and not otherwise; but such Purchaser or Purchasers shall not be liable to see to the Necessity or Expediency of such Sale, nor be answerable nor accountable for the Misapplication of such Purchase Money; and upon the Payment of such Purchase Money or Purchase Monies into the Hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall immediately thereupon be vested in Fee Simple in Possession (if such Allotment or Allotments is or are made in right of Freehold) in the Purchaser or Purchasers thereof, and the same shall be thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private Property, and shall be allotted accordingly by the said Commissioner or Commissioners.

Tenants for Life empowered to sell Part of their Allotments to defray Expences.

XLVII. Provided always, and be it further enacted, That where any Allotment or Allotments so to be made to any Person or Persons being Tenant for Life or in Tail, or other Person being in Possession, but not having the absolute Estate or Interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same Uses, shall be situated partly in one and partly in another Parish or Township, or Place, it shall and may

When Allotments to a Tenant for Life are in different Parishes, Commissioners may sell the Land in one Parish to defray Ex-

pences attend-  
ing the other  
Portion of the  
Allotment.

be lawful to and for the said Commissioner or Commissioners, in case they shall be requested as last herein-before mentioned, to sell and dispose of, and to convey and assure to the Purchaser or Purchasers thereof, any Part or Parts of the said Allotments belonging to such Person or Persons in any One or more of the said Parishes, Townships, or Places, in manner in that Behalf herein-before mentioned, as well for the Purpose of defraying his, her, or their Share or Shares of the Costs, Charges, and Expences of putting into execution this Act and the said recited Act, and the Expences of fencing, ditching, subdividing, and draining such Allotment or Allotments, in respect of such of the said Lands as are situated in the same Parish wherein the said Allotment or Allotments so sold may be situated, as for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other Township or Place: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons Part of whose Allotment or Allotments may be sold or disposed of would have been empowered and authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the said recited Act or this Act, reckoning Five Pounds for each and every Acre of such Allotment or Allotments.

Proviso.

Not to charge  
Lands with  
Expences unless  
the Sum to  
arise by the  
Sale shall be  
less than 5*l*.  
per Acre.

XLVIII. Provided always, and be it further enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted to charge his, her, or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences, unless the Money to arise by such Sale shall be less than the Sum of Five Pounds *per* Acre; and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Estate or Estates with, or to raise by Mortgage thereof, or other Means or Ways, as mentioned in the said recited Act or this Act, such further Sum of Money as may be necessary for the Payment of the Expences of executing this Act, and subdividing the said Allotments, as, together with the Value of the Lands so deducted, shall not exceed the Amount that might be borrowed and charged on the Lands to be divided and allotted at the Rate of Five Pounds for each and every Acre.

For Payment of  
Expences of  
measuring,  
dividing, allot-  
ting, and inclos-  
ing Open and  
CommonLands.

XLIX. And be it further enacted, That the Charges and Expences of surveying, valuing, planning, measuring, dividing, and allotting the said Open and Common Arable, Meadow, or Pasture Lands or Fields hereby authorized to be divided, allotted, and inclosed, and of fencing the Lands of the Persons from whom a Deduction of Land shall be made as herein-before directed, and also the Expences of preparing and enrolling the Awards of and the Allowances and Payments to be made to the said Commissioner or Commissioners, Umpire, and Surveyors respectively, as herein-before directed, and all other Charges and Expences incident to or attending the carrying this Act into execution, shall be paid, borne, and defrayed by all the Proprietors of the Lands and Hereditaments so authorized to be divided, allotted, and inclosed, or exchanged, in such Proportions as the said Commissioner or Commissioners shall settle, adjust, and determine, to be paid at such Time or Times and to such Person or Persons as they the  
said

said Commissioner or Commissioners shall order and direct; Notice thereof in Writing under their Hands being given Thirty Days before the Time such Payment shall be required: Provided always, that in case any Number of Persons whose Allotments shall not exceed Two Acres respectively shall have required their Allotments to be thrown together as aforesaid, such Persons shall not be liable to pay, bear, or defray any Part of the Charges and Expences as aforesaid: Provided also, that it shall be lawful for Four Fifths in Number and Value of the Proprietors and Persons interested as aforesaid, at any Meeting to be held as hereinbefore is mentioned, to agree that any Persons whose Allotments shall not exceed Five Acres respectively shall not be liable to pay, bear, or defray any Part of the Charges and Expences aforesaid, and such Persons shall by virtue of such Agreement be exempt from all Liability thereto.

L. And be it further enacted, That once at least in every Year, to be computed from the first Appointment of such respective Commissioner or Commissioners, the Accounts of the said Commissioner, Commissioner, or Umpire, containing a true Statement of all and every Sum and Sums of Money by them received and expended, or due to them for their Trouble and Expence in the Execution of this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George the Third*, until such Account shall be finally settled, shall, together with the Vouchers relating to the same, be by them laid before Three of His Majesty's Justices of the Peace for the County in which the Lands to be inclosed, or the greater Part of them, shall be situated, to be by them examined and balanced; and such Balance shall be stated in the Books of Account to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be so allowed: Provided also, that it shall not be lawful for the Commissioners to be appointed in pursuance of this Act, or any of them, to retain or pay to themselves or Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of any Inclosure to be effected under this Act, any Sum or Sums of Money on account of any Allowance hereinbefore directed to be made to such Commissioners and Clerk respectively beyond One Third of such Allowance as they shall respectively be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Delivery of the Award hereby directed to be made in the Church of the Parish in which the Lands inclosed may be situate.

Commissioners  
to account.

LI. And be it further enacted, That the said Commissioner or Commissioners shall make and execute Awards, with Maps or Plans thereto annexed, and shall cause the same to be enrolled in manner as directed by the said recited Act; and such Awards shall be deposited in the respective Parish Churches of the Parishes wherein the Lands so to be allotted and inclosed, or the greater Part thereof, are situated.

Awards.

LII. And be it further enacted, That all and every the Clauses, Provisions, and Enactments contained in the said Act of the Forty-first Year of the Reign of King *George the Third* and of the First Year of the Reign of King *George the Fourth*, or such

Provisions of  
recited Acts,  
where not  
altered or re-  
pealed, extended  
to this Act.

of them as are applicable to and consistent with the Purposes and Object of this Act, shall and may be in full Force and Effect for carrying into effect the Allotments, Division, Inclosures, and Exchanges hereby authorized to be made, as fully and effectually as if such Clauses, Provisions, and Enactments had been herein repeated and re-enacted, and had been made Part of this Act, with such Alterations and Variations as would adapt them and render them applicable to the Objects and Purposes of this Act.

Appeal to Quarter Sessions where Parties think themselves aggrieved.

LIII. And be it further enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act or the said recited Act (except in Cases where the Things so done are herein or by the said Act of the Forty-first Year of His late Majesty King *George* the Third declared to be final, binding, and conclusive,) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the County, Riding, or Division wherein the Lands, or the greater Part thereof, in respect of which the Matter of Complaint may arise, shall be situated, or any Adjournment thereof, within Six Calendar Months next after the Cause of Complaint shall have arisen, first giving or causing to be given Twenty-eight Days Notice thereof in Writing to the said Commissioner or Commissioners, or One of them, or to the Parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any Adjournment thereof, are hereby authorized and required to hear and determine the Matter of every such Appeal, and shall also hear and determine any Appeal against the Sum agreed to be paid to any Commissioner or Surveyor, or against the Adoption of any Plan, Map, Admeasurement, or Valuation, or against any Rules, Conditions, and Principles which may have been agreed upon in manner aforesaid for the Guidance of the Commissioner or Commissioners or Umpire in making Allotments, and shall also hear and determine all Objections (if any) which may have been made in manner aforesaid to any Inclosure without the Assistance of Commissioners, or to the Nature or Amount of the Compensation which may have been offered, or to the Manner in which the same may have been proposed to be secured, or on account of there not having been any Compensation offered, and to make such Order in every such Case respectively, and to award such Costs, as to them in their Discretion shall seem meet, and by their Warrant to levy the Costs awarded by Distress and Sale of the Goods and Chattels of the Parties respectively adjudged to pay the same, rendering the Overplus (if any) to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and every Determination of the said Justices shall be final and conclusive on all Parties concerned; and no such Complaint, Appeal, or Proceeding shall be removed or removeable by Certiorari or any other Writ or Proceeding whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

LIV. Pro-

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall in any Case authorize the Inclosure of any Waste whatsoever, whether the Soil thereof shall or shall not be vested in the Lord of any Manor, and whether with or without the Assent of the Lord of such Manor; nor shall any thing in this Act contained prejudice, lessen, or defeat the Right, Title, or Interest of the respective Lords for the Time being of any such Manors in or to any of the Royalties or Seignories, Fisheries, Manorial and other Rights, Customs, and Services incident or belonging to the said respective Manors or any of them; but that such respective Lords, and all and every Person and Persons claiming in Trust for him or them as such respective Lords for the Time being of the said several and respective Manors, shall and may at all Times for ever hereafter have, hold, receive, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Fines, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, and Forfeitures, Privileges and Jurisdictions of their several and respective Manors, to the respective Lords thereof, or any Person or Persons claiming under him or them, incident, belonging, or appertaining, except in respect of any Land or Estate for which Compensation is herein-before authorized to be made, in as full, ample, and beneficial Manner to all Intents and Purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

Act not to affect Rights of Lords of Manors.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Inclosure of any Open or Common Arable Fields, or of any Open or Common Meadow or Pasture Lands or Fields, situate and being within Ten Miles of the City of *London*, or of any Open or Common Meadow or Pasture Lands or Fields situate and being within One Mile of any City or Town of Five thousand Inhabitants, or within One Mile and a Half of any City or Town of Fifteen thousand Inhabitants, or within Two Miles of any City or Town of Thirty thousand Inhabitants, or within Two Miles and a Half of any City or Town of Seventy thousand Inhabitants, or within Three Miles of any City or Town of One hundred thousand Inhabitants; provided that in all Cases the Number of such Inhabitants shall be ascertained by the then last Parliamentary Census thereof, and that such Distance shall be measured in a direct Line from the Town Hall, if there shall be any Town Hall, or if there shall be no such Town Hall then from the Cathedral or Church, if there shall be only One Church, or if there shall be more Churches than One then from the principal Market Place of any such City or Town.

Act not to authorize the Inclosure of any Open or Common Fields within certain Distances of large Towns.

LVI. And be it further enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in the Construction of this Act, except when the Nature of the Provision or the Context of the Act exclude such Construction, be interpreted as follows; (that is to say,) the Words "Proprietor," "Owner," and "Person" shall respectively extend as well to an Individual as to a Body Politic, Corporate, or Collegiate, and to a Corporation as well Aggregate as Sole, whether such Corporation be Eleemosynary or Civil, Ecclesiastical or Lay; the Word "Benefice" shall

Meaning of certain Words in this Act.

shall extend to and be taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries and Churches, and Chapels having a District assigned thereto; the Word "Tithes" shall extend to any Rent-charge or Payment in lieu of Tithe; the Word "Land" shall extend to every Species of Land, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold, or Customary, or held by any other Tenure, and as well to One Piece or Parcel as to any Number of Pieces or Parcels of Land; the Word "Parish" shall be construed to include any Parish, Township, Liberty, Precinct, Vill, Village, Hamlet, Tithing, Chapelry, or any other Place or Division or District of a Place, whether Parochial or Extra-parochial; 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.

Saving the Rights of His Majesty in respect of the Duchy of Cornwall, or of the Duke of Cornwall for the Time being.

LVII. Provided further, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, or derogate from the Estate, Right, Title, Interests, Privileges, or Authority of the King's most Excellent Majesty, His Heirs and Successors, in right or in respect of His Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, or to authorize, sanction, or permit the Inclosure of any Lands, Grounds, Tenements, or Hereditaments whatsoever, or give any Right or Title whatsoever to any Encroachment or Intake heretofore made thereupon, or otherwise affect any Lands, Grounds, Tenements, or Hereditaments whatsoever belonging to or held of or being within and forming Part and Parcel of any Manor, Messuage, or Tenement, Open Field, Pasture, Common, or other Land or Ground whatsoever, or any Advowson, Rectory, or Vicarage, Parcel of the Possessions of the Duchy of *Cornwall*, or wherein or whereunto, or over, upon, or with reference whereto, His Majesty, in respect of His said Duchy of *Cornwall*, or the Duke of *Cornwall* for the Time being, may have or claim to have any Estate, Right, Title, or Interest whatsoever, nor at any Time or Times be admitted in any Court of Law or Equity or otherwise considered as Evidence upon any Occasion to affect in any Manner His Majesty, His Heirs and Successors, in right or in respect of His said Duchy of *Cornwall*, or the Duke of *Cornwall* for the Time being.

Saving as to the Duchy of Lancaster.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Inclosure of any Open Lands in, to, or over which His Majesty, in right of His Crown or of His Duchy of *Lancaster* has or may have or claim to be entitled to any Estate, Right, Title, or Interest whatsoever.

General Saving.

LIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, his, her, or their respective Heirs, Successors, Executors, and Administrators, (other than and except the Persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made to them in respect of such Right, and except such other Rights and Interests as the Intents and Purposes hereby authorized shall absolutely require to be barred, destroyed, or extinguished



extinguished by this Act, and all Persons respectively claiming under them or in Remainder after them,) all such Estate, Right, Title, Interest, Claim, and Demand as they, every or any of them, had or enjoyed of, in, to, or out of the said Open and Common Arable, Meadow, or Pasture Lands or Fields hereby authorized to be divided, allotted, and inclosed, before the passing of this Act, or the carrying the Powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the Powers thereof had not been carried into execution.

### C A P. CXVI.

An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*.

[20th August 1836.]

‘ **W**HEREAS the Laws heretofore made and in force in *Ireland* for the Purpose of regulating the Fiscal Powers of Grand Juries have become obscure and complicated from their Multiplicity, and their Provisions have been found in many respects insufficient, and it is expedient, with a view to secure the better Execution of Public Works, and facilitate the Transaction of local Business, that the said Laws should be consolidated and amended, and that a uniform System of raising Money by Presentment of Grand Juries should be established in all Counties in *Ireland*, whether Counties at large, Counties of Cities, or Counties of Towns:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury of any County, County of a City, or County of a Town, except the County and City of *Dublin*, at any Assizes to make any Presentment (save and except in the Cases hereinafter specially reserved and excepted) for the Execution of any Public Work whatsoever, or for raising any Money, unless under the Authority and by virtue of the Provisions of this Act.

All Presentments to be made under this Act.

II. ‘ And whereas an Act of Parliament was made and passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering more effectual the Laws for preventing Encroachments and the committing of Waste on Commons in this Kingdom*, whereby the Grand Jury of any County in *Ireland* in which there is a Common consisting of not less than Two thousand Acres of Land is empowered to appoint an Inspector of such Common, and such Inspector is empowered to appoint Sub-Inspectors as therein mentioned, and the Grand Jury is also empowered to appoint yearly Salaries to such Inspector and Sub-Inspectors, and in order to raise a Sum sufficient for that Purpose yearly at the Assizes for the County to present such Sum to be raised off the Occupiers of the Land surrounding such Common and mearing therewith or fronting to the same as shall be necessary for the Purpose aforesaid, and not exceeding the Rate in the said Act mentioned: And whereas it is expedient that the said last-mentioned Act should be repealed;’ be it therefore

The Act 36 G. 3. (I.) repealed after 1st Feb. 1837, and all Appointments of Inspectors of Commons, &c. made under that Act to cease.

therefore enacted, That from and after the First Day of *February* One thousand eight hundred and thirty-seven the said Act of the Parliament of *Ireland* passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby repealed; and that from and after the said First Day of *February* One thousand eight hundred and thirty-seven all Appointments of Inspectors, Sub-Inspectors, and other Officers already made or in the meantime to be made by or under the Authority of such last-mentioned Act, and the Offices, Powers, and Authorities of all such Inspectors, Sub-Inspectors, and other Officers respectively, and all Salaries or other Allowances to such Inspectors, Sub-Inspectors, and other Officers respectively, shall cease and determine.

Explanation of Terms.

III. And be it enacted, That in the Construction of this Act the Word "Lord Lieutenant of *Ireland*" shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and every Half Barony shall be considered and deemed a Barony; and wherever the Word "County" shall occur the same shall be deemed and taken to include and import any County at large, or County of a City, or County of a Town and City, or City or Town and County; and wherever the Word "Assizes" shall occur in this Act it shall be deemed and taken to include and import "Presenting Term;" and whenever in this Act any Authority is given to, or any Duty is directed to be performed by, any Judge of Assize, such Authority shall be understood as given to, and such Duty as directed to be performed by, the Justices of the King's Bench in *Dublin* in any Presenting Term; and every Word importing the Singular Number shall extend and be applied to several Persons, Animals, or Things as well as to one Person, Animal, or Thing; and every Word importing the Masculine Gender shall extend and be applied to a Female as well as to a Male, unless the contrary thereof shall be expressed, or that any such Construction as aforesaid shall be inconsistent with or repugnant to the Context.

Justices to hold Presentment Sessions for the Purposes of this Act at the Times and Places appointed by the Grand Jury.

IV. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful to and for every Justice of the Peace in and for any County, County of a City, County of a Town, or City and County in *Ireland*, not being a Stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble, from Time to Time, and with the Cess Payers associated with them as herein-after appointed, to hold a Special or Presentment Sessions for the Purposes of this Act, in such Place and Places and at such Time and Times, within any and every such County, as the Grand Jury of the same shall have appointed pursuant to the Provisions herein-after following.

Grand Juries at Assizes to fix Times and Places for Presentment Sessions; and may direct what Number of Copies of Applications shall be printed and distributed.

V. And be it enacted, That it shall be lawful for the several Grand Juries in every County in *Ireland*, and they are hereby required, at each Assizes to appoint, by Presentment, certain Places within their respective Counties (*videlicet*, One in each Barony or Half Barony,) where, and certain Times when, Presentment Sessions shall be successively holden previous to the next Assizes for such Counties respectively for the Purposes of this Act, as herein-after set forth; and such Presentment shall appoint the Hours of the Day between which such Sessions shall be respectively holden; and such

such Presentment shall appoint the last Meeting of such Sessions to be holden at the County Court House; and it shall also be lawful for the Grand Jury at every such Assizes to direct, by Presentment, what Number of Copies of the Schedules of Applications to be made at each such Sessions shall be printed and distributed by the Secretary of the Grand Jury.

VI. And be it enacted, That the Grand Jury for each County of a City or County of a Town shall appoint One such Presentment Sessions to be holden in the same for the Purposes aforesaid; and all Applications for Works, the Expences whereof are to be levied off such County of a City or Town, shall be made thereat.

VII. And, for the Purpose of enabling the Grand Jury to prepare such List of Cess Payers as herein-after mentioned, be it further enacted, That every High Constable or other Collector of Money levied by Grand Jury Presentment shall, on the Day when the Grand Jury shall be first impannelled at each Assizes, deliver to the Secretary of the Grand Jury a Return of the Names and Places of Residence of the One hundred Persons, being Males of full Age, if so many there be, and if not, then of the whole Number of Persons resident or in actual Occupation of Lands and Tenements in each County of a Town, County of a City, or Barony, who, not being in Holy Orders nor any Minister of Religion, and not being Justices of the Peace, shall have been charged with and shall have paid for Land actually occupied by them the highest Sum or Sums for Grand Jury Rates or Cess for and in respect of any Lands in such County of a Town, County of a City, or Barony, under the last previous Applotment, and that in such List he shall set forth the Sum so paid by each such Cess Payer respectively, and shall classify them according to the Amount paid by each, and that the Secretary shall immediately lay such Return before the Grand Jury.

VIII. And be it enacted, That every such Grand Jury as aforesaid shall at each Assizes fix and determine the Number of Persons, not being more than Twelve nor less than Five, proper, with reference to the Extent and Circumstances of each County of a City, County of a Town, or Barony, to be associated with the Justices at the Presentment Sessions to be holden therein for the Purposes of this Act, and shall from the Return aforesaid make out a List of Double the Number so determined upon of Persons, with their Additions and Abode, who being Males of full Age resident and in actual Occupation of Lands or Tenements within such County of a City, County of a Town, or Barony respectively, shall according to the Return aforesaid have paid the highest Sum or Sums for Grand Jury Rates under the last previous Applotment in each such County of a City, County of a Town, or Barony respectively; and the Secretary of the Grand Jury shall deliver or cause to be delivered to each of the Persons included in such List a Copy thereof, and shall also deliver a Copy thereof to the Justices assembled at each Presentment Sessions to be held under the Provisions of this Act: Provided always, that at every Assizes after the passing of this Act, except the first Assizes, the Grand Jury shall before they shall make out such List strike out of the Return aforesaid the Names of One Half of the Persons whose Names appeared on the List made at the then preceding Assizes, selecting in the first instance

Only One such Sessions in Cities and Towns.

Collectors to make Returns of Cess Payers for Grand Jury.

Grand Jury to fix the Number of Cess Payers to be associated with the Justices for the Purposes of this Act.

Proviso.

instance the Names of the Cess Payers who were associated and acted with the Justices at the Presenting Sessions.

Justices to choose a Chairman, and select by Lot the Number of Cess Payers to be associated with them.

IX. And be it enacted, That at every Meeting of such Presentment Sessions the Majority of the Justices then present shall choose One of their Number to preside thereat, and that when only Two Justices shall be present the senior of them shall preside, and that when only One Justice shall be present such Justice preside; and such Chairman shall have in addition to his Vote a casting Voice in case of an Equality of Voices; and immediately after the Appointment of such Chairman, and before entering upon any other Business, the Name of every Person included in the List of Cess Payers made out by the Grand Jury in manner before appointed for each County of a City, County of a Town, or Barony in which such Sessions shall be held, written upon separate Pieces of Parchment or Card as nearly as may be of equal Size, with his respective Additions and Abode, shall be put into a Box, to be, as well as the said Pieces of Card or Parchment, for that Purpose provided by the Secretary of the Grand Jury, and the Chairman appointed to preside at each such Sessions shall in open Court draw out, one after another, such Number of the said Cards or Pieces of Parchment as the said Grand Jury may have fixed and determined to be the proper Number of Cess Payers to be associated with the said Justice or Justices at each such Sessions respectively; and if any of the Men whose Names shall be so drawn shall not appear, then such and so many more of such Cards or Pieces shall be drawn as may be necessary until the Number of Cess Payers appointed as aforesaid to be associated with the said Justice or Justices shall be completed, or until the whole of such Names shall be drawn; and such Number of the said Cess Payers so first drawn and appearing, or such lesser Number of them as shall appear when drawn, shall be associated with the said Justice or Justices, and have and exercise jointly with such Justice or Justices all Power and Authority in the Business of such Sessions: Provided always, that in the Case of any County at large the Cess Payers associated in manner aforesaid with the Justice or Justices at the Presentment Sessions holden in the County Court House shall, save and excepting the Cess Payer selected as herein-after mentioned, have no Voice, Power, or Authority in respect of any Applications the Expence whereof it may be proposed to levy off the County at large, but only in respect of those Applications the Expence whereof it may be proposed to levy off the Barony or Half Barony or Portion thereof wherein such Court House may be situate; and provided also, that in the Case of any County at large, such One of the associated Cess Payers as shall be for that Purpose selected by the Justices and associated Cess Payers at the Presentment Sessions holden in the County Court House, and such One of the associated Cess Payers as shall be for that Purpose selected by the Justices and associated Cess Payers at each of the Baronial Presentment Sessions to be holden in and for each Barony or Half Barony in such County shall be associated with the Justices at the Presentment Sessions holden in the County Court House, and have and exercise jointly with such Justices all such Power and Authority as by this Act conferred upon the Justices and Cess Payers at such Sessions in respect of so much of the Business of such Sessions as shall relate

As to the Powers of the Cess Payers so associated.

to

to the County at large : Provided always, that if none of the Cess Payers named in the List herein-before directed to be made out by the Grand Jury shall attend any Presentment Sessions to be held under this Act it shall be lawful for such Justice or Justices alone to do all Matters and Things authorized by this Act to be done thereat by the Justices and Cess Payers associated in the Business thereof.

In case Cess Payers do not attend, the Justices may act alone.

X. And be it enacted, That every Justice shall previously to acting at any Presentment Sessions make and subscribe in open Court the Declaration marked (A.) in the Schedule (Z.) to this Act annexed; and that every Cess Payer associated with such Justice or Justices in manner aforesaid shall previously to acting at any such Sessions make and subscribe in open Court the Declaration marked (B.) in the Schedule (Z.) to this Act annexed; which said Declarations any one of such Justices or the Secretary of the Grand Jury is hereby authorized and required to administer; and the Chairman at each such Sessions shall and he is hereby required to make out and deliver to the Secretary of the Grand Jury of the same County a List of the Names of all the Justices and Cess Payers who shall have made and subscribed such Declarations respectively at the Sessions where he had presided; and every such Secretary shall from Time to Time without unreasonable Delay, deliver the said List and all the Declarations so made and subscribed to the acting Clerk of the Peace, to be by him preserved among the Records of the same County.

Declarations of Justices and Cess Payers.

XI. And be it enacted, That all Notices required by this Act shall be promulgated by Advertisements affixed on or immediately adjacent to the Doors of every Police Station or Barrack, and at the Places (if any) appointed by the Grand Jury for posting Notices within each Parish, and a Copy thereof shall be delivered to the Clerk of the Petty Sessions of the District off which it is proposed that the larger Portion of the Expence of such Work is to be raised, and to the County Surveyor and Secretary of the Grand Jury; and such Notices shall be affixed and delivered Ten Days previous to the first Day appointed for holding the Presentment Sessions at which the Application for the Work is to be made: Provided always, that when any Application shall be made by any County Surveyor for any Public Work in the Manner herein-after mentioned it shall not be necessary for such County Surveyor to post any Notice of such Application.

Promulgating Notices.

XII. And be it enacted, That all Applications for Works, the Expence whereof it may be by such Applications proposed to levy off the County at large or off the Barony in which the County Court House may be situate, shall be made at the Presentment Sessions to be holden thereat, and all Applications for Works the Expence whereof it may be proposed as aforesaid to levy off any other Barony shall be made at such Presentment Sessions as shall be holden in and for such Barony: Provided always, that all Applications for the Works herein-after mentioned shall, any thing herein-before contained to the contrary notwithstanding, be made at the Presentment Sessions holden for the Barony in which the Works included in such Applications may be locally situate; (that is to say,) all Applications for lowering any Hill or filling up any Hollow, or both, on any public Road, and for making the Road thereon

Application for Works where to be made.

thereon with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet, built of Stones or Bricks or Wood, under or on any such Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or for building or repairing any Wall or Part of a Wall necessary to the Support of or to prevent any steep Banks of Earth from falling upon any such Road, or in erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices or Holes lying on the Side of any public Road, or for maintaining any Dispensary.

Applications for Works to be charged upon Two or more Baronies.

XIII. And be it enacted, That the Applications for any new Works which it is proposed to charge upon Two or more Baronies of any County, but not upon the County at large, shall and may be made at the Presentment Sessions holden for the Barony off which it is proposed that the larger Portion of the Expence of such Work is to be raised, without making the same at the Presentment Sessions for each of such Baronies.

Applications to be lodged with High Constable or Secretary of Grand Jury.

XIV. And be it enacted, That every Application to be made at Presentment Sessions shall be lodged with some High Constable of the County in which such Application is to be made Fifteen Days, or with the Secretary of the Grand Jury Ten Days, at least before the Day appointed for holding of the first Presentment Sessions in such County after any Assizes; and every High Constable with whom any such Applications shall be lodged shall transmit such Applications to the Secretary of the Grand Jury Ten Days before the Day appointed for holding such first Sessions; and such Secretary shall keep an Office open, for the Purpose of receiving such Applications, during Ten Days immediately preceding the last Day upon which such Applications are required to be lodged with the Secretary, and the said Applications shall be open to public Inspection without Fee or Reward; and such Secretary shall, on the Receipt of each Application, indorse or cause to be indorsed thereupon the Time when the same is lodged, and number and arrange all such Applications as the Works therein comprised may be proposed to be defrayed by the County at large or by any Barony thereof, and shall make an Abstract thereof and an Index thereto referring to the Numbers which he shall mark on each Application; and such Secretary shall produce and deliver all the Applications which shall have been lodged with him or delivered at his Office as aforesaid at the Sessions proper as hereinbefore provided for the Consideration of the same, together with the Abstract thereof and the Index thereto.

Secretary to arrange and number them.

County Surveyor may make Application respecting Public Works if none already made.

XV. And be it enacted, That the County Surveyor shall examine all the Applications so lodged with the Secretary of the Grand Jury as aforesaid; and in case no Application shall have been made for the necessary Surface Repairs of any public Road or Footpath, or the keeping open of any Drain adjoining any public Road, or any other public Work which to the said County Surveyor shall appear necessary, it shall be lawful and he is hereby required to make Application for the same in the Manner herein-after appointed at the next Presentment Sessions to be holden for the County or Barony by which the Expence of such Work ought to be defrayed, and it shall not be necessary for the said Surveyor to lodge any Application made by him with the Secretary of the Grand

Grand Jury, but such Application being delivered to the Chairman at such Sessions shall be dealt with thereat in all respects in the same Manner as the other Applications which shall have been lodged with the Secretary of the Grand Jury.

XVI. And be it enacted, That every Application to Presentment Sessions for any Presentment other than for a Public Work shall be made by or on behalf of the Person or Persons requiring such Presentment, and every Application to any such Sessions for any Public Work shall be made by Two Persons paying Grand Jury Cess, or by the County Surveyor; and every Application to Presentment Sessions, whether for a Public Work or any other Purpose whatsoever, shall set out the Title of the Act authorizing such Presentment, with the Year of the King's Reign, Chapter, and Section, as printed by His Majesty's Printer, and shall specify the probable Expence of the proposed Work, and whether the Money proposed to be raised thereunder is to be levied off the County at large or some or what Barony or other Denomination of Land thereof, and shall be made in some one of the Forms marked (A.), (B.), (C.), (D.), and so forth, in the Schedule (X.) to this Act annexed, when any of such Forms shall be found fitting and suitable; and every such Application shall be signed by the Person or Persons by whom the same shall respectively be made with his or their own proper Hands; and it shall not be lawful, save as herein-after provided, for the Secretary of the Grand Jury to receive any Application which shall not have been made in Manner and Form herein appointed.

XVII. And be it enacted, That at each Presentment Sessions to be holden as herein-before provided the Justices and Cess Payers associated in the Business of such Sessions shall take into consideration all such Applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the Notices of all such Applications, when a Notice shall be necessary, and into the Merits of such Applications, and the Conformity thereof with the Provisions of this Act; and the said Justices and Cess Payers shall after such Examination decide by Majority of Voices upon every such Application, and whether the same ought to be adopted or rejected, and whether wholly or in part, or conditionally in the event of the Expence thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper; and if such Justices and Cess Payers shall approve of any proposed Work either wholly or in part, or conditionally, or of any Modification thereof, they shall, save in the Case of Applications herein-after otherwise provided for, direct the County Surveyor to prepare a proper Form of Tender for the Execution of the same, together with such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and, if the Sessions shall so direct, the Quantity *per* Perch and the Description of the Materials proper to be employed in performing and executing the same, and the Term within which such Work ought to be completed, and such other Particulars as the said Justices and Cess Payers shall think fit; and such Chairman shall indorse all Applications accordingly which shall be adopted and approved, and sign his Name thereto, and deliver all such Applications, so indorsed, to the Secretary of the

Manner in which Applications are to be made.

Applications to be decided upon at Sessions.

Justices may direct the Surveyor to prepare Specifications and Forms of Tender.

Chairman to indorse Applications adopted.

Adjourned Sessions for opening Tenders and Proposals.

Proceedings in case the Sessions refuse to approve any Applications for Public Works.

the Grand Jury; and such County Surveyor shall deliver such Form of Tender, Specifications, Maps, Plans, Sections, or Elevations in respect of the Work to which each Application shall relate, as soon thereafter as the same can be conveniently prepared, to the Secretary of the Grand Jury; and the said Justices and Cess Payers shall appoint the Manner in which Notice for the Receipt of Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be received, and shall adjourn such Sessions until some Day previous to the next Assizes, to be then holden for the opening of such sealed Tenders and Proposals, such Day not being later than Thirty Days from the Day of such Adjournment.

XVIII. And be it enacted, That in case the Magistrates and Cess Payers at Two successive Presenting Sessions shall refuse to approve of any Applications made for any Public Work, it shall be lawful for any of the Persons who made Application at such Sessions for such Work to present a Memorial to the Judges of Assize at the Assizes holden for the County in which such Sessions may have been holden, stating such Application and the Disapproval thereof at the Presenting Sessions, and praying that the Judges may direct the Grand Jury to make a Presentment for such Work; and such Memorial shall be lodged with the Secretary of the Grand Jury at least One Month before the first Day of such Assizes, and a Copy thereof shall be served on each of the Chairmen at such Presenting Sessions at least One Month before the first Day of such Assizes, and the Person presenting such Memorial shall also cause to be inserted in some Newspaper published or circulated in the County Notice of his Intention to apply at the Assizes for such Order, and such Notice shall be published at least Three Times before the first Day of such Assizes; and upon Proof that such Memorial and Notices were served and published it shall be lawful for the Judges of Assize, or any of them, to cause a Jury to be impannelled of Persons returned to serve on Juries at said Assizes, to try and inquire whether such Work is a proper one to be executed, and if so to ascertain and state the Expence thereof; and if the Jury shall find that such Work is a proper Work to be executed it shall be lawful for the Judge, if he shall think fit, to direct the Grand Jury to consider such Presentment; and it shall be lawful for the Grand Jury at such Assizes to present that such Work shall be done either for the Sum stated by the Jury to be sufficient for the Execution thereof, or such lesser Sum as they shall think proper, or to refuse to make such Presentment: Provided always, however, that no such Memorial shall be proceeded upon unless the Memorialist shall, at the Time of lodging such Memorial with the Secretary, deposit with him the Sum of Twenty Pounds, as a Security for such Costs and Expences as the Judge shall direct to be paid thereout to any Person or Persons who may appear to oppose such Application, or any Witness summoned to attend on the hearing of the Application.

If it is probable that the Expence of any Work will exceed 100*l.* the opening of the

XIX. And be it enacted, That when the County Surveyor considers it probable that the Expence of any Work will exceed the Sum of One hundred Pounds it shall be lawful for the Justices and Cess Payers at the Presentment Sessions, if they so think fit, to order a Notice for the Receipt of such Tenders to be inserted



in some Newspaper circulating in the District, and to direct that the opening of the Tenders for such Work shall not take place at the adjourned Sessions, but that such Tenders shall be opened by the Grand Jury at the Commencement of the following Assizes, and such Grand Jury shall open such Tenders accordingly, and proceed in all Matters relating thereto in the same Manner as the Justices and Cess Payers at the adjourned Sessions are hereinafter directed to proceed in respect of Tenders and Contracts, and shall afterwards, in due Order, take the Application for such Work into their Consideration, in the same Manner as if the Tenders had been opened at the adjourned Sessions, any thing contained herein to the contrary notwithstanding.

Tenders may be referred to the Grand Jury.

XX. And in order to lessen the Expence of keeping public Roads in repair, and to obviate the Necessity of making frequent Applications to Presentment Sessions therefor, be it further enacted, That whenever any Application shall be made in the Manner herein-before provided for gravelling or repairing with small Stones any public Road, or for keeping open the Drains on the Side of any public Road, or for gravelling or repairing any Footpath on the Sides of any such Road, or for repairing the Battlements of any Bridges upon any such Road, the Justices and Cess Payers associated in the Business of such Sessions shall consider whether it may not be proper to contract for keeping such Road or Footpath in repair, and if they shall be of that Opinion they shall fix and determine the Period, being not more than Seven Years, for which it is expedient that a Contract should be made for that Purpose, and the County Surveyor shall insert such Period in his Specification and Form of Tender for such Works.

Works of Maintenance.

XXI. Provided always, and be it enacted, That in case any Person who shall have signed any Application in pursuance of this Act shall die, or be prevented by Sickness or any unavoidable Necessity from appearing at such Sessions, it shall be lawful for the Justice or Justices and Cess Payers thereat to examine any other Person or Persons who shall have Knowledge of the Matter, and to decide upon such Application; any thing herein contained to the contrary notwithstanding.

Provision in case of Death or Illness of Applicant.

XXII. And be it enacted, That the Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the Specification or Form of Tender for the Execution of any such Work as aforesaid, and the Maps, Plans, Sections, and Elevations belonging thereto, notify by public Advertisement or otherwise in such Manner as the Justices and Cess Payers at such Presentment Sessions shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of such Work during such Period as shall have been appointed by the same Authority for the Reception of the same, and the Time to which such Sessions has adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office; and such Secretary shall accordingly prepare a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same, not exceeding the Sum of Sixpence; and each of such sealed Tenders and Proposals shall contain a

Advertisement for Tenders and Proposals.

Contents of Tenders, &c.

Statement of the lowest Sum for which the Party making such Proposal is willing to contract for the Performance of the Work or Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of not less than Two sufficient Persons willing to be bound, jointly and severally, with him for the due and faithful Performance of the said Contract, within the Time and in the Manner thereby prescribed, in a penal Sum double the Amount of the said Sum mentioned in such Tenders and Proposals, if the said Sum shall not exceed One thousand Pounds, but if such Sum shall exceed One thousand Pounds, then in a penal Sum exceeding the Sum mentioned in such Tenders and Proposals by One thousand Pounds in addition thereto; and all Maps, Plans, Sections, and Specifications relating to any such Work prepared by the County Surveyor shall be open to public Inspection in the Office of such Secretary without Fee or Reward.

At adjourned Sessions Tenders to be opened and Contract entered into with Person making lowest Proposal.

XXIII. And be it enacted, That at the Meeting of each such adjourned Presentment Sessions as aforesaid the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged and with the Seals unbroken, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same Public Work, and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained the Party making such Proposal and his Sureties shall be called; and if the said Party and his Sureties shall appear, and shall satisfy the Justices and Cess Payers at such Sessions, upon Oath or otherwise, of the Sufficiency and Ability of each and every of them to answer and make good the Penalty herein-before specified for the Nonperformance of such Contract, and that such Proposal has not been made for any unfair or fraudulent Purpose, and shall thereupon enter into Security for the due Performance of such Contract, conditioned in such Penalty as aforesaid, such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such Proposal may refer, if the same shall be presented by the Grand Jury; but if the Party making such Proposal and his Sureties shall not appear when called, or shall fail to satisfy the Justices and Cess Payers at such Sessions in any of the Particulars aforesaid, or shall decline to enter into such Security as aforesaid, then and in such Case the Proposal of the Party making default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same Manner, and so on until the said Security shall be entered into and the Contract duly completed: Provided always, that if no Proposal shall be made in respect of any Work within the Time limited for receiving the same, the Application for such Work shall be void and of no effect whatsoever; and provided further, that if the Grand Jury of the County at and for the Assizes then next holden shall not make any Presentment on the Application in respect of which any Contract shall have been made according to

If no Proposal made Application to be void.

If no Presentment made Contract to be void.

to the Provisions herein-after mentioned, then and in such Case such Contract shall be null and void to all Intents and Purposes, any thing herein contained to the contrary notwithstanding.

XXIV. And be it enacted, That such Security so to be entered into by Contractors under this Act and their Sureties shall be a Recognizance to His Majesty, His Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the King's Majesty; and at such adjourned Presentment Sessions any Justices present or the Chairman is hereby authorized to take such Recognizance, and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expence of preparing the same, not exceeding One Shilling, shall be defrayed by the Party or Parties entering thereto; and such Recognizance shall be preserved in Custody of such Secretary until the Condition of such Recognizance shall have been fulfilled, and shall then be delivered up to the Conusee or Conusees therein named, or to any Person by him or them duly authorized, to be cancelled.

Security to be  
by Recognizance  
to the King.

XXV. And be it enacted, That as soon as may be possible after the Presentment Sessions shall have been holden at all the Places and Times appointed therefor in each County, the Secretary of the Grand Jury shall prepare and make Schedules of the Contents of all Applications (save and except the Applications to be certified as herein-after provided), approved of wholly or in part, and which may have been delivered to him for such Purpose by the Chairman at each Sessions, including in One Schedule all such Applications for Works proposed to be charged and raised on the County at large, County of a City, or County of a Town, and in other separate Schedules (*videlicet*, One for each Barony,) all such Applications for Works proposed to be levied upon each Barony, arranging all such Applications in alphabetical Order, and noting on the Face of each Schedule the Particulars of the Decision of the Presentment Sessions on each Application; and such Secretary shall forthwith cause Copies of such Schedules to be printed and distributed in such Manner as shall have been authorized and directed by Grand Jury Presentment at the Assizes immediately preceding; and the said Secretary shall deliver a Copy of such Schedules to each High Sheriff of the County for the Time being, and to each County Surveyor, and shall, on the Day when the Grand Jury shall be next impanelled, as herein-after directed, deliver One Copy of the said printed Schedules, together with the several Applications, and annexed thereto any Specifications, Maps, Plans, Sections, or Elevations of the Works to which such Application shall relate, which shall have been prepared by the County Surveyor, and any Contract which shall have been made for the Performance of such Works, to the Foreman of such Grand Jury, and shall also deliver another Copy of the said Schedules to the Judge of Assize upon his Arrival; and the said Secretary shall keep another Copy of the said Schedule in his Office, for the Inspection of the Public, during Three complete Days at least immediately before the Day when such Grand Jury shall be first impanelled as herein-after provided.

Schedules of  
Applications  
to be prepared  
by Secretary of  
Grand Jury,  
and printed.

XXVI. And be it enacted, That so soon as the Secretary of the Grand Jury of each County shall have made such Schedules, and

Treasurer to  
applot the Sum  
required, and

return the Ap-  
plotment to the  
Grand Jury.

totted up the Amount of the Sums required by the several Applications, with reference to the Contracts relating thereto, to be raised at such Assizes on the County at large, the Treasurer of such County shall apportion the same according to the usual Mode of Assessment on the respective Baronies or Half Baronies; which Apportionment, together with a Copy of the Presentments made at the preceding Assizes, he shall return to the Foreman of the Grand Jury at the Time when they shall be first impannelled as herein-after provided.

Approved Ap-  
plications for  
new Works  
where the Sum  
exceeds 50l. to  
be certified by  
Grand Jury.

XXVII. Provided always, and be it enacted, That if any such Application made at Presentment Sessions as aforesaid shall be for making any new Road, or building any new Bridge, or erecting, enlarging, repairing, rebuilding, or finishing any House or other Building, the probable Expence whereof shall exceed the Sum of Fifty Pounds, and if the Justices and Cess Payers at such Sessions as aforesaid shall approve of such Application, either wholly or in part, or of any Modification thereof, they shall direct the County Surveyor to prepare such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same; and the Chairman of such Sessions shall indorse such Application accordingly, and sign his Name thereto, and deliver such Application so indorsed to the Secretary of the Grand Jury; and such Secretary shall lay each and every such Application before the Grand Jury to be impannelled at the Assizes held next after such Application shall have been approved at such Sessions, to be certified by the Foreman thereof, who shall certify the same accordingly; but it shall not be lawful for the Grand Jury at such first Assizes held after the Presentment Sessions whereat such Applications herein-before described shall have been approved to make any Presentment thereupon.

Sessions holden  
next after the  
Assizes at  
which such  
Application  
shall have been  
certified to  
proceed with  
the same like  
other Appli-  
cations.

XXVIII. And be it enacted, That at the first Meeting of Presentment Sessions to be holden next after the Assizes at which such Application for any of the Purposes last-mentioned shall have been so certified as aforesaid for the same Barony or for the County at large at which such Application shall have been made, the County Surveyor shall lay the Specifications, Maps, Plans, Sections, or Elevations prepared as aforesaid in respect of the same before the Justices and Cess Payers at such Sessions for their Consideration, who shall examine such Specifications, Maps, Plans, Sections, or Elevations, and such other Specifications, Maps, Plans, Sections, or Elevations as may be submitted to them, and shall decide by a Majority of Voices whether the same ought to be adopted or rejected, or what Modification of such Specifications, Maps, Plans, Sections, or Elevations may be proper in respect of each such Application, and shall, if Need be, direct the County Surveyor to alter or modify the same accordingly, and to prepare a proper Form of Tender for the Execution of such Works, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same, and the Term within which such Work shall be completed, and such other Particulars as the said Justices and Cess Payers shall think fit to prescribe, and shall deliver the Specifications, Maps, Plans, Sections, or Elevations which shall be so approved to the Secretary of

of the Grand Jury, and shall appoint the Manner in which Notice for the Receipt of sealed Tenders and Proposals for the Execution of such Work shall be given, and the Period during which they shall be received; and such sealed Tenders and Proposals shall be opened at the first Adjournment of such Sessions to be made for opening sealed Tenders and Proposals; and thereupon such Applications, and such Tenders and Proposals relating thereto, shall be included in the Schedule of Applications to be prepared and laid before the Grand Jury at the then next succeeding Assizes, and shall be subject to such and the like Regulations in all respects as other Applications and other Tenders and Proposals are subject to under the Provisions of this Act.

XXIX. And be it enacted, That every Sheriff, immediately on receiving the Precept appointing the Day for opening the Commission at the next Assizes in his Bailiwick, shall inspect the Schedules to be delivered to him as aforesaid, and confer thereon with the County Surveyor or Surveyors, and thereupon, having regard to the Quantity of Business which it shall appear likely that the Grand Jury may be called upon to transact, shall fix and appoint, for impannelling the Grand Jury under the Provisions of this Act herein after set forth, such Day previous to the Day for opening the Commission of Assize as in his Discretion may seem fit, such previous Day not being more than Five clear Days and not less than One clear Day before the Day appointed for opening the said Commission; and such Sheriff is hereby authorized and required, in manner heretofore practised according to Law for summoning Persons to serve on Grand Juries in *Ireland*, to summon and return a sufficient Number of Persons, qualified according to Law to serve as Grand Jurors in *Ireland*, to attend at the usual Place of holding Assizes upon the Day by such Sheriff so fixed; and the Persons so to be summoned are hereby required to come and appear agreeably to the Exigency of said Summons, under like Penalties and subject to like Forfeiture of Issues as Persons heretofore summoned to appear and serve on Grand Juries at any Assizes throughout *Ireland*, and to serve, under and subject to the like Penalties and Liabilities, until discharged from such Attendance in due Course of Law; and on the Day appointed for such Attendance such Sheriff shall attend with his Sub-Sheriff and Assistants, and shall, or in the necessary Absence of the Sheriff the Under Sheriff shall, proceed to impanel the said Grand Jury in all respects, so far as may be possible, and with like Solemnities, as heretofore practised according to the Law for the impannelling of Grand Juries at the several Assizes in *Ireland*; and the Clerk of the Crown shall attend at the Time and Place aforesaid, and shall in such Manner and Form as hath heretofore been used in the swearing of Grand Jurors administer to each of the Grand Jurors to be impannelled as aforesaid the Oath marked (C.) in the Schedule (Z.) to this Act annexed.

XXX. And it is hereby declared and enacted, That it shall and may be lawful for any Grand Juror impannelled in *Ireland* to disclose any Matter or Thing relative to the making or refusing any Presentment for or concerning Public Works or Monies, or the Expenditure of any Money raised thereby; and that the Oath taken by Grand Jurors in *Ireland*, so far as it regards any Obliga-

The Sheriff to impanel Grand Jury not more than Five nor less than One Day before each Assizes.

Sheriff, &c. to attend and impanel the Jury.

Jurors to be sworn.

The Oath not to bind Grand Jurors to Secrecy.

tion of Secrecy, shall not be construed or held to extend or relate to any of the Functions of Grand Jurors in or concerning such Presentments of Public Works or Monies, or any Fiscal Concerns whatsoever, nor any Office or Function of a Grand Juror other than the Functions of such Grand Juror in Matters of a Criminal Nature.

One Freeholder or Leaseholder from each Barony to be placed upon the Grand Jury Panel.

XXXI. And be it further enacted, That from and after the Commencement of this Act the Sheriff of each County shall in framing the Panel of Persons summoned to serve on the Grand Jury of such County at each Assizes to observe the Rule herein-after following; (that is to say,) he shall place first on such Panel for each Barony or Half Barony in such County (if there shall be Ten or more Baronies or Half Baronies therein) the Name of some Person having in such Barony or Half Barony Freehold Lands of the yearly Value of Fifty Pounds and upwards, or Leasehold Lands of the yearly Value of One hundred Pounds over and above the Amount of Rent payable out of or for such Leasehold Lands; so that as far as can be One fit and competent Person having Lands of the Value aforesaid, and resident in each Barony, if the same can be found therein respectively, shall be placed upon such Panel; and having in such Manner selected such One fit and proper Person for each Barony and Half Barony, or so many as he can so select, the Sheriff shall complete the said Panel in such Manner as now by Law authorized and directed; and the Persons taken from the Panel so framed shall be and constitute the Grand Jury or Inquest of such County, any thing in any Writ, Precept, or Venire facias expressed or directed, or any Law, Statute, Usage, or Custom, to the contrary notwithstanding, and as if such Grand Jury were altogether composed of Freeholders: Provided always, however, that any Presentment or Indictment formed or made by any Grand Jury in *Ireland* shall not be liable to be traversed, quashed, or in any Manner impeached by reason of the Grand Jury not being selected as aforesaid, but any Sheriff who shall wilfully omit or neglect to follow the Rules hereby made for the Selection of the Grand Jury shall be liable, on a Complaint made to the Judge of Assize, to be fined for Breach of the Provisions of this Act such Sum as such Judge shall think proper, in addition to any other Penalty or Punishment to which he may by Law be liable.

Certain County Officers not to serve on Grand Juries at Presentment Sessions.

XXXII. Provided always, and be it enacted, That it shall not be lawful for any stipendiary Magistrate, or the Treasurer of the County, or the Secretary of the Grand Jury, Surveyor or High Constable or Collector of any Barony or Half Barony, or Clerk of the Crown, or Clerk of the Peace, or Coroner of any County, to serve upon the Grand Jury at any Assizes, or to act as Justice or associated Cess Payer at any Presentment Sessions to be holden under the Provisions of this Act for the County wherein he shall hold such Office.

Grand Jury so impanelled to be the Grand Inquest of the County.

XXXIII. And be it enacted, That the said Grand Jury so impanelled as aforesaid shall be and be deemed to all Intents and Purposes to be, and shall constitute, the Grand Inquest of the same County at and for the Assizes then to be holden, and shall, save as herein-after otherwise provided, perform and discharge, and be bound to perform and discharge, all the Duties, Offices, and Functions which any such Grand Jury might have performed and discharged

charged or would have been bound to perform and discharge if the same were impannelled before the Judge of Assize in manner heretofore practised according to Law, and subject to the like Forfeitures, Penalties, and Liabilities, and shall possess and exercise all and every the Powers, Privileges, and Authorities which Grand Juries impannelled before the Judge of Assize in manner hitherto accustomed have possessed and exercised or ought to possess or exercise under and by virtue of the Laws in force in *Ireland*, save as may be by this Act otherwise provided; and such Grand Jury shall not depart, save in case of Adjournment as herein-after mentioned, until discharged by the Judge of Assize; and the Assizes of each County shall, for the Purposes of this Act, but only as respects Matters connected with Presentments for raising or accounting for or paying Money or relating to Public Works, be deemed to commence from the impannelling of such Grand Jury as aforesaid.

XXXIV. And be it enacted, That the Grand Jury impannelled as aforesaid shall not be competent to receive any Bill of Indictment, or to present any Nuisance or Offence, or to enter upon any Criminal Business whatsoever, or to perform any Functions appertaining to Grand Jurors, other than those relating to Presentments for raising Money or accounting therefor, or Public Works, or the general Fiscal Concerns of the County, until the Judge of Assize shall open the Commission; and the whole of such Fiscal Business shall be concluded by such Grand Jury at or before the opening of such Commission; and all the Presentments for raising Money, or any how respecting Public Works, shall be delivered to the Clerk of the Crown at or before such Time, save as herein-after provided; and after opening such Commission with the accustomed Formalities the Judge of Assize shall at the usual Time direct the Grand Jury to attend in Court, and cause to be administered, in Manner and Form heretofore practised according to Law, to each of the Persons composing the same, such Oath as has been or ought to have been heretofore administered to such Persons by such Judge or Justices; and the said Grand Jury shall then and thereupon be and become to all Intents and Purposes fully competent to the Exercise of all Functions of Grand Jurors whatsoever, save the making any Presentment for raising Money, or respecting Public Works, or such other Business of a Fiscal Nature as has been herein-before directed to be concluded before opening the Commission, or the first Day of such Term, as aforesaid.

XXXV. Provided always, and be it enacted, That it shall and may be lawful for such Judge, upon a special Application to be to him or them for that Purpose made by the Grand Jury or otherwise, and upon Cause shown for granting the same, to order and direct that the Grand Jury shall and may transact, after and notwithstanding the Commission shall have been opened, any such Matter relating to Presentments for raising or accounting for Money or Public Works, or the Fiscal Concerns of the County, as may be stated in such Application; and by force of such Order such Grand Jury shall be and become competent to transact the same, any thing herein-before contained to the contrary notwithstanding; and provided further, that it shall and may be lawful for any Grand Jury, at each and every Assizes, to present at any Time before they are discharged such Sum or Sums of Money as shall be ordered by

Grand Jury not to enter on Criminal Business until Commission is opened; and the Fiscal Business to be concluded before the opening of the Commission;

except in case of special Application made to Judge of Assize upon Cause shown;

and in presenting for Expences of Witnesses.

the Court to be paid to Witnesses for their Expences as by this Act herein-after directed.

Grand Jury to be called over at stated Times by Foreman.

XXXVI. And be it enacted, That each Grand Jury shall, for the whole Period during which they shall sit, be called over each Morning at sitting by the Foreman of such Jury, and at all other Times when the Number of Grand Jurors present shall be less than by Law required for the Performance of the Functions of a Grand Jury; and any Grand Juror who shall make default in his Attendance at any of such Times shall for every such Default incur a Penalty of Forty Shillings, and such Default shall be reported by the Foreman to the Judge of Assize; and unless the same shall be excused on the Ground of Illness, or other good and substantial Reason to the Satisfaction of such Judge, such Fine and Penalty shall be by the said Judge confirmed and declared absolute, and recovered and applied in the same Manner as Fines and Penalties imposed on Jurors for any Defaults or Misbehaviour may now by Law be recovered and applied; and if the Foreman shall fail to call over the Jury at the Times herein-before appointed, or to report the Absence of any Juror upon such Call, he shall incur a Penalty of Ten Pounds for each such Default, to be in like Manner recovered and applied; provided that nothing herein contained shall limit or affect the Authority of any Judge to enforce the Attendance of any Grand Juror as such Judge may now enforce such Attendance.

Penalty for Default of Attendance.

Penalty for Neglect of Foreman.

Grand Jury, as soon as impannelled, to proceed with Fiscal Business, and to make or refuse Presentments on all Applications approved by Presentment Sessions.

XXXVII. And be it enacted, That the Grand Jury shall, upon being impannelled and sworn before the Sheriff as aforesaid, forthwith proceed to transact in open Court all such Business relating to Presentments for raising Money, Public Works, Contracts, and the Fiscal Concerns of the County as may be appointed for them, and to consider and decide upon all Applications which shall be made for Presentments as herein-before provided, in the Order in which the same shall be entered in the Schedules thereof to be prepared as aforesaid, beginning with the Applications for Works to be defrayed by the County at large, and examining all Maps, Plans, Estimates, and Specifications relating to each Application; and the said Grand Jury shall be attended by their Secretary, and by the County Surveyor or Surveyors, and shall hear and receive and direct to be read aloud in open Court the several Reports and Certificates of such Surveyor or Surveyors, and shall have Power and Authority, at their Discretion, to receive and obtain all legal and pertinent Evidence which shall be tendered to them for or against the making any Presentment or in anywise relating thereto, or concerning any Public Work or the Execution of the same, if made wholly or in part at the Expence of the County or any Portion of the County, or any Contract of or in respect of any of the Matters aforesaid; and the said Grand Jury shall sit *de Die in Diem* until all the Business which may come before them of the Nature hereby directed to be despatched before the opening the Commission shall be concluded, or until the Day appointed for opening the Commission, or the first Day of such Term, shall arrive; and if the whole of such Business shall be concluded before such Day, then the said Grand Jury may adjourn to such Day; and every such Grand Juror who shall not attend pursuant to such Adjournment shall be fined by the Judge of Assize for such



such Non-attendance in any Sum not exceeding the Sum of Fifty Pounds, at the Discretion of the said Judge.

XXXVIII. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury, any Law, Usage, or Custom to the contrary notwithstanding, to make a Presentment for any Public Work whatsoever, or for raising any Money, for which an Application shall not have been made and approved at Sessions, either wholly or in part, as herein-before provided, save and except such Presentments as may be herein specially excepted, and also save and except such Presentments as may be necessary for the immediate Repairs of sudden Breaches or Damages in Roads, Bridges, Gulleys, Walls, or Buildings which have happened so recently as not to admit of the proper Application having been made in manner before provided, which Fact, together with the Necessity for the immediate Execution of such Repairs, shall be proved before the Grand Jury upon Oath; and in such Case, although such Application as aforesaid shall not have been lodged or approved as aforesaid, such Grand Jury shall nevertheless have Power and Authority to present for such Repairs any Sum of Money in such Case necessary, to be paid to the County Surveyor, or to be by him expended, or so much thereof as may be necessary, upon such Repairs, and accounted for at the next Assizes by such Surveyor upon Oath; and the Treasurer of the County shall, out of any Monies in his Hands available to the general Purposes of the County, advance to such Surveyor from Time to Time the Monies, not exceeding the Sum presented for such Repairs, which may be required therefor; and such Monies so advanced shall be replaced by the Monies raised and levied under the Presentment which the Grand Jury have been herein-before authorized to make for such Purpose.

Grand Jury not to make any Presentment unless Application approved at Presentment Sessions.

XXXIX. And be it enacted, That the Lord Lieutenant of *Ireland* shall from Time to Time appoint a Board of Three Civil or Military Engineers to act, without Salary or Emolument, in *Dublin*, who shall from Time to Time examine into and certify the Qualifications of all Persons desirous to act as Surveyors or Assistant Surveyors under this Act; and such Lord Lieutenant shall appoint from Time to Time, out of the Persons so certified, One or more Surveyor or Surveyors to act, at the Salary or Salaries herein-after provided, for each County; and it shall be lawful for the said Lord Lieutenant from Time to Time, at his Pleasure, to remove such Surveyors from County to County.

Appointment of County Surveyors.

XL. And be it enacted, That all Surveyors already appointed under the Law now in force, or who may hereafter be appointed under this Act, for any County, may be at any Time suspended or dismissed at the Pleasure of the Lord Lieutenant of *Ireland* or by the respective Grand Juries of such Counties; and in such Case, and on every other Vacancy, however occasioned, the said Lord Lieutenant of *Ireland* shall forthwith appoint a Successor from and out of the Persons who shall be from Time to Time certified to be qualified as aforesaid; provided that in case of Indisposition, or other unavoidable Cause, proved on Oath to the Satisfaction of the Grand Jury or any Three Justices of the Peace, such Surveyor may depute another Person, duly certified

Surveyors liable to be dismissed.

Surveyors may appoint Deputies in case of Illness.

as

as herein-before mentioned, to act for him, and such Deputy shall be removeable in like Manner as his Principal.

Salaries of  
County Sur-  
veyors.

XXI. And be it enacted, That the Salary of each Surveyor now appointed or hereafter to be appointed as aforesaid shall not exceed Three hundred Pounds *per Annum*, and such Salary shall, except as herein-after provided, be inclusive of all Charges and Expences which each such Surveyor shall incur, or to which he shall be liable in performance of the several Duties to him prescribed under the Provisions of this Act; and each Grand Jury is hereby authorized and required to fix the Amount of such Salary for its own proper County, not exceeding the Sum herein-before mentioned, and at each Assizes to present a Moiety of the Salary or Salaries of each Surveyor or Surveyors for such County for the Half Year last past, and Payment of the same shall be made accordingly: Provided nevertheless, that in case the Grand Jury at any Assizes shall be of opinion that any Surveyor has been guilty of Neglect of his Duty, or other Misconduct, such Grand Jury shall have Authority to direct the Salary of the Surveyor so neglecting his Duty or misconducting himself to be withheld, and shall report such Neglect or Misconduct to the said Lord Lieutenant of *Ireland*; and if the said Surveyor shall be, upon such Report, or at any Time in any other Manner or for any other Reason, dismissed from his Office, he shall forfeit, at the Discretion of the Lord Lieutenant, the Whole or any Part of the Arrears of Salary due to him, and the same shall be applicable to the general Purposes of the County, in like Manner as other Monies from Time to Time levied off such County and arising in the Hands of the Treasurer.

Duties of  
County Sur-  
veyors.

XLII. And be it enacted, That the Surveyor or Surveyors to be appointed as aforesaid shall attend at each Presentment Sessions to be held for the Reception of Applications for Presentments, and shall afford such professional Advice and Assistance in the Consideration thereof as may be required of him, and shall prepare Forms of Tenders and Proposals, Specifications, Maps, Plans, Sections, or Elevations of any Work approved thereat, and shall himself make such Application when necessary as herein-before directed, and shall also attend upon the Grand Jury, and make to them a full and particular Report on all Applications for Presentments lodged with the Secretary as aforesaid, and the Necessity or Utility of the same, and on the Correctness of the Maps, Plans, Specifications, and Estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the Objects stated in such Applications; and the said Surveyor or Surveyors, or one of them, shall also report on all Applications on Part of Contractors, and on the Progress and Execution of all Public Works formerly presented, and on the Performance of all Contracts, and on the State, Repairs, Progress, and Condition of all Buildings, Roads, Bridges, Gulleys, Walls, or other Work; and the said Surveyor or Surveyors, or one of them, as the Grand Jury shall direct, shall audit all Accounts of such Works, and ascertain and certify the Correctness thereof, and whether each Contractor is entitled to Payment, and how far, and whether such Contractor has conformed to the Provisions of this Act and the Laws in force in *Ireland*, and shall also report the Name and Description of all Persons by  
him

him prosecuted for any Nuisance or Injury to any Road, or any other Offence of like Nature, and the Result of such Prosecution, and the Proceedings therein, and generally on all Matters and Things relating to the Office of Surveyor, or which may be given to him in charge by the Grand Jury.

XLIII. And be it enacted, That each such Surveyor shall keep an Office open for his regular Attendance on Business in such Place as the Grand Jury shall appoint, and which they are hereby required and empowered to appoint; and each such Surveyor shall employ One fit and competent Person to be a Clerk in his said Office, who shall give regular Attendance in the said Office, and for whose Conduct such Surveyor shall be at all Times responsible; and such Grand Jury is hereby authorized and required to present, over and above the Salary payable to such Surveyor, a Sum not exceeding Fifty Pounds in each Year, to defray the Expence of such Office and to pay the Salary of such Clerk, a Moiety whereof the said Grand Jury is authorized and required to present at each Assizes for the Half Year last past, and to pay the same to such Surveyor accordingly, subject always to the Provisions hereinbefore contained with respect to the Payment of the Salary of the said Surveyor; and it shall be lawful for every Surveyor to appoint so many Persons as the Grand Jury shall, with reference to the Extent of the County and of the Duties to be performed, think necessary, to be Assistants to such Surveyor; and each of such Assistants shall be paid such Salary, not exceeding Fifty Pounds *per Annum*, as the Grand Jury shall direct, which shall be presented by the Grand Jury by half-yearly Instalments at each Assizes: Provided always, however, that no Person shall be appointed such Assistant who shall not be certified by the said Board to be a fit and competent Person to discharge the Duties of such Office; and every such Assistant shall obey the Orders of such Surveyor, and be removeable in the same Manner as the Surveyor himself is.

Surveyors shall keep an Office open, and appoint a Clerk.

XLIV. And be it enacted, That no such Surveyor, or his Clerk or Assistant, shall be eligible or liable to serve or act on any Jury, nor to fill any other County Office whatsoever in any County, nor take or receive any Fee or Gratuity whatsoever from any Contractor or other Person engaged in any Public Work in any County, nor for any Matter or Thing in anywise appertaining to the Duty of such Surveyor, Clerk or Assistant, nor be or become in any Manner directly or indirectly interested in any Contract for the Performance of any Work presented or to be presented by any Grand Jury, on pain of forfeiting his Office, with all Arrears of Salary then due to him; and every such Contract in which such Surveyor, Clerk or Assistant, shall be or become in any Manner directly or indirectly interested shall be absolutely void, and the Surveyor, Clerk or Assistant, so interested, shall forfeit Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same.

Surveyor or his Clerk not to fill any other County Office, &c.

XLV. And be it enacted, That it shall be lawful for every Grand Jury to appoint a proper Person, duly qualified according to the Laws now in force, to act as their Secretary; and every Secretary of the Grand Jury now appointed, or who shall be appointed hereafter under the Provisions of this Act, shall continue to act as such until he shall be removed by the Grand Jury, or until another Person

Appointment of Secretary of the Grand Jury.

Person duly qualified shall be in like Manner appointed; and if any Person appointed Secretary shall happen to die, or be unable from Illness to do the Duty, the Clerk of the Peace or his known Deputy is hereby required to act as such until the last Day of the ensuing Assizes, or (in case of the Illness of the Secretary) until such Secretary shall be able to resume his Duty; and for the performing all and singular the Duties of such Secretary such Clerk of the Peace or his said Deputy shall be entitled to receive a rateable Proportion of the Salary of such Secretary for the Time during which he shall have performed such Duties: Provided always, however, that it shall not be lawful to appoint or continue joint Secretaries, or more than One Person as Secretary in any County.

Such Secretary not to be a Clerk of the Peace, &c.

Penalty on such Secretary for Neglect of Duty.

Grand Juries not to name Persons in Presentments by whom Works are to be executed.

All Works, Printing, &c. to be executed by Contract.

All Contracts to be by sealed Tenders and Proposals.

No County Officer, &c. eligible to contract.

XLVI. And be it enacted, That it shall not be lawful for the same Person to be appointed after the passing of this Act Secretary of any Grand Jury and Clerk of the Peace, or Clerk of the Crown, or Treasurer of any County, or Collector of Grand Jury Cess, or Inspector of Gaols; and in case the Secretary of any Grand Jury shall at any Time refuse or neglect to perform any of the Duties imposed upon him by the Provisions of this Act, such Secretary, being convicted thereof before the Judge of Assize, shall for such Refusal or Neglect forfeit any Sum not exceeding Fifty Pounds, at the Discretion of such Judge, and no Presentment shall be made of any Salary to him.

XLVII. And be it enacted, That it shall not, from and after the Commencement of this Act, be lawful for any Grand Jury, in making a Presentment for any Public Work, to name or appoint therein any Person or Persons to execute the same, save and except in case of sudden Damage or Injury under the Provision herein-before made in that Behalf; but all Works, save as aforesaid, and save and except in the Case of such Repairs as may be executed pursuant to the Order of Two Justices, as herein-after specially provided for, which shall be presented by any Grand Jury shall be executed and performed by Contract; and all Printing for which any Grand Jury shall be authorized to make Presentment shall also be executed by Contract; and every Contract, whether for any Work, Printing, or other Purpose whatsoever, shall be made by sealed Tenders and Proposals, to be delivered, opened, and dealt with, and Security to be taken, in manner herein-before provided; and no Contract shall be entered into save upon and after Application made and approved at Presentment Sessions; and the Functions of every Grand Jury shall in respect of all Applications to be made at any Presentment Sessions be limited to the Approval or Rejection of the same as approved or modified by such Sessions, and to the Presentment or annulling thereof accordingly: Provided nevertheless, that no Magistrate of the County or Cess Payer shall undertake or be interested in any Contract under this Act for any Work approved of or applied for at any Sessions at which he shall act or be capable of acting as a Justice or associated Cess Payer, nor shall any County Officer, or any Person in his Employment, undertake or be interested in any Contract under this Act; and provided further, that nothing herein contained shall extend to restrain or affect any Contract made or to be made with any Commissioners acting under Authority

...rity of Parliament in the Loan, Advance, or Grant of Exchequer Bills or Money.

XLVIII. And be it enacted, That the Secretary of each Grand Jury shall provide and keep a Book in which he shall insert an Abstract of all Contracts which now are or hereafter may be entered into by such Grand Jury, setting out the Names of the several Contractors, and the Particulars of each Contract, and in the Case of Roads, for the keeping in repair of which Contracts may be or shall have been made, setting out the Places whence and to which each Road contracted for leads, and at what Milestone, Mearing, or noted Place each Road or Part of a Road under the Charge of such Contractor commences and ends, or the Names of the Occupiers of the Lands where his Contract commences and ends, and the Number of Perches of Road included in each Contract, and the Rate *per* Perch at which each Contract has been entered into, and the whole annual Sum which each Contractor is to be paid, and the Period for which each Contract is made; and all Contracts so entered in such Book shall be numbered, and every such Book shall have an alphabetical Index referring to the Number of each Contract.

Secretary to keep a Book containing Abstracts of Contracts.

XLIX. And be it enacted, That any Two Justices of the Peace at Petty Sessions in any County may, under their Hands and Seals, order any Sum not exceeding Twenty Pounds to be expended in repairing any Bridge, or any Sum not exceeding Ten Pounds to be expended in repairing any public Road, or any Pier or Quay on the Bank of any Navigable Lake or River, now or hereafter to be built by Grand Jury Presentment, which may be suddenly damaged, provided it shall appear, upon the View of both of them, that the Repairs of such Bridge or Road or such Pier or Quay cannot be delayed until the next Assizes without Prejudice to the Public, and that the Necessity of the same shall be notified to them by the County Surveyor; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same; and the Grand Jury of any such County is hereby empowered to present at the next Assizes the Sum so expended in repairing any such Bridge or Road which is liable to be repaired by the County at large to be levied on such County at large, and any Sum so expended in repairing any other Road to be levied on the Barony or on the County of the City or Town wherein the same is situate, and any Sum so expended in repairing any such Pier or Quay to be levied on the County at large; and the Sum so presented in the said several Cases shall be paid to the Person or Persons so appointed by such Justices to make such Repairs upon his or their producing such Order under the Hands and Seals of the said Justices, and also a Certificate under the Hand of the County Surveyor that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same Justices of the Peace shall not make or sign more than One Order for the Expenditure of any Sum as aforesaid for the Reparation of the like sudden Damage between the Termination of one Assize and the Commencement of another.

Any Two Justices may order Sums not exceeding 20*l.* for repairing sudden Damages to Bridges, and 10*l.* to Roads, &c.

L. And be it enacted, That it shall and may be lawful for any Grand Jury to present any Part of any public Road to be widened to any Breadth not more than Fifty Feet in the clear, or to narrow such

Presentment for widening or repairing public Roads.

such Roads as the Surveyor may report to be unnecessarily wide, and to present all such Sum or Sums of Money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any Part of any public Road, or for filling up Grips or Trenches on the Sides of any public Road, and making sufficient Fences instead thereof, or for filling Dikes or Holes on the Sides of any public Road, or for making, widening, or deepening Drains on the Side of any such Road, and carrying off the Water therefrom, to be levied off the Barony, County of a City, or County of a Town where the same shall be situate: Provided always, that when such public Road shall be any Road upon which His Majesty's Mails are or shall be carried in Mail Carriages, one Half of such Sum or Sums of Money as shall be necessary for any of the Purposes aforesaid shall be presented to be levied off the County and the other Half off any Barony or Baronies in which such Road or any Part thereof is or shall be situate.

Proviso in case of Post Roads.

Presentment for making and repairing Footpaths.

LI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County at any Assizes to present any Footpath to be made or repaired along the Side of any Road for which they may have Authority to make Presentment, and to present such Sum or Sums of Money as may be necessary for making or repairing the same to be levied either off the County or off the Barony or Baronies in which such Footpath shall be locally situate, according as the Expence of making or repairing such Road shall be presented to be levied off the County or any Barony or Baronies thereof.

Presentment of Roads, &c. to be repaired by Contract for any Time not exceeding Seven Years.

LII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present any public Road within such County, or any Part of such public Road, or any Footpath upon the Side of such Road, to be gravelled or repaired with broken Stone, or the Battlements of any Bridge upon such Road to be kept in sufficient Order and Repair, by Contract for any Space of Time not exceeding Seven Years, and also from Time to Time to present such Sum or Sums of Money as shall be necessary for the Execution of any of the above-mentioned Works, and the Payment of the Person or Persons with whom such Contract for the Execution of the same shall have been made, to be levied or raised off any Barony, County of a City, or County of a Town in which such Road may be locally situate, and when it passes through more than One Barony then proportionately on each Barony: Provided always, that in the Case of any Road upon which His Majesty's Mails are or shall be carried in Mail Carriages One Half of the Expences of such Repairs shall be levied off the County, and the other Half off any Barony or Baronies in which such Road or any Part thereof may be locally situate.

Levy for Payment.

For removing Doubts as to Contracts made under 3 & 4 W. 4. c. 78.

LIII. ' And whereas certain Contracts for keeping Roads in repair have been entered into under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*; and Doubts have been entertained whether such Contracts, being made for a Term longer than One Year, are valid; and it is expedient to remove such Doubts; be it enacted, That every Contract to keep a Road in repair entered

into under the said Act for any Term still unexpired which did not exceed Seven Years shall be deemed to be a valid Contract for the Residue of such Term, and every Security entered into for the due Performance of such Contract shall be binding and valid in Law as fully as if such Contract might have been legally made under the Provisions of the said Act.

LIV. Provided always, That in case it shall appear to the County Surveyor at any Time during the Continuance of any Contract now made or hereafter to be made for keeping any Road in repair that such Road is not in proper Repair, he shall require the Contractor to put the same in repair, and if such Contractor shall neglect to do so within Ten Days after he shall have been so required, such Surveyor shall cause the same to be repaired, and the Expence thereof shall be deducted and repaid out of the Sum which would be payable to such Contractor if the Road had been kept in proper Repair.

LV. And be it enacted, That it shall and may be lawful for the Grand Jury at any Assizes to present any new Road to be laid out and made of any Width not less than Sixteen Feet nor more than Fifty Feet in the clear, and to present all such Sum and Sums of Money as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making Fences thereto, to be levied on the Barony or County of a City or County of a Town in which the same shall be situate, and when it passes through more than One Barony then proportionately on each Barony; unless such new Line of Road shall be one upon which it is intended that His Majesty's Mails shall be carried in Mail Carriages, in which Case it shall and may be lawful for the Grand Jury to present One Half of all such Sums of Money as shall be necessary for any of the Purposes aforesaid to be levied off the County, and the other Half off any Barony or Baronies through which such new Road shall pass: Provided always, that no Presentment shall be made for laying out any such new Road unless together with the Application therefor a Map of such intended new Road has been lodged with the Secretary of the Grand Jury Ten Days at least before the Day for holding the first Presentment Sessions after each Assizes in such County, and that a Notice setting forth that an Application is intended to be made for a Presentment to lay out such new Road (distinguishing the several Townlands and Baronies through which it is intended to be carried, with the Number of Perches in Length through each Townland,) has been personally served upon or left at the House of each Occupier of the Land through which such new Road is intended to be made Fifteen Days at least before the Day of holding such Sessions, nor unless it shall appear that no Part of such new Road is to be made through any Deer Park inclosed with a Wall built of Lime and Stone or Bricks, Five Feet high or more, without the Consent of the Owner thereof, and that no Part thereof is to be made through any House entirely built with Lime and Stone or Bricks, or through any Office belonging to any Person inhabiting a House so built, without the Consent of such Person.

LVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present such Sum or Sums of Money

County Surveyor to cause Roads to be repaired in case of Neglect on the Part of Contractor.

Presentment for new Lines of Road to be levied on the Barony;

in case of Post Roads on the County and Barony.

Map of the Line to be lodged with Secretary along with Application.

Service of Notices upon Occupiers of Land.

Presentment for lowering Hills, filling up

Hollows, building and repairing Bridges, &c. upon public Roads.

as may be necessary for lowering any Hill or filling up any Hollow, or both, on any public Road, and for making the Road thereon with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet built of Stones or Bricks or Wood, under or on any such Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or for building or repairing any Wall or Part of a Wall necessary to the Support of or to prevent any steep Banks of Earth from falling upon any such Road, or for erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices or Holes on the Side of any public Road, to be raised either off the County or off the Barony or Baronies in which the same may be locally situate.

Where a River or Road is the Boundary of Two Counties, only One Half the Sum shall be raised off either.

LVII. And be it further enacted, That where a River or Stream or where any Road is the Boundary between Two Counties, so as that one Side of such Road shall be in one County and the other Side in another County, it shall not be lawful for the Grand Jury of either County to present to be raised on either County, or upon any Barony of either County, more than One Half of the Sum required for building, rebuilding, repairing, enlarging, or altering any Bridge, Pipe, Arch, or Gullet over such Stream or River, or for repairing, making, or widening any such Road; and no Application for Payment on account of any such Presentment shall be allowed unless an equal Sum shall have been presented to be raised for the said Work on the adjoining County or some Barony thereof.

Line of new Road may be surveyed upon Certificate of Surveyor allowed by Two Justices.

LVIII. And be it enacted, That it shall and may be lawful for any Person or Persons to survey and measure any Line intended for a new Road for which a Presentment is to be applied for, and for that Purpose to enter in and upon any Lands or Premises through which such intended Line may pass, provided that such Person or Persons shall be thereunto authorized by a Certificate in Writing under the Hand of the County Surveyor, stating that such Survey, and Entry to make the same, is proper, and that such Certificate shall be allowed by Two Justices of the Peace for the County wherein such Lands or Premises may be situate, such Allowance being signified under their Hands by Indorsement upon such Certificate.

Penalty for using new Road for certain Time after making.

LIX. And be it enacted, That it shall and may be lawful for any Two Justices of the Peace, upon the Application of the County Surveyor, to forbid any Person or Persons from riding or driving any Kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months, after such new Road shall have been made; and any Person who shall wilfully disobey such Order, the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road, shall be liable to be fined any Sum not exceeding Twenty Shillings for each Offence, to be imposed by any Justice of the Peace, on his own View, or on the Evidence of any One competent Witness, and levied off the Goods and Chattels of such Offender by Warrant under the Hand and Seal of such Justice.

Presentment of old Roads to be stopped up.

LX. And be it enacted, That it shall be lawful for the Grand Jury of any County, after Application made and approved of at the preceding Presentment Sessions, to present any old Road in such County which may appear to them to be useless to be stopped up,



up, to every which Presentment it shall be lawful for any Person to enter a Traverse at the then or the next Assizes; and if such Traverse shall not be tried within a Year after such Presentment shall be made the Presentment shall stand good and valid to all Intents and Purposes.

LXI. ' And whereas it is expedient that Provision should be made for the more speedy and effectual Repair of Roads in *Ireland* upon which His Majesty's Mails are carried; be it therefore enacted, That it shall be lawful for the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, upon the Application of His Majesty's Postmaster General for the Time being, setting forth and describing the Line of any such Road or the Portion of any such Road which may stand in need of repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause such Road or such Portion thereof as shall be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet or Wall thereon, to be put forthwith into good and sufficient Repair accordingly, under the Superintendence of the County Surveyor in every County except the County of *Dublin* and County of the City of *Dublin*, and in each of those Counties under the Superintendence of a Surveyor appointed by them; and that upon the Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes aforesaid, it shall and may be lawful for the Lord Lieutenant of *Ireland* to direct by his Warrant that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to be applied under the Directions of the said Commissioners in manner aforesaid.

LXII. And be it further enacted, That whenever any such Road or Bridge, or any Portion thereof, not being a Turnpike Road or Bridge, shall be so put in good and sufficient Repair, under the Direction of the said Commissioners, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every County within which any such Road or Bridge, or any Portion thereof, shall be situate respectively, a Certificate of the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge or any Portion thereof, and the other Expences aforesaid, within any and every such County respectively, together with an Account of the Items of such Expenditure, certified by the said County Surveyor or other Person employed, and every such Certificate and Account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such County respectively, and thereupon the Grand Jury of any and every such County respectively shall make Presentment of the Amount of such Expences as stated in such Certificate, to be raised off such County at large, Barony or Half Barony, previously chargeable with the Maintenance of such Road or Bridge; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such County respectively, he shall pay over the

Commissioners of Public Works, on Application of Postmaster General, and with Consent of Lord Lieutenant, to cause Post Roads to be repaired.

Amount of Money expended in such Repairs to be certified to the Grand Jury of the County, who shall present the same.

same to such Bank or Person as the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, shall direct, or to such Person or Persons and in such Manner as may be directed by the Vice Treasurer of *Ireland*.

Expence of repairing Bridges between Counties to be borne equally.

LXIII. Provided always, and be it enacted, That wherever any Bridge which shall be repaired by the said Commissioners as aforesaid shall be situate partly in one County and partly in another, the Expence of repairing such Bridge shall be borne and defrayed equally by such Counties, and the Certificates and Presentments by this Act required shall be framed and made accordingly.

Proceeding in case of Grand Jury refusing or neglecting to make Presentment.

LXIV. And be it enacted, That if at any Time hereafter it shall appear from a Memorial signed by Twenty Cess Payers in any Barony that the Grand Jury of any County has twice refused to present for the making or repairing of any Road in such Barony, and that by reason thereof the Inhabitants of such Barony are aggrieved, it shall be lawful for the Lord Lieutenant to refer such Memorial to the Commissioners of Public Works to examine into the Truth of the Allegations therein contained, and to report thereon, and particularly to report whether it is necessary for the public Convenience that such Road should be repaired or made, and what would be the Expence thereof; and thereupon it shall be lawful for the Lord Lieutenant, if he shall think fit, to refer such Report to the Grand Jury of the County at the next Assizes; and such Grand Jury may thereupon, if they shall think fit, present that such Road shall be made or repaired in such Manner as shall be recommended by the Report of the said Commissioners, and that the Sum necessary for that Purpose shall be raised off the County or any Barony or Baronies thereof in such Proportions as they may think proper; and in case they shall refuse or neglect to make any such Presentment, it shall be lawful for the Lord Lieutenant to direct the said Commissioners to cause such Road to be made or repaired, and the Expence thereof shall be certified by them to the Lord Lieutenant, who shall cause such Certificate to be laid before the Grand Jury of the County, and such Grand Jury shall and they are hereby required to present the Amount thereby certified to be levied off the County at large in which such Road may be situated, and to be repaid to such Commissioners by such Instalments as the Lord Lieutenant shall think fit to direct.

If Road repaired is Turnpike, Expences of Repair to be charged on the Tolls.

LXV. And be it further enacted, That in case any Road so repaired, or any Part thereof, shall be a Turnpike Road, the Sum certified to have been expended on the Repair thereof as aforesaid shall become and be a Charge on the Tolls payable on such Road, in preference to and prior to any other Charge thereon, and shall be repaid to the said Commissioners or any Person appointed by them out of such Tolls; and every Collector of such Tolls shall, until the Sum so advanced shall be repaid, pay to the said Commissioners all Sums collected by or paid to him for such Tolls; and it shall and may be lawful for the said Commissioners to apply in a summary Way, by Petition, to any Court of Equity in *Ireland* to appoint a Receiver of such Tolls, and such Court shall accordingly appoint such Receiver, on its appearing, by such Certificate or otherwise, that any Part of the Sum advanced for the Repair of such Road is due, and shall continue such Receiver until

Receiver of Tolls to be appointed.

until by Receipt of such Tolls or otherwise the Sum so due and the full Costs of such Proceedings shall be repaid, after allowing for the necessary Expenditure by the said Commissioners in the meantime in keeping such Road in repair.

LXVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County, on the Publication of the Ordnance Trigonometrical Survey, to present, for the Maps thereof to be mounted, in Baronies or otherwise, as may by them be deemed best, a Sum not exceeding the Rate of Ten Pounds for every Thirty-five thousand Acres, to be levied off the County at large; and it shall and may be lawful for the Grand Jury of any County at the End of every Ten Years from the Date of the Publication of the Ordnance Survey of such County to present a Sum not exceeding the Rate of Twenty Pounds for every Fifty thousand Acres, to be levied off the County at large, for obtaining a correct Survey and Map containing all the Alterations made in the Roads of such County since the then last preceding Survey.

Presentment for obtaining correct Maps of Alterations of County Roads.

LXVII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present, to be levied off such County, for the Erection of any Pier or Quay, or for the repairing or enlarging of any existing Pier or Quay, on the Banks of any Navigable River or Lake or on the Sea Coast, or for the making or repairing of any Road or Approach to any such Pier or Quay, or for deepening or embanking any such River or Lake, in such County, any Sum or Sums of Money not exceeding in the whole the Sum of Three hundred Pounds, nor exceeding Two Thirds of the whole Sum at which said Work has been contracted for: Provided always, that no Sum or Sums of Money shall be presented for the Erection of any Pier or Quay, or the making any Roads or Approaches thereunto, until the Person or Persons making Application therefor at the County Presentment Sessions shall have paid into the Hands of the County Treasurer a Sum equal to the One Third Part of the whole Sum at which said Work has been contracted for, and such Payment shall have been certified to the Grand Jury by the said Treasurer's Receipt, nor unless the Consent in Writing, under the Hand and Seal of the Owner or Owners in Fee, or of the Person or Persons having a Lease of Lives renewable for ever, or a Term of Years of not less than Ninety-nine to come and unexpired at the Time of making such Presentment, of or in the Lands on which the said Work is to be constructed, shall have been lodged in the Office of the said Treasurer Six clear Days before the Assizes at which the Application for such Presentment is to be considered.

Presentment for constructing, repairing, &c. Piers and Quays on navigable Lakes or Rivers, and making Approaches, &c.

LXVIII. And be it enacted, That every Pier or Quay which has been or may hereafter be built or enlarged by Presentment of any Grand Jury upon any Navigable Lake or River or on the Sea Coast, pursuant to the Provisions of this or any other Act of Parliament, shall be deemed and become public Property.

Such Piers or Quays to become public Property.

LXIX. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present such Sum or Sums of Money to be raised off such County as shall be necessary for building, rebuilding, enlarging, repairing, altering, or fitting up any Court House or Sessions House therein; and whenever any Presentment shall be made for any of such Purposes, or any other

Presentments for building, repairing, &c. Court Houses and Sessions Houses.

Expences may be raised by half-yearly Instalments.

If Sessions are directed to be held in any Place where there may not be a Sessions House, the Surveyor to prepare Specifications, Plans, &c., and submit them to Grand Jury, who may present a Sessions House to be built, and the Expence to be levied off the County.

If no Presentment made Lord Lieutenant to direct Commissioners of Public Works to build Sessions House.

Public Works, and the Sum necessary to be raised for the same shall be greater than it may be proper to levy off such County at one Time, then and in every such Case it shall be lawful for such Grand Jury to present in the first instance the whole Sum required for such Purpose, and to direct in and by such Presentment that the same shall be raised on such County by such half-yearly Sums or Instalments, and in such Proportions, as to such Grand Jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent Grand Jury to present that any of the said Instalments shall be increased to any Sum that shall be found necessary or proper.

LXX. And be it enacted, That in case at any Time hereafter the Lord Lieutenant shall direct that a Quarter Sessions of the Peace or any Adjournment thereof shall be holden for the Despatch of Civil or Criminal Business in any Town or Place in which there may not be a Sessions House, the Surveyor of the County shall, on being required by the Lord Lieutenant so to do, prepare such Specifications, Maps, Plans, Sections, and Elevations as may be necessary for the Erection of a Sessions House therein, expressing the Nature and probable Expence of the Works and the Materials proper to be employed, and the same shall be delivered to the Secretary of the Grand Jury, who shall lay the same, together with a Copy of the Warrant of the Lord Lieutenant, before the Grand Jury at the Assizes next after the Time at which he shall receive the same, and the Grand Jury shall examine such Specifications, Maps, Plans, Sections, and Elevations, and such others as may be laid before them, and either adopt the same or make such Alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient Sessions House shall be provided or built in such Town or Place within the Period of One Year from such Assizes, and that a Sum not exceeding One thousand Pounds shall be levied off the County for that Purpose at one Time or by Instalments to be completed within the Period of Five Years, and the Surveyor shall thereupon prepare a proper Form of Tender for the Execution of such Work, and shall deliver the same to the Secretary of the Grand Jury, who shall lay the same, together with the Presentment, and the Specifications, Maps, Plans, Sections, and Elevations, as approved of by the Grand Jury, before the next Presentment Sessions holden for the County at large, who shall direct within what Period before the Day to which such Sessions may be adjourned Tenders for the Execution of the Works shall be received; and any Tenders that shall be made for the Execution of such Works shall be opened at the first Adjournment of such Sessions, and dealt with in all respects in like Manner as any other Tender for a Work approved of and presented is: Provided always, that if such Presentment shall not be made, and a valid Contract for executing such Work shall not be entered into, within the Period of Two Months from the Assizes at which such Warrant shall have been laid before the Grand Jury, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in *Ireland* to build or provide such Sessions House, and on the Production to the Grand Jury at any Assizes of the Certificate of the Secretary of such Com-

Commissioners that a Sum not exceeding the Sum of One thousand Pounds has been expended in building such Sessions House and purchasing a Site for the same, or for either of such Purposes, the Grand Jury shall and they are hereby required to present the Sum so certified to be levied off such County in one Payment, and to be paid to the Secretary of the said Commissioners in satisfaction of the Sum so expended: Provided further, that in case the said Commissioners of Public Works shall find it convenient to take a Lease of any Premises for the Purpose of building such Sessions House thereon, they shall be at liberty to do so, and to engage to pay an annual or other Rent for the same, not exceeding the Sum of Fifty Pounds *per Annum*, and the Grand Jury shall and they are hereby required from Time to Time to present a Sum equal to the Amount of such Rent to be levied off the County and paid in discharge of the same.

LXXI. And be it further enacted, That it shall and may be lawful for the Grand Jury of any County to advertise in the public Newspapers for Specifications, Maps, Plans, Sections, and Elevations from professional Architects for the Erection, Alteration, and Repair of such Buildings as may be required for the public Use of the County, and to present a Sum not exceeding Fifty Pounds as Remuneration to the Architect whose Plans shall be approved of, and to employ such Architect should they judge it necessary in superintending the Work to be executed pursuant to his Plan, on such Terms as may be determined by the Grand Jury.

LXXII. And be it enacted, That whenever any Presentment shall be or has been made for the Purpose of building a new or enlarging any Court House or Sessions House in and for any County, it shall and may be lawful for the Grand Jury of such County to authorize such Commissioners as such Grand Jury shall appoint to contract and agree with any Person or Persons, or Body or Bodies Corporate or Politic, for the Purchase or renting of any Houses, Buildings, Lands, Tenements, or Hereditaments convenient for the Site of any new Court House or Sessions House, or adjoining to any old Court or Sessions House, and convenient for the Purpose of enlarging the same or the Courts or Outlets thereunto belonging; and the Lands, Tenements, or Hereditaments so contracted or agreed for shall be demised or conveyed to such Commissioners, and to their Heirs, Executors, Administrators, and Assigns, in Trust for the Uses and Purposes aforesaid; and such Commissioners shall be appointed, and such Demise or Conveyance made, in such Manner and under such and the like Rules and Regulations as are prescribed in an Act made in the Seventh Year of His late Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*, with respect to the Appointment of Commissioners and the demising and conveying of any Lands, Tenements, or Hereditaments to such Commissioners under that Act: Provided always, that in case such Commissioners shall be unable to agree with the Owners of any Lands, Tenements, or Hereditaments proper or necessary to be purchased for the Purposes of any such Presentment, and if the Grand Jury by which such Presentment shall have been made or any subsequent Grand Jury shall direct that the same be purchased or rented by and under the Valuation of a Jury, it shall and may be lawful to and

Grand Juries may advertise for Specifications, &c.

Presentment for Purchase of Sites for Court Houses and Sessions Houses.

Lands purchased to be conveyed to Commissioners.

7G. 4. c. 74.

When Purchases are directed to be made under Valuation of a Jury, Commissioners may issue their

Warrant to the Sheriff, and the same Proceedings shall take place as directed by recited Act.

for the Commissioners appointed as aforesaid, or any Three or more of them, to issue their Warrant to the Sheriff in the Manner directed by the said Act of the Seventh Year of His late Majesty's Reign, and thereupon such and the like Proceedings shall and may be had and taken for summoning, impannelling, and swearing Juries, and valuing the Premises so directed to be purchased or rented, and each and every Part thereof respectively, and for obtaining the full Possession and Seisin thereof and a good Title thereto in the said Commissioners, and with and subject to all the same Rules, Regulations, Conditions, and Jurisdictions, as in the said Act provided concerning any Premises to be purchased by such Valuation under the aforesaid Act of the Seventh Year of His late Majesty's Reign, and the said Commissioners shall in that Behalf have, possess, and exercise all and every the like Powers and Authorities as by the said Act are granted to and vested in the Commissioners therein mentioned; and it shall be lawful for any such or any subsequent Grand Jury to present the Sum so agreed upon or fixed as the Purchase Money of such Premises, and the Costs attending such Purchase, to be levied off such County, either at one Time or by half-yearly Instalments, in such Manner as they may think proper, and such Presentment may be made without any previous Application to any Presentment Sessions.

Presentment for Rents of Court and Sessions Houses.

LXXIII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County, and they are hereby required, to present at each Assizes, without previous Application at Presentment Sessions, to be raised upon such County, all such Sum or Sums of Money as shall be necessary for paying such Rent or Rents of any Court House or Sessions House, or their Appurtenances respectively, as now are or shall at any Time hereafter be payable for the same.

Court House for County at large built within a County of a City, &c. to be deemed Part of the County at large.

LXXIV. And be it enacted, That whenever any Court House of or for any County at large shall have been built or enlarged pursuant to the Provisions of this or any other Act of Parliament, then if such Court House or the Additions so then made thereto shall be within a County of a City or County of a Town wherein the Assizes or Commissions of Oyer and Terminer and General Gaol Delivery for such County have usually sat or been held, every such Court House which shall have been so built or enlarged, and all Additions so thereto made and Appurtenances therewith occupied, shall be deemed and taken to be Part and Parcel of the County at large for which the same shall have been so built or enlarged as aforesaid: Provided always, that whenever such Tenement shall cease to be a Court House, whether by reason of the building a new Court House or otherwise, then and from thenceforward such House and the Site and Appurtenances thereof shall be and be deemed and taken to be Part and Parcel of the County of the City or County of the Town within which the same shall be so locally situate.

Commissioners may sell old Court Houses.

LXXV. And be it enacted, That it shall and may be lawful for the Commissioners appointed as aforesaid by any Grand Jury of any County to sell and dispose or to authorize the Sale and Disposal of any old Court House or Sessions House belonging to such County in which the Assizes or Sessions for such County have been discontinued or ceased to be held, together with the Ground

or

or Site on which the same is built, according to the Title or Interest which such County may have in the same, and also to sell and dispose of or to authorize the Sale and Disposal of all or any Part of the Materials of which such old Court House or Sessions House may be composed, and the Money arising therefrom shall be paid into the Hands of the Treasurer of such County to the Credit of such County, and applied to defray the Purchase Money of any Premises required for the Erection of any new Court House, or to the Erection of such new Court House, or such other Purposes as any other Public Money raised off such County and coming to the Hands of such Treasurer may be applied.

Proceeds to be applied to County Purposes.

LXXVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County at any Assizes, without any previous Application to Presentment Sessions, to present, to be levied off such County, such reasonable Sum or Sums as they shall think proper for providing Fuel or Light for each and every or any Court House or Sessions House in or belonging to such County; provided that no Sum so presented shall be paid by the Treasurer of such County until the Person to whom any such Sum so to be presented for Fuel shall be payable under such Presentment shall produce to such Treasurer an Affidavit, sworn by him before the Foreman of the Grand Jury at the last Assizes for such County, stating that the Sum required to be paid hath been duly expended in the Purchase of Fuel for the Use of such Court House or Sessions House pursuant to such Presentment, and that the whole of such Fuel hath been consumed in the said Court House or Sessions House, and for the Use and Benefit thereof, or if any Part of such Fuel shall not have been consumed stating how much thereof has been consumed, and that the Residue then remains in safe Keeping, to be applied to the Use of the said Court House or Sessions House in like Manner.

Presentment for Fuel for Court House.

LXXVII. And be it enacted, That it shall be lawful for the Grand Jury of any County to present, for each of the Places wherein Petty Sessions shall be appointed to be held, an annual Sum not exceeding Ten Pounds, to be raised off such County, for the Rent of a Room or Rooms for the holding of Petty or Special Sessions thereat, and of a Lock-up Room or House, provided that such Room or Rooms shall not be in a House where spirituous or fermented Liquors are sold, nor in any Police Barrack, nor in any other Building maintained either wholly or in part at the public Expence; and provided that whenever a public Court House shall have been built and provided at any Place so appointed no such Presentment shall be made, but the Petty and Special Sessions shall be holden in such public Court House, and not elsewhere: Provided also, that it shall be proved to the Satisfaction of the County Presentment Sessions, where Application shall be made for such Rent, that Six Meetings of Justices during the Six Months immediately preceding such Application shall have been held in such Room or Rooms.

Presentment for Rent of Petty Sessions Room.

LXXVIII. And whereas Leases have been made from Time to Time of Premises for the Purpose of erecting Court Houses thereon, and for other public Purposes, and it may be expedient to surrender such Leases and thereby relieve the County from the Payment of an annual Rent; be it therefore enacted, That

Grand Juries may present for Sums not exceeding 1,000*l.* to be paid as Consideration

for Surrenders  
of Leases.

it shall be lawful for any Grand Jury, without any previous Application to a Presenting Session, to present that any Sum not exceeding One thousand Pounds shall be raised off any County, and paid to the Lessor in any Lease of Premises held for any public Purposes, or the Representatives of such Lessor, as a Consideration for accepting a Surrender of such Lease.

Presentment  
for Session  
House Keepers  
and Interpreters.

LXXIX. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present, without any previous Application at Sessions, to be levied off such County, any Sum not exceeding Four Pounds at each Assizes as a Salary or Payment for the Keeper of any Sessions House belonging to such County where the General Quarter Sessions of the Peace are held, and any Sum not exceeding Five Pounds at each Assizes for an Interpreter at such Assizes, if such Payment shall be recommended by the Court.

Presentment  
for Gallows,  
Milestones, &c.

LXXX. And be it further enacted, That it shall be lawful for any Grand Jury as aforesaid to present, to be raised off the County at large, any Sum or Sums of Money for making or repairing a Gallows, or for Bolts and Shackles, not exceeding in the whole in any One Year the Sum of Twenty Pounds, and also for erecting or repairing Direction Posts, Milestones, Mile-posts, or Dépôts for Materials, not exceeding One Pound for each Direction Post, Milestone, Mile-post, or Dépôt.

Presentment  
for Support  
of Fever Hos-  
pitals and Dis-  
pensaries estab-  
lished by Sub-  
scription.

LXXXI. And be it enacted, That where any Fever Hospital or Dispensary for the Purpose of furnishing Medicine and affording Medical and Surgical Aid to the Poor of any City, Town, or Place in any County is now or shall be hereafter established in such County by private Subscriptions or Donations, and a Certificate of the Sum or Sums of Money actually received by the Treasurer of such Fever Hospital or Dispensary from private Subscription or Donation since the last Application to Presentment Sessions, or since the Establishment of such Fever Hospital or Dispensary, and a Statement of the Number of Persons admitted or relieved, together with an Account of the Receipt and Disbursement of all Monies raised by virtue of any Presentment for such Fever Hospital or Dispensary, as well as of all Monies actually received from private Subscription or Donation for the Use of such Fever Hospital or Dispensary since the Date of such last Application or Establishment, shall have been laid before the Presentment Sessions ensuing the Disbursement thereof, and such Certificate and Account, verified upon the Oath of such Treasurer, shall, together with the Application for a Presentment for such Fever Hospital or Dispensary, have been allowed and approved of at such Sessions, it shall be lawful for the Grand Jury of such County at any Assizes, and they are hereby required, to present, to be raised off such County, in case of a Fever Hospital, a Sum not exceeding Double the Amount, and, in the Case of a Dispensary, a Sum equal to the Amount of such private Subscriptions or Donations so received, to be paid to the Treasurer of such Fever Hospital or Dispensary, and applied (under the Direction of the Subscribers of any annual Sum of not less than One Guinea, or such Committee of them, not fewer in Number than Five, as they shall appoint for that Purpose at any General Meeting of such Subscribers), together with the Monies received by private Subscription



Subscription and Donation, in fitting up and supporting such Fever Hospital or Dispensary, and in providing Medicine and Medical and Surgical Aid for the Poor of such Place and its Neighbourhood: Provided always, that when any Fever Hospital shall be attached to any Dispensary, the Treasurer of the same shall separate the Accounts of the Receipts and Expenditure of each such Fever Hospital and Dispensary, and the Application for Presentments for each shall be separate and distinct; and provided also, that no such Presentment shall be made unless it shall appear by the Certificate of such Treasurer, verified as aforesaid, that the Medical Attendant, if appointed after the passing of this Act, resided since the Creation of such Dispensary or Hospital, or since the last Assizes (as the Case may be), at or within Five Statute Miles of such Dispensary or Hospital; and provided also, that no such Presentment shall be made in case it shall appear that the Salary of the Medical Attendant during the last Year amounted to One Half of the Sum to which the Subscriptions, Donations, and the Sum presented would amount.

Accounts of Hospital and Dispensary to be separate.

LXXXII. And be it further enacted, That whenever it shall be made appear, by Statement on Oath to the Grand Jury of any County, that there has been actually received from private Subscriptions or Donations any Sum or Sums of Money for the Purpose of erecting any House to be applied to the Reception of Fever Patients, and either connected with any Local Dispensary or not, as the Case may happen, and upon a Certificate by One or more Physicians that there is a Necessity for providing Accommodation for such Patients, it shall and may be lawful for such Grand Jury, and they are hereby required, to present, to be raised off such County, any Sum not exceeding Double the Amount of the Sum or Sums so raised by Donation or Subscription, and actually received by the Treasurer, to be applied, together with the Monies so received by private Donation or Subscription, in erecting such House for Fever Patients, in such Manner as the Subscribers of any Sum not less than One Guinea, or such Committee of them not fewer than Five as they shall appoint for that Purpose at any General Meeting of such Subscribers, shall in their Discretion deem most advisable: Provided always, that the Affidavit and Certificate herein mentioned shall, together with the Application for such Presentment, have also been laid before the Presentment Sessions and approved thereat: Provided also, that it shall and may be lawful for the Grand Juries of the County of *Cork* and County of the City of *Cork* respectively, if they shall think proper, to present for the Support and Maintenance of the Fever Hospital or House of Industry or Lunatic Asylum in the City or County of *Cork* at any Assizes any Sum not exceeding the Sum presented for the Support or Maintenance of such Establishments respectively at any Assizes during the last Five Years.

Presentment for Erection of Fever Hospitals not to exceed Double the Amount of private Subscriptions.

LXXXIII. And be it enacted, That where any Fever Hospital has been or shall be established in and for any County it shall and may be lawful for the Grand Jury of such County to present such Sum or Sums of Money, not exceeding the Sum of Two hundred and fifty Pounds at each Assizes, as shall appear to be necessary for the Support of any such County Fever Hospital, and such Sum shall be raised off the County at large, and levied and applied accordingly:

Presentment for Support of County Fever Hospitals.

Account of  
Receipt and  
Expenditure to  
be laid before  
Sessions.

accordingly: Provided always, that an Account of the Receipt and Expenditure of such Fever Hospital, from the Time of its Establishment to the Time of the first Presentment required, and afterwards from the Time of each Presentment required till the Time when any further Presentment is required, shall, together with an Application for the Sum so proposed to be presented, be laid before the Presentment Sessions to be holden under this Act for the Purpose of considering Applications for Presentments, and that such Account and Application shall be approved at such Sessions.

Presentment  
for building  
or repairing  
County Fever  
Hospital;

LXXXIV. And be it enacted, That it shall be lawful to and for the Grand Jury of any County in which a Fever Hospital shall not have been erected before the passing of this Act, or in which it shall be made appear to the Satisfaction of the Grand Jury that any Fever Hospital requires to be enlarged, repaired, or rebuilt, to present at any Assizes for such County any Sum or Sums of Money for the Purpose of erecting, establishing, hiring, repairing, and fitting up One Fever Hospital in any such County in which no such Hospital shall have been previously established, or for the Purpose of enlarging, repairing, or rebuilding any Fever Hospital which shall have been previously established, and to set forth in such Presentment that the Sum therein mentioned shall be raised and levied within the Period of Six Years by half-yearly or yearly Instalments; and also to set forth in such Presentment what Part thereof shall be raised upon any Barony or Baronies in any such County, or on the County at large; and that the Treasurer of any such County shall from Time to Time, without further Authority or Presentment in that Behalf, insert in his Warrant at each Assizes the Portion or Portions so set forth of the Sum so presented, and the same shall be raised and levied in like Manner from Time to Time, and with the like Remedy in case of Nonpayment, as all other Money directed by such Warrant is by Law to be levied; and when and so soon as such Presentment shall have been duly certified by the acting Clerk of the Crown to the Lord Lieutenant of *Ireland* it shall and may be lawful to and for such Lord Lieutenant to direct the Amount of such Sum of Money so presented, or any Part thereof, to be advanced out of the growing Produce of the Consolidated Fund in *Ireland* to the Treasurer of such County, to be applied for the Purposes for which such Presentment shall have been made under such Rules and Regulations as to such Lord Lieutenant shall seem fitting and expedient; and such Money so advanced and paid by such Treasurer shall be accounted for by him in like Manner as any other Monies received by him for the Use of such County, and all Securities given by him or in his Behalf shall extend to such Money; and such Treasurer shall from Time to Time pay to such Bank or Person as the Lords Commissioners of the Treasury shall direct all such Sums as shall from Time to Time be received by him from the baronial or other Collectors by virtue of the Presentment on account of which such Money shall have been advanced, until the whole Sum advanced shall be repaid.

to be raised by  
Instalments in  
Six Years.

Presentment  
being certified  
to Lord Lieu-  
tenant, he may  
direct Advance  
of Money.

Treasurer to  
repay Money  
so advanced.

Presentment  
for the Main-  
tenance of a  
County Infir-  
mary.

LXXXV. And be it enacted, That it shall be lawful for the Grand Jury of any County at each Assizes to present to be raised off such County (whether there be or be not any special Pro-  
vision

vision in any Act of Parliament relative thereto) a Sum not exceeding Seven hundred Pounds, to be paid to the Treasurer of the Infirmary of such County, and applied to the Support and Maintenance of such Infirmary: Provided always, that, together with an Application for such Presentment, a Certificate under the Hand of the Physician or Surgeon of such Infirmary, stating the Number and Names of Patients, as well extern as intern, received and relieved since the preceding Application, and also a true Debtor and Creditor Account of the Funds and Expences thereof, commencing from the Time of the preceding Application, attested by the Signature of the Treasurer of such Infirmary, shall have been laid before the Presentment Sessions, and that such Application and Account shall have been approved of thereat.

LXXXVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present at each Assizes any Sum not exceeding Forty-seven Pounds, to be raised off such County, and paid to the Surgeon or Surgeons of the Infirmary thereof: Provided always, that no such Presentment shall be made unless, together with an Application therefor, a Certificate signed by the Governors of such Infirmary or Hospital, or by Five of them at the least, shall be laid before the Presentment Sessions, which Certificate shall state that the Surgeon or Surgeons for whom such Sum is requested to be presented hath or have resided at or within One Mile of such Infirmary, and duly and faithfully executed his or their Duty as Surgeon of such Infirmary or Hospital, and diligently complied with the Rules and Regulations of the Governors of such Infirmary, since the Date of the last Application, nor unless a true Copy (certified under the Hand of the Treasurer of such Infirmary or Hospital) of the Letters Testimonial from the College of Surgeons in *Ireland*, by Law required to be obtained by every such Surgeon, shall be laid before the Special Sessions next after his Appointment to his Office, nor unless such Surgeon shall have given his Attendance and Professional Assistance, without any other or further Fee or Reward, to the Prisoners and others in the Gaol of the County to the Infirmary of which he has been appointed Surgeon, if such Gaol is situate within Five Miles of such Infirmary; and provided also, that no Surgeon or Medical Attendant hereafter appointed shall be qualified to act as Surgeon of any Infirmary or Dispensary until he shall have signed and deposited with the Secretary of the Grand Jury a Declaration in the Form in the Schedule (R.) to this Act annexed.

LXXXVII. And be it further enacted, That if any Person shall at any Time after the passing of this Act, by himself, his Friends or Agents, directly or indirectly give or promise to give any Money, or any Security for Money, or other Consideration, to any Person or Persons in order to procure the Appointment to the Office of Treasurer, Clerk of the Peace, Secretary of the Grand Jury, Surveyor, or any other Office or Employment in this Act mentioned, or in order to procure the Resignation of any Person or Persons holding such Office, or in order to influence the Votes of the Persons who may have the Appointment to such Office, he shall be incapable of holding any such Office or Employment, and shall forfeit for every such Offence a Sum of One hundred Pounds

Presentment for Salary of Surgeon to a County Infirmary.

Penalty for giving or promising any Money, &c. to obtain the Appointment to any Office or Employment under this Act.

to

Persons appointed to Office to subscribe a Declaration at the next Assizes, which shall be preserved.

to any Person who will sue for the same, and such Sum may be recovered by Civil Bill before the Assistant Barrister, or by Action in any of the Superior Courts; and every Person appointed to any of such Offices at any Time after the passing of this Act shall, at the Assizes next after his Appointment, subscribe in open Court before the Foreman of the Grand Jury and deliver to him a Declaration in the Form in the Schedule (T.) to this Act annexed, and the same shall be preserved by the Clerk of the Crown among the Records of the County, and no Presentment shall be made for any Salary to any such Officer until he shall have so subscribed and delivered such Declaration.

Presentment for the Support of Houses of Industry.

11 & 12 G. 3. (I.)

LXXXVIII. And be it enacted, That it shall be lawful for the Grand Jury of any County at any Assizes to present, to be raised off such County, any Sum not less than Four hundred Pounds and not exceeding One thousand Pounds in the Year for the Support of any House of Industry in such County established under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for badging such Poor as shall be found unable to support themselves by Labour, and otherwise providing for them, and for restraining such as shall be found able to support themselves by Labour or Industry from begging*; which Sum when so raised shall be paid to the Corporation of such House of Industry, and applied by the said Corporation towards the Support and Maintenance of the same accordingly: Provided always, that, together with an Application for such Presentment, a Debtor and Creditor Account of the Funds and Expences of such House of Industry from the Time of the last Application shall have been laid before the County Presentment Sessions and approved thereat.

Presentment for Support of Lunatic Wards in Houses of Industry.

LXXXIX. And be it enacted, That where a Lunatic Asylum or any Ward or Wards for the Reception and Support of Idiots and Insane Persons is connected with or under the Direction of any House of Industry in any County, it shall and may be lawful for the Grand Jury at any Summer Assizes to present such Sum or Sums not exceeding the Sum of One hundred Pounds as shall appear to be necessary for the Support of such Asylum or Ward connected with such House of Industry, and such Sum shall be raised off the County at large, and levied and applied accordingly.

Presentment to repay Advances by Order of Lord Lieutenant to defray Expences of a Board of Health.

XC. And be it enacted, That whenever the Lord Lieutenant of *Ireland* shall at any Time have ordered any Sum or Sums of Money to be advanced out of the Consolidated Fund for the Payment of the Expences incurred by any Commissioners appointed by such Lord Lieutenant or other Chief Governor or Governors to form a Board of Health in any City, Town, or District, it shall be lawful for the Grand Jury of any County in which such Expence shall be or have been incurred, and they are hereby required, to present, without previous Application to Presentment Sessions, all Sums so advanced to be raised off such County: Provided always, however, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, if they shall think fit, to direct that such Sum shall be repaid by such Instalments as they may think proper.

Presentment for erecting, &c. District

XCI. And be it enacted, That at any Time after any Order in Council shall be made by the Lord Lieutenant of *Ireland* by and with the Advice of His Majesty's Privy Council in *Ireland*, under

and by virtue of the Provisions of an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in Ireland*, or any Act or Acts amending the same, and after such Order shall have been published in the *Dublin Gazette*, it shall and may be lawful for the Grand Jury of any County within any District appointed under the said recited Act to present at any Assizes such Sum or Sums of Money to be raised off such County as shall be requisite for defraying the Expences of erecting and establishing an Asylum for the Lunatic Poor for such District, or any Proportion thereof, ascertained by any Order made by the said Lord Lieutenant and Privy Council.

Lunatic Asylums.  
1 & 2 G. 4. c. 33.

XCII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County, within any District for which a Lunatic Asylum is now or shall at any Time hereafter be built and established under the Provisions of the said last-recited Act, to present at each Assizes, to be levied off such County, such Sum or Sums of Money as shall be necessary for the Expences of supporting, supplying, and maintaining any such Asylum, or the Officers thereof, or the Patients therein, or any Proportion of such Expences, ascertained by Order of the said Lord Lieutenant and Privy Council.

Presentment for Support of District Lunatic Asylums,

XCIII. And be it enacted, That whenever the Lord Lieutenant of *Ireland*, by and with the Advice of His Majesty's Privy Council in *Ireland*, shall, under the Provisions of the said last-recited Act or any Act amending the same, have ordered and directed any Sum or Sums of Money to be advanced, issued, and paid out of the growing Produce of the Consolidated Fund arising in *Ireland* for the Purpose of erecting and establishing, opening, carrying on, maintaining, or supporting any such Asylum, the Grand Jury of every County within the District in and for which such Asylum shall be erected and established shall and they are hereby required (after any such Asylum shall be fit for the Reception of such Lunatic Poor) to present at each Assizes, without any previous Application at Presentment Sessions, such Sum or Sums of Money to be levied off such County as shall be necessary for the Repayment of any such Sum or Sums so advanced, or any Part thereof, at such Times and in such Proportions as shall be directed and ascertained by any Order or Orders to be made by such Lord Lieutenant in Council as aforesaid.

Presentment for repaying Advances from Consolidated Fund for erecting and supporting any District Lunatic Asylum,

XCIV. And be it further enacted, That in each and every Case when the Commissioners appointed for general Control and Correspondence, and for the superintending and directing the Erection, Establishment, and Regulation of District Lunatic Asylums, shall have rented or purchased any Houses, Buildings, Lands, Tenements, or Hereditaments, on the Site or Sites of which it shall be proposed to erect or maintain any such Asylum, it shall be lawful for the Grand Jury of any County in or for which wholly or in part any such Asylum hath been or shall be established, and such Grand Jury are hereby required, at the Assizes next ensuing the Day or Time when such Purchase shall be made or such Rent shall become due, or as soon after as shall be requisite, and so

Presentment for Purchase Money and Rents of Sites of Lunatic Asylums.

from

from Time to Time whenever the Case shall happen, to present, without previous Application to Presentment Sessions, to be levied off such County, such Sum or Sums of Money as they shall be directed to present by the Lord Lieutenant of *Ireland* in Council as aforesaid for the Purpose of completing such Purchase or paying such Rent or Rents.

So much of the Act of 7 G. 3. as relates to the Erection of an Infirmary at Donegal repealed.

The Lord Lieutenant may direct it to be removed.

XCV. ' And whereas by an Act passed in the Seventh Year of the Reign of King *George* the Third it was enacted, that the ' Infirmary for the County of *Donegal* should be erected at *Lifford*, ' which is now found to be an inconvenient Situation ;' be it therefore enacted, That so much of the said Act as relates to the Erection of said Infirmary shall be and the same is hereby repealed ; and that it shall and may be lawful for the Lord Lieutenant or other Chief Governor, by and with the Advice of the Privy Council of *Ireland*, upon a Memorial being presented from Two Thirds of the Grand Jury of the County of *Donegal*, praying for the Removal of the Infirmary of said County to some other convenient Place, to order and direct that said Infirmary be removed accordingly, and that the Grand Jury of the County of *Donegal* shall and may thereupon present such Sums as shall be necessary for the aforesaid Purpose.

Presentment for building, &c. Diocesan Schools and Schoolhouses.

XCVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County in which any Diocesan School or District School or the Site appointed for the same shall be situate to present, to be levied off such County, any Sum or Sums which they shall think proper for purchasing, providing, building, or repairing any such Schoolhouse or a Dwelling House for the Master thereof, or any of the Offices or Appurtenances properly belonging to such Schoolhouse or Dwelling House, or for purchasing or procuring a Site for the same, not exceeding the Quantity of Two Plantation Acres: Provided always, that whenever any Grand Jury shall make such Presentment for any Schoolhouse or Dwelling House as and for the Schoolhouse of the Diocese only within which such County shall be situate, or as and for the Dwelling House of the Schoolmaster of such Diocesan School only, such Diocese shall not be or remain united to or with any other Diocese under any of the Provisions of an Act passed in the Fifty-third Year of His Majesty King *George* the Third, intituled *An Act for the Appointment of Commissioners for the Regulation of the several endowed Schools of public and private Foundations in Ireland*, but such Diocesan School shall be supported within its proper Diocese only, and the Money raised in such Diocese shall be applied solely and entirely to the Use of such Diocesan School, and not to any District School or other School out of such Diocese.

53 G. 3. c. 107.

Presentment for Coroners.

XCVII. And be it enacted, That it shall be lawful for the Grand Jury of any County at each Assizes to present any Sum not exceeding in the whole a Sum after the Rate of Thirty Pounds for each and every Coroner in such County, according to the Schedule (S.) hereunto annexed, to be levied off such County or any Barony therein as such Grand Jury shall think advisable, and such Grand Jury shall apportion the whole of such Sum so presented among the several Coroners of such County according to the Number of Inquests which may appear to have been respectively

tively held upon the Body of any Person by each of such Coroners since the Date of the last Application for a Presentment; and such Sums shall be paid by the Treasurer to the Coroners respectively who shall have held such Inquests and for whom such Sums shall have been presented: Provided always, that no Coroner shall receive more than at the Rate of Two Pounds for each Inquest so held by him.

No Coroner to receive more than at the Rate of 2*l.* for each Inquest.

XCVIII. Provided further, and be it enacted, That it shall not be lawful for any Grand Jury to make any Presentment for any such Remuneration to any such Coroner unless, together with the Application for the same at the County Presentment Sessions, there be laid before such Sessions a Certificate of each Inquest respectively taken by such Coroner, made and signed by such Coroner in the Form following:

Certificate of Coroner in Form following to be laid before Sessions.

‘ [ *A.B.*, a Coroner in the County [County of a City *or* County of a Town] of do hereby certify, That on the Day of I held an Inquest on the Body of *C.D.* at in this County [*or* County of a City *or* County of a Town], and that the Names of the Jurors impanelled on such Inquest were as follows:

‘ And that the Names of the Witnesses examined before such Jurors were as follows:

‘ And that the Verdict of such Jury was

‘ All which I certify. Dated this Day of

‘ *A.B.*,

‘ Coroner of this County [County of a City *or* County of a Town] of

And it shall be lawful for such Sessions or the Grand Jury, in case they shall so think fit, to examine any such Coroner upon Oath as to the Truth of any such Certificate.

Coroner may be examined upon Oath.

XCIX. And be it enacted, That it shall and may be lawful for any Coroner before whom any Physician, Surgeon, Apothecary, Chemist, or other Person practising Medicine or Surgery, shall, in obedience to a Summons from such Coroner, attend and be examined as a Witness at any Inquest relative to the Death of any Person, to grant such Witness an Order, signed by such Coroner, upon the Treasurer of the County wherein such Inquest shall be held, for such Sum not exceeding Three Pounds as to such Coroner shall seem fit, and the Amount of all such Payments shall be presented by the Grand Jury to be raised off the County at large, or any Barony thereof, in like Manner as the Sum presented for the Inquest whereto such Party may have attended; provided always, that the Coroner shall certify to the Presentment Sessions of the Barony in which the Inquest was held the Amount and Particulars of all such Sums so by him ordered to be paid, and that such Payment shall have been approved thereat, but not otherwise.

Presentment for Medical Witnesses examined on Inquests.

C. Provided always, and be it enacted, That it shall not be lawful for any Grand Jury to present any Money to be paid to any Coroner who shall appear to them to have been guilty of Neglect of Duty in not attending to take any Inquest or, otherwise, nor in any

No Presentment for Coroner guilty of Neglect of Duty.

any Case to present any Money for the Remuneration of any Coroner for or in respect of any Inquest other than such as shall have been held since the Date of the Application for the last Presentment.

Presentment  
of Money for  
Constabulary  
Force.

54 G. 3. c. 131.

3 G. 4. c. 103.

CI. And be it enacted, That it shall be lawful for the Grand Jury of each County at each Assizes, and they are hereby required, to present, to be levied off such County, or off any Barony or Half Barony (as the Case may be), all and every such Sum or Sums of Money as may be chargeable upon and directed to be presented and levied off such County, Barony, or Half Barony, by and under the Provisions of an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the better Execution of the Laws in Ireland, by appointing Superintending Magistrates and additional Constables in certain Cases*, or any Act amending the same, or an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates, in certain Cases*, or any Act amending the same, or any Act passed or to be passed in this present Session of Parliament to consolidate the Laws relating to the Constabulary Force in *Ireland*; and every such Presentment shall be made without any previous Application to Presentment Sessions, and in all respects pursuant to the Regulations of the said Acts, or such of them as may be applicable to the Case; and the Money levied under every such Presentment shall be paid over in such Manner and to such Bank or Person as the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, shall direct, save and except in the Case of the Superannuations herein-after and by the said Acts or any of them directed to be paid to the Parties entitled to the same.

Presentment  
for Constables  
superannuated  
for Wounds,  
&c.

5 G. 4. c. 28.

CII. And be it enacted, That whenever the Lord Lieutenant of *Ireland* shall, under and by virtue of the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in Ireland*, or under the Provisions of any other Act, have ordered any Sum or Sums of Money to be paid and advanced out of the Produce of the Consolidated Fund of *Great Britain* and *Ireland*, arising in *Ireland*, as an annual Remuneration or Superannuation to any Chief Constable, Constable, or Sub-Constable disabled by any Maim, Wound, or Hurt, or other grievous Injury, received by him in the Execution or Performance of the Duty of his Office, it shall and may be lawful for the Grand Jury of any County for which or for any Barony whereof such Constable shall have been appointed, or the Grand Jury of the County in which such Chief or other Constable may have been maimed, wounded, or hurt, in case the Lord Lieutenant shall direct that such County shall bear the Charge, and such Grand Jury is hereby required, upon the Production of the Certificate of the Chief Secretary of the Lord Lieutenant for the Time being, or of the Under Secretary, of the Amount of the Sum or Sums so paid and advanced out of the Consolidated Fund for the Superannuation of such Constables, to present (without previous Application to Presentment Sessions)



Sessions) One Moiety of such Sum or Sums so paid, advanced, and certified as aforesaid, to be levied off such County or Barony; and the same when levied shall be paid over in such Manner and to such Bank or Person as the Lords Commissioners of the Treasury or any Three or more of them shall direct.

CIII. And be it enacted, That it shall and may be lawful for the Grand Jury of each County, and they are hereby required, to present (without previous Application to Presentment Sessions) such yearly Allowance, Superannuation, Compensation, Gratuity, or Remuneration as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall order, or at any Time have ordered, to be paid by such County, or such Proportion thereof as he or they shall direct or have directed to be paid, to any Magistrate, Inspector, Deputy Inspector, Co-Inspector, Sub-Inspector, Chief Constable, Constable, or Sub-Constable who has been or shall hereafter be superannuated by virtue of the Provisions of any Act or Acts of Parliament now in force, or which may be passed in this present Session of Parliament, authorizing such Lord Lieutenant or other Chief Governor or Governors to grant such Superannuation, and such Allowance, Superannuation, Compensation, Gratuity, or Remuneration shall be presented in equal Moieties, One at each Assizes during the Life of each Person so entitled thereto, on Proof to the Grand Jury from Time to Time that such Person is living, and, when raised, such Money shall be paid to each such Person by the County Treasurer.

Presentment for Constables superannuated for Age or Infirmary.

CIV. And be it enacted, That when in any County any Special Constables shall have been appointed by virtue of an Act of the Second and Third Year of the Reign of His present Majesty; intituled *An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, and the Justices of the Peace of such County, acting at a Special Sessions held for that Purpose, or the major Part of them, shall, in pursuance of the Powers given to them by the said Act, have made any Order or Orders upon the County Treasurer for the Payment to such Special Constables of a reasonable Allowance for their Trouble and Loss of Time, or to defray Expences incurred in providing Staves or other necessary Articles for such Special Constables, it shall and may be lawful for the Grand Jury of such County, and such Grand Jury is hereby required, to present, (without previous Application to Presentment Sessions,) to be raised off such County or any Barony thereof within which such Special Constables may have served, the Amount of all Sums paid by the County Treasurer pursuant to such Order or Orders.

Presentment for Expences of Special Constables.  
2 & 3 W. 4. c. 108.

CV. And be it enacted, That where any Person shall have been tried for any Felony whatsoever, it shall be lawful for the Court before whom such Person shall have been tried, in case it shall appear that there was a reasonable Ground of Prosecution, to order the Treasurer of the County in which the Offence shall have been or shall have been alleged to have been committed to pay to the Prosecutor, upon his Application, such Sum of Money as to such Court shall seem reasonable, not exceeding the Expences which it shall appear to the Court that such Prosecutor may have *bonâ fide* incurred in carrying on such Prosecution; and in

Presentment for Expences of Prosecutors and Witnesses in Cases of Felony.

case such Prosecutor shall appear to the Court to be in poor Circumstances, such Court may make a further reasonable Allowance to such Prosecutor for Trouble and Loss of Time, which Order the Clerk of the Crown or Clerk of the Peace respectively is hereby directed and required forthwith to make out and deliver to such Prosecutor without Fee or Reward; and when any Person shall appear on Recognizance or Subpœna to give Evidence as to any Felony whatsoever, whether the Prosecution of such Felony be commenced or carried on by or under the Direction of any Law Officer of the Crown or any other Person, it shall be lawful for the Court before which such Person shall appear, whether any Bill of Indictment be preferred or not to any Grand Jury, in case such Person shall *bonâ fide* have attended in obedience to such Recognizance or Subpœna, to order the Treasurer of the County in which the Offence shall have been or shall have been supposed to have been committed to pay unto such Person such Sum of Money as shall seem reasonable, not exceeding the Expences which it shall appear that such Person has *bonâ fide* incurred by reason of the said Recognizance or Subpœna; and in case such Person shall appear to be in poor Circumstances such Court may make a further reasonable Allowance to such Person for Trouble and Loss of Time, which Order the Clerk of the Crown or the Clerk of the Peace respectively is hereby directed and required forthwith to make out and deliver to such Person; and such Treasurer is hereby authorized and required, out of any Public Money in his Hands, forthwith to pay to any such Prosecutor or Witness respectively, or to any Person by him or her authorized, any such Sum of Money so ordered, and such Treasurer shall be allowed the same in his Accounts; and the Grand Jury of such County shall at each Assizes present all Sums so paid to such Prosecutors and Witnesses respectively, to be raised either off the County at large or upon any Barony thereof, as to such Grand Jury shall seem fit; and such Presentment may be made without any previous Application to Presentment Sessions.

Presentment for Compensation to Persons maimed, and to Representatives of Persons murdered, in certain Cases.

CVI. And be it enacted, That if it shall appear that any Person having given Information or Evidence against any Person or Persons charged with any Offence against the Public Peace shall have been murdered or maimed previous to the Trial of the Person or Persons accused by such Information or Evidence, or of any of them, or on account of any such Evidence given, or that any Magistrate or other Peace Officer shall be murdered or maimed on account of his Exertions, as such Magistrate or Peace Officer, to bring Disturbers of the Public Peace to Justice, it shall and may be lawful to and for the Grand Jury of the County within which such Murder or Maiming shall have been committed respectively to present such Sum or Sums of Money as they shall think just and reasonable to be paid to the Personal Representative of such Witness, Magistrate, or Peace Officer so murdered, or to such Witness, Magistrate, or Peace Officer so maimed, having regard to the Rank, Degree, Situation, and Circumstances of such Witness, Magistrate, or Peace Officer, such Money to be raised off the County at large or the Barony in which such Murder or Maiming shall respectively have been perpetrated, at the Discretion of such Grand Jury.

CVII. And

CVII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County at any Assizes, if they shall think fit, to present, without any previous Application at Sessions, any Sum of Money not exceeding the Sum of Twenty Pounds for each and every Person who shall apprehend and prosecute to Conviction any Person guilty of any Murder, and any Sum not exceeding Ten Pounds for each and every Person who shall apprehend and prosecute to Conviction any Person guilty of any other Capital Felony or Misdemeanor for which any Person on Conviction may be liable to be transported; such Sum or Sums to be raised off such County or any Barony thereof as such Grand Jury shall think proper, and to be paid to any Prosecutor or Prosecutors of such Offenders as aforesaid; and such Presentment may be made during the Time appointed for transacting the Criminal Business of such County.

Presentment for Rewards to Prosecutors of Felons.

CVIII. And be it enacted, That the Grand Jury of any County where any Offence shall have been committed shall present, to be levied off such County, the Expences attending the Removal thereto of any Prisoner apprehended according to Law in any other Part of the United Kingdom; provided that, with an Application by the Treasurer of the County to the next County Presentment Sessions after such Expences shall have been repaid by him, there shall be laid by such Treasurer before such Sessions the Account or Accounts of such Expences, verified as by Law required, upon which he shall have repaid the same, and that such Application and Account shall be approved at such Sessions.

Presentment for Expence of removing Offenders.

CIX. And be it enacted, That where, after the passing of this Act, any Child under the Age of Two Years shall be left exposed and deserted in any Parish in *Ireland*, and an Application shall have been made by any Two Cess Payers, with the Approval of Two or more Justices at Petty Sessions assembled, and such Application shall likewise have been approved at the Presentment Sessions for the Barony in which such Parish shall be situate, it shall be lawful for the Grand Jury of such County to present, to be levied off such Parish, or any Portion thereof, any Sum not exceeding Five Pounds in the Year for the Maintenance of such Child, and such Sum so levied shall be paid to the Cess Payers making such Application or such other Person or Persons as the Grand Jury shall direct, to be by them applied for the Purposes aforesaid: Provided always, that if the Baronial Presentment Sessions shall not approve of any such Application, or the Grand Jury of such County shall refuse or neglect to make such Presentment, it shall be lawful for the Judge of Assize, upon the Complaint of such Cess Payers, to order such Sum as he shall think fit, not exceeding Five Pounds, to be raised upon such Parish or Portion thereof (in the same Manner as any Money presented by Grand Juries) for the Support of such Child; and provided further, that in no Case shall any Sum be presented for the Support of any such Child after it shall have attained the Age of Twelve Years.

Presentment for Maintenance of deserted Children.

If Application is disallowed, the Judge may order a Sum in certain Cases.

CX. And be it enacted, That all County Treasurers, Clerks of the Crown, Clerks of the Peace, Secretaries to Grand Juries, Sheriffs, Medical Officers of Prisons, and all other Officers and Persons mentioned and specified in the Schedule marked (S.) to

Presentments for Salaries of County Officers, &c.

this Act annexed, shall from and after the passing of this Act be paid and remunerated for their respective Duties, Services, and Expences by annual Salaries only, payable half-yearly at each Assizes by equal Moieties, and not exceeding the Amount mentioned in the said Schedule; and the Grand Jury at any Assizes shall and may present (without previous Application to Presentment Sessions) for each such Officer, to be raised off the County at large, the Moiety of such annual Salary: Provided always, that in case of any negligent or insufficient Discharge of Duty by any such Officer or Officers, it shall and may be lawful to and for any Grand Jury, with the express Sanction of the Court, but not otherwise, to present any Sum or Sums less in the whole than the Moiety of the annual Salary by this Act specified to be paid to any such Officer or Officers, or to withhold and refuse to make any Presentment whatever for any such Officer or Officers; and that such Officer shall not be entitled to receive any Payment for any Service or Duty performed at an adjourned Assizes.

Proviso.

No Presentment to be fiated without certain Certificates.

CXI. And be it enacted, That no Presentment for any Salary to any Treasurer of any County shall be fiated by any Court or Judge unless there shall be previously produced to such Court or Judge by the acting Clerk of the Crown either a Certificate signed by the proper Officer of the Court of Exchequer in *Ireland* stating that such Treasurer has duly given and entered into the Recognizances now required of him by Law, and that such Recognizances have been duly deposited and entered or recorded in such Court, and the Dates thereof and the Names of the respective Sureties therein, and the Sums for which such Sureties were severally bound, or else a Certificate signed by the Accountant General of the Court of Chancery that such Sum of Money as shall be equal to the Amount of Security required to be given by such Treasurer has been duly invested as by Law required, and a Certificate or Receipt that he has duly paid all Instalments to the Public Boards which have been presented at the previous Assizes, and that his Accounts have been duly audited by the Grand Jury.

Affidavit of Emoluments to be made by Clerk of the Crown and Clerk of the Peace.

CXII. And be it enacted, That before any Clerk of the Crown or Clerk of the Peace shall be entitled to receive such Salary as is hereby provided he shall at each Assizes lay before the Grand Jury an Account, verified on Oath and sworn and read in open Court, setting forth the total Amount of his Fees and other Emoluments, and distinguishing the several Sums paid and received under each separate Head of Service, and the Rates of Fees or Remunerations received on each; and it shall not be lawful for any Grand Jury to present to be paid to any Clerk of the Peace, unless it shall appear to them that he has given Security by Recognizance in the Sum of One thousand Pounds for the due and faithful Execution of his Office of Clerk of the Peace, and that such Recognizances have been duly deposited or recorded.

Further Presentment for Clerk of the Crown and other Officers in certain Cases.

CXIII. And be it enacted, That in any County wherein a Special Commission shall be held for the Trial of Offenders the Grand Jury at the Assizes next immediately ensuing shall and may (without previous Application to Presentment Sessions) make a further Presentment for the Clerks of the Crown, Sheriffs and Judge's Crier, not exceeding One Fourth of their annual Salary, subject nevertheless to the like Direction as herein-before given to

to any Grand Jury in case of Neglect or insufficient Discharge of Duty by any Officer.

CXIV. And be it enacted, That the Presentments to be made under this Act for the Secretaries to the several Grand Juries shall be in full Acquittance of all Demands to be made by such Secretaries for Stationery, which such Secretaries shall be bound to furnish to the several Grand Juries without further Charge, not however including the Expence of Printing herein specially provided for.

Presentments for Secretaries to include Stationery.

CXV. And be it enacted, That it shall and may be lawful for every Grand Jury at each Assizes, and they are hereby required, to present all such Sum or Sums of Money as may be necessary to defray the Expence of providing and printing all such Registry Books and Lists of registered Voters as are or shall be required to be provided and printed by the several Acts now in force for regulating the Election of Members to serve in Parliament in *Ireland*, to be paid to the Person or Persons who shall have contracted for supplying and printing such Books or Lists.

Presentment for Expence of Registry Books and Lists of Voters.

CXVI. And be it enacted, That it shall and may be lawful for the Grand Jury of any County, and they are hereby required, to present, to be raised off such County, the Expence of providing and transmitting such Copies of the Imperial Standard Weights and Measures, and the Stamps to be used by the Inspectors of Weights and Measures, and such Remunerations to Inspectors, as they are respectively directed to provide and transmit under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof.*

Presentment for Copies of Weights and Measures, and for Stamps, and Remuneration of Inspectors.

5 & 6 W. 4. c. 63.

CXVII. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present, to be levied off such County, such Sum or Sums of Money as may be necessary or shall have been expended for or in suing any Treasurer, High Constable, or Collector of any Public Money, or any of their Sureties, Executors, or Administrators, for any Misconduct, Breach of Duty, or Nonpayment, or for recovering any Public Money from any Treasurer, High Constable, or Collector, or their Sureties, Executors, or Administrators, or for suing any Contractor under this Act, or under any Act in force in *Ireland* at the Time of the passing of this Act, his Sureties, Executors, or Administrators, for any Breach of Contract; provided that no such Presentment shall be made, unless, together with the Application therefor at Presentment Sessions, there shall have been laid before such Sessions a Bill, duly taxed and certified by the proper Taxing Officer, of the Costs incurred for any of the Purposes aforesaid for which such Presentment shall be required, nor unless it shall be proved that such Costs could not be recovered from the Person sued, or any other Person liable to pay the same, and that the Proceeding was instituted by the Direction of a Grand Jury.

Presentment for Expences of suing Treasurers and Contractors, &c.

Taxed Bill of Costs to be laid before Sessions.

CXVIII. And be it enacted, That whenever the Lord Lieutenant of *Ireland*, by virtue of the Powers and Authorities given to him by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to*

Presentment for Salary and Expences of Commissioners of Valuation and

Allowances of Valuators.  
7 G. 4. c. 62.

*make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively, and any Act amending the same, or any Act passed or to be passed in this present Session of Parliament consolidating or amending such Acts, shall have ordered and directed any Sum or Sums of Money to be advanced out of the Produce of the Consolidated Fund of the United Kingdom arising in Ireland, for the defraying of the Salary or the travelling or other Expences of any Commissioner of Valuation, or for defraying the Allowances of any Valuators appointed under the Provisions of the said recited Acts or any of them, it shall and may be lawful for the Grand Jury of any and every County in which such Commissioner and such Valuators shall be employed, and they are hereby authorized and required, on the Production of the Certificate of the Chief Secretary of such Lord Lieutenant, or of the Under Secretary, of the Amount of Money advanced and paid as aforesaid, to present (without previous Application to Presentment Sessions), to be levied off their respective Counties or any Barony or Baronies therein, the Amount of the Sum or Sums stated in such Certificate, in such Manner and in such Proportions as the said Lord Lieutenant shall direct; and when and so soon as the Sum or Sums so to be presented as aforesaid shall be raised and received by the Treasurer of any County, such Treasurer shall pay over the same in such Manner and to such Bank or Person as the Lords Commissioners of His Majesty's Treasury shall direct.*

Presentment for Trackways on Banks of Navigable Rivers.

CXIX. And be it enacted, That it shall and may be lawful for the Grand Jury of any County to present at any Assizes such Sum or Sums of Money as may be necessary to repair or widen to any Width not exceeding Fifteen Feet any Towing Path and Trackway on the Bank of any Navigable River on which Boats have been accustomed to be towed by Horses, to be levied off the Barony or Baronies in which such Towing Path and Trackway are locally situate: Provided always, that nothing herein contained shall extend to the repairing or widening of the Towing Paths or Trackways of Canals or Rivers whereon Tolls are paid or payable.

Owners of Ferries may erect Bridges and take Tolls, on certain Conditions.

CXX. And be it enacted, That it shall be lawful for any Person or Persons who now have or hereafter shall have any Ferry over a River (except in Cities and Towns Corporate) to erect and support a Bridge at his or their own Expence over such River in the Place of such Ferry, and to take and receive for passing such Bridge such Toll, and no more, as they are entitled to receive for passing such Ferry, so as that such Bridge shall not obstruct the Navigation of such River; and that such Tolls shall be recoverable in the like Manner, and under such Penalties for refusing or evading to pay the same, by any Justice of the Peace, as is prescribed by an Act passed in the Parliament of Ireland in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled *An Act for the building a Bridge over the River Loughfoyle in the City of Londonderry and the Suburbs thereof*, and that it shall be lawful for any Grand Jury, upon an Application made and approved of in manner by this Act directed, to make Presentment

Grand Jury may present for the Purchase of the Property

for the Purchase of the Properties in any such Bridges or Ferries, in order to open the same, free of Tolls, for the Benefit of the Public.

CXXI. And be it enacted, That at any Time after the completing and opening of any Bridge built in pursuance of an Act passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, and of an Act passed in the Fifty-third Year of the Reign of His said Majesty King *George* the Third, amending the same, it shall and may be lawful for the Grand Jury of the County in which such Bridge shall be situate, or if situate in Two Counties, then for the Grand Juries of such Counties, to redeem the Tolls payable under the said Acts to the Owner or Owners of the said Tolls, by paying in one Sum to such Owner or Owners the original Sum expended in building such Bridge, with any Deficiency of Interest which may arise, in case by the Perception of the said Tolls the said Owner or Owners shall not have received, above all necessary Costs and Charges of Repair and Collection of the said Tolls, the legal Interest at the least for the Money originally expended in building and erecting such Bridge; and on such Payment of the original Sum so expended, and of such Deficiency, if any there shall be, then the said Tolls shall cease, and the Passage of such Bridge shall be open and free to all Cattle, Carriages, and Persons whatsoever; and such Grand Jury is hereby empowered, upon an Application made and approved of in manner by this Act directed, to raise by Presentment, to be levied off the County at large, such Sum or Sums of Money as may be sufficient to defray the Expences of redeeming such Tolls in manner aforesaid, such Sum or Sums to be paid to the Owner or Owners of such Tolls.

CXXII. And be it enacted, That nothing herein contained shall be construed to limit or affect the Power or Duties of any Grand Jury to make any Presentment which they are authorized or required to make, under and by virtue of an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the more effectually providing for the Erection of certain Bridges in Ireland*; provided that no previous Application or Approval at Presentment Sessions under the Provisions of this Act shall be necessary to authorize any such Presentment.

CXXIII. And be it enacted, That nothing in this Act contained shall limit or affect the Authority of Grand Juries to make Presentment for clearing, sinking, embanking, or altering the Course of any River or Stream pursuant to the Provisions of an Act passed in the First and Second Year of His present Majesty, intituled *An Act to empower Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers*; provided that an Application for such Presentment, in the Form prescribed by the said recited Act, shall have been previously made and approved, in the Manner herein-before appointed, at the Presentment Sessions holden for the Barony where the Work to which such Application may refer shall be locally situate.

CXXIV. And be it enacted, That nothing in this Act contained shall be construed to limit or affect the Powers, Duties, or Authorities

in such Bridges, to open them Toll-free.

Power for Grand Juries to redeem Tolls payable on certain Bridges. 19 & 20 G. 3. (1.)

Presentment of Sums necessary to redeem.

Not to affect the Power to make Presentments for erecting of certain Bridges;

4 & 5 W. 4. c. 61.

nor for clearing Rivers if previously applied for and approved at Baronial Presentment Sessions.

1 & 2 W. 4. c. 57.

Powers reserved to Grand Juries to make Pre-

sentments under  
Prison Act.

7 G. 4. c. 74.

rities of Grand Juries to make any Presentments which they are authorized or required to make under and by virtue of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*: Provided always, that it shall not be lawful for any Grand Jury to make any Presentment under the Provisions of the said recited Act for any Salary or Compensation to any Keeper, Turnkey, or Matron of any Gaol, Penitentiary, Bridewell, or House of Correction, or for building, rebuilding, altering, enlarging, or repairing any Gaol, Bridewell, House of Correction, or other Prison, (except in the Case of Repairs made under the Provisions of the said recited Act, in consequence of any Fire or other sudden Accident which may happen to any such Gaol, Bridewell, House of Correction, or other Prison,) unless Application for such Presentment shall have been made and approved at Presentment Sessions in the Manner herein-before directed and provided: Provided also, that all Contracts which any Grand Jury is authorized to make or enter into under the Provisions of the said recited Act shall be made by sealed Tenders and Proposals, to be delivered, opened, and dealt with, and Security to be taken, in like Manner as herein-before provided with respect to other Contracts for Public Works, any thing in the said recited Act to the contrary notwithstanding: Provided also, that no such Contract shall be entered into, nor any Presentment made thereupon, save upon and after an Application made and approved at Presentment Sessions as herein-before directed.

Grand Jury  
may superan-  
nuate Keepers,  
Turnkeys, or  
Matrons, on  
certain Recom-  
mendations and  
Certificates.

CXXV. And be it enacted, That it shall and may be lawful for the Grand Jury of any County, upon the Recommendation of the Inspectors General of Prisons, or One of them, supported by a Presentment of the Presentment Sessions of the County at large, and by the Certificate of the Board of Superintendence of any Gaol, Bridewell, House of Correction, or other Prison, and by such other Certificates as such Lord Lieutenant shall require or direct, that any Keeper, Turnkey, or Matron of such Gaol, Bridewell, House of Correction, or other Prison, is incapable, from Age or Infirmary of Mind or Body, to discharge the Duties of his or her Office, to order that such Keeper, Turnkey, or Matron shall and may be superannuated, and shall and may receive such yearly Allowance or Superannuation as to such Grand Jury shall seem fitting and proper; and thereupon such Keeper, Turnkey, or Matron shall cease to hold his or her Office; and the yearly Sum to which he or she shall become entitled shall be presented by the Grand Jury of the County in which such Gaol or other Prison shall be situate, in equal Moieties, one at each Assizes, during the Life of the Person so superannuated, on its being proved to the Satisfaction of such Grand Jury that such Person is living: Provided always, that no such Superannuation Allowance for any such Keeper, Turnkey, or Matron shall in any Case exceed Two Thirds of the annual Salary to which such Person shall be entitled at the Time of his or her Superannuation, nor the Proportions with reference to the Amount of the Salary of any such Keeper, Turnkey, or Matron, and the Periods of their Services respectively, which by an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act to alter, amend, and consolidate the Laws*

Presentment for  
such Superan-  
nuation.

Not to exceed  
Two Thirds of  
former Salary.

4 & 5 W. 4. c. 24.



for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service, are directed to be observed.

CXXVI. And be it enacted, That nothing in this Act contained shall limit or affect the Powers, Duties, or Authorities of Grand Juries to make Presentments for any Public Work or for the raising of any Public Money for which they are now or hereafter may be authorized or required to make Presentment by virtue and pursuant to the Provisions of an Act passed in the First and Second Years of His present Majesty's Reign, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, or any other Act amending or altering the same; and wherever in and by the said recited or other Act Grand Juries are empowered to make Presentments in order to obtain Advances, Loans, or Grants from the Commissioners for the Execution of the said recited or other Act for the Purpose of any Public Work which under the Laws in force at the Time of the passing of such Act it was competent for Grand Juries to present, they are hereby authorized and empowered to make similar Presentments in all respects and for like Purposes for any Public Work which they are under the Provisions of this Act authorized to present, and such Presentments when made shall be dealt with by the said Commissioners in all respects as the Presentments which Grand Juries were empowered to make in order to obtain Advances, Loans, or Grants under the Provisions of the said recited Act: Provided always, that no Presentation shall be made for the Purpose of obtaining any Grant, Loan, or Advance of Money from the Commissioners for the Execution of the said recited or other Act, unless an Application shall have been duly made and approved at the proper Presentment Sessions in the Manner herein-before appointed; and all Works so applied for (except in the Case of Works to be constructed or executed under the Direction of or by Persons in the Employment of the said Commissioners) shall be executed by Contract made upon sealed Tenders and Proposals in the Manner herein-before prescribed with respect to other Public Works to be executed by Grand Jury Presentments; and in all other respects the said recited Act or Acts, and all Powers, Authorities, Conditions, Clauses, and Regulations therein contained, shall be and remain in full Force and Effect, any thing herein contained to the contrary notwithstanding.

CXXVII. And be it enacted, That on the Face of every Presentment for the levying of any Public Money whatsoever, the Year of the King's Reign, and the Chapter and Section of the Act of Parliament (as printed by the King's Printer) under which such Presentment is authorized to be made and fiated, shall be inserted; and every such Presentment shall be entered in the County Book and in all the Schedules of Presentment, with a marginal Note of such Acts in manner aforesaid; and the Title of the Act so referred to shall be inserted at the End of all such Schedules, in default of which it shall not be lawful to present for printing the same; and all Presentments not made according to the Directions foregoing shall be null and void.

CXXVIII. And be it enacted, That in Cases where the Cost of executing any Public Work shall exceed Twenty Pounds it shall be lawful for the Grand Jury, at the Time of presenting for the Work,

Powers reserved to Grand Juries to present for Advances, &c. from Commissioners of Public Works.

1 & 2 W. 4. c. 33.

Application to be made at Sessions.

All Presentments shall contain a Reference to the Chapter and Section of the Act under which they are made, &c.

Advances may be made to Contractors in certain Cases not to

exceeding Three  
Fourths of the  
Cost of the  
Work.

to authorize the Treasurer of the County, from and out of any Funds in his Hands applicable to the Purpose, to advance from Time to Time during the Execution of the Work to the Contractor, upon his Application, any Sum not exceeding in the whole Three Fourths of the Cost of such Work; provided, that no such Advances shall be made by such Treasurer unless such Application shall be accompanied by a Certificate attached thereto, and signed by the County Surveyor, that more than the Sum applied for by such Contractor, in addition to any previous Advances made by him for such Work, has been fairly and honestly expended upon it conformably to the Contract.

Contractors  
liable to be sum-  
moned before  
Justices at  
Petty Sessions  
for Wages.

CXXXIX. And be it enacted, That all Contractors under this Act shall be liable to be summoned before the Justices assembled at any Petty Sessions on Complaint of the Party aggrieved for Recovery of any Wages or Money payable to any Person employed by them in the Execution of such Works, so as the Sum demanded do not exceed Six Pounds; and such Justices assembled as aforesaid are hereby authorized and required to hear such Complaint and adjudicate thereon; and it shall be no Defence to such Complaint that such Contractor has not himself received any Payment upon Foot of his Contract; and the Decision of such Justices shall be final; and the Sum adjudged to be due shall be levied by Warrant of Distress, under Hand and Seal of any Two such Justices, off the Goods and Chattels of such Contractor.

Contractors to  
procure Certi-  
ficate from  
County Sur-  
veyor of the  
Completion of  
their Work, and  
lodge Notice  
with Secretary  
of Grand Jury  
of Application  
for Payment.

CXXX. And be it enacted, That every Person who may contract for the Execution of any Work under this Act shall, on the Completion of the Work for which he may have contracted, or whensoever by the Terms of such Contract he may be entitled to Payment, give Notice to the Surveyor of the County, Ten Days at the least before the Day appointed for the holding of the first Presentment Sessions in the County after every Assizes or Presenting Term, of his Intention to make Application as herein-after provided, and require of such Surveyor a Certificate of the due Execution of such Work or Performance of such Contract; and such Contractor shall lodge with the Secretary of the Grand Jury, within the Period herein-before limited for the Lodgment of Notices of Applications for Presentments for Public Works, a Notice of his Intention to apply for Payment of the Sum contracted for by him, together with such Certificates to be obtained from the said Surveyor; and the Secretary to the Grand Jury shall arrange in like Manner as he has been herein-before directed to arrange Applications for Presentments all such Notices and Certificates, and annex to each the Number by which the Contract in respect whereof such Notice or Certificate may be given is distinguished in the Book of Abstracts which such Secretary has been herein-before directed to keep, and indorse on such Notice and Certificate the Date of the Lodgment of the same; and such Secretary shall lay all such Notices and Certificates, with an Abstract thereof and Index thereto, before the Presentment Sessions to be holden for the Barony or One of the Baronies, or the County of a City or County of a Town, in which such Work shall have been executed; and the Justices and Cess Payers at such Sessions shall examine into all such Applications for Payment on the Part of such Contractors, and inspect the Notices thereof and the Certificates aforesaid, and examine the  
Surveyor

Secretary to  
lay Notices, &c.  
before Present-  
ment Sessions.

Surveyor or Surveyors, and all other Persons whom they may think it necessary to examine for the Purpose of ascertaining the due Execution of the Work or Matter contracted for, and shall therein have and exercise all such Powers and Authorities as in the Case of Applications for Presentments, and in like Manner determine and decide upon all such Applications for Payment by Majority of Votes; and the Chairman at such Sessions shall on every Application which may be approved indorse the Word "Allowed," and on every Application which shall not be approved he shall indorse the Word "Disallowed," and the Reason of such Disallowance, and a Note of or Reference to the Particulars of the Execution of the Work which may have caused such Disallowance; and all such Applications, with the Notices and Certificates thereto belonging, shall be delivered to the Secretary of the Grand Jury, to be laid before them at the next ensuing Assizes, and such Grand Jury shall take such Applications as have been approved into consideration, and allow or disallow the same according to their Discretion; but it shall not be lawful for such Grand Jury or for the Court to allow any Application which shall not have been approved of at such Sessions; and no such Contractor shall be entitled to Payment who shall not have given such Notice and made such Application, nor unless such Application shall have been approved and allowed as aforesaid; any thing in any Contract contained, or any Law or Usage, to the contrary notwithstanding.

CXXXI. Provided, and be it enacted, That every Person who may contract with any Grand Jury for any County Printing shall, instead of the Certificate of the County Surveyor, obtain a Certificate from the Clerk of the Peace, the Secretary of the Grand Jury, and the County Treasurer, of the proper Execution of such Printing for their respective Offices, and the Performance of such Contract; and such Person shall lodge such Certificate, and apply for Payment of the Sum contracted for by him, in all respects as herein-before provided as to Contracts for Public Works, provided that such Application may be made by himself alone.

CXXXII. And be it enacted, That it shall not be lawful for the Treasurer of any County to pay any Money which may be applied for by any Contractor or other Person, the Application whereof has been traversed, unless such Traverse shall be withdrawn, or Judgment given for the Defendant on the Trial thereof.

CXXXIII. And be it enacted, That it shall be lawful for any Person paying Grand Jury Cess for any County to traverse any Presentment made under this Act by the Grand Jury of any such County, and also to traverse the Application of such Contractor under this Act for Payment, on the Ground of such Contractor not having complied with the Terms of his Agreement or with the Provisions of this Act; and the Court at each Assizes is hereby authorized and required to try the Truth of the Fact by a Jury in the same Manner as any Traverse within the Jurisdiction of the Court ought to be tried; and it shall not be lawful for the Clerk of the Crown or Clerk of the Peace to take any Fee for or in respect of such Traverse, and Costs shall be paid by the Party against whom such Traverse shall be found; provided that although there shall be a Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable Ground for traversing

Such Applications to be dealt with in like Manner as Applications for Presentments;

and allowed or disallowed by Grand Jury at their Discretion.

Proviso.

Contractors for Printing to obtain Certificate of Clerk of the Peace, &c.

Treasurer not to pay if Application traversed.

All Presentments and Applications by Contractors for Payment liable to Traverse.

Notice of Traverse to be given.

versing such Presentment or the Application of such Contractor, the Costs shall be paid by the Treasurer of the County from and out of the County Monies in his Hands, and the Grand Jury shall present the same without previous Application to Presentment Sessions: Provided always, that every Person intending to traverse any Presentment or Payment for which it is by this Act required that Application shall be made at the Presentment Sessions, shall give Notice in Writing of such Intention to the Secretary of the Grand Jury within Two Days after the first Day of such Sessions, and the same or any other Presentment shall be traversed only at the Assizes at which the Presentment shall be made or Payment required.

Traverses of Presentments for Damages.

CXXXIV. And be it enacted, That it shall be lawful for any Occupier or Owner of the Ground through which any new Road is to be made or into which any old Road is to be widened to traverse the Presentment for the same for Damages at such Assizes as aforesaid, having given like Notice to the Chairman of the Presenting Sessions and to the Secretary of the Grand Jury, previous to the Commencement of such Assizes, of the Amount of Damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Assizes, upon the Entry in the Crown Book of the Presentment and Traverse, without making up any Record; and the Jury which shall try such Traverse shall be sworn true Verdict to give whether any and what Damages will occur thereby to the Traverser, taking into consideration any collateral Advantages which may result or accrue to such Traverser by reason thereof, and making Abatement accordingly; and it shall be lawful for the Grand Jury to present, without previous Application at Presentment Sessions, such Sum or Sums of Money so found for Damages, to be raised off the County or off the Barony respectively in which the Traverser shall have made it appear that he or she sustained the Damages, and to such latter Presentment no Traverse shall be allowed or received; and upon the Damages so found being presented for the Use of such Traverser, or deposited for his or their Use with the Treasurer of the County, it shall be lawful for the Contractor to proceed in the Execution of the Presentment without the Interruption of any Person.

Presentment of Sums found by Jury.

Compensation for malicious Injury.

CXXXV. And be it enacted, That from and after the Commencement of this Act, in all Cases of maliciously or wantonly setting fire to, burning, or destroying any House, Outhouse, or other Building, or any Haggard, Corn, Hay, Straw, or Turf, or of maliciously setting fire to, burning, or sinking any Boat or Barge laden with Corn or other Provisions, or of maliciously killing, maiming, houghing, or injuring any Horse, Mule, Ass, or Swine, or any horned Cattle or Sheep, or of maliciously damaging, injuring, or destroying any Bank, Gate, Lock, Weir, Sluice, Bridge, Dam, or other Work belonging to any Person, Public Canal or Navigation, any Person or Persons injured by any such Offence, and intending to apply for Compensation for any Loss or Damage sustained thereby, shall serve Notice in Writing of such Injury and of such his or their Intention upon the High Constable of the Barony and the Churchwardens of the Parish, and at the nearest Police Station, or, if there be no Churchwarden, upon Two of the principal Inhabitants of the Parish wherein such Offence shall have been committed, within

Notice of Injury to be given within Six Days to Churchwardens, &c.

within Six Days at least after the Commission of the same, and shall lodge with the High Constable or Secretary of the Grand Jury, in like Manner and Time as Applications for Presentments for Public Works are herein-before directed to be lodged, an Application setting forth the Loss or Damage occasioned by such Offence, and stating the Time and Place when and where such Injury was done, the particular Property consumed, injured, or destroyed, and the Amount of Damage thereby sustained, and by what Number of Persons, and whom, by Name and Description, such Injury was done, if such Offender or Offenders shall be known, and if not, stating such Particulars respecting such Offender or Offenders as may be known; and like Notices shall be posted of such Application as herein-before prescribed in Cases of other Applications to Presentment Sessions; and such Application shall be scheduled by the Secretary of the Grand Jury, and by him dealt with in all respects as other Applications under this Act; and the Presentment Sessions shall examine into the serving and posting the Notices of such Application, and into the Merits of the same, and the Chairman shall indorse their Opinion thereupon, and such Secretary shall deliver such Application so indorsed to the Grand Jury at the next Assizes; and the said Grand Jury shall during the Time appointed for transacting the Fiscal Business of the County examine into the Matter of such Application upon the Oath of the Party injured, or such other Evidence as can be produced touching the said Offence; and the said Grand Jury shall on the Consideration of the said Matter either disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off the County at large, or such Barony, Parish, District, Townland, or Sub-denomination thereof, as the Grand Jury shall direct.

CXXXVI. And be it enacted, That every Application under this Act for Compensation for Loss or Damage occasioned by any malicious Injury as aforesaid shall be made at the next Presentment Sessions which shall be holden after the Commission of such Offence for the Barony, County of a City, or County of a Town where the same shall have been committed, unless any such malicious Injury shall have been done after the Day appointed for holding the first Presentment Sessions after the Assizes for the County in which such Injury shall have been done, or so near the Day of holding the same that such Application for Compensation cannot be duly lodged as herein-before directed, in either of which Cases the Person or Persons so injured shall make such Application at the Presentment Sessions which shall be holden next but one after the Time of the Commission of such Offence for the Barony, County of a City, or County of a Town where the same shall have been committed, and the Notices of such Application shall be posted accordingly; and it shall not be lawful for any Grand Jury to make any Presentment for Compensation for malicious Injury under the Provisions of this Act, except at the Assizes next ensuing to the Sessions where Application shall have been made therefor.

CXXXVII. Provided always, and be it enacted, That every Person or Persons who shall, under the Provisions of this Act, apply for Compensation for any Loss or Damage occasioned by malicious Injury as aforesaid, shall within Three Days after the Commission

Application to Sessions;

to be laid before Grand Jury with Opinion of Sessions indorsed, and Presentment made or refused, &c.

Applications when and where to be made.

Persons injured to give in Examinations upon Oath before a Justice within

Three Days  
after Offence  
committed.

Commission of the said Injury, unless prevented by Illness or other sufficient Cause, give in his, her, or their Examination upon Oath, or that Examination upon Oath shall be given by his, her, or their Servant or Servants who had the Care of his, her, or their Property so injured, before some Justice of the Peace of the County where such Injury shall have been committed, thereby specifying whether he, she, or they do know the Person or Persons who committed the said Injury, or any of them, and in such Case such Examinant or Examinants shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise according to the Laws of this Kingdom.

When Present-  
ment is opposed  
or Application  
disallowed, a  
Jury may be  
sworn to try  
the Matter.

CXXXVIII. And be it enacted, That all such Applications whatsoever for Compensation for Loss or Damage sustained by malicious Injury shall be laid by the acting Clerk of the Crown before the Judge of Assize upon his Arrival; and in case any Person paying Grand Jury Cess for the County or Barony chargeable with the Sum presented by the Grand Jury upon any such Application shall be desirous of opposing any such Presentment, or in case any Person whose Application for Compensation shall have been disallowed by the Grand Jury shall wish to have his or their Application re-considered, such Cess Payer or Person or Persons applying for Compensation shall be heard; and in either of such Cases the Judge, if he shall so think fit, shall direct a Jury to be forthwith impannelled to try the Matter of such Presentment or Application respectively, and according as the Issue shall be found for or against such Cess Payer, the Judge shall discharge, alter, or fiat such Presentment; and in case of Application disallowed, if the Issue shall be found for the Person or Persons applying for Compensation, the Judge shall direct the Grand Jury to make Presentment thereupon accordingly, otherwise such Application shall be discharged; and all Verdicts of Juries impannelled as aforesaid to try any such Issues shall be final and conclusive to all Persons whatsoever; and it shall be lawful for the said Judge to award by Rule for that Purpose Costs to the Parties for whom the Issue shall be found against the other Party or Parties respectively in any Sum not exceeding Ten Pounds Sterling; and the said Judge is hereby empowered to direct and issue forthwith an Order or Orders in the Nature of Execution against such last-mentioned Party or Parties respectively, which said Order or Orders the Sheriff of such County is hereby required to execute in the same Manner as in Cases of Executions against the Chattels and Effects of Defendants.

Their Verdict  
to be final.

Costs.

No Present-  
ment for Com-  
pensation to be  
removed by  
Certiorari,  
nor Traverse  
allowed.

No Action or  
Suit in Cases  
provided for by  
this Act.

CXXXIX. And be it enacted, That no Presentment for Compensation for Loss or Damage as aforesaid shall at any Time be removed by Certiorari; nor shall any such Presentment be at any Time quashed for any Informality, Imperfection, or Defect in Form whatsoever; and no Traverse save as aforesaid shall be allowed or received to any such Presentment; nor shall any Action or Suit for the Recovery of any Satisfaction or Damages sustained by reason of any Injury, for which the Person or Persons injured thereby may be entitled to apply for Compensation under the Provisions of this Act, be brought or prosecuted against any Chief or other Magistrate, or any Inhabitant or Inhabitants of any Parish, or other Person or Persons whatsoever, any Act or Acts  
now

now or heretofore in force in *Ireland* to the contrary notwithstanding.

CXL. Provided also, and be it further enacted, That in case such burning or other malicious Injury as aforesaid shall be committed on the Verge or within the Distance of One Mile of the Boundary of any Two or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation, in the Manner herein-before directed, in either or any one of such neighbouring Counties; and all Proceedings shall be taken thereupon as herein-before provided with respect to other Applications for Damages for malicious Injury; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury, as and for Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County shall have Power and Authority to apportion the Amount of such Compensation amongst such neighbouring Counties, and shall direct the Proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such Presentment shall thereupon be diminished, or Presentment made, according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other neighbouring County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion to be paid by such County or Counties, to present such Proportion when the same shall exceed One hundred Pounds to be raised off the County at large, and if such Proportion shall be under One hundred Pounds to be raised off the Barony or Baronies in or near to which such Injury shall be alleged to be committed, and paid to the Person or Persons so applying, as the Case may require.

CXLI. And be it further enacted, That no Fee shall be demanded from or paid by any such Cess Payer or Person applying to the Clerk of the Crown, Judge's Crier, or Jury, for any Matter or Thing relating to any such Application, Presentment, or Trial.

CXLII. And be it enacted, That the Clerk of the Crown of every County in *Ireland* shall, within Seven Days after every Assizes, deliver to the Treasurer of such County, without a Fee or Reward, a Copy, attested upon Oath and signed by himself, of all Presentments which shall have been made and fiated at the preceding Assizes, and likewise Copies of all Queries discharged and remaining undischarged, distinguishing the same; and such Treasurer shall, within Thirty Days after the Receipt thereof, cause a Number of Copies of such Presentments and Queries, and also a detailed Abstract of his Accounts, to be printed and distributed as the Grand Jury shall direct; and it shall and may be lawful for the Grand Jury at each Assizes to present, to be levied off the County, such Sum as shall be necessary for defraying the Expence of printing and distributing such Copies, and also to present all such Sum or Sums of Money as shall be necessary to defray the Expence of printing the Treasurer's Account, and all Copies of Schedules of Applications, and other Printing required under the Provisions of this Act, or which may be ordered by the Judge of Assize,

Mode of obtaining Compensation for Injury committed near Boundaries of Counties.

No Fees to be taken.

Clerk of the Crown to deliver Copies of Presentments, &c. to County Treasurer;

to be printed and distributed.

Presentment for printing Schedules, &c.

Assize, or Grand Jury or Presentment Sessions, for any County Purpose.

Imperative Presentments to be printed separately.

CXLIII. And be it enacted, That the Treasurer of each Grand Jury, in the Preparation of all printed Lists of Presentments granted by such Grand Jury, shall place in a separate Page of such Lists the several Sums of Money which shall have been presented by such Grand Jury under the Laws now in force, under which it is imperative on such Grand Jury to make Presentments for various Public Services; and the Amount of all Sums in such Lists shall be totted up at the Foot of each Column.

Copies of all Presentments made to be laid before Parliament.

CXLIV. And be it enacted, That the Treasurer of every County in *Ireland* shall, on or before the Twenty-fifth Day of *December* in each and every Year, cause a true Copy, signed by himself, of all Presentments which shall have been made by the Grand Jury and slated by the Court at any Assizes or Presenting Term in such Year for the County whereof he is Treasurer to be forwarded to the Secretary of the Lord Lieutenant, to be by him laid before Parliament; and in case any Treasurer of any County shall neglect to make such Return as aforesaid he shall forfeit his Office.

Power to re-present Arrears to be levied as Sums originally presented.

CXLV. And be it enacted, That it shall be lawful for any Grand Jury to re-present any such Sums of Money as now are or at any Time hereafter shall be unpaid or in arrear out of any Denomination, Barony, or County of a City or Town, to be raised and levied on such Denomination, Barony, County of a City or Town, upon which the same was originally required by the Treasurer's Warrant to be levied; and to present all such Sums of Money which have hitherto been or which shall at any Time hereafter remain unpaid on account of the absconding or Insolvency of any County Treasurer, Collector, or other Person empowered to receive or collect Public Money, who is or shall be insolvent, to be raised and levied either upon the County or upon the Barony in which the same was before levied, as they shall think fit, which Sums shall be levied in the same Manner, and subject to the same Rules, Regulations, Provisions, and Powers, as any Money to be levied by virtue of this Act is to be subject; and in case any Money so detained or secreted by any Collector, Treasurer, or other Person empowered to collect or receive Public Money shall be thereafter recovered, it shall be paid to the then Treasurer; and such Money so paid, and any Balance, Arrears of, or Surplus on the Salary of any County Officer, and all other such like Surplus and Balances of Money raised by Authority of this Act, or which may any how arise in the Hands of any County Treasurer, shall be applicable to defray the Expences of any Public Work or any County Charge whatsoever which the Grand Jury are authorized to present under the Provisions of this Act, and shall be presented by the Grand Jury for such of the said Purposes as to them shall seem expedient; provided always, that such Sum shall be applied to the Credit of any County or Barony off which it was originally levied; and provided further, that before it shall be lawful for any Grand Jury to re-present any Sum of Money as unpaid or in arrear out of any County or Barony or Denomination, to be raised and levied on such County or Barony or Denomination

Surplus Monies applicable to general Purposes of County.

Affidavit of Arrears before Re-presentment.



Denomination, it shall be made to appear, by Affidavit of the Collector, to such Grand Jury that such Sum is actually in arrear and unpaid by such County or Barony or Denomination respectively, and that it could not have been levied from the Persons or out of the Lands charged with or liable to pay the same.

CXLVI. And be it enacted, That whenever any Sum shall have been presented for any Work which shall not be executed within the Time or according to the Terms prescribed by the Contract for executing the same, it shall be applied in such Manner and under such Direction as the Grand Jury shall appoint, for the Purpose of executing or completing such Works, and shall be accounted for by such Person so appointed to apply the same.

Application of Sums presented for Works not executed.

CXLVII. And be it enacted, That the Grand Jury of each County shall at each Assizes appoint a proper Person, resident in the Barony or Half Barony or Baronies, not being a Magistrate or Attorney, to be High Constable and Collector for each Barony in such County, to collect all Money which shall be presented to be raised on such Barony or any Parish or Townland therein, and also such Barony's Proportion of the Money presented to be raised on the County at large; and every such High Constable shall have all Power and Authority and shall exercise and perform all Duties now or hereafter to be by Law required of any High Constable; and the Grand Jury of each County of a City or County of a Town shall at each Assizes appoint a proper Person or Persons to be Collector or Collectors for such County of a City or County of a Town, to collect all Money which shall be presented to be raised on such County of a City or County of a Town, or on any Parish or District thereof: Provided always, that if any such High Constable or Collector shall happen to die before he shall have collected the whole of the Money presented to be raised as aforesaid on such Barony, County of a City, or County of a Town for which he shall be High Constable or Collector, or if any Case of Vacancy should occur, it shall be lawful for the Justices of the Peace for the said County, at any General Quarter Sessions of the Peace or Adjournment thereof, to appoint another fit and proper Person to be High Constable or Collector *pro tempore*, until a High Constable or Collector shall be appointed by the Grand Jury of such County, County of a City, or County of a Town as aforesaid.

Appointment of High Constable and Collector for each Barony in Counties.

Collectors in Cities and Towns.

In case of Vacancy Justices to appoint *pro tempore*.

CXLVIII. Provided always, and be it enacted, That no Person shall act as High Constable or Collector unless he shall have given Security at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the Sessions if such High Constable or Collector shall have been appointed at Sessions, by Two sufficient Sureties joining with him in executing a Bond and Warrant of Attorney, without Stamp, to confess Judgment to the Treasurer of the County, conditioned for his duly collecting and paying to such Treasurer on or before the first Day of the next Assizes all such Public Money as he is or shall be required by him to collect; and on his producing to the Grand Jury the Treasurer's Certificate of his having paid the same to the Treasurer pursuant to such Recognizance, it shall be lawful for the Grand Jury, to present, without previous Application to Presentment Sessions, a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to such High

High Constable and Collectors to give Security.

Affidavit by them of fair Levy.

May appoint Deputies.

Treasurer to issue his Warrants to Collectors after receiving the Copies of Presentments.

Money to be collected and paid in Two Days before next Assizes.

Treasurer's Warrant to be in force for Two Years.

Nothing herein to repeal 7 G. 4. c. 62. &c.

Constable or Collector for his Trouble therein: Provided always, that no Presentment for such Poundage shall be made by any Grand Jury or stated by the Court unless the Treasurer's Warrant under which such High Constable or Collector has levied such Public Money shall be annexed to such Presentment, nor unless such High Constable or Collector and their Deputies respectively shall make Affidavit before the said Grand Jury that such Public Money has been fairly and impartially levied, and that no more than the Sum authorized by the Treasurer's Warrant, with the customary Collector's Fees, has been collected, to the best of his and their Knowledge and Belief; and every High Constable and Collector as aforesaid may, by Writing under his Hand and Seal, appoint a Deputy Collector or Deputy Collectors, for whom he shall be answerable, to assist him in collecting the Public Money; and every such Bond and any Judgment entered thereon shall vest in and may be sued for by the Treasurer for the Time being, who shall be entitled to continue the Proceedings of any former Treasurer on filing a Suggestion stating his Appointment to such Office, or on his making it otherwise appear to the Court in which such Proceeding may be pending that he is the acting Treasurer.

CXLIX. And be it enacted, That the Treasurer of each County shall, within One Month after he shall have received from the Clerk of the Crown the Copies of the Presentments of the preceding Assizes, issue his Warrants to the several Persons who, under the Provisions of this Act, are to be the Collectors for levying and collecting the Sums to be raised off each Barony or County of a City or Town; which Sums every Collector to whom such Warrant is directed is hereby empowered and required to raise and levy, and to pay the Amount to the Treasurer Two Days before the first Day of the next Assizes; and in every such Treasurer's Warrant shall be inserted the Names of the several Manors, Parishes, or Denominations contained in that Portion of the County which such Person is to collect from, as the same is contained in the County Books, Barony Books, and Applotment Tables, and also the whole Sum to be collected by such Person, and the Portion thereof which each Manor, Parish, or Denomination is to pay, according to its Contents in the said Books and Tables, or as it has been usually rated at; and every such Warrant of every such Treasurer shall be and remain in full Force and Effect for the Term of Two Years next after the Date thereof, notwithstanding the Resignation or Removal of the Person to whom it was originally addressed, unless the Sums required by such Warrant to be levied shall have been received, or unless the Grand Jury of the County shall have re-presented the same.

CL. Provided, and be it enacted, That nothing herein contained shall extend or be construed to extend to repeal an Act passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively*, or any Act or Acts altering or amending the same, or any Act passed or to be passed in this present Session of Parliament consolidating and amending such Acts,

Acts, but that so soon as the List and Valuation by the said Acts or any of them directed to be made shall be completed and published in Form and Manner therein prescribed, all County Cess Charges whatsoever and all Grand Jury Rate imposed or to be imposed on any County by Presentments of the Grand Jury, or to be raised off any County, or any Barony, Parish, or Division thereof, and all Parish Rates imposed or to be imposed or levied or to be levied under the Authority of this or any other Act or Acts, shall be assessed and levied according to the Proportions specified in such List and Valuation so published, any thing in this Act contained to the contrary notwithstanding.

CLI. And be it enacted, That every Person authorized to collect and receive Grand Jury Cess shall, within Ten Days after he shall have received the Treasurer's Warrant empowering him to collect and receive the same, deliver or send to the Seneschal or Churchwardens of each Manor, Parish, or Denomination of Land contained in such Warrant, or in case there be no Seneschal or Churchwarden of the same, then to any principal residing Inhabitant, if he shall be required so to do by any Two Landholders of any such Manor, Parish, or Denomination of Land, or if he shall deem it necessary so to do, an Account in Writing, signed by himself, of the Sum he is required by the said Warrant to levy upon the said Manor, Parish, or Denomination, and to desire that the said Sum may be apportioned thereon; and every Person who shall receive such Account is hereby required, under the Penalty of Ten Pounds, to be recovered by Civil Bill by any Person who shall sue for the same, to post up, within Six Days after the Receipt thereof, on the Door of the Church, or the usual Place for posting Notices in said Manor, Parish, or Denomination, a Notice, signed by himself, setting forth that the Landholders and Inhabitants of [here insert Name of Manor, &c.] are hereby required to meet at [Place of Meeting] on the [here insert a Day not less than Ten Days or more than Twenty from the Date of such Notice], to choose Two or more Persons to apportion the Sum of [here insert the Sum] required to be levied upon such Manor, Parish, or Denomination, by the Warrant of the Treasurer of the County; and at such Meeting the Landholders and Inhabitants then present shall choose Two or more Persons to be Applotters; and the Persons so chosen shall, within Thirty Days from the Time they shall be so chosen, apportion the Sum so to be levied upon such Manor, Parish, or Denomination, fairly and justly, according to the relative annual Value of the several Subdivisions of the Lands and Tenements therein contained, stating as accurately as they can the Name of the Occupier of each Portion of such Lands, and shall make Oath before any Justice of the Peace for such County that they have made the said Apportionment justly, according to the best of their Skill, without Favour, Affection, or Malice, the Jurat of which Oath shall be endorsed on the Apportionment; and such Applotters shall deliver such Apportionment so verified upon Oath to the Person empowered to collect such Grand Jury Cess, under the Penalty of forfeiting for every Day they shall omit to deliver the same after the said Thirty Days the Sum of Ten Shillings, to be recovered by Civil Bill by any Person who shall sue for the same; and the Collector, on receiving such full

Assessments shall be levied according to Valuations made, so soon as they shall be completed.

Collector of Grand Jury Cess upon Receipt of Warrant to send to the Seneschal an Account of the Money required and desire it to be apportioned.

Notice of Meeting of Inhabitants,

Applotters to be chosen, who shall apportion the Sum to be levied.

Affidavit of Justness of Apportionment,

Collector to levy accordingly.

Grand Jury Cess may be levied by Distress and Sale.

If not expedient to proceed by Distress, Notice to be left requiring Payment within Six Days, and if not paid in that Time Complaint to be made to a Justice, who shall summon the Party.

In default of Appearance, Goods of Party may be distrained in any Part of County;

or in any other County, upon Oath before Justice of such County.

and sufficient Applotment, is hereby required and authorized to levy the said Money according thereto; and in case no full and sufficient Applotment shall be returned within Thirty-six Days after the Time fixed for the Appointment of the Applotters, then in such Case it shall be lawful for such Collector to levy the full Sum required by the Treasurer's Warrant off such Manor, Parish, or Denomination, according to or in the like Proportions as the Sum levied under the last previous Applotment of such Manor, Parish, or Denomination, or according to the Rate or Applotment pursuant to which it was paid or levied.

CLII. And be it enacted, That every Person duly authorized to collect and levy any Grand Jury Cess off any Barony, County of a City, or County of a Town, as soon as he shall have received the Applotment of such Cess, shall collect and levy the same according to such Applotment, and such Money may be levied by Distress and Sale of any Goods and Chattels of every Person refusing to pay the Proportion therein applotted for him or her to pay, which may be found on the Premises chargeable, rendering to the Owner the Overplus, if any, after deducting the Expences of distraining, not exceeding Twelve-pence in the Pound on the Sum for which such Distress may have been made; or in case the Collector shall not think it expedient to proceed by Distress, then and in such Case such Collector shall leave at the Dwelling House of the Party chargeable for or in respect of such Premises a Notice bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Sum applotted within Six Days from the Date of such Notice, and expressing that within Six Days the Money demanded may be paid to the Collector at his House or Office; and if such Money be not so paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace for the County in which the Party may reside, and such Justice shall summon the Party so complained against to appear before him and answer the said Complaint, and shall at the Time specified in such Summons examine into the Matter of such Complaint on Oath (which Oath the Justice is hereby empowered to administer), and shall direct the Payment to such Collector of such Money as he shall find due and payable under such Applotment by the Party complained against, together with a Sum certain as and for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for such County, to issue his Warrant authorizing and empowering the said Collector to levy the Money thereby ordered to be paid by Distress and Sale of any Goods or Chattels of the Party so complained against which may be found within any Part of such County, rendering the Overplus, if any, to him or her, the necessary Charges and Expences of distraining being thereout first deducted, as directed by such Justice; and if sufficient Distress cannot be found within the same County, then on Oath thereof made before any Justice of the Peace of any other County in which any of the Goods and Chattels of such Party shall be found, (which Oath

Oath such Justice shall administer and certify by indorsing in his Handwriting his Name on the Warrant granted to make such Distress,) the Goods or Chattels of such Party so refusing or neglecting to pay as aforesaid shall be subject and liable to such Distress and Sale in such other County where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within such first-mentioned County.

CLIII. And be it enacted, That the Sum or Proportion of Grand Jury Cess to be raised off each Barony or County of a City or Town under the Treasurer's Warrant, duly applotted for any Person to pay, shall be a Charge upon the Lands and Premises mentioned in such Warrant and Applotment, and shall be paid and payable by the Person or Persons occupying the Premises respectively at the Time such Cess is levied thereout, although such Person or Persons did not occupy the same at the Time such Cess was imposed, and, when the Sum payable by any Person or Persons does not exceed Fifty Pounds, may be sued for by Civil Bill in the Name of the Collector before the Assistant Barrister having Jurisdiction to hear and determine Causes by Civil Bill in the County, Place, or District in which the Person liable to pay the Sum resides.

Grand Jury Cess shall be paid by Person in the Occupation of the Lands and Premises at the Time of the Levy.

CLIV. And whereas Doubts have been entertained as to the Power of the Grand Jury of the County of *Kilkenny* to present any Public Work to be executed either wholly or in part within the Town or Liberties of *Callan*, or any Money to be raised for such Public Work, or for any Public Work or other Purposes for which a Grand Jury may lawfully present, out of the Premises situated within such Town or Liberties, and also as to the Powers of the Treasurer of the said County to include said Town or Liberties in his Warrant; be it enacted, That it shall and may be lawful for the Grand Jury of the County of *Kilkenny* to present that any Public Works which it shall be deemed necessary to execute within such Town or Liberties shall be executed, and such Town and Liberties shall for every Purpose connected with the Execution of any Public Work, or a Presentment for raising Money, or for any other Matter or Thing which any Grand Jury under this or any other Act hereafter to be passed shall have Power to present, be deemed and taken to be a Barony in and of the said County of *Kilkenny*; and such Town and Liberties shall, until a Valuation thereof shall be made under some Act for the Valuation of Lands and Premises in *Ireland*, be deemed to contain Three thousand six hundred Acres, and shall according to such acreable Contents be liable to and bear its Proportion of any Public Rate or Charge on the said County.

For removing Doubts as to the Power of the Grand Jury of the County of *Kilkenny* making certain Presentments.

CLV. And be it enacted, That it shall be lawful for the Treasurer of any County for the Time being to effect a Policy or Policies of Insurance against Fire on any Public Building or other Public Property which he shall be directed by the Grand Jury to insure, and for such Sum as he shall be so directed; and such Policy shall vest in the Treasurer for the Time being, and the Sum thereby secured shall be payable to him as Part of the Public Fund of such County, and shall be applied to Public Purposes from Time to Time as the Grand Jury shall direct by any Presentment sanctioned and approved of by the Judges of Assize at the Assizes at which

Treasurer to cause any Public Building to be insured that may be so directed by a Grand Jury.

such Presentment may be made; and the Grand Jury shall have the Power, without any previous Application at the Sessions, and are hereby required, to present, to be levied off the County at large, the Premium and other Charges payable on such Policy, and for continuing the same, and the Treasurer shall from Time to Time pay such Premium.

Drivers to keep  
the Left Side of  
the Road.

CLVI. And be it enacted, That the Drivers of every Kind and Species of Vehicle, and all Persons riding or driving any Animal or Animals, laden or unladen, on any Road, or in any Street of any City or Town in *Ireland*, shall keep their Left-hand Side of the Road or Street in going and coming thereon, leaving the other Side free to all other Passengers; and when they may have Occasion to pass any other Persons going in the same Direction with themselves shall in all Cases where it is practicable take and go on the Right-hand of such Persons; and on every Cart, Car, or other Carriage without Springs, on any Road upon which His Majesty's Mails are conveyed in Coaches, or any other Road being a County Road, the Name and Surname and Residence of the Owner of such Vehicle shall be painted in White Roman Letters One Inch long at the least; and every Car or Cart drawn by One Horse shall have a Double Rein extending back to such Car or Cart; and if any Person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any Person shall drive any Vehicle on any such Road whereon the Name of the Owner is not painted, or without a Double Rein as aforesaid, it shall and may be lawful for any Magistrate, Constable, or Turnpike Keeper to stop and detain such Offender and the Vehicle and Animal or Animals on which or with which such Offender shall be, and forthwith to carry or convey such Offender before any Justice of the Peace for the County where such Offence shall be committed, or for any Person whatsoever to lodge Information against such Offender before any such Justice; and upon being convicted thereof upon the Oath of One credible Witness, every such Person so offending shall forfeit and pay any Sum not exceeding Five Shillings, to be levied by Distress and Sale of the Goods and Chattels of such Offender, or by Distress and Sale of the Carriage and Horse or Horses or other Beasts, and the Goods therein or thereon, wherewith such Offender shall have been travelling at the Time of such Offence, such Distress to be made under the Hand and Seal of such Justice, rendering the Overplus (if any), after deducting the said Fine and Expences of such Distress and Sale, to the Owner or Owners, on Demand; One Half of the Amount of the Penalties so levied to be paid to the Informer, and the remaining Half to the Minister or Curate of the Parish in which such Offence shall be committed, for the Use of the Poor of such Parish; and if Distress sufficient for such Penalty or Penalties shall not have been seized or found, it shall and may be lawful for such Justice, and he is hereby empowered and required, to commit such Offender so convicted to the Common Gaol for any Time not exceeding One Calendar Month, unless such Offender shall sooner pay and satisfy the said Penalty or Penalties; and every Person offending as aforesaid shall likewise be liable to pay and satisfy the Damages which shall happen in consequence of any such Neglect or Default as aforesaid.

Penalty.

CLVII. And

CLVII. And be it enacted, That no House or Part of a House shall be built within Thirty Feet of the Centre of any Road, or within Fifteen Feet of the Side thereof (except in the Streets of Corporate or Market Towns); and that if any Person shall offend herein, every such Person shall upon Conviction before any Justice of the Peace forfeit and pay the Sum of Ten Pounds, and the further Sum of Twenty Shillings for every Week after such Conviction until the same shall be pulled down or removed; and no Limekiln or Windmill shall be built within One hundred Feet of the Centre of any public Road; and it shall be lawful for any Justices at a General Sessions of the Peace to direct any House, Limekiln, or Windmill built or building contrary to this Act to be pulled down, and to issue their Orders to any Constable or Constables for that Purpose, which Order every Chief and other Constable shall aid and assist in executing; and the Centre of the Road for the Purposes of this Act shall be deemed to be the Centre of the Part thereof made with Gravel or small Stones.

CLVIII. And be it enacted, That it shall be lawful for any Person whatsoever to seize and impound, or cause to be seized or impounded, any Swine or Beast which shall be found wandering upon any public Road, or about the Streets or Passages of any Town, in case the Owner thereof shall not be known; and it shall be lawful for any Justice of the Peace to fine the Owner of such Swine or Beast any Sum not exceeding Two Shillings, and in case such Penalty, and the Expences of impounding and detaining the same when it shall be so impounded, shall not be paid within Four Days after imposing such Fine or after impounding the same, to cause such Swine or Beast to be sold, and out of the Money arising from the Sale thereof to pay such Penalty, and Expences of impounding, keeping, and selling the same, rendering the Overplus (if any) to the Owner, due Notice having been previously given of such Sale, in which shall be inserted the Name of the Parish and Townland where such Swine or Beast was seized, which Notice shall be posted up in some conspicuous Place in the Parish where such Beast was seized, and at the Place where impounded, Forty-eight Hours at the least before the Time of Sale.

CLIX. And be it enacted, That if any Person shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any Road without the Consent or Direction of the County Surveyor; or if the Owner or Occupier of any Lands contiguous to any public Road shall omit to scour any Ditch or Drain leading from such Road, so as to allow the Water to pass away, within Ten Days after Notice shall be given to him or her so to do by such Surveyor or by the Contractor for the Repairs of such Road, or shall suffer the Passage of the Water to be obstructed by making or leaving any Way or Passage from any Road into the Lands adjoining to his or her House without a sufficient Pipe, Sewer, or Gullet underneath it; or if any Person shall ride or drive any Horse, Beast, or Cattle of any Description willingly and unnecessarily on any Footpath; or shall steep or dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, upon any public Road, or within Thirty Feet of the Centre of any such public Road; or shall make any Kind of Fire upon any

No House to be built within 30 Feet of the Centre of any Road.

No Limekiln or Windmill shall be built within 100 Feet of the Centre of any public Road.

Swine wandering on Roads may be seized and impounded, and Owner fined, &c.

Notice of Seizure to be posted.

Persons scouring or filling any Ditches without Consent of Surveyor; or Owners who do not scour Ditches or Drains within Ten Days after Notice; or Persons who ride or drive unnecessarily on Footpath, or leave Obstructions or Nuisances on any Road;

public Road; or shall cut any Turf or make any Turf Stack on any public Road, or within Thirty Feet of the Centre thereof; or build any Wall, or make any Ditch, or dig any Pit or Drain, on any public Road, or within Thirty Feet of the Centre thereof, unless by Authority of a Presentment; or shall lay any Dirt, Dung, Turf, Straw, Rubbish, or Scourings of any Ditches or Drains, or any Stones, Bricks, Timber, Sand, Clay, or Lime on any public Road, or within Thirty Feet of the Centre thereof; or shall leave on any public Road any Plough or Harrow, or any Cart, Car, Dray, or other Carriage, without the Horse or Horses or other Beast or Beasts being harnessed thereto, unless such Carriage shall have been accidentally broken down there; or shall spread any Linen, Blanket, or Cloth for winnowing Corn within Thirty Feet of the Centre of any public Road; or shall leave any dead Beast on any Road, or within Thirty Feet of the Centre thereof, unless in a House or Yard inclosed with Walls; or shall beat any Flax, or thrash or winnow any Corn, or erect any May-pole or May-bush or Sign-post, on any Road; or shall keep any Cur, Dog, Mastiff, or Bull Dog, without having a Block of Wood of the Weight of Five Pounds at the least fastened to the Neck of such Dog, within Fifty Yards of any public Road; or shall, without the Consent of such Surveyor or Contractor, scrape any public Road, or cut any Sods or Turf on the Side of any such Road, or take any Earth, Clay, Stone, or Gravel therefrom; or shall lead or drive any Car or Carriage with Timber, Boards, or Iron laid across, so as that either End shall project Two Feet beyond the Wheels or Sides thereof; or shall draw any Timber or Stones along any Part of a public Road, without being supported by Wheels from touching the same; every Person so offending shall, upon Conviction by Oath of One credible Witness, before any Justice of the Peace within his Jurisdiction, or upon the View of any Justice, forfeit and pay a Sum not exceeding Twenty Shillings for every such Offence; and it shall be lawful for any such Surveyor or Contractor to fill up any Ditch or Drain which shall be scoured, deepened, or widened, or to scour any Drains, which have been filled on the Side of any Road, without such Direction or Consent, and to scour or deepen any Drain or Ditch leading from any Road which shall be omitted to be scoured or deepened after such Notice as aforesaid, and to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, and to re-make the same by building a Gutter, Sewer, or Arch therein; and it shall be lawful for any such Surveyor, or for any other Person by the Order of any Justice of the Peace or any such Surveyor, to remove any Bricks, or Weeds or Vegetables for making Ashes, or other Materials which shall be burning, or any Flax which shall be steeped or drying, contrary to the Provisions of this Act, and to pull down any Sign-post, May-pole, or May-bush, and to pull down or fill up and level any Wall, Drain, or Ditch, which shall be built or made or begun to be built or made contrary to this Act, and to remove the Carcase of any dead Beast which shall remain in or near any public Road contrary to this Act, and to levy the Expence of so doing, by Distress and Sale of the Goods of the Offender, or of the Occupier of the Lands adjoining the Place

or without  
Consent of  
Surveyor or  
Contractor  
shall scrape any  
public Road;

to forfeit not  
exceeding 20s.

Surveyors may  
fill Drains, &c.;

and any Person  
by Order of  
Justice may  
remove Nui-  
sances;

and levy the  
Expences  
thereof.



Place where such Nuisance shall be committed, rendering the Overplus (if any) to the Owner, after deducting the Sum of One Shilling in the Pound for the Expence and Trouble of taking such Distress.

CLX. Provided, and be it enacted, That nothing herein-before contained shall render any County Surveyor, or any Contractor for any Public Work under this Act, liable to any Penalty for any Act done or performed by the said Surveyor or in the Discharge of the Duties of his Office, or by any such Contractor in the due and necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, all due and reasonable Precaution not having been taken by the said Surveyor or Contractor to prevent any such Danger or Damage, such Surveyor or Contractor shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

CLXI. And be it enacted, That if any County Surveyor or Contractor for the repairing of any public Road in any County shall think that such Road is prejudiced by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Court Yard, or Garden), or if any Obstruction is caused in any public Road by any Hedge or Tree, it shall be lawful for such Surveyor or Contractor, and they are hereby each or either of them authorized, to require the Owner of the Land on which such Hedges or Trees are growing to cause such Hedges to be cut or plashed, or such Trees to be pruned or lopped, so as that such Road may not be prejudiced or obstructed by the same; and if such Owner shall not comply with such Request within Ten Days, it shall and may be lawful for such Surveyor or Contractor, and they are hereby respectively authorized and required, to summon such Owner before the Justices assembled at any Petty Sessions for such County, to show Cause why he has not complied with such Request; and if such Justices shall order and direct that such Hedges shall be cut or plashed, or such Trees pruned or lopped, and if the said Owner shall not obey such Order within Ten Days after the making of the same, it shall and may be lawful for such Surveyor or Contractor to cut or plash such Hedges, or to prune or lop such Trees, for the Benefit and Improvement of such Road, and to remove such Obstruction as aforesaid, to the best of their Skill and Judgment; and the said Surveyor or Contractor shall be reimbursed by the said Owner what Charges and Expences he shall be at in cutting or plashing such Hedges, or pruning or lopping such Trees; and it shall be lawful for such Justices at Petty Sessions as aforesaid to direct such Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of such Owner in such Manner as other Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

CLXII. And

Surveyors, &c. not liable to Penalties for Acts done in the Discharge of their Office; but fineable in certain Cases.

Surveyor or Contractor may require Owners of Land to prune Hedges or Trees injuring Roads.

Owners not complying to be summoned before Justices at Petty Sessions, who may order them to do it; and on their Refusal Surveyor or Contractor may do it at their Expence.

Proviso.

Power of Surveyors and Contractors to dig for Materials ;

and to make Drains.

Satisfaction for Damage to be assessed by Three Household-ers.

Materials not to be taken to the Injury of any Road or Building.

Penalty.

CLXII. And be it enacted, That every County Surveyor and every Contractor for any Work to be executed by Grand Jury Presentment shall have Power and Authority to dig for, raise, and carry away in or out of any Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, any Gravel, Stones, Sand, or other Materials, whether the same be found in the same or any adjoining County, which may be wanted for the building, rebuilding, enlarging, or repairing any Bridge, Arch, Gullet, Pipe, or Wall, or for the making, repairing, or preserving any Road or Footpath; and such Surveyor or Contractor is hereby further empowered to make Drains in order to carry off Water which might injure any Bridge, Gullet, Arch, Pipe, Wall, or Road, in or through any Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, and shall make such Satisfaction for the Damage done thereby, or by taking any such Materials as aforesaid, as shall be assessed by Three substantial Household-ers, which Household-ers shall view the Ground immediately previous to and immediately after such Damages shall be committed, one of such Household-ers to be named by the Owner or Occupier of the Land, and another by the Surveyor or Contractor, and the third by any neighbouring Justice of the Peace; and in case any Surveyor or Contractor shall refuse, or after Four Days Notice in Writing from such Landholder neglect, to name a Householder on his Part, then one shall be named for him by such Justice; and such Three Household-ers shall be sworn by such Justice of the Peace (previous to the Damage being committed) to be Appraisers of such Damages as may occur, and to make a true Estimate thereof, in which Estimate the Value of any Stones, Gravel, or other Materials shall not be included, but only the Waste committed by breaking the Surface and making a Passage through the Land, unless where such Stones, Gravel, or Materials shall be taken from any Quarries and Gravel Pits *bona fide* demised with liberty to work the same: Provided nevertheless, that it shall not be lawful for any such Contractor or Surveyor to enter any Lands for any such Purpose against the Will of the Occupiers thereof without the previous Order of a Justice of the Peace, which Order any such Justice is hereby authorized and required to grant on its being proved to his Satisfaction that the Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, nor such Drain otherwise sufficiently made or cleansed.

CLXIII. And be it enacted, That it shall not be lawful for any such Surveyor or Contractor to dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea Shore, whereby a public Road, or Bulwark or Defence to any Building or any Land adjoining any Road, may be injured; and that any Person who shall be convicted thereof, on the Oath of One or more credible Witnesses, before any Justice of the Peace, shall for every such Offence forfeit and pay a Sum not exceeding Five Shillings for every Cart Load of such Gravel, Stones, Sand, or other Materials

so dug, raised, or carried away, to be levied, by Warrant of Distress under the Hand and Seal of such Justice, off the Goods and Chattels of such Offender.

CLXIV. And be it enacted, That if any Person shall wilfully prevent, assault, or threaten to assault any Surveyor or Contractor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or if any Person shall wilfully destroy, pull up, deface, or injure any Surveyors Instruments or Implements used in Public Works, or any Milestone, Mile-post, or Direction-post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence erected or repaired by Presentment, or shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Court House, Goal, House of Correction, Pier, or other Buildings, or out of any Bridge, Pipe, Arch, or Gullet, built or repaired by Presentment, every Person so offending shall forfeit and pay for every such Offence, upon Conviction by the Oath of One credible Witness before any Two Justices of the Peace at Petty Sessions, such Sum not exceeding Ten Pounds as the said Justices shall think fit; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such Offender to any Gaol, Bridewell, or House of Correction for any Time not exceeding Three Months, or until the said Forfeiture shall be paid; and it shall be lawful for the Treasurer of the County in which any such Injury may have been done, if directed by the Grand Jury so to do, to commence and prosecute an Action on the Case against any Person or Persons by whom such Injury may have been committed, and for recovering of Damages to the Amount thereof from such Person or Persons for the Use of the County, and when the Damages sought to be recovered do not exceed Thirty Pounds to sue for the same by Civil Bill before the Assistant Barrister; and in every such Proceeding the Property so injured or destroyed shall for the Purposes of such Proceeding be deemed to be the Property of such Treasurer.

CLXV. And be it enacted, That in case at any Time hereafter any Public Work erected or repaired by Presentment of a Grand Jury shall be wantonly or maliciously damaged or destroyed, it shall be lawful for the County Surveyor and he is hereby required to apply at the Presenting Sessions of the District in which such Work is or was situate, holden next after the Discovery by him of such Damage or Destruction, for the Repair or Reconstruction of such Work, and such Proceedings shall be had on such Application as on any other Application by such Surveyor, save only that in case any Presentment shall be made by the Grand Jury in consequence thereof, the Amount of such Presentment shall be levied either off of the Parish in which such Work is or was situate, or such Portion thereof as the Grand Jury shall think proper.

CLXVI. And be it enacted, That every Person who shall require any Presentment for Fees, Poundages, Salary, or other Contingency or Payment whatsoever, for which Grand Juries are authorized by the Provisions of this Act to make Presentments without previous Application to Presentment Sessions, shall lodge an Application for the same, with a full Detail of the Particulars and

Penalty for assaulting Surveyors or Contractors, or for injuring Public Works.

Proceedings in case any Public Work erected by Presentment shall be wantonly injured.

Applications relating to Salaries and Contingencies to be lodged with the Secretary.

and Amount thereof, with the Secretary of each Grand Jury Six clear Days at the least previous to the Day appointed for impannelling such Grand Jury; and such Secretary shall insert an Abstract of such Applications at the Foot of the proper Schedule which he is required to deliver to the Foreman of the Grand Jury, and also at the Foot of the Copy which he is required to keep in his Office for the Inspection of the Public: Provided always, that such Presentments for Fees, Poundage, or other Contingencies or Payments, the Particulars and Amount whereof cannot be ascertained so as to allow of their being specified when the Application therefor shall be lodged with the said Secretary at the Time aforesaid, may be made by the Grand Jury although such Particulars and Amount shall not have been so specified.

Dublin Grand Juries to transact Fiscal Business in open Court.

CLXVII. And be it enacted, That from and after the Commencement of this Act the Grand Juries of the County and of the County of the City of *Dublin* respectively shall transact the Fiscal Business of their several Counties in open Court, any Act or Acts now in force in *Ireland*, or any Usage, to the contrary notwithstanding.

No Stamp Duty upon Contracts and Recognizances under this Act.

CLXVIII. And be it enacted, That no Contract for any Public Work under the Provisions of this Act, or any Recognizance to be entered into for the Execution of the same by virtue of this Act, shall be liable or subject to any Stamp Duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the Amount of any such Contract, or the Sum for which any such Recognizance shall be conditioned, or the Sum sought to be recovered by virtue of such Recognizance or Contract, shall not exceed the Sum of One hundred Pounds, it shall be lawful to proceed against any such Contractor or his Sureties for such Sum, or for Damages for the Breach of any such Contract, by Civil Bill before the Assistant Barrister at the Quarter Sessions for the County where such Work shall be situate, or in the County or City of *Dublin* before the Chairman of *Kilmainham* or the Recorder of the City of *Dublin* respectively; and the said Assistant Barrister, Chairman, and Recorder shall have full Power to hold Plea thereof, and the same shall and may be proceeded on in like Manner in all respects, and the like Decree or Judgment and Execution shall and may be had thereon, and also the like Benefit of Appeal, and of Proceedings, Judgment, and Execution thereon, as in case of any other Sum or Demand which may now by Law be had or used before such Judge.

Proceedings for Breach of Contract before Assistant Barrister under certain Amount.

CLXIX. And be it enacted, That all Fines and Forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of a Justice of the Peace, together with all Expences attending the levying the same; and all such Fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given, one Half to the Informer, and the other Half to such Dispensary, Hospital, or Infirmary as the Justice shall direct; and in case any Fine be not immediately paid upon Conviction, or within such Time as the Justice shall appoint, it shall be lawful for the Justice of the Peace before whom such Conviction shall have been made to commit the Offender to Gaol for any Time not exceeding Two Months, or until the Fine be paid.

Forfeitures to be levied by Distress and Sale, and, if not otherwise directed, divided between Informers and some Hospital.

CLXX. And

CLXX. And be it enacted, That when 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 Default or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity on the Part of the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damages in any Action on the Case.

The Party distraining not to be a Trespasser in consequence of Irregularity.

CLXXI. And be it enacted, That if any Person shall be sued, molested, or troubled for putting into execution any of the Powers contained in this Act, or for doing any Act, Matter, or Thing pursuant thereto, such Person shall and may plead the General Issue, and give the special Matter in Evidence, and may avow the taking any Distress on the acting Treasurer and Justices Warrant merely, without going into other Title or Authority; and if the Plaintiff or Plaintiffs shall be nonsuited, and Judgment given against him, her, or them, upon Demurrer or otherwise, or a Verdict pass for the Defendant or Defendants, or a Dismiss upon a Civil Bill, such Defendant or Defendants shall have his, her, or their Treble Costs, to be recovered by such Method and Manner whereby Law Costs are given to Defendants; and no Inhabitant, Magistrate, or Cess Payer of any County shall be deemed to be an incompetent Witness in any Court of Law or Equity by reason of his being liable to be rated or being rated or assessed towards the Payment of any Money presented or to be presented by a Grand Jury.

General Issue may be pleaded.

CLXXII. And be it enacted, That it shall not be lawful for any Justice of the Peace or any other Person to demand or take any Sum of Money or any Reward for swearing any Affidavit to be made by virtue of this Act; and if any Person shall wilfully swear or affirm or declare falsely in any Oath or Affirmation or Declaration made or taken by Authority or under any of the Provisions of this Act, every such Person, being thereof convicted, shall be adjudged guilty of wilful and corrupt Perjury, and incur the Pains and Penalties in such Case by Law provided; and it shall and may be lawful for any Grand Jury, without any previous Application to Presentment Sessions, to make such Presentments for defraying the Prosecution of such Delinquent as to them may seem fitting and expedient.

Justices not to take Money for Affidavits.

False swearing punishable as Perjury.

CLXXIII. And be it enacted, That all Weights and Measures mentioned in this Act, or used under any of the Provisions thereof, or referred to in any Presentment, shall be the Weights and Measures fixed and ordained by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, and by an Act passed in the Fifth and Sixth Year of His present Majesty, intituled *An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*; any Law, Usage, or Custom to the contrary notwithstanding.

Weights and Measures.

5 G. 4. c. 74.

5 & 6 W. 4. c. 63.

CLXXIV. And

Money to be  
the present  
Currency.  
Schedules Part  
of the Act.

Notices, &c.  
not to be im-  
peached on  
technical  
Grounds.

Baronies, &c.  
may be dividcd,  
or may be  
united.

Certain Coun-  
ties may be  
divided into  
Two Ridings  
or Districts.

Lord Lieu-  
tenant to make  
Rules and  
Regulations  
touching the

CLXXIV. And be it enacted, That the several Sums of Money in this Act mentioned shall be deemed to be the present lawful Money of *Great Britain* and *Ireland*; and the Schedules annexed to this Act shall be deemed and taken to be Part thereof, and the Forms therein contained shall be made use of in all Cases to which such Forms shall be applicable; provided always, that it shall and may be lawful to erase or alter any Words in such Forms so as to make them applicable to any particular Case, without materially altering the Substance, but no further; and that no Notice, Recognizance, Warrant, Traverse, Presentment, or other Proceeding or Matter whatsoever served, made, taken, or had under this Act shall be impeached on any technical or formal Grounds, or for any Informality, provided it shall be in Substance conformable to the Provisions of this Act.

CLXXV. And be it further enacted, That it shall and may be lawful for the Grand Jury of any County, by Presentment, to divide any Barony or Half Barony thereof into One or more Subdivisions, each whereof shall, for the Purposes of this Act, and 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 Grand Juries, be deemed and taken to be a Barony or Half Barony, as such Grand Jury shall present the same; provided such Barony shall contain Forty-five thousand Acres, but not otherwise; and it shall be lawful for any Grand Jury to unite any Two Baronies, or any Barony or any Portion of any Barony or Baronies, into One, for the Purposes of this Act, provided the Baronies or Portions so united shall not contain more than Forty thousand Acres.

CLXXVI. And whereas, from the great Extent of certain Counties in *Ireland*, and the inconvenient Situation of the Towns where the Assizes are now held in respect to other Parts of said Counties, it may be expedient that a Second Assize Town should be appointed at which Assizes shall be holden for Part of said Counties, and for that Purpose that the said Counties should be divided into Two Districts or Ridings; be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council, to order and direct that any County in *Ireland* shall be divided into Two Ridings or Districts, and to direct and appoint what Baronies or Half Baronies or other Portions of Land shall be contained in each of said Ridings, and to order and direct that Assizes and Sessions under the Commissioners of Assize and General Gaol Delivery, and other Commissions for the Dispatch of Civil and Criminal Business, or that any special Commission or Commissions of Oyer and Terminer and Gaol Delivery, should be holden in and for any County which now is or hereafter may be so divided at such Town within the same as shall be deemed most expedient for the Purpose, in addition to and in like Manner as the same are now holden at the usual Assize Town.

CLXXVII. And be it further enacted, That it shall and may be lawful for said Lord Lieutenant or other Chief Governor or Governors, with such Advice as aforesaid, to make Rules and Regulations touching the Venue in all Cases, Civil and Criminal, then

depending or thereafter to be depending and to be tried within said Divisions or Ridings of any such County, and touching the Alterations of any Commissions, Writs, Precepts, or other Proceedings thereby made necessary, and touching the Attendance and Liability of Jurors, whether Grand Jurors, Special Jurors, or Common Jurors, at such Assizes, or at any Sessions to be holden for such Ridings or Divisions, and to make such Orders, Rules, and Regulations for the building or fitting up of any Gaol or Court House in such Town so to be appointed as the Assize Town of any such Riding, and for ascertaining the Proportions to be borne by each Division or Riding of all Presentments or other Fiscal Charges affecting the County at large, and to make all such Rules, Orders, and Regulations touching all other Presentments as may be rendered necessary from Time to Time in consequence of the Division of said County, and all other Rules, Orders, and Regulations as may be necessary for carrying into full and complete Effect the Object of having Two Half-yearly Assizes holden in and for said County in manner aforesaid; and all such Rules, Orders, and Regulations shall be inserted in the *Dublin Gazette*, and notified in such other Manner as Orders of the Lord Lieutenant in Council are usually notified: Provided always, that such Division of said County for the Purposes aforesaid shall not be deemed, construed, or taken to damage, alter, limit, or abridge any Power, Authority, Jurisdiction, Right, Duty, or Privilege of any High Sheriff, Sub-Sheriff, or Justice of the Peace or other Magistrate of the said County, or to affect the holding of an Election of a Member or Members to serve in Parliament for such County, which shall continue to be holden at the Town at which it is now by Law required to be holden until Parliament shall otherwise direct.

CLXXVIII. And be it further enacted, That in all Cases where by this or any Act or Acts now in force in *Ireland* Repayment is to be made by Grand Jury Presentment of any Money advanced out of the Consolidated Fund or from any other Public Fund, the same shall from and after the passing of this Act be paid and payable unto such Bank or Person and in such Manner as the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any Three of them, shall from Time to Time think fit to direct and appoint.

CLXXIX. And be it enacted, That in case the Grand Jury at any Assizes shall neglect or refuse duly to present any Money which, under the Provisions of this Act, or of any Act now in force in *Ireland*, or of any Act passed or to be passed in this present Session of Parliament, such Grand Jury may be required to present at such Assizes upon the Certificate of the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or otherwise, for the Purpose of reimbursing or replacing any Monies issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the Court shall have Power to make an Order directing the Sum or Sums which ought to have been so presented to be raised and levied as if the same had been so presented, and such Order shall have the Force and Effect of a Presentment, and the Treasurer of the County shall insert the Sum mentioned in such Order in his Warrant, and the same shall be apportioned, raised, and levied and applied

Venue in all Cases to be tried within the said Divisions, and all other Matters consequent upon such Division.

Not to abridge the Rights of Sheriffs, &c.

Repayment of Money advanced out of the Consolidated Fund.

If Grand Jury neglect to present for Repayment of Monies advanced out of the Consolidated Fund, the Court shall make an Order, which shall have the Force of a Presentment,

No Presentment for such Repayment unless demanded within Five Years, &c.

Saving for Repayment of Advances under 5 & 6 W.4. c. 48.

Treasury may direct 8,000*l.* recovered from late Treasurer of Tyrone to be paid to the new Treasurer, for Payment of Contractors, &c.

Grand Jury empowered to present the said Sum of 8,000*l.* to be levied off the County by half-yearly Instalments.

applied in like Manner to all Intents and Purposes as if the same had been duly presented by such Grand Jury.

CLXXX. And be it further enacted, That in case at any Time after the passing of this Act any Sum of Money shall be advanced out of the Produce of the Consolidated Fund, which is to be repaid wholly or in part by a Presentment of any Grand Jury in *Ireland*, it shall not be lawful to make any Presentment for repaying the same or any Part thereof unless the same has been demanded within Five Years next before the making of such Presentment, except only where the same is to be repaid by Instalments.

CLXXXI. And be it enacted, That nothing herein contained shall be construed to affect or limit the Powers of any Grand Jury in *Ireland* to present for the Repayment of Advances made under and by virtue of an Act passed in the Fifth and Sixth Year of His present Majesty's Reign, intituled *An Act for the better Preservation and more speedy Punishment of Offences endangering the Public Peace in Ireland*; and the Presentments authorized to be made by the said last-recited Act may be made without previous Application to Presentment Sessions.

CLXXXII. 'And whereas divers Sums of Money have been from Time to Time advanced by the Lords Commissioners of the Treasury, under the Provisions of certain Acts of Parliament, for the Execution of Public Works in the County of *Tyrone*, and for other public Purposes in the said County: And whereas Proceedings have been taken against the late Treasurer of the said County and his Sureties for the Recovery of a considerable Balance on account of such Advances which ought to have been repaid by him, and the Sum of Eight thousand Pounds has been recovered thereunder: And whereas, by reason of the Default and Insolvency of the said Treasurer, great public Inconvenience will arise if the Contractors and others who have Demands against the said County shall remain unpaid;' be it therefore enacted, That it shall and may be lawful for the said Lords Commissioners of the Treasury to authorize and direct the said Sum of Eight thousand Pounds, so recovered as aforesaid, to be paid to the new Treasurer of the said County of *Tyrone*, to be by him applied, in like Manner as any Money levied off such County by Grand Jury Presentment in his Hands, to the Payment of such Contractors and others, and to such other like Purposes as any Money arising in his Hands as such Treasurer may be by Law applicable.

CLXXXIII. And be it enacted, That in consideration of the Advance of the said Sum of Eight thousand Pounds it shall and may be lawful for the Grand Jury of the said County at the next Assizes after the passing of this Act, and they are hereby required, to present the said Sum of Eight thousand Pounds to be levied off the said County by Sixteen half-yearly Instalments of Five hundred Pounds each; and the Treasurer of the said County shall and he is hereby required to insert the said Sum of Five hundred Pounds in his Warrant for raising or levying the Sums presented at the said next Assizes, and in like Manner, without further Presentment or Authority in that Behalf, to insert a like Sum of Five hundred Pounds in his Warrant for raising or levying the Sums presented at each succeeding Assizes, until the whole

Sum



Sum of Eight thousand Pounds shall be so raised and levied off such County, and the same shall be raised and levied accordingly; and the said Treasurer shall pay over the said several Instalments when and as each of them shall be raised and levied to such Bank or Person, and in such Manner, as the said Lords Commissioners of the Treasury shall direct.

CLXXXIV. And be it enacted, That this shall commence and take effect from and after the First of *November* next: Provided always, that all Presentments and Contracts made, or Money to be levied, accounted for, or paid, under or in consequence of any Act or Acts in force in *Ireland* before the Commencement of this Act, shall be levied, accounted for, and paid in manner provided by the said former Act or Acts, and subject to the Rules, Regulations, and Provisions therein contained; and provided also, that nothing herein contained shall be construed to affect, alter, or abridge the Powers, Duties, and Liabilities of any Overseer, Contractor, or other Person vested in or exercised by him or them under the Provisions of the said former Act or Acts, as far as respects the Completion of any Work or Works so presented and begun and entered upon at any Time before the Commencement of this Act.

Commencement of Act.

Presentments made before Commencement of this Act to be accounted for under former Acts.

CLXXXV. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *Ireland*.

Act to extend only to Ireland;

CLXXXVI. 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.

may be altered.

## SCHEDULES to which this Act refers.

### SCHEDULE (Z.)—FORM (A.)

I *A. B.* of [*here insert the Name and Place of Abode of the Justice taking this Declaration*] do declare, That I am a Justice of the Peace of the County [*here insert the Name of the County for which the Presentment Sessions is holden*], and that I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the \_\_\_\_\_ Year of the Reign of His Majesty King William the Fourth, intituled [*here set out the Title of this Act*], and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and honestly judge and determine, according to the Evidence and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act.

Witness my Hand

### SCHEDULE (Z.)—FORM (B.)

I *A. B.* of [*here insert the Name and Place of Abode of the Cess Payer taking this Declaration*] do declare, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the \_\_\_\_\_ Year of the Reign of His Majesty King William the Fourth, intituled [*here set*

6 & 7 GUL. IV.

3 C

out



Section of the Chapter of [*here set out the Reign*],  
being an Act for [*here set out the Title of this Act*].

(Signed) A. B.  
C. D.

SCHEDULE (X.)—FORM (C.)

*Form of Application for widening Roads and making Fences  
instead of those to be taken away.*

County of } WE, of and  
} of do certify, That we have lately viewed  
and measured Perches of the Road from  
to between and in the  
Townland [*or Townlands*] of all in the Barony [*or*  
Half Barony] of in this County, and that every of  
the same is Feet wide, and no more, in the clear  
within the Fences; and we are of opinion that it would be useful  
to the Public using such Road to widen the same, so as to make  
that Part of the Road Feet wide in the clear, and safe  
and level throughout the whole of the said Width, and to make  
new Fences instead of those which shall be taken down or de-  
stroyed in order to widen the same; and we propose that the  
Expence of widening and repairing the same shall not exceed  
Pounds, and shall be defrayed by the County at  
large [*or Barony or Half Barony of* ], and that  
Presentment for such Purpose may be made under and by virtue  
of the Section of the Chapter of  
[*here set out the Reign*], being an Act for [*here set out the Title of  
this Act*].

(Signed) A. B.  
C. D.

SCHEDULE (X.)—FORM (D.)

*Form of Application for making or repairing Footpaths.*

County of } WE, of and  
} of do certify, That in our Opinion it is  
necessary to make [*or repair*] Perches of Footpath  
on the Road from to between  
and all in the Barony of in this  
County; and we propose that the Expence of the aforesaid Work  
shall not exceed Pounds, and shall be defrayed by  
the County at large [*or Barony or Half Barony of* ],  
and that Presentment for such Purpose may be made under and  
by virtue of the Section of the Chapter of  
[*here set out the Reign*], being an Act for [*here set out the Title of  
this Act*].

(Signed) A. B.  
C. D.



sentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) A. B.  
C. D.

### SCHEDULE (X.)—FORM (H.)

*Form of Application for erecting, enlarging, or repairing any Building whatsoever.*

County of } WE, of and  
} of do certify, That we have lately viewed and examined and that it will be useful to [*here set out the Work*], at in this County; and we propose that the Expence of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [*or Barony or Half Barony of*], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) A. B.  
C. D.

### SCHEDULE (X.)—FORM (I.)

*Form of Application for Payment by a Contractor for a Public Work.*

County of } WHEREAS the Sum of was by virtue of  
} the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*], presented at Assizes in the Year for [*here set out the Work contracted for*] in the Barony of in this County: And whereas I contracted for the Work aforesaid: Now this is to certify, That I have faithfully and honestly executed the said Work, in conformity to the Presentment for the same and to the Terms of the Specification of the County Surveyor, and that every Part of the said Work was finished on the Day of and I hereby apply for the Payment of the said Sum of

(Signed) A. B.  
Contractor.

### SCHEDULE (X.)—FORM (K.)

*Form of Application for Payment by a Contractor for Works of Maintenance.*

County of } WHEREAS at the Assizes in the Year  
} by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*], Perches of the Road from to between and in the Barony of in this County, were presented to be kept in repair for Years by Contract at the yearly Sum of : And whereas I contracted for the same: Now this is to certify, That the said Perches and every Part thereof have been kept in good and sufficient Repair and Condition since the Commencement of my Contract, in conformity with the

Presentment and the Specification of the County Surveyor; and that the said Perches and every Part thereof are now in good and complete Repair and Condition, and that the said Perches are free from Nuisances; and I hereby apply for Payment of the Sum of \_\_\_\_\_ for keeping the said Perches in repair for \_\_\_\_\_ Months.

(Signed)

A. B.  
Contractor.

## SCHEDULE (R.)

I \_\_\_\_\_ do declare, That I have not directly or indirectly paid any Sum of Money as or for the Subscription of any Person, in order to entitle him to become a Governor of the Infirmary of the County of \_\_\_\_\_ or to qualify him as a Subscriber to the Dispensary of \_\_\_\_\_ [as the Case may be], and that I have not promised or in any Manner engaged to repay, and have not directly or indirectly repaid or secured, and will not directly or indirectly repay or secure, nor has any Person to my Knowledge or Belief, or on my Behalf, given or promised to give to any Person or Persons, or for his or their Use, or at all, any Sum of Money paid or secured or agreed to be paid or secured as a Subscription to the said Infirmary or Dispensary, or any Part thereof; and that no Person whose Subscription to said Infirmary or Dispensary, or any Portion thereof, has been paid or secured by me, or any Person acting for me or on my Behalf, in order to qualify him to become a Governor of the said Infirmary, has voted for me: And I do declare, that my Appointment to the Office of \_\_\_\_\_ is totally unconnected with any Arrangement between me and my Predecessor in such Office, and that no Arrangement has been made with him, to my Knowledge or Belief, by any Person on my Behalf.

## SCHEDULE (Y.)

Be it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ A. B. of \_\_\_\_\_ in the County of \_\_\_\_\_ C. D. of \_\_\_\_\_ in the County of \_\_\_\_\_ and E. F. of \_\_\_\_\_ in the County of \_\_\_\_\_ came before me [one of the Justices, or Chairman, as the Case may be,] at a Presenting Sessions held at \_\_\_\_\_ in the County of \_\_\_\_\_ and acknowledged themselves to be held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the Sum of \_\_\_\_\_ Pounds, to which Payment they bind themselves, their Heirs, Executors, and Administrators, and their Estates, jointly and severally:

WHEREAS the above-bounden A. B. has become Contractor for the Execution of a certain Public Work, that is to say [mention it], and the said C. D. and E. F. have become his Sureties for the due Execution of such Work; Now the Condition of the foregoing Recognizance is, That if the said A. B. shall within the Time mentioned in such Contract well and truly execute such Work in the Manner required and agreed on by such Contract, then the foregoing Recognizance to be void, otherwise to remain in full Force and Effect.

SCHE-

**SCHEDULE (S.)**  
*Table of Classification of Counties, Treasurers Securities, and Salaries of County Officers.*

	Counties, Cities, and Towns.						County of Cork.	City of Cork.	City of Dublin.	
	Class I.	Class II.	Class III.	Class IV.	Class V.	Class VI.				
Treasurers Securities -	8,000	7,000	5,000	4,000	2,000	1,000	20,000	4,000		CLASS I. com- prehends the Counties of - { Tipperary, Down, Mayo, Galway, Antrim, Tyrone, Donegal, Derry, Limerick.
SALARIES:										
Treasurers -	370	324	230	185	-	-	554	185		CLASS II. com- prehends the Counties of - { Clare, Roscom- mon, Kerry, Ar- magh, Cavan, Mo- naghan, Meath, Dublin.
Clerks of the Crown -	370	324	230	185	74	47	462	185		{ Wexford, Kilkenny, Sligo, King's
Clerks of the Peace -	370	324	300	277	93	42	554	230		County, Ferma- nagh, Westmeath, Queen's County.
Secretaries to Grand Jury -	208	185	140	120	37	28	324	111		
Sheriffs -	93	74	56	47	24	10	111	93		{ Waterford, Wick- low, Louth, Longford, Lei- trim, Kildare, Carlow.
Judges Criers -	14	12	10	10	5	3	20	10		
Criers at Sessions -	19	14	12	10	10	6	28	30		
Court House Keeper in County Towns -	14	14	10	10	10	10	20	20		
Medical Officers of Pri- sons, viz. Physician, or Surgeon, or Apothecary: In the whole, exclusive of Bill for Medicines -	74	74	65	65	56	37	74	65		CLASS V. com- prehends the Cities and Towns of - { Waterford, Lime- rick, Kilkenny, Galway.
Number of Coroners, not exceeding -	4	3	2	2	-	-	4	-		CLASS VI. com prehends the Town of - { Drogheda.

## SCHEDULE (T.)

*Salaries for Officers in the County of the Town of Carrickfergus.*

	£	s.	d.
Treasurer - - - -	45	0	0
Clerk of the Crown - - - -	23	1	6
Clerk of the Peace - - - -	24	0	0
Secretary - - - -	13	17	0
Sheriffs - - - -	7	7	8
Judge's Crier - - - -	2	0	0
Sessions Crier - - - -	2	0	0
	<hr/>		
	£117	6	2
	<hr/> <hr/>		

For the Clerks of the Crown in the Towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, £24.

For the Clerks of the Peace for the Towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, £24.

*Note.*—Whensoever any Clerk of the Crown for the Counties in the First Class shall execute the Duty of his Office for more than One County of such Class, in every such Case the Salary for such Clerk of the Crown shall, for such Counties of the First Class, be presented at £324 only.

I do declare, That I have not, directly or indirectly, given, paid, or secured, or promised to pay, give, or secure, nor has any Person on my Behalf to my Knowledge or Belief given or promised to give, any Sum of Money or other Consideration whatsoever in order to procure myself to be appointed to the Office of Secretary of the Grand Jury, Treasurer, *et cætera* [as the Case may be], of the County of \_\_\_\_\_ and that I will not hereafter pay, secure, or give to any Person or Persons any Money or any Security for Money in consideration of or in consequence of my having been appointed to such Office: And I do declare, That my Appointment to such Office is totally unconnected with any Arrangement between me and my Predecessor in such Office, nor has any such Arrangement been made by any Person or Persons on my Behalf to my Knowledge or Belief.

## C A P. CXVII.

An Act to amend several Acts relating to the Harbour of *Kingstown*. [20th August 1836.]

55 G. S. c. 191.

‘ WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act to authorize the Appointment of Commissioners for erecting an Harbour for Ships to the Eastward of Dunleary, within the Port and Harbour of Dublin*, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being are authorized from Time to Time to appoint fit Persons, as therein mentioned, to be Commissioners for the Purposes of the said Act: And whereas by an Act passed in the Fifty-sixth Year of the Reign of the said



' said King, intituled *An Act for erecting an Harbour for Ships* 56 G. 3. c. 62.  
 ' *to the Eastward of Dunleary, within the Port of Dublin, and*  
 ' also by another Act passed in the First Year of the Reign of  
 ' King *George the Fourth, intituled An Act to alter and amend an* 1 G. 4. c. 69.  
 ' *Act passed in the Fifty-sixth Year of His late Majesty, for*  
 ' *erecting an Harbour for Ships to the Eastward of Dunleary,*  
 ' *within the Port of Dublin, and to provide for the Erection of a*  
 ' *Western Pier to the said Harbour of Dunleary, certain Powers*  
 ' and Authorities were and are vested in the said Commissioners  
 ' appointed or to be from Time to Time appointed under the said  
 ' first-mentioned Act, in respect to the Erection of the said Har-  
 ' bour and the Execution of other Works connected therewith,  
 ' which said Harbour is now in course of Erection, but is still  
 ' unfinished: And whereas by an Act passed in the Twenty-sixth  
 ' Year of the Reign of King *George the Third, intituled An Act* 26 G. 3. (I.)  
 ' *for promoting the Trade of Dublin, by rendering its Port and*  
 ' *Harbour more commodious, and by a certain other Act passed*  
 ' in the Thirty-second Year of the Reign of the same King, inti-  
 ' tuled *An Act for repairing and preserving the Walls of the River* 32 G. 3. (I.)  
 ' *Anna Liffey in the City of Dublin, and for amending an Act*  
 ' *passed in the Twenty-sixth Year of His Majesty's Reign, inti-*  
 ' *tuled 'An Act for promoting the Trade of Dublin, by rendering*  
 ' *'the Port and Harbour more commodious,'* certain Powers and  
 ' Authorities are given to the Corporation for preserving and  
 ' improving the Port of *Dublin* relative to the supplying of Ships  
 ' and other Vessels in the Port and Harbour of *Dublin* with Bal-  
 ' last, and the Collection of certain Rates and Dues for the same,  
 ' and also relative to the Improvements of the old Harbour of  
 ' *Dunleary, and other Purposes connected with the proper Super-*  
 ' *intendence and Management of the same: And whereas it is*  
 ' expedient that the several Rights, Powers, and Authorities so  
 ' vested in the said Corporation in and over that Part of the Port  
 ' of *Dublin* which is now or shall hereafter be comprised in and  
 ' occupied by the said new Harbour now in course of Erection,  
 ' and also in and over the further Space of Five hundred Yards  
 ' beyond the Entrance thereof, and also in and over the said old  
 ' Harbour of *Dunleary, should cease and determine, and that the*  
 ' said Two Harbours should be for ever hereafter to all Intents  
 ' and Purposes One Harbour, under the Name and Style of  
 ' "*Kingstown Harbour,*" and that the exclusive Superintendence,  
 ' Control, and Management of the same, together with similar  
 ' and more extensive Powers, should be permanently vested in the  
 ' Commissioners now or from Time to Time hereafter to be ap-  
 ' pointed under the said Act of the Fifty-fifth Year of the Reign  
 ' of King *George the Third:*' Be it therefore enacted by the  
 King'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 so much and such Part of the said Act of the First Year  
 of the Reign of King *George the Fourth* as enacts, that when the  
 said new Harbour now in course of Erection should be completed  
 it should from thenceforth be vested in the said Corporation for  
 preserving and improving the Port of *Dublin, and supported in the*  
 Manner therein provided, shall be and the same is hereby repealed.

Part of  
 1 G. 4. c. 69.  
 repealed.

II. And

All Ground or other Property in or about the old Harbour of Dunleary belonging to the Corporation for preserving and improving the Port of Dublin, transferred to the Commissioners of Kingstown Harbour.

II. And be it further enacted, That from and after the passing of this Act all the Ground or other Property which is now vested in or belongs to the said Corporation for preserving and improving the Port of *Dublin* in or about the said old Harbour of *Dunleary*, and the Piers, Wharfs, and Quays thereof or in any Manner connected therewith, shall be and the same are hereby transferred to and vested in the Commissioners now or hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, subject nevertheless to the Payment or Performance of any Rent or Covenant to the Payment or Performance of which the said Corporation may be liable in respect of such Lands, in like Manner to all Intents and Purposes as if the said Commissioners had been originally liable thereto instead of the said Corporation; and the said Commissioners shall, from and after the passing of this Act, be and become liable to all such Rents and Covenants, and the said Corporation shall be and are hereby exonerated and discharged therefrom.

All Rights, &c. of the Corporation for preserving and improving the Port of Dublin in respect to old Dunleary or Kingstown Harbour to cease, and to become vested in the Commissioners of Kingstown Harbour;

III. And be it enacted, That from and after the passing of this Act all the Powers and Authorities, Rights and Privileges given to the said Corporation in and by the said recited Acts of the Twenty-sixth and Thirty-second Years of the Reign of King *George* the Third or either of them, or in or by any Act or Acts in force in *Ireland* relating to the Supply or Discharge of Ballast to or from Ships or other Vessels within said old Harbour of *Dunleary*, or within the said new Harbour now in course of Erection, or within the Space of Five hundred Yards beyond the Entrance thereof, and the Charge of Rates and Dues for such Ballast, and also relative to the collecting and levying of any Rates or Entries on Ships or Vessels, or Boats, Wherries, or other Bottoms, resorting to or frequenting the said Harbours or either of them, or relative to any other Matter, Thing, or Purpose connected with the said Harbours or either of them, or the said Space of Five hundred Yards, except as herein-after provided, shall from and after the passing of this Act absolutely cease and determine, and that like Powers and Authorities, so far as the same are consistent with the Provisions of this Act, shall become vested in and lawfully exercised by the said Commissioners now or from Time to Time hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third.

except those relative to Lighthouses and Pilots.

IV. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend or shall be construed to extend to take away, abridge, or in any Manner interfere with the Powers and Authorities now vested in the said Corporation for preserving and improving the Port of *Dublin* with respect to Lighthouses and Pilots within the said Two several Harbours and the Space of Five hundred Yards, but that all such Powers and Authorities shall remain and continue to be vested in the said Corporation in as full Force and Effect to all Intents and Purposes as if this Act had not been made.

Recited Acts to remain in force, and to apply to old Dunleary Harbour.

V. And be it further enacted, That the said recited Acts of the Fifty-sixth Year of the Reign of King *George* the Third and of the First Year of the Reign of King *George* the Fourth, and all the Provisions and Clauses therein contained, shall be and continue in full Force and Effect, except so far as the same are altered, amended,

or repealed by this Act, and that the said Acts and all the Provisions thereof shall also apply so far as the same are applicable to the said old Harbour of *Dunleary*.

VI. And be it further enacted, That the said old Harbour of *Dunleary*, and the said new Harbour now in course of Erection, shall constitute and be to all Intents and Purposes but One Harbour, under the Name and Title of "*Kingstown Harbour*," and that all the Provisions herein-after contained in this Act shall be deemed or taken, so far as the same are applicable, to extend and apply to the said Two Harbours so included under the said Name and Title of "*Kingstown Harbour*;" and that the Term "*Commissioners of Kingstown Harbour*," in the subsequent Provisions of this Act, shall be understood to mean the Commissioners now or from Time to Time hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third.

VII. And whereas it is expedient that the Powers and Authorities hitherto possessed by the said Corporation for preserving and improving of the Port of *Dublin* in respect to supplying Ballast to Ships and other Vessels in said *Kingstown Harbour*, and discharging Ballast from the same, at certain Rates and Charges, and by this Act transferred to and vested in the said Commissioners of *Kingstown Harbour*, should be more explicitly defined, and that the said Commissioners should have Power to levy and collect the same Rates by way of Tonnage upon all Ships and other Vessels coming into arriving at the said Harbour as the said Corporation might have levied in case this Act had not been made; be it therefore enacted, That it shall be lawful for the said Commissioners of *Kingstown Harbour* and they are hereby authorized and empowered to furnish Ballast to and also to take Ballast from or assist in the Discharge of Ballast from all Ships and other Vessels requiring the same in said *Kingstown Harbour*, or within Five hundred Yards of the Entrance thereof, at the Rates herein-after mentioned: Provided that nothing herein contained shall extend to abridge or affect any exclusive Right or Privilege now vested in or belonging to the said Corporation for preserving and improving the Port of *Dublin* to supply with Ballast Ships or Vessels discharging their Cargoes within any Part of the said Port of *Dublin*, except the said Harbours of *Kingstown* and old *Dunleary* as united under this Act, nor to repeal or remit any Penalty to which the Master or Commander or other Person in charge of any Ship or Vessel may now be by Law liable for buying or causing to be bought from any Person other than the said Corporation or their Officers any Ballast for the Use of such Ship or Vessel within any Part of the said Port of *Dublin*, except only the said Harbours so united.

VIII. And be it enacted, That the Master or Commander of every Ship or Vessel that shall take in or put out any Ballast within the said Harbour shall pay to the Officer who shall be lawfully authorized by the said Commissioners to receive the same such Sum as the said Commissioners shall appoint, not exceeding in any such Case the Amount which the said Corporation for preserving and improving the Port of *Dublin* might have been authorized to charge for taking in or putting out such Ballast into or out of such Ship or Vessel in case this Act had not been made.

IX. And

The old Harbour of *Dunleary* and the new Harbour to constitute but One Harbour, under the Title of "*Kingstown Harbour*."

Commissioners may supply all Ships in *Kingstown Harbour* with Ballast, and assist in the Discharge of Ballast from all Ships.

Not to affect Right of Corporation to supply with Ballast Vessels discharging their Cargoes at *Dublin*.

Tonnage to be charged for taking in or putting out Ballast.

Penalty on Persons taking in or putting out Ballast, except in manner directed by the Commissioners.

IX. And be it further enacted, That no Ballast shall be taken in discharge from any Ship or other Vessel lying or being in the said Harbour, except at such Place, by such Means, and in such Manner as shall be from Time to Time appointed and directed for that Purpose by the said Commissioners or by the Ballast Master of the said Harbour acting under their Instructions; and that every Person who shall at any Time act contrarily to the then existing Regulations as fixed by the said Commissioners, under the Authority of this Act, for taking Ballast from Ships or Vessels in the said Harbour, shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and above all Expences which may be incurred in removing to a proper Place such Ballast or other Matters as may have been deposited contrary to the said Regulations, such Penalty and Expences to be recoverable in the same Manner as other Penalties or Forfeitures under this Act.

Penalty on obtaining Ballast, except from Commissioners.

X. And be it enacted, That if the Master or Commander or other Person in charge of any Ship or Vessel which shall be in the said Harbour shall buy or purchase, or cause or procure to be bought or purchased, from any Person or Persons other than the said Commissioners or other Officer appointed in that Behalf, any Ballast whatsoever for the Use of such Ship or Vessel, or shall permit or suffer any Ballast whatever to be put on board or taken from such Ship or other Vessel other than what shall be duly accounted for to the said Commissioners or their said Officer, or be received or delivered by such Person or Persons as the said Commissioners shall appoint for that Purpose, then not only the said Master or Commander, but also such Person or Persons as shall so sell or provide such Ballast or as shall deliver to or take from such Ship or Vessel any Ballast not accounted for to the said Commissioners or other Officer as aforesaid, shall forfeit and pay to the said Commissioners any Sum not exceeding the Sum of Ten Pounds each, the same to be recovered in like Manner as other Penalties under this Act are directed to be recovered.

If Ballast Officer neglect to supply Ballast, Master of Ship may employ Carts for that Purpose, and obtain Ballast elsewhere.

XI. And be it enacted, That in case the Ballast Master for the Time being of the said Harbour shall neglect or refuse to take off from or deliver Ballast to any Ship or Vessel within the said Harbour, within Twenty-four Hours after Notice in Writing so to do shall have been given to him or left at his Office by the Commander or Master of any such Ship or Vessel, then and in any such Case it shall and may be lawful to and for the Commander or Master of such Ship or Vessel, at any Time after Notice in Writing of such Neglect shall have been given or left by him at the Office of the said Ballast Master, to obtain from any Person whatsoever as much Ballast as he may require, and to employ any Cart, Drag, Waggon, or other Vehicle for the Carriage thereof; and that in every such Case, upon Proof thereof being made to the Satisfaction of the said Commissioners or their Officer in this respect authorized, every such Master of any Ship or Vessel shall have his Discharge and Clearings out of the said Harbour, provided he shall have paid the other Duties imposed by this Act or by any other Act or Acts of Parliament then in force in *Ireland* relative to the said Harbour.

Commissioners may quarry for Ballast.

XII. And be it enacted, That it shall and may be lawful to and for the said Commissioners of *Kingstown* Harbour, their Agents, Servants,

Servants, and Workmen, to quarry, dig, take, remove, and carry away Stone, Gravel, Sand, or any other Materials out of and from all or any of such Quarries, Land, or Ground as now are or hereafter at any Time shall be in the Tenure, Possession, or Occupation of the said Commissioners under and by virtue of the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, or otherwise howsoever, without making further Compensation for the same to the Owners of said Quarries, in the same Manner as they are now authorized to quarry and carry away the same for the Purposes of the said Act, and to use, apply, and dispose of the same for the Purpose of Ballast for any Ship or Vessel lying and being in or frequenting the said Harbour.

XIII. And be it further enacted, That from and after the passing of this Act there shall be raised, levied, collected, and paid to the Officer appointed by the said Commissioners to receive the same, for every Ton of the Burthen of each and every Ship, Vessel, or other Bottom coming into the said *Kingstown* Harbour or within Five hundred Yards of the Entrance thereof, the several Duties and Sums of Money which the said Commissioners may from Time to Time appoint and direct, not exceeding the several Duties and Sums of Money which the said Corporation for preserving and improving the Port of *Dublin* might have been authorized to charge for every Ton of the Burthen of each and every such Ship, Vessel, or other Bottom if this Act had not been made, in addition to such Sums as by the said Act of the Fifty-sixth Year of the Reign of King *George* the Third are imposed upon like Ships or Vessels coming into that and other Parts of the Port of *Dublin*, and payable to the Collector or other Chief Officer of Customs in the said Port of *Dublin*.

XIV. Provided always, and be it enacted, That nothing in this Act contained relative to the levying of such Rates and Duties as last aforesaid shall extend or be construed to extend to any Ships or Vessels belonging to His Majesty, His Heirs or Successors, or that shall or may be employed in His Majesty's Service, or in the Service of the Post Office, Excise, or Customs.

XV. And be it further enacted, That if any Master or Commander or other Person having charge of any Ship or other Vessel, or any Owner or Consignee, or any other Person owning or having charge of any Goods, Wares, or Merchandizes imported into or exported or intended to be exported from 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 part, of any of the Rates or Duties made payable by this or by any former Act now in force 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 so evaded, and such Sum shall be recovered from such Master, Owner, Consignee, or other Person or Persons respectively in such Manner as herein-after directed for levying and recovering Penalties and Forfeitures.

XVI. And be it further enacted, That from and after the passing of this Act no Ship or other Vessel which shall arrive in the said Harbour

Rates and Duties to be levied on all Ships coming into the Harbour.

Not to extend to those belonging to or in the Service of His Majesty, &c.

Penalty on Masters or Commanders of Ships evading or attempting to evade Payment of Rates and Duties.

Penalty on Master leaving the Harbour

without paying  
Rates and  
Penalties.

Harbour shall sail therefrom without paying to the said Commissioners of the said Harbour, or to the Officers 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 Owner, Master, or Commander thereof, and without having obtained a Discharge or Clearance from the said Commissioners or from the Person having Authority under this Act to give the same; and that if any Ship or other Vessel shall sail without having paid such Rates, Duties, Penalties, and Sums of Money as aforesaid, the Master or Commander thereof shall forfeit to the said Commissioners the Sum of Twenty Pounds, and shall be also 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 that 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 Master or Commander in any of His 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 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, 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 further that such Ship or other 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 Ship so sailing; and that it shall and may be lawful for the said Commissioners, by Warrant under Hands of them or 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, Mast, 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, of such Expences as aforesaid, whether such Ship or other Vessel shall at the Time of such Seizure 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 Vessel so sailed, or not; and that in case the said Penalty, and all such Arrears as aforesaid of the said Rates and Duties, and also said Expences, shall not be paid to the said Commissioners or their proper Officer within Seven Days after such Seizure, it shall and may

may

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 of all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and said Expences, and that 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 the said Master or Commander aforesaid, or by seizing and distraining such Ship or other Vessel, and the Sails, Masts, Rigging, Tackle, and Furniture thereof, as aforesaid.

XVII. And be it enacted, That all and every the Ballast Dues, and all and every other Dues and Duties, Payments and Sums of Money whatsoever by this Act or by any other Act or Acts in force in *Ireland* imposed upon or made payable to the said Commissioners for or in respect of Ships or other Vessels entering into, lying, or being in the said Harbour, or making use of the Piers, Quays, Wharfs, or Moorings of the said Harbour, and likewise all Penalties, Forfeitures, and other Sums of Money whatsoever made payable under this Act and the said other Acts, and which shall from Time to Time be recovered and received, shall from Time to Time (except as to One Moiety of the said Penalties, which it is hereby declared shall be paid to the Informer,) be applied by the said Commissioners to and for paying the Expences of maintaining and regulating said *Kingstown* Harbour in manner herein provided, and to and for the other Purposes of this Act; and that in case there shall be any Overplus in the Hands of the said Commissioners of the Money arising from such Duties and Payments as aforesaid beyond what shall be requisite and necessary for the Purposes of this Act or the said Acts, then such Overplus shall from Time to Time be paid into the Receipt of His Majesty's Exchequer in *Dublin*, to the Credit of the Consolidated Fund in *Ireland*, towards making good such Sum or Sums as have been or shall be advanced thereout under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, for the Purposes last aforesaid.

XVIII. And whereas by the said Act of the Fifty-sixth Year of the Reign of King *George* the Third Power is given to the said Commissioners of *Kingstown* Harbour to enter upon certain Lands and Premises within the Limits therein mentioned, and to dig for and take Materials for the Purposes of said Act, upon the Terms and in the Manner therein mentioned: And whereas by virtue of certain Agreements heretofore made and entered into by the said Commissioners with certain Persons who severally claimed to have an Ownership in the Commons of *Dalkey* in the County of *Dublin*, certain Quarries in the Neighbourhood of *Dalkey* aforesaid have been opened and worked by the said Commissioners for the Purpose of the said Act, and vast Quantities of Materials, Rubble, and Stuff, not required for the said Purposes, have accumulated, and from Time to Time will necessarily accumulate in and about the said Quarries which the said

Application of Monies received by the Commissioners under this Act.

Commissioners may sell surplus Materials out of the Quarries. 56 G. 3. c. 62.

‘ Commissioners are by the Terms of the said Agreements prohibited from applying to any other Purposes than those of the said Act ; and it is considered advisable, for the better working of the said Quarries, and for the Benefit of the said Harbour, to give the said Commissioners Power to dispose of such Materials, Rubble, and Stuff ;’ be it therefore enacted, That it shall and may be lawful for the said Commissioners of *Kingstown* Harbour from Time to Time to dispose of all the surplus Stone, Gravel, Sand, and other Materials which heretofore had been or which hereafter shall be raised from the said Quarries by the said Commissioners, or their Agents or Servants, and also all other surplus Materials, of what Nature or Kind soever, which heretofore have accumulated, or which shall from Time to Time and at all Times hereafter accumulate in or about the said Quarries, or about or near the said Harbour or other Works connected therewith, and which shall not be required for the Purposes of the said last-mentioned Act, and for that Purpose the said Commissioners are hereby authorized to enter into and execute Contracts, Bills of Sale, and Assignments of such Quantity of such surplus Materials as they shall desire or think proper to dispose of ; and the Consideration or Purchase Money on such Sale or Sales shall and may be paid and applied by the said Commissioners for the Time being in such Manner and for such Purposes connected with the said *Kingstown* Harbour as they the said Commissioners shall think proper.

Commissioners may permit their Tramroads to be used by Persons paying for same.

XIX. ‘ And whereas it would much encourage the quarrying or working of the Beds or Fields of Granite in the Vicinity of *Kingstown* and *Dalky* if the Carriage therefrom of Materials quarried or raised thereout were facilitated by permitting the Tramroads or Railways belonging to the said Commissioners to be used for that Purpose ;’ be it therefore enacted, That it shall and may be lawful to and for the Commissioners of *Kingstown* Harbour, at any Time hereafter, to permit any Person or Persons whomsoever, or any Body Corporate or Sole, to make use of the said Tramroads or Railways for the Purpose of the Carriage or Conveyance of Stone, Materials, and Stuff from Time to Time dug, quarried, or raised from or out of the Beds or Fields of Granite aforesaid, subject to such Rates or Charges for the Use of the same not exceeding the Sum of Four-pence Sterling *per* Ton *per* Mile of Statute Measure as the said Commissioners shall from Time to Time appoint, and subject also to all such Rules and Regulations for the safe and proper using of the said Tramroads or Railways as the said Commissioners shall from Time to Time think proper to appoint ; and also that it shall and may be lawful to and for the said Commissioners, if the same shall appear to them advisable, to grant a Lease or Leases of the said Tramroads or Railways, and of all or any of the Branches thereof or any Part of the same respectively, for any Term not exceeding Seven Years, to any Person or Persons whomsoever, or to any Body Corporate or Sole, who may be willing to farm or rent the same ; provided that no such Lessees shall during his or their Occupancy of the said Tramroad or Railway charge for the Carriage of such Stone, Materials, or Stuff aforesaid any greater Sum than the Sum of Four-pence Sterling *per* Ton *per* Mile of Statute Measure ; and provided

Commissioners may grant Leases of the Tramroads.



provided also, that the said Commissioners, their Servants and Workmen, shall at all Times have the free Use and Enjoyment of the said Tramroads or Railways, and of the Branches thereof, for the Purposes of the said Harbour, notwithstanding the same shall then be rented by or be in the Occupation or Possession of any such Lessee as aforesaid.

XX. 'And whereas it is expedient that a new Provision should be made for Payment of the Salary of the Harbour Master of said *Kingstown* Harbour, and that the Powers now vested in the said Harbour Master under the said Act of the First Year of the Reign of King *George* the Fourth should be enlarged and more explicitly defined, and that proper Powers should be given to the said Commissioners for the Appointment of Collectors and other Officers, and the due Regulation of the same;' be it therefore enacted, That so much and such Part of the said Act of the First Year of the Reign of King *George* the Fourth as respects the Salary of the Harbour Master shall be and the same is hereby repealed; and that from and after the passing of this Act it shall and may be lawful for the said Commissioners of *Kingstown* Harbour, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to give and appoint such reasonable Salary or Allowance to the Harbour Master of said Harbour as to the said Commissioners shall seem fit, such Salary or Allowance to be paid out of the Monies which shall be from Time to Time in the Hands of the said Commissioners by virtue of this or any other Act or Acts in force in *Ireland* relative to said Harbour.

XXI. And be it enacted, That every such Harbour Master shall have full Power and Authority, by himself or his Assistants, subject always to the Rules, Orders, Regulations, and Directions of the said Commissioners, to direct the mooring, unmooring, moving, and removing of all Ships or other Vessels coming into or lying or being in the said Harbour, or in any Place being within the said Distance of Five hundred Yards from the Entrance or Mouth of the said Harbour, and to regulate the Time or Times and the Manner of their Entrance into or going out of the said Harbours, and also to regulate the Position of such Ships or other Vessels in the said Harbour, and for that Purpose to order or direct them or any of them to be placed in or removed to the Position most convenient for the same.

XXII. And be it further enacted, That in case any Owner, Master, or other Person having the Charge or Command of any such Ship or other Vessel shall refuse or neglect to moor, unmoor, place, move, or remove such Ship or other Vessel according to such Direction, forthwith and immediately after Order or Notice from the said Harbour Master or his Assistants given or left with any Person or Persons on board of such Ship or other Vessel for that Purpose, every such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Pounds Sterling; and that in case of any such Refusal or Neglect, it shall and may be lawful to and for the said Harbour Master and his Assistants, and he or his Assistants are hereby authorized, to moor, unmoor, place, move, or remove such Ship and Vessel accordingly; and the said Harbour Master is also hereby

The Commissioners to have at all Times free Use of the Tramroads.

So much of 1 G. 4. c. 69. as relates to the Salary of the Harbour Master repealed.

Commissioners, with Consent of the Lord Lieutenant, to give a reasonable Salary.

Harbour Master to have Power to direct the mooring, unmooring, &c. of all Ships, &c.

Penalty on Master or Commander refusing to follow such Directions.

Harbour Master may execute them himself.

authorized and empowered in such Case to hire and employ a sufficient Number of proper Persons to remove such Ship or other Vessel to such Place or Position within the said Harbour as the said Harbour Master shall appoint.

Expences thereof to be borne by the Master or Commander.

XXIII. And be it further enacted, That the reasonable Expences incurred by such mooring, unmooring, placing, moving, or removing of such Ship or other Vessel, and by such hiring as aforesaid, shall be paid and borne by the said Owner, Master, or other Person having the Charge or Command of any such Ship or other Vessel, such Expences to be recoverable in such Manner as in case of Penalties or Forfeitures under this Act.

Harbour Master may in case of Necessity cut Cables.

XXIV. And be it enacted, That the said Harbour Master and his Assistants shall and may and he and they is and are hereby empowered, in case of urgent Necessity, and for preventing the Loss of any Ship or Vessel, to cut the Rope, Cable, or Hawser of any Ship or Vessel lying within the said Harbour, or within Five hundred Yards from the Entrance thereof, not being any of His Majesty's Ships of War or employed in the Service of His Majesty, which shall obstruct the Navigation or endanger the Safety of any other Ship or Vessel.

Harbour Master may remove Timber floating in the Harbour, and Wrecks.

XXV. And be it further enacted, That the said Harbour Master and his Assistants shall and may and he and they is and are hereby also empowered to remove any Timber or Rafts floating in any Part of the said Harbours, and appearing in any Manner to obstruct or impede the free Navigation of the same or be injurious to Ships and other Vessels therein, and also to remove all Wrecks and other Obstructions which may from Time to Time be found in or upon the said Harbour; and that the Expence of removing such Timber, Wrecks, or other Matters causing such Obstruction or Obstructions as aforesaid shall be paid by the Owner or Owners of such Timber, Wrecks, or other Matters; and that in case the Owner or Owners thereof shall refuse or neglect to pay the same, or if no Owner or Owners thereof shall appear within Fourteen Days after such Removal as aforesaid, then the said Harbour Master shall and he is hereby directed to report such Default to the said Commissioners, and that the said Commissioners shall and they are hereby empowered thereupon to issue their Warrant authorizing the said Harbour Master, or such other Person or Persons as they shall think fit, to sell by public Cant or Auction such Timber, Wrecks, or other Matters, or any of them, or so much thereof as shall be sufficient to pay the Expence of removing the same as aforesaid; and that, after paying and defraying such Expences, the Overplus (if any) of the Money arising by such Sale shall be paid to such Person or Persons as shall show themselves to the Satisfaction of the said Commissioners, or any Two of them, to be the Owner or Owners of such Timber, Wrecks, or other Matters respectively.

Expence to be paid by Owners.

In case of Nonpayment, Commissioners may sell the Timber, &c. by public Auction; paying the Overplus, if any, to the Owners, after deducting Expences.

Penalty on Persons obstructing the mooring or unmooring of Vessels.

XXVI. And be it further enacted, That in case any Master, Commander, or other Person or Persons having Charge or Command of any Ship or other Vessel, or any other Person or Persons whatsoever, shall obstruct or hinder the mooring or unmooring, placing, moving, or removing of any Ship or other Vessel lying or being in the said Harbour or being within the said Distance of Five hundred Yards from the Entrance or Mouth thereof, then and in every such Case such Person or Persons so offending shall for every such

such Offence forfeit and pay any Sum not exceeding the Sum of Twenty Pounds.

XXVII. And be it enacted, That if any Person or Persons shall wilfully or maliciously obstruct or maltreat the said Harbour Master, or any of his Assistants, in the Execution of his or their Duties or Business aforesaid, or in the doing of any Matter or Thing which the said Harbour Master and his Assistants are by this or any other Act now in force in *Ireland* empowered to do, every and each of such Person or Persons shall, except in such Cases where a Penalty of greater Amount is by this or any other Act in force relative to the said Harbour directed to be inflicted, severally forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds Sterling.

Penalty on Persons obstructing the Harbour Master in any of his Duties.

XXVIII. And be it further enacted, That such Harbour Master, and all and every other Person and Persons acting in his Aid or Assistance, shall be and he and they is and are hereby indemnified for all and whatsoever he or they shall do or cause to be done in pursuance of this Act.

Harbour Master and Assistants, indemnified.

XXIX. And be it enacted, That the said Commissioners of *Kings-town* Harbour shall and may (subject to the Approbation of the Lord Lieutenant or other Chief Governor or Governors in *Ireland* for the Time being) appoint such Collector or Collectors, Ballast Master or Ballast Masters, and such other Officers as they shall think proper, for the Purposes of this Act, and also from Time to Time may remove such Collector or Collectors, Ballast Master or Ballast Masters, or other Officer or Officers as they may think proper; and also shall and may, with the like Approbation, appoint to such Collector or Collectors, Ballast Master or Ballast Masters, or other Officer or Officers, such Salary or Salaries as they shall think reasonable and proper, and shall and may also pay the same from Time to Time out of any Monies which shall be in their Hands under this Act.

Commissioners may, with the Approbation of the Lord Lieutenant, appoint Collectors, &c.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners, at their own free Will, to appoint and pay out of the said Monies such and so many other Servants, Workmen, and Persons as they shall think proper for the Purposes of this Act or of said recited Acts, and that they shall and may also from Time to Time, at their Will and Pleasure, remove all or any of the said Officers or Persons, and, subject as aforesaid, appoint others in the Room or Stead of such of them as shall be so removed, or as shall die, or decline or become incapable to act.

Commissioners may appoint and remove Servants and Workmen.

XXXI. And be it enacted, That the said Commissioners shall and may, if they think proper so to do, take good and sufficient Security from each or any One of their Collectors, Surveyors, or other Officers or Servants for the due Execution of their several and respective Offices and of the Trusts reposed in them respectively.

Commissioners may take Security from Collectors, &c.

XXXII. And be it enacted, That if any Person who shall be appointed Collector, Surveyor, Harbour Master, Ballast Master, or otherwise in the said Harbour, shall directly or indirectly exact, take, or accept, by any Ways or Means, any Fee or Reward whatsoever, other than such Salary, Payment, or Allowance as shall be granted by the said Commissioners, every such Person so offending shall, at the Discretion of the said Commissioners, forfeit and

Penalty on Collectors, &c. taking Fees.

pay a Sum not exceeding the Sum of Fifty Pounds, such Penalty to be recovered by Action of Debt in any of the Courts of Record in *Dublin*, or otherwise, at the Option of the said Commissioners, in such Manner as herein-after is mentioned.

Collector to  
levy and receive  
Dues.

XXXIII. And be it enacted, That the said Collector and Collectors or other Officer or Person having Authority under the said Commissioners for that Purpose shall and may levy, collect, and receive all Duties, Penalties, Payments, Sum and Sums of Money which are or shall be payable to the said Commissioners under this Act or any other Act or Acts of Parliament in force in *Ireland* upon or in respect of Ships, Vessels, or other Bottoms entering into or lying or being in the said Harbour or within Five hundred Yards of the Entrance thereof, and shall and may also levy, collect, and receive all and every other Duties, Penalties, Payments, and Sums of Money whatsoever payable to such Commissioners under this or any other Act in force in *Ireland* in respect of the said Harbour: Provided nevertheless, that such Collection and Receipt as aforesaid shall not be allowed to interfere with any individual or personal Authority given to any other Person under or by virtue of this Act for the Collection or Receipt of any Monies; and provided further, that nothing herein contained shall be construed, deemed, or taken to repeal or interfere with the present Mode of collecting the Duties and Sums of Money payable under the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third to the Collector or any other Officer of the Port of *Dublin*.

Proviso.

Collector may  
distrain for  
Dues.

XXXIV. And be it further enacted, That in case the Owner, Master, or Commander of any Ship or Vessel, Boat or Bottom, shall refuse or neglect to pay any of such Duties, Penalties, Payments, or Sums of Money, it shall and may be lawful to and for such Collector or Collectors, or other Officer or Person as aforesaid, to seize and distrain any such Ship or Vessel, Boat or Bottom, or the Tackle, Apparel, or Furniture thereof, or any Part thereof, and to detain the same until Payment shall be made of the said Duties, Penalties, Payments, Sum and Sums of Money, together with the Costs of such Distress; and that in case the same shall not be paid and satisfied within the Space of Fourteen Days next after the Time of making any such Distress as aforesaid, then it shall and may be lawful to and for the Commissioners for the Time being of the said Harbour to cause such Ship or Vessel, Boat or Bottom, and the Tackle, Apparel, and Furniture thereof, to be appraised, and the same or a sufficient Part thereof to be sold for the Payment of the Duties, Penalties, Sum or Sums of Money for which the said Distress shall have been made, as also the reasonable Costs and Charges incurred in taking, keeping, appraising, and selling the same, rendering the Overplus (if any) of the Produce of such Sale to the Owner or Owners of the Ship or Vessel, Boat or Bottom, Tackle, Apparel, or Furniture which shall have been so sold.

In case of  
Nonpayment of  
Dues Commis-  
sioners may sell  
the Vessel, &c.,  
and pay over  
the Surplus to  
the Owner.

Collectors and  
Officers to keep  
Accounts.

XXXV. And be it enacted, That the said Collectors, Officers, and other Persons so appointed as aforesaid shall keep a true and perfect Account of all Duties, Penalties, Payments, Sum and Sums of Money which from Time to Time shall be received by them respectively by virtue of this Act or such other Act or Acts as aforesaid,

aforesaid, and shall, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint for that Purpose, a true and perfect Account in Writing under their Hands of all Matters and Things committed to their Charge by the said Commissioners or by this Act, and of all Monies which shall have been by them and each of them severally and respectively received as aforesaid, and how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers for such Disbursements, and shall, if required, deliver up all such Goods, Matters, and Things as shall remain in their respective Hands or Custody, to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall also pay over all such Monies at such Times and in such Manner and under such Regulations as the said Commissioners shall direct.

XXXVI. And be it enacted, That if any of such Collectors, Officers, or Persons appointed as aforesaid shall not make and render such Account, or produce or deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by Notice in Writing signed by the said Commissioners or their Secretary, and given to or left at the last or usual Place of Abode of such Collector, Officer, or Person, all Books, Papers, and Writings, Goods, Matters, and Things in his Custody or Power by virtue of his Office or belonging to the said Commissioners, or shall not give Satisfaction to the said Commissioners respecting the same, the said Commissioners are hereby empowered and authorized to cause an Action by Civil Bill or otherwise to be brought against the Collector, Officer, or Person so neglecting or refusing, for the Recovery of the Monies which shall be in his Hands, or the Goods, Matters, or Things which shall be in his Possession, with Costs of Suit; or that if Complaint be made by the said Commissioners or by such Person or Persons as they shall appoint for that Purpose of any such Refusal or Neglect to any Justice of the Peace for the County, City, Town, Borough, or Place wherein such Officer or Person shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and on his appearing, or in case he should not be found, to hear and determine the Matter in a summary Way; and that if upon the Confession of such Officer or Person, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies which shall have been collected and raised under this or any such other Acts as aforesaid shall be in the Hands of or due by such Officer or Person, such Justice shall and he is hereby authorized and required, upon Nonpayment thereof, to cause such Money, by Warrant under his Hand, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and that if the Goods and Chattels of such Officer or Person shall not be found sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall in manner aforesaid appear to such Justice that any such Officer or

Remedy against  
Officers making  
Defaults.

Person shall refuse or neglect to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, Goods, Matters, or Things belonging to the said Commissioners relative to the said Harbour shall be in the Custody, Control, or Power of any such Officer or Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same, then that such Justice shall commit every such Offender to the Common Gaol or House of Correction of or for the County, City, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account and made Payment as aforesaid, or until he shall have compounded with the said Commissioners touching the same, and shall have paid such Composition in such Manner as the said Commissioners shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up all such Books, Papers, or Writings, Goods, Matters, or Things as aforesaid, or shall have given Satisfaction to the said Commissioners in respect thereto: Provided always, that no such Officer or Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Commissioners may place Buoys, &c. in the Harbour, and mark out Space along or in the Harbour to be kept open and free.

XXXVII. ' And whereas it is expedient that the said Commissioners of *Kingstown* Harbour should possess full Power and Authority to regulate the mooring and unmooring of all Ships or other Vessels coming into or going out of the said Harbour, and also to fix and determine the proper Stations therein to be occupied by each of such Ship or other Vessel, whether engaged in taking in or putting out of Ballast or of a Cargo, and that they should also possess a direct Power and Control over all Boats and Bottoms plying in and about the said Harbour, and over the Boatmen belonging to the same, and also over all public Vehicles and Conveyances frequenting the Piers, Wharfs, and Quays of the said Harbour, and Drivers of the same, and also over all Porters seeking Employment as Packet Porters or otherwise in and about the said Harbour, and should have full Power and Authority to make such Rules and Regulations as they may deem necessary respecting the same, for the Purpose of regulating the Conduct of the Masters and Commanders of such Ships or Vessels, or of said Boatmen, Drivers, Porters, or other Persons similarly or otherwise employed in and about the said Harbour and the Works connected therewith, and for the Maintenance of good Order in the said Harbour; be it therefore enacted, That it shall and may be lawful for the said Commissioners from Time to Time, as they may see fit, to lay and place, or cause to be laid and placed, such Buoys, Moorings, Craft, or Dolphins as they shall from Time to Time deem necessary in the said Harbour, and also to cause such Space as they shall judge fit to be kept free and open along or near the Quays, Wharfs, and Moorings in and belonging to the said Harbour, to be marked out for that Purpose by Piles, Buoys, or other sufficient Marks.

Masters or Commanders of Ships to pay

XXXVIII. And be it further enacted, That when and so often as the Master or Commander or other Person or Persons in charge of any Ship or other Vessel which shall enter into or be within the

the said Harbour shall make use of any Cable, Hawser, or Anchor the Property of the said Commissioners, he or they shall pay to the Collector or other Person appointed by the said Commissioners for that Purpose such reasonable Rates, Sum or Sums of Money as shall have been previously fixed and determined by the said Commissioners.

for Use of  
Cables, &c.

XXXIX. And be it also enacted, That whenever any Ship, Vessel, or other Craft shall in any Manner, either by Accident or otherwise, hook or get foul of any of the Moorings laid down by the Commissioners of the said Harbour, the Owner, Master, or other Person having the Charge or Command of such Ship or Vessel shall not proceed without the Assistance of the Harbour Master of the said Harbour to unhook or get clear of the same, under the Penalty of Ten Pounds Sterling, to be paid by every such Owner, Master, or other Person, but shall forthwith give Notice thereof to the said Harbour Master, in order that full and effectual Aid and Assistance may be forthwith given for the Purpose of clearing such Ship, Vessel, or other Craft from such Moorings without Damage to the same, for which said Aid and Assistance every such Owner, Master, or other Person shall pay such reasonable Sum of Money, not exceeding the Sum of Five Pounds Sterling, as shall be fixed and awarded by the said Commissioners, to be recoverable in the same Manner as any Penalty or Forfeiture is by this Act directed to be recovered.

If Ships hook or get foul of Moorings the Masters of them not to unhook them without the Assistance of the Harbour Master, under Penalty of 10*l*.

XL. And be it enacted, That if the Master or Commander of any Ship or other Vessel which shall cast Anchor within the said Harbour shall not previously to so doing tie or fasten or cause to be tied or fastened a Buoy to such Anchor, in such Manner as that the said Buoy shall float in a conspicuous Manner, so that it may be plainly and easily seen in what Place such Anchor has been cast, such Master or Commander shall for every such Offence or Neglect forfeit and pay any Sum not exceeding the Sum of Five Pounds Sterling, and shall, in addition to the said Penalty, forfeit and pay the further Sum of Five Pounds Sterling for every Hour such Anchor shall so remain without such Buoy being so fastened thereto after Notice thereof shall have been given to the said Master or other Person in command of such Vessel by the said Harbour Master or other Person having Authority in that Behalf.

Penalty on Masters or Commanders of Ships not fastening a Buoy to Anchor.

XLI. And whereas Ships or Vessels, Lighters, Barges, Boats, and other Craft may sometimes be sunk in the Water or stranded in the said Harbour, and in case the same or the Hulks thereof were suffered to remain there they would occasion Damage to the said Harbour, or to the Ships and Vessels coming into or resorting to the same; for Remedy thereof be it enacted, That when and as often as any Ship or Vessel, Lighter, Barge, Boat, or other Craft shall be sunk and stranded in the said Harbour, or within Five hundred Yards beyond the Entrance thereof, it shall be lawful for the said Commissioners, or for the said Harbour Master, acting under the Authority of the said Commissioners, in case the Owner or Owners, Master, or other Person having the Charge or Command of such Ship or Vessel, Lighter, Barge, Boat, or other Craft shall refuse or neglect to weigh and raise the same for the Space of Fourteen Days next after the same shall have been so sunk or stranded, to cause the same to be weighed and raised, and to cause

Commissioners may have sunken Vessels raised and sold.

the same, together with the Furniture, Tackle, and Apparel thereof or of any Part thereof respectively, and also all or any Part of any Goods, Wares, Merchandizes, Chattels, and Effects which shall be found on board the same, to be sold by public Auction or otherwise, and thereby and therewith to pay the Charges and Expences of so weighing and raising such Ship, Vessel, Lighter, Barge, Boat, or other Craft, and so clearing the said Harbour, and also the Charges and Expences of such Sale, rendering the Overplus (if any be) to the Owner or Owners or other Person or Persons who by Law shall be entitled to the same.

Penalty on  
Persons casting  
Rubbish, &c.  
into Harbour.

XLII. And be it further enacted, That if the Owner, Master, or other Person having the Charge or Command of any Ship or Vessel, Lighter, Barge, Boat, or other Craft whatsoever, or any Person working any Quarry, Mine, or Pit near to the said Harbour, or any other Person or Persons whatsoever, shall cast, throw, empty, unlade, or conduct, or cause or procure to be cast, thrown, emptied, unladen, or conducted, either from or out of any such Ship or Vessel, Lighter, Barge, Boat, or other Craft, or from the Shore, any Ballast, Stone, Slate, Gravel, Earth, Rubbish, Wreck, Filth, Damage, or Washings into the said Harbour, or within such reasonable Limits beyond the said Harbour as may from Time to Time be prescribed by the said Commissioners, or into any Sewer or Stream that empties itself into the same, or into any Place or Situation on Shore where such Matter shall be liable to be washed into the same, either by ordinary or high Tides or by Storms or Land Floods, all and every such Person and Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and besides all Expences which may be incurred in removing to a proper Place any of the said Matter which may have been deposited contrary to the Provisions of this Act, such Expences to be recoverable in such Manner and with such Power of Commitment for Nonpayment thereof as in Cases of Penalties or Forfeitures under this Act.

Commissioners  
to have the  
Power given to  
the Corporation  
for preserving  
and improving  
the Port of  
Dublin by  
26 G. 3. (1.) and  
32 G. 3. (1.),  
and the Power  
over Cars, &c.  
given by  
37 G. 3. (1.)  
and 48 G. 3.  
c. 87.

XLIII. And be it further enacted, That the said Commissioners shall have and exercise, according as they may judge expedient for the Maintenance of good Order in the said Harbour, all the Powers and Authorities whatsoever for the managing and punishing Persons having the Charge of Boats, Wherries, and other Craft entering or making use of the said Harbour which are contained in the said Two several Acts of Parliament made and passed respectively in the Twenty-sixth and Thirty-second Years of the Reign of King *George the Third*, and which were thereby given to the said Corporation for preserving and improving the Port of *Dublin*, and also all the Powers and Authorities whatsoever for the managing and punishing of Persons having Charge of Coaches, Cars, Carriages, Carts, Drays, or any other Vehicle whatsoever licensed by the Superintendent Magistrate for the Preservation of the Peace within the District of the City of *Dublin*, or other Person or Persons qualified for that Purpose in the City of *Dublin*, which are contained in a certain Act made and passed in the Thirty-seventh Year of the Reign of 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, its Suburbs and Liberties, and within Seven Miles thereof*, and



and in a certain other Act of Parliament made and passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Rates and Taxes taken by licensed Hackney Coachmen, and for establishing others in lieu thereof, and for amending several Laws relating to Hackney Coaches*, or which are contained in any other Act or Acts of Parliament in force in *Ireland* relative to Coaches, Cars, Carriages, Carts, Drays, or any other Vehicles plying in the City of *Dublin*, its Suburbs, Liberties, and Environs.

XLIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, as they shall see fit, to grant Licences, for such Time as they may think proper, to the Owners and Proprietors of Boats, Wherries, and other Craft, permitting them to ply the same respectively for Hire, and to lend out the same to all such Person or Persons as may be willing to hire the same; and that every Person who shall obtain any such Licence in respect to any Boat, Wherry, or other Craft shall pay for the same to the said Commissioners a Sum not exceeding the Sum of Two Shillings and Sixpence, and that all such Boats, Wherries, and other Craft shall be numbered as the said Commissioners shall direct, and shall be registered by their Number and by the Names of their respective Owners with the Harbour Master for the Time being of the said Harbour, or with such other Person as the said Commissioners shall appoint for that Purpose; and the respective Owners thereof shall pay to the said Harbour Master, or such other Person as aforesaid, a Sum not exceeding the Sum of Two Shillings and Sixpence Sterling for registering the same; and that each of such Owners and Proprietors aforesaid shall cause his registered Number, together with his Name, to be painted distinctly on a conspicuous Part of the Boat, Wherry, or other Craft, as the Case may be, and there to be kept and renewed as often as the same may be required; and that in case any of such Owners and Proprietors shall refuse or neglect so to do, he shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding the Sum of Forty Shillings.

Commissioners  
may license  
Boats and  
Wherries to ply  
in the Harbour.

XLV. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, as they may think fit, to grant Licences to such and so many Persons as they may deem requisite to act as Porters in and about Packets coming into or lying in the said Harbour, or in and about the Wharfs, Quays, and Landing Places of the same, for the Purpose of transporting Luggage, Goods, Wares, or Merchandizes for expected Reward from the Person to whom the same shall belong.

Commissioners  
may license  
Packet Porters.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, whenever they shall see fit, to deprive of his or her Licence any of such Owners or Proprietors of such Boats, Wherries, or other Craft, or any of such Packet Porters, to whom a Licence shall have been so granted as aforesaid.

Commissioners  
may withdraw  
Licences.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners of *Kingstown* Harbour, and they are hereby authorized and empowered, from Time to Time to make and ordain such Bye Laws, Rules, Orders, and Regulations as to them may seem expedient, not being contrary to the

Commissioners  
may make Bye  
Laws, Rules,  
and Regu-  
lations.

Provisions

Provisions of this Act nor to any Law or Statute 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 said 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 herein-before mentioned of all Boats, Wherries, and other Craft plying in the said Harbour, and of all 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 Direction of the Masters and Commanders or other Person or Persons in charge of any Ship or other Vessel coming into, remaining in, or going out of 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 and enter the said Harbour, and also for regulating the Conduct and Direction of all Persons who shall frequent the Piers, Wharfs, 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 be so as aforesaid licensed to act as Porters or in any other like Capacity in and about the said Harbour, or the said Wharfs, Piers, and Quays, and for fixing and regulating the Rates or Prices, Sum or Sums of Money, which it shall and may 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 Partners or other Persons so as aforesaid licensed under this Act, to demand and receive from the Person or Persons who shall employ them according to their said several and respective Occupations, and also for the regulating of any other Matter, Thing, or Purpose connected with the said Harbour, or in any Manner tending to the Maintenance of good Order in the said Harbour, or upon the Wharfs, Quays, or Piers belonging to the same: Provided that no such Bye Law, Rule, Order, or Regulation shall be valid or binding unless the same shall have been approved by the Chief Justice of the King's Bench, or the Chief Justice of the Common Pleas, or the Chief Baron of the Exchequer, in *Ireland*.

Commissioners  
may fix Penalties  
for Breach of  
the Bye Laws.

XLVIII. And be it further 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 Bye Laws, Rules, and Regulations such Penalties to be inflicted on any Person or Persons offending against the same as to them shall seem expedient, and be approved of by the Chief Justice of His Majesty's Court of King's Bench or Common Pleas, or the Chief Baron of the Exchequer, in *Ireland*, and not already fixed by any of the Provisions of this Act, the same to be recovered in like Manner as other Penalties and Forfeitures under this Act are herein-after directed to be recovered: Provided always, that no such Penalty or Fine shall, except it is otherwise specially provided by this Act, exceed the Sum of Forty Shillings for each Offence.

XLIX. And

XLIX. And it is hereby further enacted, That all such Bye Laws, Rules, Orders, and Regulations may be from Time to Time varied and altered by the said Commissioners as they may see fit, and that the same shall have as full Force and Effect as if the same were incorporated in this Act.

Bye Laws, Rules, &c. may be varied.

L. And it is hereby further enacted, That immediately upon the making thereof, and also from Time to Time whenever such Bye Laws, Rules, Orders, and Regulations shall in any Manner be varied or altered by the said Commissioners, they shall be forthwith published, by having the same written or printed upon Paper, or painted upon Boards, and hung up or exposed in some open, conspicuous, and frequented Part of the Piers, Wharfs, and Quays of the said Harbour, or in the Vicinity thereof, to the Intent that the same may be seen and read, and Extracts taken from the same, by Persons interested therein, and shall also be renewed when and as often as the same shall become obliterated, defaced, or destroyed.

Bye Laws and Rules to be published by printing them, or painting them on Boards in and about the Harbour.

LI. And it is hereby enacted, That if any Person shall pull down or destroy any of such Boards, or obliterate or deface any of the Writing thereon, he shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Penalty on Persons defacing such Boards.

LII. And be it further enacted, That in all Cases where by this Act, or any former Act or other Act having reference either to the said old Harbour of *Dunleary* or to said *Kingstown* Harbour, any Person or Persons is or are rendered liable to the Payment of any Penalty or Fine for or on account of any Offence, whether occasioned by the omitting or committing of any Deed, Action, or Thing contrary to the Form and Provisions of this Act or of any former or other Act, or contrary to any of the said Rules and Regulations to be made by the said Commissioners under the Authority of this Act, and that such Offence shall have been committed by the Owner, Master, or other Person having the Charge of or by any Person on board of any Ship or Vessel, Lighter, Barge, Boat, or other Craft, it shall and may be lawful for the Harbour Master, or for the Person having Authority under this Act, to demand Payment of the said Penalty and Fine, and the Expences occasioned by and consequent on such Offence, and in case of Nonpayment of the same upon such Demand, to seize and distrain the Ship, Vessel, Lighter, Barge, Boat, or other Craft, or the Tackle, Apparel, or Furniture thereof or any Part thereof, the Owner, Master, or other Person having the Charge of which or any Person on board which shall have so offended as aforesaid, and to detain the same until Payment of the said Penalty and Expences to the Person having Authority under this Act to receive the same; and until such Payment as aforesaid no Clearance or Discharge shall be allowed or granted for such Ship or other Vessel: Provided nevertheless, that no Boat or Wherry plying in the said Harbour shall on any one Occasion or for any single Offence be so detained by the said Harbour Master for any longer Space of Time than Four Days; and provided also, that the enforcing any of the said Penalties shall not in any Manner affect any Remedy which any Person or Persons shall or may have by Action or otherwise against the Person or Persons liable to the Payment

Ships or other Vessels may be seized and detained for Penalties.

Payment thereof for any Damage or Injury which may have been done by the Act whereby such Penalty was incurred.

Penalty on Persons unmooring Boats without Leave of the Owners.

LIII. 'And whereas it has been hitherto not uncommon for Persons having no Authority from the Owners so to do to take and remove Boats from their Moorings, and to use the same for the Purpose of returning to or getting on board of Ships and Vessels lying and being in the said Harbour during the Time of Night, or for other Purposes, and such Boats so removed are often turned adrift in the said Harbour, to the great Injury and Inconvenience of the Owners thereof;' be it therefore enacted, That from and after the passing of this Act, if any Person or Persons shall loosen or remove from its Moorings any Boat or other Craft lying or being within the said Harbour without the Leave or Authority of the Owner thereof, such Person or Persons shall forfeit and pay for every such Offence the Sum of Forty Shillings, or at the Discretion of the Commissioners of the said Harbour, or of the Justice of the Peace herein-after mentioned, shall be committed to the Common Gaol or House of Correction of or for the County, City, Town, or Place where such Offender shall be or reside, there to be kept at hard Labour for any Term not exceeding Two Calendar Months.

Penalty on Persons bathing except at the Places appropriated.

LIV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to bathe in the Waters inclosed within the Limits of the Piers of the said Harbour, or from any Part of the Piers, Wharfs, Quays, or Jetties of the said Harbour, or within One hundred Yards thereof, except at such Places and at such Times as shall be authorized and appropriated for that Purpose by the said Commissioners; and that every Person or Persons so offending, after due Notice to the contrary shall have been given by the said Commissioners, and conspicuously posted on the Piers, Wharfs, or Quays of the said Harbour, shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied by the said Commissioners as in the Case of other Penalties incurred under this Act.

Penalty on Persons discharging Fire-arms in the Harbour.

LV. And be it also enacted, That if any Person shall fire off or discharge any Description of Fire-arms in the said Harbour, or on or from the Piers, Wharfs, or Quays thereof, he shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied by the said Commissioners as in the Case of other Penalties incurred under this Act.

Restriction as to Public Houses within 100 Feet of Road on South-west Side of Harbour.

LVI. And be it further enacted, That it shall not be lawful for Magistrates and others having Authority to grant Licences for the Sale of Beer or Spirits, or of any other Kind of Liquor, to grant any Licence, without the Consent of the said Commissioners for that Purpose in Writing, to any Person or Persons whatsoever to sell the same within One hundred Feet of the Road which runs along the South-west Side of the said Harbour, between the Two Piers thereof, save and except to the Occupiers of such Houses, the present Occupiers of which are now licensed for the Purpose aforesaid; any thing in any Act or Acts contained to the contrary hereof notwithstanding.

LVII. And

LVII. And be it enacted, That the said Commissioners, and all and every of the Persons who have been from Time to Time heretofore or shall be hereafter appointed Commissioners of the said Harbour, shall be and they are hereby indemnified and saved harmless of and from all Loss, Charges, Damages, Trouble, and Responsibility to which they are or might be subject and liable in consequence or by reason of any Acts, Matters, or Things which have been or shall be done and executed or authorized to be done and executed by any Two of them pursuant to the Provisions of the said recited Acts or of this Act: Provided however, that such Indemnity as aforesaid shall not be construed to exonerate any of such Commissioners from the personal Consequences of any wilful Misdeed or Default by him committed or suffered or to be committed or suffered.

Commissioners  
indemnified.

LVIII. And be it enacted, That it shall and may be lawful for the Commissioners of the said Harbour, and each and every of them, in all Matters and Things whatsoever having relation to the said Harbour or in any way concerning the same, or the Ships or Vessels, Lighters, Barges, Boats, and other Craft therein or frequenting the same, or the Owners, Masters, or Commanders thereof, or the Officers acting under the said Commissioners, or any Person or Persons employed in or about the said Harbour, or concerning Offences committed against this Act or the said other Acts of Parliament herein recited and referred to, and also concerning all Offences against or Breaches of the Peace committed by any Person or Persons whomsoever in or about the said Harbour or the said Space of Five hundred Yards beyond the Entrance thereof, or in or about any of the Wharfs, Quays, or Piers thereof, or in or about any of the Quarries, Works, or other Property of the said Commissioners connected with the said Harbour, or the Ships, Vessels, Lighters, Barges, and other Craft within the same respectively, or within Five hundred Yards beyond the Entrance thereof, to use and exercise all such Powers and Authorities as may belong to or be exercised by any Justice of the Peace of or for any County, City, Borough, or Town Corporate in *Ireland*, with all such Powers of examining upon Oath or Affirmation (which Oath or Affirmation they and each of them is and are hereby individually authorized to administer), and of hearing, determining, committing, and punishing, as is vested in or belongs to any such Justice of the Peace.

Commissioners  
to have the  
Power of  
Magistrates.

LIX. And be it enacted, That it shall and may be lawful for the Commissioners for the said Harbour and they are hereby authorized and empowered to nominate, appoint, and swear in a sufficient Number of Peace Officers, Watchmen, and Constables, who shall act as such in and about the said Harbour, and shall during their Continuance in their said Offices have and enjoy all the Powers and Authorities, Privileges, and Immunities which Constables are invested with or have and enjoy by Law; and that if any of such Peace Officers, Watchmen, or Constables shall not faithfully observe, perform, and keep the Rules, Orders, and Regulations which shall have been made and appointed by the said Commissioners, or shall in any Manner neglect his Duty or misbehave himself in the Execution of his said Office, such Person so offending shall forfeit and pay to the said Commissioners for every such Offence any Sum not exceeding

Commissioners  
may appoint  
Constables, &c.

exceeding the Sum of Five Pounds, and if the said Commissioners shall think proper, he shall be immediately discharged from his said Office or Employment of Peace Officer, Watchman, or Constable.

Any Two of the Commissioners qualified to act.

LX. And be it enacted, That all Acts, Matters, and Things which the said Commissioners of *Kingstown* Harbour are by this Act or by the said Two several Acts of the Fifty-sixth Year of the Reign of King *George* the Third and the First Year of the Reign of King *George* the Fourth, or by any other Act or Acts in force in *Ireland* relative to said Harbour, required or authorized to do or execute in respect to the same, shall and may be done and executed by any Two of the said Commissioners for the Time being of the said Harbour.

Offences against Harbour Acts to be heard by any Two of the Commissioners or a Justice of the Peace.

LXI. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act or of any other Act or Acts of Parliament in force relative to the said Harbours are or shall be subject or punishable with any pecuniary Penalties, Fines, or Forfeitures, and also any Offence against this Act or any such other Act or Acts as aforesaid, and against any Bye Law, Rule, or Regulation so as aforesaid made in pursuance hereof, shall and may in every Case where no express or exclusive Provision exists or has been made to the contrary, be heard, adjudged, and determined in a summary Way by and before any Two of the said Commissioners of the said Harbour, or by and before any Justice or Justices of the Peace acting in and for the County of *Dublin*, or in and for the City of *Dublin*, and that the said Commissioners or Justice shall summon the Party or Parties accused, and examine into the Matter thereof; and that if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Commissioners or Justice is and are hereby empowered and required to administer), the Party or Parties accused shall have been convicted of having committed such Offence or Offences, then and in every such Case the said Commissioners or Justice shall and may award to the Offender or Offenders such Punishment as by this Act or by any of the said other Acts, or by the said Bye Law, Rule, and Regulations, he or they is or are made subject and liable to; and that the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, if any, which may have been so awarded, together with the Costs of Conviction, to be ascertained by such Commissioners or Justice, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and that in case of Nonpayment thereof, then the same shall and may, by Warrant under the Hand and Seal or Hands and Seals of the said Commissioners or Justice (which they and he are and is hereby empowered and authorized to grant), be levied and recovered, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, by Distress and Sale of the Goods and Chattels and Effects of such Offender or Offenders, wheresoever such Goods, Chattels, and Effects can be found; and that the Overplus (if any) of the Money arising by such Distress and Sale, after deducting such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, together with the Costs of Conviction and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods, Chattels, and Effects so distrained; and that it shall and may be lawful to and for such Commissioners

or

or Justice to order the Offenders or Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Commissioners or Justice for his or their Appearance before the said Commissioners or Justice on such Day as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day not being at a greater Distance than Seven Days from the Time of taking any such Security, and which Security the said Commissioners or Justice are and is hereby empowered to take by way of Recognizance or otherwise; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Penalty or Penalties, or Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, shall not be forthwith paid, or in case it shall appear to such Commissioners or Justice, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods, Chattels, and Effects whereon such Penalties, Fines, or Forfeitures, and Costs, may be levied, it shall and may be lawful to and for the said Commissioners or Justice, and they and he are and is hereby authorized and empowered, by Warrant under their or his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Fines, or Forfeitures, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

LXII. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence in any of the said Cases before such Commissioners or Justice of the Peace or Justice or Justices at the Sessions, and shall without a reasonable Excuse, to be allowed by such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, a reasonable Sum having been paid or tendered to such Person for his Charges, or if upon appearing he shall refuse to be examined upon Oath, or in case of Quaker or Moravian upon solemn Affirmation, or to give Evidence before such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, and shall not make reasonable Excuse for such Refusal, to be allowed by such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, then and in any of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered in the same Manner as other Penalties and Forfeitures within this Act.

LXIII. And be it enacted, That upon any Trial or other Proceeding for Recovery of any Penalty, Fine, or Forfeiture under this Act, or under any other Act or Acts of Parliament in force relative to said Harbour, any Informer or other Person, who in the event of a Conviction would be entitled by Law or by any Promise or Agreement to the Penalty to be recovered thereon, or to any Part, Share, or Proportion thereof, or to any Fee, Profit, Reward, or Emolument whatsoever, or who may expect the same respectively, shall nevertheless be received and admitted as a Witness

Penalty on  
Witness refusing  
to attend  
and give  
Evidence.

Informer to be  
a Witness.

on

on such Trial or other Proceeding, and that such Testimony shall, if believed, be sufficient thereon to all Intents and Purposes as far as the same Testimony could be if given by an indifferent Person.

Public Act.

LXIV. 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, without being specially pleaded.

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## 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 better lighting with Gas the Borough of *Reading* and Hamlet of *Whitley* in the County of *Berks*, by a Company to be called *The Reading Union Gas Company*. [18th *March* 1836.]

### Cap. ii.

An Act to amend an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing the Road from *Farnborough* to *Riverhill* in the Parish of *Sevenoaks* in the County of *Kent*; and for making a new Line of Road to communicate therewith. [18th *March* 1836.]

[*Powers of 5 & 6 W. 4. c. xx. (except as altered) extended to this Act, § 1. Tolls to be paid but once a Day at same Gate, § 6. Two full Tolls only to be taken on same Day for passing through all the Gates on the Road, § 7. Act to be in force from the passing, and to continue during the Term of recited Act, § 10.*]

### Cap. iii.

An Act for removing the Markets held in the Town or Village of *Bridgend* in the County of *Glamorgan*, and for providing other Market Places in lieu thereof, and for regulating and maintaining the same. [30th *March* 1836.]

[*Saving the Rights of the Earl of Dunraven, § 33.*]

## Cap. iv.

An Act to establish a Company for more effectually lighting with Gas the City and County of the City of *Exeter*, and certain Parishes and Places in the County of *Devon*.

[30th March 1836.]

[*Saving the Rights of Commissioners of Improvement*, § 97.; and of *Trustees of Turnpike Roads*, § 98.; and of the *Corporation of Exeter*, § 99.; and of the *Duchy of Cornwall*, § 100.; and of the *Dean and Chapter in their Manor of St. Sidwell*, § 102.]

## Cap. v.

An Act for the better supplying the Borough of *Reading* in the County of *Berks*, and the Neighbourhood thereof, with Gas.

[30th March 1836.]

## Cap. vi.

An Act for extending the Time for building a Bridge over the River *Avon* from *Clifton* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*.

[30th March 1836.]

[*Term granted by 11 G. 4. c. lxxix. extended for Four Years.*]

## Cap. vii.

An Act to incorporate the Subscribers to the *Middlesex Hospital*, and for better enabling them to carry on their charitable Designs.

[30th March 1836.]

## Cap. viii.

An Act for repairing and maintaining the Road from *Rochdale* in the County Palatine of *Lancaster* to *Halifax* and *Ealand* in the West Riding of the County of *York*. (a) [30th March 1836.]

[8 G. 2. c. 7. 27 G. 2. c. 37. 6 G. 3. c. 90. 35 G. 3. c. 160. and 55 G. 3. c. xxxvi. repealed, § 1. No Toll to be taken for repassing once on same Day through same Gate, § 10. One Third Part only of the Tolls collected between *Rochdale* and *Halifax* to be taken on same Day at any Gate within Six Miles of *Halifax* for passing along the said Road to or from the *Oldham* and *Ripponden Road*, § 11.; and One Third Part only of the Toll collected on whole Line to be taken within Four Miles of *Rochdale* for passing along the said Road to or from the *Todmorden Road*, § 12. Money not to be laid out in repairing Streets, &c., § 17. No more Money to be laid out on Branch Road than is collected thereon, § 18.]

## Cap. ix.

An Act for repairing the Road from the Town of *Buckingham* in the County of *Buckingham* to the *West Chester* or *Holyhead* Road in the Parish of *Passenham* in the County of *Northampton*, and from the North-east End of the Town of *Stony Stratford* to *Newport Pagnell* in the said County of *Buckingham*. (a)

[30th March 1836.]

[55 G. 3. c. lxxv. repealed, § 1. Two full Tolls only to be taken on same Day for passing or repassing through all the Gates on the Road,

*Road, and One full Toll only between Buckingham and Old Stratford, and between Stony Stratford and Newport Pagnell, § 9. Tolls to be paid but once a Day at same Gate, § 10. Money not to be expended in repairing Streets, &c., § 15. Penalty of 40s. for hanging out Clothes near the Road, § 19.]*

*Cap. x.*

An Act for making and maintaining a Turnpike Road and Branches leading from *Radcliffe* towards *Bolton* and *Bury*, all in the County of *Lancaster*. (a) [30th March 1836.]

[*One Toll only to be taken for passing and repassing once through same Gate on same Day, except for Waggon, Steam Carriages, &c. laden with Ten Hundred Weight or upwards, § 14. Two full Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 15.]*

*Cap. xi.*

An Act for erecting a County Hall and Courts of Justice, and for providing Accommodation for His Majesty's Justices of Assize, for the Eastern Part of the County of *Suffolk*.

[22d April 1836.]

[*Powers of 7 G. 4. c. 63. extended to this Act, § 16.]*

*Cap. xii.*

An Act for building new Courts of Assize at *Bodmin* for the County of *Cornwall*, and for providing Judges Lodgings, and other Purposes connected therewith. [22d April 1836.]

[*Powers of 7 G. 4. c. 63. and 4 G. 4. c. 64. extended to this Act, § 5.]*

*Cap. xiii.*

An Act for the more easy and speedy Recovery of Small Debts within the *Prestbury* Division of the Hundred of *Macclesfield* in the County of *Chester*.

[22d April 1836.]

*Cap. xiv.*

An Act for making a Railway from *Birmingham* to *Gloucester*, with a Branch therefrom. [22d April 1836.]

[*Saving the Rights of the London and Birmingham Railway Company, § 25.]*

*Cap. xv.*

An Act to enable the *Bristol and Clifton Oil Gas Company* to produce Gas from Coal and other Materials; and to amend the Act relating to the said Company. [22d April 1836.]

[*Powers of 4 G. 4. c. cii. (except as altered) extended to this Act, § 1. Company empowered to raise additional Capital of 10,000l., § 7.]*

*Cap. xvi.*

An Act to enlarge the Powers of several Acts for effecting Improvements in the Streets and other Places within the Town of *Manchester*.

[22d April 1836.]

[*Powers of 5 G. 4. c. cxxxiii. 9 G. 4. c. cxvii. 11 G. 4. c. xlvi. 1 W. 4. c. xvi. and 2 W. 4. c. xxxvi. extended to this Act, § 1.*

*Saving the Rights of the Lord of the Manor of Manchester, § 11.; and of the Manchester and Salford Waterworks Company, § 12.]*

Cap. xvii.

An Act for making a Turnpike Road from *Richmond to Reeth* in the County of York. (a) [22d April 1836.]

[*No Exemption from Toll for Waggons, &c. laden with Building Materials, Manure, Implements of Husbandry, Hay, Straw, or other Agricultural Produce, if such Waggons, &c. have the Nails of the Tire projecting more than a Quarter of an Inch, § 17. One Toll only to be paid on same Day for passing and repassing once through same Gate, except with a different Loading of 240 lbs. or more, and going Three Miles or more on the Road, § 18. One full Toll only to be taken on same Day for passing and repassing through all the Gates on the Road, § 21. Money not to be expended in repairing Streets, &c., § 22.]*

Cap. xviii.

An Act for altering and amending an Act of the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for making and for more effectually maintaining and repairing certain Roads in the County of Lanark, and for building a Bridge over the River Clyde at Crossford in the said County.*

[19th May 1836.]

[*Powers of 4 & 5 W. 4. c. lxxii. and 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, §§ 1, 2. Act to continue in force during the Term granted by the first-recited Act, § 7.]*

Cap. xix.

An Act for making and maintaining a Turnpike Road from *Saint Leonard's and Saint Mary Magdalen to the Royal Oak Inn at Whatlington, and through Sedlescombe to Cripp's Corner* in the Parish of *Ewhurst*, in the County of *Sussex*. (b)

[19th May 1836.]

[*No Exemption from Toll for Waggons, &c. laden with Materials for repairing Roads or Buildings, Manure, Agricultural Implements or Produce, if such Waggons, &c. have the Nails of the Tire projecting more than a Quarter of an Inch, § 20. Three full Tolls only to be taken for passing over the whole Line of Road, § 21. One Toll only to be taken for passing and repassing once on same Day through same Gate, except with a different Carriage, &c., § 22. No more Money to be laid out on any Road than is collected thereon, § 26.]*

Cap. xx.

An Act to incorporate the Governors of the *Westminster Hospital* at the *Broad Sanctuary, Westminster*, and for conferring Powers the better to enable them to carry on their charitable Designs.

[19th May 1836.]

*Cap. xxi.*

An Act to enable the Proprietors or Shareholders of the Family Endowment Society to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Society. [19th May 1836.]

*Cap. xxii.*

An Act to alter and amend an Act passed in the First and Second Year of the Reign of His present Majesty, for better raising and securing the Fund established for making Provision for the Widows of the Writers to His Majesty's Signet in *Scotland*. [19th May 1836.]

[1 & 2 *W.* 4. c. v. in part repealed, § 1.]

*Cap. xxiii.*

An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Leicester* in the County of *Leicester*. [19th May 1836.]

*Cap. xxiv.*

An Act for erecting and maintaining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at *Glasgow*, and also Public Offices for the City of *Glasgow* and the Lower Ward of the County of *Lanark*; and for other Purposes therein mentioned. [19th May 1836.]

*Cap. xxv.*

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Crediton* in the County of *Devon*. [19th May 1836.]

[*Saving the Rights of the Lords of the Manor of Crediton*, § 130.]

*Cap. xxvi.*

An Act to enable *John Howard Kyan* to assign to a Company certain Letters Patent. [19th May 1836.]

*Cap. xxvii.*

An Act to alter, amend, and enlarge the Powers of an Act for lighting with Gas the City and County of the City of *Exeter*, and for lighting with Gas the several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham* in the County of *Devon*. [19th May 1836.]

[56 *G. 3. c. x.* in part repealed, § 1. *Saving the Rights of the Exeter Turnpike Trustees*, § 66.; and of the *Exeter Improvement Commissioners*, § 67.; and of the *Duchy of Cornwall*, § 68.; and of the *Corporation and Dean and Chapter of Exeter*, § 69.]

*Cap. xxviii.*

An Act for lighting with Gas the Towns of *New Mills* and *Hayfield*, and the Neighbourhoods thereof, in the County of *Derby*. [19th May 1836.]

## Cap. xxix.

An Act for making and maintaining a Dock or Docks at *Southampton*. [19th May 1836.]

[43 G. 3. c. xxi. 50 G. 3. c. clxviii. and 4 & 5 W. 4. c. lxxxviii. recited, § 1. Persons employed in His Majesty's Service, or in the Service of any of the Public Boards or Post Office, exempted from Toll, § 164. Saving the Rights of the London and Southampton Railway Company, § 225.; and of the Proprietors of the Ichen Bridge and Roads, § 226.]

## Cap. xxx.

An Act to enable the *Wearmouth Dock Company* to make and maintain a proper and convenient Entrance into the *Wearmouth Dock* at the Port of *Sunderland* in the County Palatine of *Durham*. [19th May 1836.]

[Saving the Rights of the Commissioners of the River Wear, § 19.]

## Cap. xxxi.

An Act to enlarge the Powers of the several Acts passed for making and maintaining the *Saint Katharine Docks* in the County of *Middlesex*. [19th May 1836.]

[Powers of 6 G. 4. c. cv. 10 G. 4. c. i. 11 G. 4. c. xiii. and 2 W. 4. c. xlix. (except as altered) extended to this Act, § 1.]

## Cap. xxxii.

An Act for making and maintaining a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh of *Arbroath* in the same County. [19th May 1836.]

[Saving the Rights of the Magistrates of *Dundee*, § 134.]

## Cap. xxxiii.

An Act for making a Railway from the Town of *Belfast* to the City of *Armagh* in the Province of *Ulster* in *Ireland*. [19th May 1836.]

## Cap. xxxiv.

An Act for making and maintaining a Railway between the Royal Burgh of *Arbroath* in the County of *Forfar* and the Royal Burgh of *Forfar* in the same County. [19th May 1836.]

## Cap. xxxv.

An Act for making a Railway from the *London and Birmingham Railway*, near *Birmingham*, to *Derby*, to be called "The *Birmingham and Derby Junction Railway*," with a Branch. [19th May 1836.]

## Cap. xxxvi.

An Act for making a Railway from *Bristol* to *Exeter*, with Branches to the Towns of *Bridgwater* in the County of *Somerset* and *Tiverton* in the County of *Devon*. [19th May 1836.]

## Cap. xxxvii.

An Act for making a Railway from *Aylesbury* to join the *London and Birmingham Railway* near the Village of *Cheddington* in the County of *Buckingham*. [19th May 1836.]

*Cap. xxxviii.*

An Act to alter the Line of the Great Western Railway, and to amend the Act relating thereto. [19th May 1836.]

[*Powers of 5 & 6 W. 4. c. cvii. (except as altered) extended to this Act, § 1. Saving the Rights of the Grand Junction Canal Company, § 21.; and of the Commissioners of Sewers for Westminster, § 22.*]

*Cap. xxxix.*

An Act for building a Bridge over the River Aire at Leeds, and for making convenient Roads, Avenues, and Approaches thereto. [19th May 1836.]

*Cap. xl.*

An Act for amending and enlarging the Powers of the several Acts for building a Bridge over the River Thames at Henley-upon-Thames in the County of Oxford. [19th May 1836.]

[*Powers of 21 G. 3. c. 33. and 48 G. 3. c. cxi. (except as altered) extended to this Act, § 1. The King and Royal Family, Materials for Roads or building, Manure, Hay, Straw, &c. grown on Land within Two Miles of the Bridge, in the Occupation of the Owner, and which has not been bought or sold, Horses, &c. employed in Husbandry, or going to or returning from Pasture or watering in the Parishes of Henley and Remenham, or going to or returning from being shod or farried, Mails, Soldiers on March or Duty, their Arms or Baggage, Public Stores, Yeomanry or Volunteer Cavalry or Infantry, and Persons going to or returning from Elections for the Counties of Oxford and Berks, exempted from Toll, § 18.*]

*Cap. xli.*

An Act to alter and amend an Act passed in the Twentieth Year of His late Majesty King George the Third, intituled *An Act for repairing, enlarging, and preserving the Harbour of Aberystwyth in the County of Cardigan.* [19th May 1836.]

[*20 G. 3. c. 26. (except as altered) to remain in force, § 1. Vessels in His Majesty's Service, or in the Employ of the Customs, Excise, Ordnance, or Post Office, or conveying Officers or Soldiers, or their Arms, Baggage, &c., exempted from Toll, § 10.*]

*Cap. xlii.*

An Act for improving, maintaining, and regulating the Harbour of Teignmouth and the Navigation of the River Teign in the County of Devon. [19th May 1836.]

[*Pleasure Boats, &c. belonging to the Harbour or to Residents in the Parishes of West or East Teignmouth or St. Nicholas, Passage Boats, Fishing Boats, and Boats carrying Stone, or Manure for the Use of Farms on the Banks of the River, exempted from Toll, § 20. Vessels in the Service of His Majesty or the Royal Family, or in the Employ of any of the Public Boards or Post Office, Vessels and Goods seized by Revenue Officers, and Goods for the Public Service, exempted from Toll, § 21. Saving the Rights of the Duchy of Cornwall, § 60.; and of the Trinity House and of the Lords of the Manors, § 61.*]

## Cap. xliii.

An Act for improving, enlarging, and extending the *Forth and Clyde Navigation*, and certain Harbours and Works belonging thereto and connected therewith; and for making and maintaining Two Branch Cuts or Canals from the said Navigation.

[19th May 1836.]

[*Powers of 8 G. 3. c. 63. 11 G. 3. c. 62. 13 G. 3. c. 104. 24 G. 3. c. 59. 27 G. 3. cc. 20 & 55. 30 G. 3. c. 73. 39 G. 3. c. lxxi. 46 G. 3. c. cix. 54 G. 3. c. cxv. and 1 G. 4. c. xlviii. extended to this Act, § 1.*]

## Cap. xliv.

An Act to enable the *British Alkali Company* to sue and be sued in the Name of the Secretary or of any One Member for the Time being of the said Company.

[19th May 1836.]

## Cap. xlv.

An Act for establishing a General Cemetery in the Town and County of the Town of *Nottingham*.

[19th May 1836.]

## Cap. xlv.

An Act for making and maintaining as Turnpike a Road leading from the *Flimwell* to *Hastings* Turnpike Road at or near *Beaumont* in the Parish of *Hollington* to *Hastings* in the County of *Sussex*. (b)

[19th May 1836.]

[*Tolls to be paid but once a Day at same Gate, § 13. Two full Tolls only to be taken for passing over the whole Line, § 18. Tolls not to be laid out in repairing Streets, § 19.*]

## Cap. xlvii.

An Act for repairing and improving certain Roads in and leading to and from the Town and County of the Town of *Poole*, and for making certain new Lines of Road in the said Town and County, and leading thence towards *Wareham* and *Blandford* in the County of *Dorset*. (b)

[19th May 1836.]

[*17 G. 3. c. 104. 39 G. 3. c. lxxv. and 58 G. 3. c. xlv. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 32. Milk, when not for Sale, and Fuel and Water carried into the Town of Poole, exempted from Toll, § 33. One Toll only to be taken on same Day for passing and repassing through all the Gates North of the Stour, and Four full Tolls only South of the Stour, § 34.; and only Three full Tolls until the Road to Peter's Finger is completed, § 35. Money not to be laid out in repairing Streets, § 46. No more Money to be laid out in repairing new Lines to Wareham and Blandford than shall be collected thereon, § 47.*]

## Cap. xlviii.

An Act for more effectually repairing the Road from the *Totnes* Road at *Lady Down* in the Parish of *Ugborough* to within Four hundred Yards of the Bridge over the *Lary*, and for repairing the Road communicating therewith from *Hollowcombe Cross* to the Town of *Modbury* and *Dark Lane*, all in the County of *Devon*. (b)

[19th May 1836.]

[*4 G. 4. c. cix. repealed, § 1. Additional Tolls to be taken between Pottle Grove and Modbury, § 19. Two full Tolls only to be taken*

on



on the Road on same Day; One on the East of Pottle Grove and One on the West Side, § 20. Tolls to be paid but once a Day at same Gate, § 21. Lime and Sand for Manure exempted from Toll, § 25.]

## Cap. xlix.

An Act for more effectually repairing the Roads from *Harlow Bush Common* to and into the Parish of *Woodford*, and the Road from *Epping* to *Writtle*, and other Roads therein mentioned, all in the County of *Essex*. (a) [19th May 1836.]

[3 G. 4. c. xlv. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 13. Two full Tolls only to be taken on same Day for passing and repassing through the Gates on the Road from *Harlow Bush Common* to *Woodford*, or from *Epping* to *Ongar*, § 14. Tolls to be paid for Trucks, &c. drawn by Dogs or Goats, § 18. No more Money to be laid out on Line of Roads than collected thereon, § 20. Money not to be laid out in repairing Streets, &c., § 26.]

## Cap. l.

An Act for the more effectually repairing, improving, and maintaining the Road from the Town of *Ashford* to the Town of *Maidstone* in the County of *Kent*. (b) [19th May 1836.]

[54 G. 3. c. xviii. repealed, § 1. Four full Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 12. Road Materials exempted from Toll between the 1st of April and 1st of November, or in hard Frost, § 16. Penalty of 40s. for hanging out Clothes near the Road, § 22.; or exercising Three Horses at once, § 23. Tolls not to be applied in repairing Streets, § 26. Saving the Rights of *F. W. Martin, Esquire*, to Toll for Welsh Cattle, § 30.]

## Cap. li.

An Act to make and maintain a Canal in the County of *Dumbarton* from the *Forth* and *Clyde* Canal to the River of *Clyde*, opposite to the River of *Cart*. [20th May 1836.]

[Saving the Rights of the *Forth and Clyde Canal Company*, and of *River Clyde Trustees*, § 37.; and of the *Burgh of Renfrew*, § 42.]

## Cap. lii.

An Act to amend and enlarge the several Acts relating to the *Bolton and Leigh Railway*, and for other Purposes.

[20th May 1836.]

[Powers of 6 G. 4. c. xviii. 9 G. 4. c. viii. and 1 & 2 W. 4. c. xi. (except as altered) extended to this Act, § 1. Saving the Rights of the *Manchester, Bolton, and Bury Canal Navigation*, § 31.; and of the *Liverpool and Manchester Railway*, and of the *Leeds and Liverpool Canal Companies*, § 32.; and of *William Hulton, Esquire*, § 33.]

## Cap. liii.

An Act for repairing and improving the Road from *Wakefield* to *Sheffield* in the County of *York*. (b) [20th May 1836.]

[11 G. 4. c. xxii. repealed, § 1. Waggon with Wheels having Plane

*Plane Tires and having the Nails countersunk, if the Fellies are Six Inches broad, to pay a Toll of 4d. only, and if not less than Four Inches and a Half broad, to pay 6d., § 22. Tolls to be paid but once a Day at same Gate, § 23. Four full Tolls only to be taken for passing and repassing on same Day through all the Gates on the Road, § 24. Lime for Manure exempted from Toll, § 32. No Exemption allowed for Waggon, &c. laden with Road or Building Materials, or Manure, Implements of Husbandry, or Agricultural Produce, unless the Wheels are of the Breadth of Four Inches and a Half, § 32. Money not to be expended in repairing Streets, § 34.]*

*Cap. liv.*

An Act for enabling the Universal Life Assurance Society to sue and be sued in the Name of the Actuary for the Time being or of any One of the Directors of the said Society.

[7th June 1836.]

*Cap. lv.*

An Act for granting further Powers to a Company called "The Imperial Continental Gas Association."

[7th June 1836.]

[Powers of 3 W. 4. c. lxiii. (except as altered) extended to this Act, § 1.]

*Cap. lvi.*

An Act to amend an Act to enable the *Birmingham* Coal Company to sue and be sued in the Name of their Secretary or One of the Members of the said Company; and to authorize the said Company to borrow a further Sum of Money; and for other Purposes relating to the said Company.

[7th June 1836.]

[Powers of 7 & 8 G. 4. c. xxiv. (except as altered) extended to this Act, § 1.]

*Cap. lvii.*

An Act for incorporating certain Persons for carrying into effect the Purposes of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom*; and for other Purposes.

[7th June 1836.]

*Cap. lviii.*

An Act for better supplying with Water the Township of *Dukinfield* in the County Palatine of *Chester*.

[7th June 1836.]

*Cap. lix.*

An Act for better paving, lighting, watching, and improving the Town of *Teignmouth* in the County of *Devon*, and for supplying the Inhabitants thereof with Water.

[7th June 1836.]

*Cap. lx.*

An Act to enable the *Carlisle* Canal Company to make a Dock or Docks at *Port Carlisle* otherwise *Fishers Cross*, and for amending

amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal. [7th June 1836.]

[*Powers of 59 G. 3. c. xiii. (except as altered) extended to this Act, § 1. Saving the Rights of the Earl of Lonsdale, § 66.; and of the Lord of the Manor of Drumburgh to receive Toll as heretofore, § 67.*]

Cap. lxi.

An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of *Dundee* in the County of *Forfar*. [7th June 1836.]

11 G. 4. c. cxix.

[*Saving the Rights of Magistrates and Town Council of Dundee' § 57.*]

Cap. lxxii.

An Act for more effectually repairing and improving the Road from the Eastern End of the Borough of *Grampound*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the *Western Taphouse Lane*, in the County of *Cornwall*; and for making and maintaining certain new Roads communicating therewith. (a) [7th June 1836.]

[5 G. 4. c. lxxxv. repealed, § 1. *Two full Tolls only to be taken on same Day for passing through all the Gates on the St. Austell and Lostwithiel District, and Two full Tolls only on the Bodwin and Roche District, § 16. Tolls to be paid but once a Day at same Gate, unless with a different Carriage, &c. and passing One hundred Yards or more on the Road, §§ 17, 18. No more Money to be laid out on Roads than is collected thereon, § 21. Tolls not to be laid out in repairing Streets, § 24. Saving the Rights of the Duchy of Cornwall, § 34.*]

Cap. lxxiii.

An Act for making a Railway from the *London and Greenwich* Railway to the *Deptford* Pier, to be called "The *Deptford* Pier Junction Railway." [21st June 1836.]

[*Saving the Rights of Commissioners of Pavements, § 188.; and of the Commissioners of Sewers, § 189.; and of the Greenwich Railway Company, § 191.; and of the Deptford Pier and Improvement Company, § 192.; and of the Trustees of Roads, and of the Deptford Creek Bridge Company, § 195.*]

Cap. lxxiv.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bristol* to raise a Sum of Money towards discharging the Monies borrowed under the Authority of an Act passed in the Second Year of the Reign of His present Majesty.

2 & 3 W. 4.  
c. lxxviii.

[21st June 1836.]

## Cap. lxv.

An Act to alter, amend, and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.*

[21st June 1836.]

‘ **W**HEREAS an Act was passed in the Eleventh Year of the  
 ‘ Reign of His late Majesty King *George* the Fourth, inti-  
 ‘ tuled *An Act for the more effectual Preservation and Increase*  
 ‘ *of the Breed of Salmon, and for better regulating the Fisheries in*  
 ‘ *the River Tweed, and the Rivers and Streams running into the*  
 ‘ *same, and also within the Mouth or Entrance of the said River :*  
 ‘ And whereas the Powers and Provisions of the said recited Act  
 ‘ exercised by the Commissioners and Overseers appointed by the  
 ‘ same have been found to be of great Benefit and Advantage to  
 ‘ the said Fisheries and to the Public ; but by reason of the great  
 ‘ Decrease in the Value of the Salmon Fisheries in the said River  
 ‘ *Tweed* the Rate or Assessment by the said recited Act authorized  
 ‘ to be levied has become insufficient for the Purposes for which  
 ‘ the same was intended, and it has been found necessary that the  
 ‘ said Rate or Assessment should be increased, and the Powers of  
 ‘ the said Commissioners and their Representatives enlarged :  
 ‘ May it therefore please Your Majesty that it may be enacted ; and  
 ‘ be it enacted by the King’s most Excellent Majesty, by and with  
 ‘ the Advice and Consent of the Lords Spiritual and Temporal, and  
 ‘ Commons, in this present Parliament assembled, and by the Autho-  
 ‘ rity of the same, That from and after the passing of this Act it  
 ‘ shall and may be lawful for the Commissioners and Overseers  
 ‘ appointed or to be appointed under or by virtue of the said herein-  
 ‘ before recited Act or this Act, or their Representatives, in general,  
 ‘ stated, or adjourned Meetings assembled, to be held under the  
 ‘ Authority of the said recited Act or this Act, to ascertain and  
 ‘ impose, in lieu of the Rate or Assessment by the said recited Act  
 ‘ authorized to be levied, a Rate or Assessment to be paid by the  
 ‘ whole Proprietors of Salmon Fisheries in the said River *Tweed*, or  
 ‘ in any River or Stream running into or communicating with the  
 ‘ same, and in the Mouth or Entrance of the said River, not exceed-  
 ‘ ing Twenty Pounds *per Centum per Annum*, to be paid for the First  
 ‘ Year ending the First Day of *August* in the present Year One thou-  
 ‘ sand eight hundred and thirty-six, and annually thereafter, in pro-  
 ‘ portion to the Rents or yearly Value of their several Salmon  
 ‘ Fisheries ; that is to say, in proportion to the yearly Rent where  
 ‘ the Fisheries shall be let at Rack Rent, and in proportion to the  
 ‘ yearly Value where the Fisheries shall not be so let ; and the same  
 ‘ shall thereafter be paid either yearly or half-yearly, as the said  
 ‘ Commissioners and Overseers may from Time to Time direct and  
 ‘ appoint, by the several Tenants or Occupiers of the said several  
 ‘ Salmon Fisheries, for and on behalf of the respective Owners or  
 ‘ Proprietors of the same, and for which Payments such Tenants or  
 ‘ Occupiers shall be entitled to Relief from their respective Owners  
 ‘ or Proprietors at settling or paying their usual Rents ; and failing any

11 G. 4. c.liv.

Additional  
 Rates or Assess-  
 ments to be  
 imposed.

any of the said Rates or Assessments being paid to the Collector or Collectors acting under the Authority of the said recited Act and this Act, by any One or more of such Tenants or Occupiers as aforesaid, when required, the same shall, on Demand, be paid by the Owner or Proprietor or Owners or Proprietors of the Salmon Fisheries so possessed by such Defaulter or Defaulters, and the Rate or Assessment made at such Meeting shall be binding upon and enforced against every such Owner or Owners of a Salmon Fishery, and the said Tenants or Occupiers.

II. And be it further enacted, That the Rates or Assessments levied from Time to Time under and by virtue of this Act shall be applied in defraying the Expences of applying for and procuring this Act, and in paying the Salaries to Clerks, Collectors, Officers, and Water Bailiffs, and the other Expences to be incurred under the said recited Act and this Act, and in paying off the several Debts due and owing by the Commissioners and Overseers appointed by the said recited Act.

Application of Rates or Assessments.

III. And be it further enacted, That, in addition to the Commissioners and Overseers appointed or authorized to be appointed under the said recited Act, the Husband of every Proprietrix or Liferentrix of Salmon Fishings in the said River *Tweed* of the annual Value or Extent in the said recited Act required as sufficient to qualify Persons to be Commissioners and Overseers under the same shall be and he is hereby appointed a Commissioner and Overseer for the Purposes mentioned in the said recited Act and this Act, so long as such Proprietrix or Liferentrix shall be in the Possession of such Qualification.

Additional Commissioners and Overseers appointed.

IV. And be it further enacted, That in case of the Absence from any Meeting of Commissioners and Overseers of any Commissioner or Overseer who shall not have appointed a Proxy to act for him in manner in the said recited Act or this Act mentioned, it shall and may be lawful for the eldest Son or other Heir Apparent or Heir Presumptive of such Commissioner and Overseer to act and vote at such Meeting of Commissioners and Overseers in the stead of his Father, or of the Person to whom he is such Heir Apparent or Heir Presumptive.

Eldest Son, &c. of a Commissioner or Overseer may represent him in case of Absence.

V. And be it further enacted, That it shall and may be lawful to and for each and every Person by the said recited Act or this Act appointed a Commissioner and Overseer for putting the said recited Act and this Act into execution, or the Guardians or Administrators at Law of any such Person who shall be under Age, to nominate and appoint from Time to Time his or her *bonâ fide* ordinary Chamberlain, Factor, or Attorney, holding a regular written Appointment as such, to be Proxy for and to represent and act in all or any Meetings of the said Commissioners and Overseers as the Representative or Proxy of the Person for whom he is so nominated or appointed, in the Absence of such Person so nominating or appointing him, but such Chamberlain, Factor, or Attorney so nominated and appointed (provided he be not himself a Commissioner and Overseer in virtue of the Powers of the said recited Act or this Act) shall at all such Meetings only be entitled to give One Vote, without regard to the Number of Proxies he may hold.

Factors, Attornies, &c. may represent Commissioners.

VI. And

Repeal of  
Period in which  
Salmon, &c.  
shall not be taken  
by Rod-fishing;

and at which  
Boats for Rod-  
fishing shall be  
removed.

Period in which  
Salmon shall  
not be taken by  
Rod-fishing.

When Boats  
used for Rod-  
fishing to be  
removed.

Boats used  
solely for Net-  
fishing not to be  
used for Rod-  
fishing.

Ferry Boats  
not to be used  
for fishing.

VI. ' And whereas by the said recited Act it is enacted, that it shall not be lawful for any Person or Persons to fish for or take by means of angling or Rod-fishing any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, at any Time or Times between the First Day of *November* in any Year and the Fifteenth Day of *February* in the Year following; and that each Boat, with its Oars, used and retained for the Purpose of angling or Rod-fishing, shall be removed and carried away from the respective Fisheries, Fishing Shields, and Fishing Grounds, on or before the Third Day of *November* in each Year, to Places to be named by the Commissioners and Overseers, there to be lodged and kept and remain until the Thirteenth Day of *February* in the following Year; and it is expedient to alter the Time allowed for angling or Rod-fishing; be it therefore enacted, That so much of the said recited Act shall be and is hereby repealed; and from and after the passing of this Act it shall not be lawful for any Person or Persons to fish for or take by means of angling or Rod-fishing any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, at any Time or Times between the Seventh Day of *November* in any Year and the Fifteenth Day of *February* in the Year following; and that each Boat, with its Oars, used and retained for the Purpose of angling or Rod-fishing, shall be removed and carried away from the respective Fisheries, Fishing Shields, and Fishing Grounds, on or before the Tenth Day of *November* in each Year to some Place or Places to be named by the Commissioners and Overseers appointed by the said recited Act and this Act, where the same can be securely lodged and kept so as to prevent their being used in fishing, and there to remain until the Thirteenth Day of *February* in the following Year, under the same Penalties and Forfeitures as are by the said recited Act enacted for fishing in the close Time therein appointed, and for Non-removal of Boats and Oars at the Times in the said recited Act appointed.

VII. And be it further enacted, That no Boat which in the fishing Season by Nets is generally and ordinarily used for fishing with Nets shall at any Time during the Prolongation of the fishing Season for angling or Rod-fishing be used for such angling or Rod-fishing, but all such Boats shall be removed from the several and respective Fisheries on or before the Seventeenth Day of *October* in every Year in manner directed by the said recited Act; and no public Ferry Boat shall at any Time be used or employed for fishing, but the same shall be kept solely for the Use of the Ferry to which it belongs, and for the constant Convenience of the Public thereat; and every Proprietor or Occupier of any public

public Ferry who shall use, or permit or allow to be used, his, her, or their Ferry Boat for the Purpose of fishing, shall forfeit and pay for every such Offence not less than Ten Pounds and not exceeding Thirty Pounds, and the Ferry Boat or Boats shall be forfeited in like Manner as Boats used in fishing during close Time.

VIII. And for the Purpose of distinguishing such Boats as in the fishing Season are generally and ordinarily used for fishing with Nets, be it enacted, That it shall and may be lawful for the said Commissioners and Overseers at any General Annual Meeting from Time to Time to direct and appoint all such Boats to be painted or otherwise marked by some Colour or Mark, so that the same may be known and may be easily distinguished from Ferry Boats or Boats used indiscriminately for both Net-fishing and Rod-fishing, which Direction or Appointment shall be notified to the Owner and Occupier of each Fishing using any such Boat, or to his or their known Agent, and which distinguishing Colour or Mark every Owner and Occupier of every such Boat so generally and ordinarily used for fishing with Nets shall be bound after such Notification to put upon each such Boat previous to the Commencement of the next fishing Season, and also upon all such Boats as they shall afterwards use, and to keep the same thereon until such Time as some new Direction or Appointment in that Behalf shall have been made by the said Commissioners and Overseers, and upon Failure therein every such Owner or Occupier of any such Boat shall for every such Offence forfeit and pay any Sum not less than Five Pounds and not exceeding Ten Pounds.

Boats used solely for Net-fishing to have a distinguishing Mark.

IX. And be it further enacted, That all and every the Clauses, Exceptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things in the said recited Act contained (except in so far as they are altered or varied by this present Act) shall continue in full Force and Effect, and shall be executed, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act.

Former Act to remain in force, except as hereby altered.

X. 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.

Public Act.

#### Cap. lxvi.

An Act for regulating, preserving, and improving the Port or Harbour of *Newport* in the County of *Monmouth*.

[21st June 1836.]

[*Vessels in the Service of His Majesty or of the Public Boards or Post Office, and Vessels driven in by Stress of Weather, exempted from Toll, § 73. Saving the Rights of the Trinity House, § 105.; and of the Monmouthshire Canal and Newport Dock Company, § 106.; and of His Majesty and other Persons to Land lying between High and Low Water-mark, §§ 107, 108.*]

#### Cap. lxvii.

An Act for better supplying with Water the City of *Gloucester* and Parishes and Places in the County of *Gloucester* near thereto.

[21st June 1836.]

Cap. lxxviii.

11 G. 4. c. lxx.

An Act to alter and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for incorporating the *Hungerford Market Company*. [21st June 1836.]

[*Saving the Rights of the Corporation of London*, § 9. ; and of existing *Mortgagees*, § 24.]

Cap. lxxix.

An Act to enable *Charles Herbert Earl Manvers* to endow the Chapelry of *Perlethorpe* in the Parish of *Edwinstowe* in the County of *Nottingham*, to create the same a separate *Benefice*, and to vest the Nomination of the Incumbents thereof in the said Earl and his Heirs. [21st June 1836.]

Cap. lxx.

An Act to provide for the better Regulation of certain Common Pastures within the Borough of *Beverley* in the East Riding of the County of *York*. [21st June 1836.]

Cap. lxxi.

An Act to extend the Time limited by an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, for the Improvement of the *Newry Navigation*. [21st June 1836.]

[*Term of recited Act 10 G. 4. c. cxxvi. extended to 26th July 1841*, § 1.]

Cap. lxxii.

An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the *Ulster Canal* in the Counties of *Fermanagh*, *Monaghan*, and *Armagh*, in *Ireland*. [21st June 1836.]

[6 G. 4. c. cxiii. 9 G. 4. c. xcvi. 10 G. 4. c. cix. and 2 W. 4. c. lvi. recited, § 1. *The Company are not to interfere with the Navigations of Magherly Cut, Blackwater River, or Lough Neagh*, § 37.]

Cap. lxxiii.

An Act to enable the Commissioners of *Greenwich Hospital* to improve a certain Street called *King Street*, in the Parish of *Greenwich* in the County of *Kent*; and for other Purposes. [21st June 1836.]

[*Saving the Rights of Churchwardens and Overseers of Greenwich*, § 27.]

Cap. lxxiv.

An Act for improving the Approach to the Town of *Newton Abbot* from the City of *Exeter*, through the Village of *Kingsteignton*, in the County of *Devon*. [21st June 1836.]

Cap. lxxv.

An Act for making a Railway from the *London and Croydon Railway* to *Dover*, to be called "The South-eastern Railway." [21st June 1836.]



## Cap. lxxvi.

An Act for making and maintaining a Railway from the Town of *Newcastle-upon-Tyne* in the County of the Town of *Newcastle-upon-Tyne* to *North Shields* in the County of *Northumberland*, with a Branch thereof in the County of *Northumberland*.

[21st June 1836.]

[*Saving the Rights of the North Shields Waterworks Company*, § 179.]

## Cap. lxxvii.

An Act for making a Railway from *Cheltenham* and from *Gloucester*, to join the Great Western Railway near *Swindon*, to be called "The *Cheltenham* and Great Western Union Railway," with a Branch to *Cirencester*.

[21st June 1836.]

## Cap. lxxviii.

An Act for making a Railway, with Branches, commencing at the *London* and *Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick*, to communicate with the Towns of *Leicester*, *Nottingham*, and *Derby*, to be called "The Midland Counties Railway."

[21st June 1836.]

## Cap. lxxix.

An Act for making a Railway from the Basin of the *Kensington* Canal at *Kensington* to join the *London* and *Birmingham* and Great Western Railways at or near *Holsden Green* in the County of *Middlesex*, and to be called "The *Birmingham, Bristol*, and *Thames* Junction Railway."

[21st June 1836.]

[*Saving the Rights of the Corporation of London*, § 212.; and of *Commissioners of Sewers for Westminster and Part of Middlesex*, § 213.]

## Cap. lxxx.

An Act for making a Railway from *Kingston-upon-Hull* to *Selby*.

[21st June 1836.]

[*Saving the Rights of the Corporation of Hull*, § 209.; and of the *Dock Company*, § 210.]

## Cap. lxxxii.

An Act for making a Railway from the City of *York* to and into the Township of *Altofts*, with various Branches of Railway, all in the West Riding of the County of *York* or County of the said City.

[21st June 1836.]

## Cap. lxxxiii.

An Act for making a Railway from *Merthyr Tydfil* to *Cardiff*, to be called "The *Taff Vale* Railway," with Branches.

[21st June 1836.]

## Cap. lxxxiii.

An Act for more effectually improving and maintaining the Turnpike Road leading from the *Cow-Causey* near the Town

of *Newcastle-upon-Tyne* to the Town of *Belford*, and from thence to *Buckton Burn*, in the County of *Northumberland*. (b)  
[21st June 1836.]

[55 G. 3. c. xxxiii. repealed, § 1. Six full Tolls only to be taken on same Day for passing through all the Gates on the Road, (that is to say,) Two between *Newcastle* and *Morpeth*, Two between *Morpeth* and *Alnwick*, and Two between *Alnwick* and *Buckton Burn*, § 15. Tolls to be paid but once a Day at same Gate, § 16. Tolls not to be laid out in repairing Streets, § 20.]

Cap. lxxxiv.

An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for more effectually repairing and improving the several Roads leading to and from the Towns of *Newton Bushell*, *South Bovey*, and *Moretonhampstead* in the County of *Devon*.  
[21st June 1836.]

[7 G. 4. c. xcii. and 5 W. 4. c. xxxv. recited, § 1. Toll, having been paid at any Gate erected by Trustees under the first-recited Act or this Act, not to be paid again on same Day at any Gate erected by the Trustees of the second-recited Act, and vice versa, § 4. Tolls not to be applied in repairing Roads where there are no Toll Gates, nor in repairing Streets, &c., § 6. Act to take effect from its passing and continue for the Term granted by the first-recited Act, § 18.]

Cap. lxxxv.

An Act to amend an Act passed in the Ninth Year of the Reign of King *George* the Fourth, for diverting, improving, and maintaining the Roads between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. (b)  
[21st June 1836.]

[Powers of 9 G. 4. c. lxxxiii. (except as altered) extended to this Act, § 3.]

Cap. lxxxvi.

An Act for more effectually maintaining the Road from *Teignmouth* to *Dawlish*, and for making Roads from *Dawlish* to the *Exeter* Turnpike Roads, and certain Branches communicating with the same, all in the County of *Devon*; and to make and maintain other Roads communicating with the said Roads. (b)  
[21st June 1836.]

[6 G. 4. c. xcix. and 2 W. 4. c. xxviii. repealed, § 1. Tolls to be paid but once a Day in each District or on the new Road, § 18. Tolls to be paid but once a Day at same Gate, § 19. Tolls not to be laid out in repairing Streets, § 29.]

Cap. lxxxvii.

An Act to vary and alter the Line of the *Marlborough* and *Salisbury* Road, and for making a Road from the same to *Amesbury*, in the County of *Wilts*.  
[21st June 1836.]

[Powers of 2 W. 4. c. xcvii. (except as altered) extended to this Act, § 1. One Toll only to be taken on the new Line of Road, § 14.  
Act

*Act to commence from its passing and continue in force during the Term of recited Act, § 16.]*

*Cap. lxxxviii.*

An Act for authorizing the Trustees on the Bridges over the *Clyde* at *Glasgow* to continue, uphold, repair, and maintain the Wooden Bridge over the said River opposite to *Portland Street* of *Laurieston*; and for other Purposes therein mentioned.  
[4th July 1836.]

*Cap. lxxxix.*

An Act for altering and extending the Powers of the Trustees upon the Road from *Livingston* by *Shotts* to the City of *Glasgow*, and placing under their Charge the Bridge across the River of *Clyde* called *Hamilton Bridge*, and the Avenues thereto, and the Road between the East and the West Ends of the Town of *Hamilton*.  
[4th July 1836.]

[*Powers of 1 & 2 W. 4. c. 43. and 4 W. 4. c. xxx. (except as altered) extended to this Act, § 1. Carriages returning on same Day to be liable to new Toll if Load exceed One Hundred Weight, § 11. Act to commence from its passing and continue during the Remainder of the Term of 4 W. 4. c. xxx.—§ 14.]*

*Cap. xc.*

An Act for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*.  
[4th July 1836.]

[*See post, c. cxxvii.*]

*Cap. xci.*

An Act for lighting with Gas and supplying with Water the Town of *Tolcross* and Places adjacent in the County of *Lanark*.  
[4th July 1836.]

*Cap. xcii.*

An Act for altering and amending several Acts passed for improving the Outfall of the River *Nene* and the Drainage of the Lands discharging their Waters into the *Wisbech* River.  
[4th July 1836.]

[7 & 8 G. 4. c. lxxxv. 15 C. 2. 27 G. 2. c. 19. 11 G. 3. c. 78. 13 G. 3. c. 70. 10 G. 4. c. civ. 11 G. 4. c. liii. 1 W. 4. c. xxvii. and 3 W. 4. c. lxxii. recited, § 1. Recited Acts and this Act to be construed together (except as altered), § 31.]

*Cap. xciii.*

An Act for extending and improving the Maintenance of the Fire Police in the Borough of *Liverpool*.  
[4th July 1836.]

*Cap. xciv.*

An Act for enlarging the Embankment of a Reservoir in the Valley of *Wessenden* in the Township of *Marsden* and Parish of *Almondbury* in the West Riding of the County of *York*, and for other Purposes.  
[4th July 1836.]

## Cap. xcv.

An Act for providing a more abundant and regular Supply of Water in the River called the *Upper Bann*, in *Ireland*.  
[4th July 1836.]

## Cap. xcvi.

An Act for maintaining the Public Conduits and other Waterworks belonging to the Town of *Southampton*, and for providing an additional Supply of Water for the Inhabitants of the said Town and Neighbourhood.  
[4th July 1836.]

[20 G. 2. c. 15. 43 G. 3. c. xxxii. and 50 G. 3. c. xx. repealed, § 1. Saving the Rights of the Corporation, § 93.]

## Cap. xcvii.

An Act for incorporating a Company for the Improvement of Waste Lands in *Ireland*.  
[4th July 1836.]

## Cap. xcviii.

An Act to alter and amend an Act of His present Majesty, for improving the Port and Harbour of *Aberavon* in the County of *Glamorgan*, to further improve the said Harbour, and to change its Name.  
[4th July 1836.]

[Powers of 4 & 5 W. 4. c. xliii. (except as altered) extended to this Act, § 1. Saving the Rights of the Lord of the Manors of *Margam* and *Havodyporth*, § 24.; and of the *Trinity House*, § 25.]

## Cap. xcix.

An Act to enable the Proprietors or Shareholders of a Company called "The Bank of *British North America*" to sue and be sued in the Name of any One of the Directors or of the Secretary for the Time being of the said Company. [4th July 1836.]

## Cap. c.

An Act to authorize the City of *Dublin* Steam Packet Company to apply a Portion of certain Monies already subscribed in fulfilment of their Contracts for building Six additional Steam Vessels, and to legalize such Subscription.  
[4th July 1836.]

[Powers of 3 & 4 W. 4. c. cxv. (except as altered) extended to this Act, § 1.]

## Cap. ci.

An Act for improving the Navigation of a Portion of the River *Parrett*, and for making a Navigable Canal from the said River to *Barrington*, all in the County of *Somerset*. [4th July 1836.]

[Saving the Rights of the Corporation of *Bridgewater*, § 5.; and of the *Bridgewater* and *Taunton Canal Company*, § 6.; and of the Conservators of the River *Tone*, § 9.; and of Commissioners of Sewers, § 166.]

## Cap. cii.

An Act to amend the Acts for making a Railway from *Dundee* to *Newtyle* in the County of *Forfar*. [4th July 1836.]

[Powers of 7 G. 4. c. ci. and 11 G. 4. c. lx. (except as altered) extended to this Act, § 1.]

## Cap. ciii.

An Act for making a Railway to form a Communication between *London* and *Cambridge*, with a view to its being extended hereafter to the Northern and Eastern Counties of *England*.

[4th July 1836.]

[*Saving the Rights of the Trustees of the River Lea Navigation*, § 119.; and of the Owners of the *Stort Navigation*, § 123.; and of Commissioners of Sewers for *Holborn* and *Finsbury* and *Tower Hamlets*, §§ 273, 275.]

## Cap. civ.

An Act for making a Railway to join the *London* and *Birmingham* Railway at or near the Regent's Canal in the Parish of *Saint Pancras* in the County of *Middlesex*, and to proceed from thence to *Skinner Street* in the City of *London*, to be called "The *London Grand Junction Railway*."

[4th July 1836.]

[*Saving the Rights of the Regent's Canal Company*, § 26.; and of the Corporation of *London*, § 242.; and of the Commissioners of Sewers for the City of *London* and *Holborn* and *Finsbury Divisions*, §§ 243, 244.; and of the *New River Company*, the *West Middlesex Water Company*, and *Gas Light Companies*, § 245.]

## Cap. cv.

An Act for making a Railway from near the River *Tyne* to or near the River *Tees*, to be called "The Great North of *England* Railway," in the County of *Durham*.

[4th July 1836.]

## Cap. cvi.

An Act for making a Railway from *London* to *Norwich* and *Yarmouth*, by *Romford*, *Chelmsford*, *Colchester*, and *Ipswich*, to be called "The Eastern Counties Railway."

[4th July 1836.]

[*Saving the Rights of the East London Waterworks Company*, § 66.; and of the Tenants of the Manor of *Havering-atte-Bower*, § 73.; and of the Corporation of *Norwich* for supplying Water, and as Conservators of the River *Yare*, §§ 82, 83.; and of the Trustees of the River *Lea* Navigation, § 89.; and of the Regent's Canal Company, § 93.; and of Parishes on the Line under existing Acts of Parliament, § 120.; and of Commissioners of Sewers for *Holborn* and *Finsbury*, the County of *Essex*, and *Tower Hamlets*, §§ 255, 256, 259.; and of the Corporation of *London*, § 261.]

## Cap. cvii.

An Act for making a Railway from *Leeds* to *Derby*, to be called "The North Midland Railway."

[4th July 1836.]

[*Saving the Rights of the Cromford Canal Company*, § 103.; and of the River *Dun* Navigation Company, § 106.]

## Cap. cviii.

An Act for making a Railway from or near *Romford* in the County of *Essex* to *Shell Haven* in the same County, and for constructing

ing a Tide Dock at the Termination of the said Railway at *Shell Haven* aforesaid. [4th July 1836.]

[*Saving the Rights of the Corporation of London*, § 255.; and of the Lord of the Manor of *Havering-atte-Bower*, § 257.; and of the *Trinity House*, § 259.]

Cap. cix.

An Act for making a Railway from *Sheffield* to *Rotherham*, with a Branch therefrom to *Greasbrough* Canal, all in the West Riding of the County of *York*. [4th July 1836.]

[*Saving the Rights of the River Dun Navigation Company*, § 185.]

Cap. cx.

An Act to enable the *Hayle* Railway Company to make certain Alterations in the Lines of such Railway, and for other Purposes relating thereto. [4th July 1836.]

[*Powers of 4 W. 4. c. lxxviii. (except as altered) extended to this Act*, § 1. *Saving the Rights of the Duchy of Cornwall*, § 14.]

Cap. cxi.

An Act for making a Railway from *Manchester* to *Leeds*. [4th July 1836.]

[*Saving the Rights of the Aire and Calder Navigation Company*, § 44.; and of *Commissioners of Manchester Police*, and *Directors of Manchester Gas Works*, § 45.; and of the *Manchester and Salford Waterworks Company*, § 56.; and of the *Earl of Scarborough*, § 86.]

Cap. cxii.

An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at *Herne Bay* in the Parish of *Herne* in the County of *Kent*; and for giving additional Powers to the *Herne Bay Pier Company*. [4th July 1836.]

[*Powers of 1 W. 4. c. xxv. (except as altered) extended to this Act*, § 1. *Coals, Corn, Hay, Straw, and other Agricultural Produce, and Chalk or Tiles used for Manure or draining, exempted from Toll*, § 26. *Soldiers and Sailors on Duty exempted from Toll*, § 28.]

Cap. cxiii.

An Act for making and maintaining a Harbour and other Works at *Sidmouth* in the County of *Devon*. [4th July 1836.]

[*Vessels in the Service of His Majesty or in the Employ of the Public Boards or Post Office exempted from Tolls*, § 77. *Saving the Rights of the Trinity House*, § 118.; and of the Lords of the *Manors of Sidmouth and Salcombe Regis*, § 119.]

Cap. cxiv.

An Act to extend the Time limited by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*. [4th July 1836.]

[*Time limited by 9 G. 4. c. cxviii. extended for Five Years*, § 1.]

## Cap. cxv.

An Act for making and maintaining a Navigable Canal to connect the *Rochdale Canal* and the *River Irwell* in the Township of *Manchester* in the County of *Lancaster*. [4th July 1836.]

[*Saving the Rights of Commissioners under various Acts*, § 14.; and of the *Manchester and Salford Waterworks Company*, § 19.; and of *Proprietors of Lands on Banks of Branch Canal*, § 170.; and of the *Manchester, Bolton, and Bury Canal Navigation and Railway*, § 174.; and of the *Mersey and Irwell Navigation and the Liverpool and Manchester Railway Company*, § 180.; and of the *Duke of Bridgewater's Trustees*, § 185.]

## Cap. cxvi.

An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest and the Liberties thereof*.

[4th July 1836.]

[*Powers of 3 W. 4. c. cii. (except as altered) extended to this Act*, § 6.]

## Cap. cxvii.

An Act for regulating and improving the Town of *Galway* in the County of the same Town. [4th July 1836.]

## Cap. cxviii.

An Act for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*. (a) [4th July 1836.]

[§2 G. 2. c. 54. 19 G. 3. c. 88. 38 G. 3. c. xxxix. and 59 G. 3. c. liii. repealed, § 1. *Three Tolls only to be taken for passing on same Day through all the Gates on the whole Line, and One Toll to be paid every Third Time of passing through same Gate*, § 9. *Money not to be laid out in repairing Streets, &c.*, § 14.]

## Cap. cxix.

An Act to enable the *Liverpool Fire and Life Insurance Company* to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any One of the Directors of the said Company; and for other Purposes. [14th July 1836.]

## Cap. cxx.

An Act for the Amendment of Three several Acts passed in the Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty *George the Third*, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruxley*, and of *Little and Lessness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof.

[14th July 1836.]

[5 G. 3. c. 8. 6 G. 3. c. 6. 10 G. 3. c. 29. and 47 G. 3. c. iv. repealed, § 1.]

## Cap. cxxi.

An Act to enable the *London and Croydon Railway Company* to provide a Station and other Works in the Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*; and to amend the Act relating to the said Railway. [14th July 1836.]

[Powers of 5 W. 4. c. x. (except as altered) extended to this Act, § 1.]

## Cap. cxxii.

An Act for making and maintaining a Railway from *Preston* to *Longridge* in the County Palatine of *Lancaster*.

[14th July 1836.]

[Saving the Rights of the *Preston Waterworks Company*, § 202.]

## Cap. cxxiii.

An Act for making a Railway from the *Minories* to *Blackwall*, with Branches, to be called "The Commercial Railway."

[28th July 1836.]

[Saving the Rights of Commissioners of Sewers for the *Tower Hamlets*, § 66.; and of the *West India Dock Company*, § 73.; and of the Trustees of the *River Lea Navigation*, § 74.; and of the *East London Waterworks Company*, § 79.; and of the *Ratcliffe and City of London Gas Light and Coke Companies*, and of the *British Gas Light Company*, § 82.; and of His Majesty and the Corporation of *London*, § 201.; and of Commissioners of Sewers, Trustees, Vestrymen, and others under Local Acts, § 202.]

## Cap. cxxiv.

An Act for making and maintaining a Harbour and Breakwaters at *Tremoutha Haven* in the County of *Cornwall*; and for making and maintaining a Railway from thence to the Town of *Launceston* in the same County.

[28th July 1836.]

[Vessels in His Majesty's Service or in the Employ of the Public Boards or Post Office, and Pleasure Boats belonging to the Royal Family, Fishing Boats under Five Tons Burthen, and Pilot Boats, exempted from Toll, § 23. Saving the Rights of the *Duchy of Cornwall*, § 236.]

## Cap. cxxv.

An Act to amend an Act for more effectually maintaining and improving the Harbour of *Dovor* in the County of *Kent*.

[28th July 1836.]

[Powers of 9 G. 4. c. xxxi. (except as altered) extended to this Act, § 1.]

## Cap. cxxvi.

An Act to alter and amend several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan*, and for further improving the said Harbour.

[28th July 1836.]

[Powers of 31 G. 3. c. 83. 36 G. 3. c. 93. and 44 G. 3. c. lv. (except as altered) extended to this Act, § 1. The King and Royal Family exempted from Toll, § 115.; also Mails, Soldiers on March



*March or Duty, their Arms or Baggage, Vagrants and Prisoners sent by Passes or Warrants, Volunteer Yeomanry or Cavalry on Duty, Persons going to or returning from Elections for the County of Glamorgan or Borough of Swansea, or (on Sundays) in going to or returning from Public Worship, exempted from Toll, § 116. Saving the Rights of the Lord of the Seigniories of Gower and Kilvey, § 140.; and of the Corporation of Swansea, § 141.; and of the Trinity House, § 142.]*

*Cap. cxxvii.*

An Act to rectify a Mistake in an Act passed in the present Session of Parliament for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*. [28th July 1836.]

[*Powers of 6 & 7 W. 4. c. xc. extended to this Act, § 1. Vessels reloading at Fiddown to pay same Duty as those proceeding towards Carrick, § 2.*]

[*Cap. cxxviii.*

An Act for making and maintaining a Pier Wharf and other Works at *Greenwich* in the County of *Kent*. [28th July 1836.]

[*Saving the Rights of the Trinity House, § 96.; and of the Corporation of London, § 97.; and of the Watermen's Company, § 98.; and of Commissioners of Sewers, § 99.; and of the Parish Officers of Greenwich, § 100.*]

*Cap. cxxix.*

An Act for establishing a Cemetery for the Interment of the Dead, Southward of the Metropolis, to be called "The South Metropolitan Cemetery." [28th July 1836.]

[*Saving the Rights of Commissioners of Sewers, § 135.*]

*Cap. cxxx.*

An Act for establishing a Joint Stock Company for the Prosecution and Extension of the Fisheries off the Shores of *Ireland*, and for the Improvement of the Sea Coasts in connexion with such Fisheries. [28th July 1836.]

*Cap. cxxxi.*

An Act for making and maintaining a Railway or Railways from the City of *Edinburgh* to *Leith*, and to the Shore of the *Frith of Forth* at or near to *Newhaven* and *Trinity*, all in the County of *Edinburgh*. [13th August 1836.]

*Cap. cxxxii.*

An Act for making a Railway from *Dublin* to *Drogheda*. [13th August 1836.]

*Cap. cxxxiii.*

An Act for building a Foot Bridge over the River *Thames* from *Hungerford Market* in the Parish of *Saint Martin in the Fields* in the County of *Middlesex* to the opposite Shore in the Parish of

of *Lambeth* in the County of *Surrey*, and for making suitable Approaches thereto. [13th August 1836.]

[*Saving the Rights of the Corporation of London*, § 164.; and of *Commissioners of Sewers for Middlesex and Surrey*, § 165.; and of the *Hungerford Market Company*, § 166.; and of the *Watermen's Company*, § 167.]

Cap. cxxxiv.

An Act for erecting and maintaining a Bridge across the River *Thames* from *Church Street* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to the opposite Bank of the said River near *Market Street* in the Parish of *Saint John the Evangelist* within the City and Liberty of *Westminster* in the County of *Middlesex*. [13th August 1836.]

[*Saving the Rights of the Corporation of London*, § 141.; and of the *Commissioners of Sewers for Middlesex and Surrey*, §§ 142, 143.; and of the *Watermen's Company*, § 144.]

Cap. cxxxv.

An Act to amend and render more effectual an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster*; and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster*; and to give further Power for the Recovery of Small Debts within the Borough of *Liverpool*. [13th August 1836.]

[*So much of 4 & 5 W. 4. c. xcii. as is inconsistent with this Act repealed*, § 1.]

Cap. cxxxvi.

An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The *London Cemetery Company*." [17th August 1836.]

[*Saving the Rights of the Trustees of the Surrey and Sussex Roads*, § 142.; and of *Commissioners of Sewers*, § 143.]

Cap. cxxxvii.

An Act to repeal Two Acts of the Reign of King *George the Second* for the Recovery of Small Debts within the City and Liberty of *Westminster*, and for granting more effectual Powers for that Purpose. [19th August 1836.]

‘ WHEREAS an Act was passed in the Twenty-third Year of  
 ‘ the Reign of His Majesty King *George the Second*, inti-  
 ‘ tuled *An Act for the more easy and speedy Recovery of Small*  
 ‘ *Debts within the City and Liberty of Westminster, and that Part*  
 ‘ *of the Duchy of Lancaster which adjoineth thereto*: And whereas  
 ‘ an Act was passed in the Twenty-fourth Year of the Reign of  
 ‘ His Majesty King *George the Second*, intituled *An Act to explain*  
 ‘ and

23 G. 2. c. 27.

24 G. 2. c. 42.

‘ and amend an Act passed in the last Session of Parliament, intituled ‘ An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of Westminster, and that Part of the Duchy of Lancaster which adjoineth thereto,’ and for making the said Act more effectual: And whereas it would facilitate the Proceedings of the said Court, and encourage Trade within the said City and Liberty of Westminster and that Part of the Duchy of Lancaster which adjoineth thereto, if the Provisions of the said recited Acts were consolidated, and better and more extensive Powers were granted for the more speedy Recovery of Debts:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* next after the passing of this Act the said recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His Majesty King *George* the Second, and all and every the Clauses, Powers, and Authorities therein contained, shall be and the same are hereby repealed.

Recited Acts repealed.

II. Provided always nevertheless, and be it further enacted, That all Acts, Judgments, Orders, and Decrees made or to be made by the Commissioners appointed by virtue of the said recited Acts or either of them on or before the said Tenth Day of *October*, and all Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings to be done, suffered, incurred, recovered, or executed in pursuance of such Judgments, Orders, and Decrees, or any or either of them, shall be valid and effectual in the same Manner to all Intents and Purposes as if the said recited Acts or either of them had not been repealed or this Act had not passed, and may be executed and enforced against all Persons liable thereto by the Commissioners and the Officers acting in the Execution of this Act in the same Manner, to all Intents and Purposes, as if such Judgments, Orders, and Decrees respectively had been made by the Commissioners acting in the Execution and under the Authority of this Act.

All Acts of Commissioners under former Acts to be valid.

III. And be it further enacted, That it shall be lawful to and for all and every the Vestrymen and Parishioners of the several and respective Parishes within the said City and Liberty of *Westminster* and the said Part of the Duchy aforesaid, who have a Right to assemble and meet in Vestry within their respective Parishes, and they are hereby respectively empowered and required, to meet on the Twentieth Day of *September* in the Year of our Lord One thousand eight hundred and thirty-six, and so on the same Day in every succeeding Year, provided the same shall not fall on a *Sunday*, and if it shall, then upon the next Day, at Eleven of the Clock in the Forenoon, in the several and respective Vestries in each of their respective Parishes, and nominate and assign in the whole the Number of Two hundred and forty-two substantial and discreet Persons residing within their respective Parishes, who are to be Commissioners of the Court of Requests in and for the City and Liberty of *Westminster* and that Part of the Duchy of *Lancaster* which adjoineth thereto; which said Two hundred and forty-two Commissioners shall be nominated and appointed by their respective

Commissioners to be appointed.

respective Parishes in manner following ; that is to say, the Parish of *Saint Margaret* to nominate and appoint Thirty of the said Persons, the Parish of *Saint John the Evangelist* other Twenty of the said Persons, the Parish of *Saint James* other Forty-two of the said Persons, the Parish of *Saint George Hanover Square* other Thirty of the said Persons, the Parish of *Saint Anne* other Twenty-four of the said Persons, the Parish of *Saint Martin in the Fields* other Forty of the said Persons, the Parish of *Saint Clement Danes*, as well within the Liberty of *Westminster* as without, other Twenty-four of the said Persons, the Parish of *Saint Mary le Strand* other Twelve of the said Persons, and the Parish of *Saint Paul Covent Garden* other Twenty of the said Persons ; and the Churchwardens of each respective Parish for the Time being, or one of them, shall, within Two Days after such Appointment by the Vestrymen and Parishioners as aforesaid, cause Two Lists to be made out of the several Persons so respectively nominated and appointed as aforesaid, and shall cause one of the said Lists, or a true Copy thereof, to be fixed or stuck up on the Church Door of each respective Parish, and shall deliver or cause to be delivered the other of the said Lists to the Clerk of the said Court or Commissioners, who shall forthwith cause a Copy of such Lists to be made and stuck up in the Place or Court where the said Commissioners shall assemble ; which said Persons so nominated and returned by and for the said several Parishes respectively as aforesaid from Time to Time shall be and they are hereby declared, constituted, and appointed Commissioners to hear and determine all such Matters of Debt as are hereafter mentioned ; and such Commissioners are hereby constituted and appointed a Court of Justice by the Name of " The Court of Requests for the City and Liberty of *Westminster* and that Part of the Duchy of *Lancaster* which adjoineth thereto " ; and the said Court is hereby authorized and empowered to make such Orders, Judgments, and Decrees in the Matters aforesaid, and to award Execution or Attachment thereupon, with or without Costs, against the Goods and Chattels or against the Body or Bodies of all and every the Person or Persons against whom any such Order, Judgment, or Decree shall be given, as shall be consistent with the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, and this Act.

Commissioners to appoint Place and Days for holding the Court.

The Clerk's Office to be open daily.

Court to be held twice a Week.

IV. And be it further enacted, That the said Commissioners shall and they are hereby empowered to meet and to hold the said Court in some convenient Place or House situated within the said City and Liberty of *Westminster*, to be appointed for that Purpose from Time to Time ; and the Court shall be holden at such Time or Times and on such Day or Days in every Week as the said Commissioners shall think fit to order and appoint : Provided always, that the Office of the Clerk of such Commissioners shall be open daily (except *Sundays*) from Ten of the Clock in the Morning until One of the Clock in the Afternoon, for the granting of Summonses, Subpœnas, Warrants, Attachments, and Precepts, and for other Purposes relative to the Business of the said Court ; and provided also, that the said Commissioners shall and are hereby required to hold the said Court for the hearing of all Causes and Actions at least on Two Days in every Week.

V. And

V. And for the more orderly and regular proceeding in the said Court, be it further enacted by the Authority aforesaid, That the said Chief Clerk (who is hereby empowered and required from Time to Time so to do) shall, within Two Days next after such several Lists shall be returned to him as aforesaid, summon or cause to be summoned the first Seven Persons named in each List containing Forty-two or Forty, the first Five in each List containing Thirty, the first Four in each List containing Twenty-four or Twenty, and the first Two in each List containing Twelve, to attend as Commissioners of the said Court for the Month of *October*; and so the like Number of Persons out of every List as they stand in Order and Rotation therein respectively, to serve as Commissioners from Month to Month during the Time for which they are chosen Commissioners.

Clerk to summon Commissioners.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to exclude or debar any of the Persons who shall be nominated and returned for Commissioners as aforesaid (although they be not in Rotation) from sitting in the said Court, but that all such Commissioners shall and may, as often as they shall respectively think fit, sit and give Judgment therein, any thing herein-before contained to the contrary thereof notwithstanding.

Commissioners may sit as such whenever they think fit.

VII. And be it further enacted, That upon the Hearing or Trial of any Action or Suit by the said Commissioners under and by virtue of this Act, the said Court shall, in case the Debt or Claim sought to be recovered shall not exceed Forty Shillings, consist of Three of the said Commissioners at the least; and if the Debt or Claim shall be above Forty Shillings, then the said Court shall consist of Five of the said Commissioners at the least.

Number of Commissioners to be present.

VIII. And be it further enacted, That in case a sufficient Number of the Commissioners shall not attend to act in the Execution of this Act as is herein directed on any of the Days appointed or to be appointed for holding the said Court, then and in every such Case it shall be lawful for any of the said Commissioners who shall be present, and if no Commissioner be present it shall be lawful for the said Clerk for the Time being, or his Deputy, or the Assistant Clerks, to adjourn the said Court to the next Day of Meeting, or to some earlier Day.

In case sufficient Number do not attend, Court may be adjourned.

IX. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he shall at the Time of his acting be a Householder residing within the Parish which shall have elected him a Commissioner, and shall be seised of Lands, Tenements, or Hereditaments of the yearly Value of Forty Pounds clear of all Incumbrances, or be possessed of a Personal Estate of the Value of One thousand Pounds; and if any Person not being qualified as aforesaid shall act as a Commissioner in the Execution of this Act, or not having taken the Oath herein-after mentioned, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Complaint, or Information, wherein no Essoign or Protection shall be allowed; and in every such Action, Bill, Complaint, or Information the

Qualification of Commissioners.

Acts of Commissioners good before Conviction.

the Proof of such Qualification shall lie on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner and Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of such Offence, shall, notwithstanding such Offence, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Commissioners to take the following Oath.

X. And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers and Authorities given by this Act (except the Power hereby given of administering Oaths to the Commissioners) until he shall have taken an Oath to the following Effect; (that is to say,)

‘ I *A.B.* do swear, [*or, being one of the People called Quakers, Moravians, or Separatists, do solemnly affirm,*] That I am seised of Lands, Tenements, or Hereditaments of the yearly Value of Forty Pounds, clear of all Incumbrances [*or possessed of Personal Estate of the Value of One thousand Pounds, as the Case may be*]; and that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, hear and determine such Matters and Things as shall be brought before me by virtue of an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

So help me GOD.’

[*Or being a Quaker, Moravian, or Separatist, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation shall and may be administered to the said Commissioners respectively by the Clerk of the said Court, or one of the Assistant Clerks, before One or more of the said Commissioners; and they the said Commissioners shall and are hereby required, after taking the said Oath or Affirmation, to sign or subscribe their respective Names upon a Roll or Rolls of Parchment to be provided for that Purpose with the said Oath and Affirmation written or printed thereon; and such Roll or Rolls shall be carefully kept among the Proceedings of the said Court.

Commissioners to take Oath or be disqualified.

XI. And be it further enacted, That if any Commissioner named or appointed by virtue of this Act shall neglect or refuse to qualify himself by taking the Oath or Affirmation required by this Act, and signing or subscribing his Name on the Roll or Rolls of Parchment herein-before mentioned, within Six Calendar Months from the Date of his Election or Appointment, such Commissioner so neglecting or refusing shall be disqualified and be incapable of acting as a Commissioner in the Execution of this Act: Provided always, that such Commissioner shall not be disqualified or incapable of acting if he shall be re-elected by the Vestrymen of his Parish in any subsequent Year, and shall afterwards take the Oath or Affirmation required by this Act, and shall then sign or subscribe his Name on the Roll or Rolls of Parchment provided for that Purpose.

XII. And be it further enacted, That no Person who shall act as a Commissioner of the said Court shall, directly or indirectly, be concerned or interested in the supplying of any Articles for the Use of the Place or House in which the said Court shall be held, or in any Repairs, Improvements, Fittings, or Furniture of the same, or in any Contract or Contracts for the supplying any such Articles or performing any such Works respectively; and in case any Commissioner shall be directly or indirectly concerned or interested in the supplying of any Articles for the Use of the said Court, or in any Repairs, Improvements, Fittings, or Furniture of the same, or in any Contract or Contracts for the supplying any such Articles or performing any such Works respectively, every such Commissioner so acting shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign or Protection shall be allowed.

No Commissioner to be concerned in the Supply of any Articles for the Use of the Court.

XIII. And be it further enacted, That it shall be lawful at every Court or Meeting of the Commissioners for the Commissioners then present to appoint a Chairman; and the said Chairman, in case of an equal Number of Votes, including such Chairman's Vote, on any Question or Matter brought before the said Court or Meeting, shall have a second or deciding Vote.

Appointment of Chairman.

XIV. And be it further enacted, That the said Commissioners shall cause to be made a Seal with the Words "*Westminster Court of Requests*" thereon, and shall cause to be sealed or stamped therewith all Processes, Orders, and other Proceedings of the said Court; all which said Processes, Orders, and Proceedings, sealed as aforesaid, and having the Name or Names of the Clerk or Clerks of the said Court written or printed thereon, shall be received as Evidence in all Courts whatsoever, without any further Proof; and no such Process, Order, or Proceeding shall be valid or have any Force or Effect, unless the same shall be so sealed or stamped, and have the Name or Names of the Clerk or Clerks as aforesaid.

A Common Seal to be made, and affixed to all Orders, &c.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made fair and regular Entries in a Book or Books to be provided by them for that Purpose of all Judgments, Acts, Orders, Directions, Rules, and Regulations and Proceedings of them the said Commissioners relative to the Execution of the several Powers and Authorities vested in them by this Act, and also the Names of the Commissioners who shall be present at their respective Courts and Meetings; and such Entries and such Book or Books shall be signed by the Chairman of each respective Court and Meeting, and sealed or stamped in his Presence by the Clerk; and such Entries, when so signed and stamped, shall be received in Evidence in Proof of the Proceedings of the said Court, in all Courts whatsoever.

Commissioners to enter their Proceedings in a Book.

XVI. And be it further enacted, That *John Hodgson* and *Christopher Cuff* shall be and they are hereby constituted and appointed joint Clerks of the said Court of Requests during their respective good Behaviour who shall and are hereby empowered and

Present Clerks to continue in Office.

and required to issue out and register all Summonses, Subpœnas, Warrants, Precepts, Acts, Orders, Decrees, Judgments, Attachments, and Proceedings of the said Court, and shall keep proper Books wherein shall be entered and registered all Acts, Orders, Rules, Regulations, and Proceedings of the same Court; and upon the Death, Resignation, or Removal of either of them, then the remaining one shall be Clerk to the said Commissioners, and shall continue to carry into execution all the Powers and Authorities vested in the said Clerk; and upon the Death, Resignation, or Removal of such remaining Clerk, it shall be lawful for the Commissioners to proceed to elect another Clerk in manner herein mentioned; and the said Commissioners shall and they are hereby empowered to require the said joint Clerks, and their Successors, to give such Security for the due Performance of their Office as the said Commissioners from Time to Time shall think fit to require.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to purchase, hire, or take on Lease any Buildings, Lands, or Hereditaments for the Purposes of converting them into or erecting thereon or using the same as a Court House and other Offices; and all such Buildings, Lands, and Hereditaments which shall be purchased, hired, or taken on Lease shall be conveyed, demised, and assured to "The Commissioners of the Court of Requests for the City and Liberty of *Westminster* and that Part of the Duchy of *Lancaster* which adjoineth thereto;" and the said Commissioners shall and may and they are hereby empowered to accept, take, and hold, in the Nature of a Body Corporate, all such Buildings, Lands, and Hereditaments; and such Commissioners are hereby authorized and empowered to enter into all Contracts, and make and execute all Deeds, and give and take all Securities relative to the said Court, by and in their said Name and Title of "Commissioners of the Court of Requests for the City and Liberty of *Westminster* and that Part of the Duchy of *Lancaster* which adjoineth thereto."

XVIII. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on behalf of the said Commissioners shall and lawfully may be commenced or instituted and prosecuted in the Name of their Clerk for the Time being, or of any One of the said Commissioners, as a nominal Plaintiff for or on behalf of the said Commissioners; and all Actions or Suits to be commenced or instituted against the said Commissioners shall be commenced, instituted, and prosecuted against their Clerk, or against any One of the said Commissioners for the Time being, as the nominal Defendant; and no Action or Suit which may be so commenced, instituted, or prosecuted by or against the said Commissioners, in the Name of their Clerk or of any One of the said Commissioners, shall abate or be discontinued by the Death, Resignation, Suspension, or Removal of such Clerk or Commissioner, or by any Act or Default of such Clerk or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk or Commissioner shall be always deemed Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that in all Cases in which the Clerk of the said Commissioners, or any One of the said Commissioners as

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aforesaid,

Commissioners to be a Corporate Body for certain Purposes.

Actions and Suits may be commenced in the Name of the Clerk.



aforesaid, shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or be sued, pleading or impleaded, in the Name of such Clerk or of any such Commissioner as aforesaid, such Clerk or such Commissioner, as the Case may be, may and shall, if not otherwise interested, be a good and competent Witness in any such Action or Proceeding either for or against the said Commissioner; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or by such Commissioner, as the Case may be, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided always, that no such Clerk or Commissioner in whose Name as such nominal Plaintiff any Action or Suit shall be commenced or prosecuted by the said Commissioners, or against whom as such nominal Defendant any Action shall be commenced or prosecuted, shall by reason thereof be liable to or become chargeable with any Costs, Damages, or Expences, but that every Plaintiff suing the said Commissioners in the Name of their said Clerk or any One of the said Commissioners shall, on obtaining Judgment in any such Action or Suit, have the like Remedies for Satisfaction thereof as if the said Commissioners had been made Defendants in such Action or Suit.

XIX. And be it further enacted, That the Chief Clerk for the Time being shall summon any and every General Meeting of the said Commissioners to be holden for any of the Purposes of this Act by causing a printed or written Notice, mentioning the Time and Place of such intended Meeting, together with the Purposes for which such Meeting is to be held, to be left at the respective Places of Abode of the said Commissioners Three clear Days at least before such Meeting is to be holden; and that no Business shall be done at such General Meeting until Forty Commissioners at least are present; and each and every such General Meeting shall and may be adjourned from Time to Time as the major Part of the Commissioners present shall deem proper: Provided also, that it shall and may be lawful for any Five or more of the said Commissioners at any Time, by Notice in Writing signed by them, to require a Special General Meeting of the said Commissioners to be called for the Purpose to be mentioned by them in such Notice, which Notice shall be addressed to the Clerk of the said Court, and be left for him at the Office of the said Court Nine clear Days at least before such intended Meeting; and thereupon the said Clerk shall cause such Notice to be given to all the Commissioners to attend such Meeting for the Purpose mentioned in such Notice as is herein directed as to the usual and ordinary General Meetings.

XX. And be it further enacted, That at any Special General Meeting to be convened as aforesaid the said Commissioners or the major Part of them shall and may make Rules, Orders, and Regulations for the better Management, Conduct, and Practice of the said Court, and also for the Government and Direction of the several and respective Clerks, including the Chief Clerk or Clerks, High Bailiff, Assistant Bailiffs, Court Keepers, and all other Officers and Persons employed in and about the said Court, and

General Meeting of Commissioners may take place on Summonses being issued by the Clerk.

Special General Meetings may be called.

Powers to make Rules and Orders for the Conduct of the Court.

also as to the keeping the Accounts, and the Entries of the several Proceedings of the said Court, and all other Matters relating thereto, and from Time to Time, at any Meeting or Meetings to be convened in the Manner and as herein-before mentioned, to vary, alter, extend, amend, or annul the said Rules, Orders, and Regulations relating to or in any Manner concerning the several Matters aforesaid, or of any or either of them.

Power to dismiss the Clerks.

XXI. And be it further enacted, That at any such Special General Meeting as aforesaid, to be convened for that Purpose, it shall and may be lawful for the said Commissioners or the major Part of them at such Meeting to dismiss, remove, or suspend both or either of the said Clerks, upon Proof being given to the Satisfaction of such Commissioners, or the major Part of them present at such Meeting, of the Misbehaviour or Breach of Duty of such Clerks or Clerk.

Books to be handed over to Commissioners.

XXII. And be it further enacted, That every Person who shall have any Book, Paper, Writing or Document of and belonging to the said Court of Requests established by Authority of the above-recited Acts, or either of them, shall and he is hereby required, within Two Calendar Months after the Commissioners to be appointed under and by virtue of this Act shall have been nominated and appointed, to hand over and deliver every such Book, Paper, Writing, or Document to such Commissioners, which said Books, Papers, Writings, or Documents shall and they are hereby declared to be the Property of the said Commissioners for the Time being.

High Bailiff of Westminster to be the Chief Bailiff of the Court.

XXIII. And be it further enacted, That the Person who for the Time being shall hold and execute the Office of High Bailiff of the City and Liberty of *Westminster* shall be the Chief Bailiff of the Court constituted by this Act, and shall, at least for the Space of One Hour, attend at every Sitting of the said Court, and at all General and Special Meetings of the said Commissioners, except only upon reasonable Cause of Absence to the Satisfaction of and to be allowed by the said Commissioners, in which Case the Deputy of the said High Bailiff, lawfully appointed, shall attend the said Court in like Manner; and that the said High Bailiff shall, by himself or his Deputy or Assistant Bailiffs, such Assistant Bailiffs to be appointed by him subject to the Restrictions herein-after contained, and to be paid by the said Commissioners as herein-after mentioned, serve and execute all Summonses, Subpœnas, Orders, Warrants, Attachments, Executions, and other Processes and Proceedings of the said Court; and that the said High Bailiff, his Deputy and his Assistant Bailiffs respectively, shall, in the Execution of their Duties, be subject to the Order, Control, and Direction of the said Court, and to all such Rules, Orders, and Regulations as shall from Time to Time be made by the said Court or the said Commissioners under the Powers herein contained; and that the said High Bailiff shall be chargeable with and be liable to the Payment of all Sums of Money which shall be received by him, or his said Deputy, or any of his said Assistant Bailiffs, by virtue or under colour of the Process of the said Court or of this Act, and shall duly account for and pay the same as the said Court shall from Time to Time order and direct, and shall in all other respects be responsible for the Acts,

Duty of the Bailiff and his Officers.

Neglects,

Neglects, Omissions, and Defaults of himself, his Deputy and his said Assistant Bailiffs respectively, in the same Manner to all Intents and Purposes whatsoever as Sheriffs are by the Laws and Usages now in force within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* responsible for the Acts, Neglects, Omissions, and Defaults of themselves, their Bailiffs and other Officers.

XXIV. And be it further enacted, That it shall be lawful for the said High Bailiff, and he is hereby fully authorized and empowered, by any Writing under his Hand, from Time to Time, but subject to the Restrictions herein expressed, to nominate a sufficient Number of able, fit, and proper Persons to be the Assistant Bailiffs of the said High Bailiff, to attend the Court constituted by this Act, and also to assist in serving and executing all Summonses, Subpœnas, Orders, Warrants, Attachments, Executions, and other Processes and Proceedings of the said Court, and upon the Death, Resignation, Dismissal, or Removal of any such Person or Persons, to appoint another or others in the Place or Stead of the Person or Persons so dying, resigning, dismissed, or removed; and every such Assistant Bailiff who shall be so appointed by the said High Bailiff shall be subject to the Order, Control, and Direction of the said Court, and to all such Rules, Orders, and Regulations as shall from Time to Time be made by the said Court or the said Commissioners under the Powers herein contained, and shall also be subject to Suspension and to Dismission by the Court, in the Manner herein-after expressed: Provided always, that nothing herein contained shall extend to authorize or empower the said High Bailiff to appoint or retain more than Three such Assistant Bailiffs at the same Time, except with the express Assent of a Majority of the Commissioners assembled at a Special Meeting convened under the Provisions of this Act for the express Purpose of considering the Expediency of such Appointment.

XXV. And be it further enacted, That it shall and may be lawful for the Commissioners for the Time being acting in the Execution of this Act, and they are hereby directed and required, to order and direct and cause to be paid to the Person or Persons who for the Time being shall hold and execute the Office of High Bailiff of the City and Liberty of *Westminster*, and to each of his Assistant Bailiffs appointed as aforesaid, from and out of the Fees by this Act authorized to be demanded and received for or in respect of the Acts and Proceedings of the said Court, such Salaries as are herein-after mentioned; (that is to say,) to the said High Bailiff the annual Sum of Two hundred and fifty Pounds, to commence from the Tenth Day of *October* next after the passing of this Act, and to be thenceforth paid by quarterly Portions on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, without any Deduction or Abatement whatsoever, other than as herein-after is specially provided for; and to each of the said High Bailiff's Assistant Bailiffs a weekly Salary in the Discretion of the said Commissioners, not being less than at and after the Rate of Eighty Pounds *per Annum* for each such Assistant Bailiff, the Payment to each such Assistant Bailiff to commence upon and from that *Monday* which shall first happen next after that Court Day on which the

High Bailiff to appoint Assistant Bailiffs or Bailiff's Officers of the Court,

For the Payment of the High Bailiff and of his Assistant Bailiffs.

Appointment of such Assistant Bailiff shall be deposited by him with the Clerk of the said Court (who is hereby required to retain and preserve the same with the other Records of the said Court), and thenceforth be paid to him respectively on *Monday* in every Week, also without any Deduction or Abatement whatsoever other than as herein-after specially provided for, so long as he shall retain his said Appointment, and execute all the Duties belonging or incident thereto; and the Salaries to be so paid to the said High Bailiff and his said Assistant Bailiffs respectively shall be paid to and received by them respectively as a full and complete Payment, Recompence, and Satisfaction for the due and faithful Execution of all Duties and Services which they respectively are or shall be required to perform in pursuance or under the Authority of this Act.

Upon the Death or Resignation of the High Bailiff the Salary to cease, and another Officer to be appointed pending the Vacancy.

XXVI. Provided always, and be it further enacted, That if at any Time or Times hereafter the Office of High Bailiff of the City and Liberty of *Westminster* shall become vacant by Death, Resignation, or otherwise, the Salary herein-before directed to be paid to the said High Bailiff shall cease to be payable during the Time such Office shall be vacant; and it shall and may be lawful to and for the said Commissioners, or the major Part of them, at any Meeting or Meetings to be convened for that Purpose, to nominate and appoint such fit and proper Persons or Person to execute the Process of the said Court as aforesaid during the Time of such vacant Office of High Bailiff, and to pay to such Persons and Person, out of the Fund applicable to the Payment of the Salary of the High Bailiff for the Time being, such Salary, during the Time he or they shall be so employed during such Vacancy as aforesaid, as the said Commissioners at such Meeting shall from Time to Time deem meet, and shall determine and direct.

Penalty on High Bailiff for Neglect of Duty.

XXVII. Provided always, and be it further enacted, That if the said High Bailiff for the Time being shall at any Time or Times refuse or neglect to perform all or any of the Duties hereby imposed upon him, or shall otherwise misbehave himself in the Execution of his Office, it shall and may be lawful to and for the Commissioners present at any Meeting or Court under the Authority of this Act, or the major Part of them, the Number present not being less than Three, to inquire into and determine such Offence, and upon Proof thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, to the Satisfaction of the said Commissioners, to impose such Fine or Forfeiture upon the said High Bailiff, not exceeding Ten Pounds for each Offence, as the said Commissioners shall deem adequate, and to order the said High Bailiff to pay to the Chief Clerk of the said Commissioners such Fine; all such Fines to be accounted for and applied in the same Manner as any Fees hereby authorized to be demanded and received in respect of any Proceedings of the said Court are directed to be applied; and in case of Nonpayment of any such Fine and Fines by the said High Bailiff, it shall be lawful to and for the said Commissioners to deduct and retain the same from the Salary hereby authorized to be paid out of the Fees to such High Bailiff as aforesaid: Provided always, that in all Cases when the said Commissioners shall, under the Authority of this Act, impose and order any Fine or Fines upon the said High Bailiff, it shall and

and may be lawful to and for the said High Bailiff to appeal to any Two Justices of the Peace acting for the County of *Middlesex*, who are hereby authorized to hear and determine such Matter of Appeal, and make such Order thereon as to them shall seem just and reasonable.

XXVIII. And be it further enacted, That if the said Assistant Bailiffs from Time to Time to be appointed as aforesaid, or any or either of them, shall take, demand, accept, or receive any Sum or Sums of Money or Gratuity for or relating to or connected with the Duty to be performed by him or them respectively under the Provisions of this Act, or if they, or any or either of them, shall at any Time or Times refuse or neglect to perform his or their Duty as such Assistant Bailiffs, or otherwise act contrary, to the Provisions of this Act, or in disobedience of any or either of the Rules, Orders, and Regulations to be made by the said Commissioners in pursuance of this Act, it shall and may be lawful to and for the said Commissioners sitting in Court, or any Three of them, for each and every Offence, and upon due Proof thereof upon Oath as aforesaid to the Satisfaction of the said last-mentioned Commissioners, to fine and order such Assistant Bailiffs to pay to the Chief Clerk of the said Court any Sum or Sums of Money not exceeding the Sum of Five Pounds; all such Fine and Fines to be accounted for by the said Clerk and applied under the Directions of the Commissioners for the general Purposes of this Act; and unless such Fine and Fines shall be paid within Two Days after the same shall be imposed and ordered as aforesaid, it shall be lawful to and for any Three of the said Commissioners to suspend such Assistant Bailiffs from the further Execution of his Office, and Payment of any Salary to him as aforesaid, until the Payment of such Fines and the further Order of the said Court.

Penalty for taking greater Fees than those allowed by the Court.

XXIX. And be it further enacted, That if upon Complaint made by any Person or Persons of the Misbehaviour of any or either of the said Assistant Bailiffs it shall appear to the Commissioners present at any Sitting of the Court, or a Majority of them, that such Assistant Bailiff deserves a greater Punishment than before provided, it shall and may be lawful for the said last-mentioned Commissioners to direct a General Meeting of the said Commissioners to be convened, to take the Conduct of such Assistant Bailiff into consideration; and it shall and may be lawful to and for the said Commissioners or the major Part of them present at such Meeting, upon Proof of such Misbehaviour upon Oath as before mentioned, to dismiss or remove such Assistant Bailiff; and the said Chief Clerk shall from Time to Time and at all Times, when any Dismissal or Removal shall take place as aforesaid, give Notice in Writing thereof to the said High Bailiff, who is hereby authorized and required, upon the Determination of the said Commissioners as aforesaid, to nominate and appoint some other fit and proper Person or Persons to fill up such Office or Offices within One Calendar Month from the Time of serving such Notice; and in case of Neglect or Refusal of the said High Bailiff from Time to Time and as often and when any and every such Dismissal or Removal shall so take place, and Notice thereof given as aforesaid, it shall and may be lawful for the said Commis-

A General Meeting of Commissioners to be called if the Assistant Bailiffs conduct themselves improperly.

sioners, or the major Part of them, at a Meeting to be convened for that Purpose, to nominate and appoint a fit and proper Person or Persons as such Assistant Bailiff or Bailiffs in the Room of the Person or Persons so dismissed or removed as aforesaid.

Appointment  
of Officers.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, assembled at a Meeting for that Purpose convened, to nominate and appoint, during his and their good Behaviour, such other fit and proper Person or Persons as Assistant Clerks, Criers, and other Officers, as may appear to the said Commissioners or the major Part of them then present to be requisite for carrying any of the Purposes of this Act into execution; and every such Clerk, Assistant Clerks, Crier, or other Officer shall be subject to the Pains and Penalties of Removal, and to the Rules, Orders, and Regulations herein expressed and hereby authorized to be made; and when and as often as it shall happen that the Office or Offices of any Assistant Clerks, Criers, or other Officer shall become vacant, either through Death or Resignation, or Suspension, Dismissal, Removal, or Incapacity, then and in every such Case it shall be lawful for the said Commissioners, or the major Part of them, assembled at a Meeting to be convened for that Purpose, as soon as conveniently may be after such Vacancy shall happen, to nominate and appoint another fit and proper Person or Persons to be Clerk, Crier, or other Officer during his and their good Behaviour, to be in like Manner subject to the Pains and Penalties and Powers of Removal, and to the Rules and Regulations herein expressed or authorized to be made; and every such Nomination and Appointment of any Officer or Officers of the said Court of Requests shall be authenticated by Writing under the Hand and Seal of the Chairman of the Meeting; and the Production thereof shall in all Cases be deemed sufficient Evidence of the Nomination and Appointment to the Office therein mentioned, without further or other Proof whatsoever.

Clerk to account  
quarterly.

XXXI. And be it further enacted, That on the first usual Day of holding the said Court in the Months of *January, April, July, and October* in every Year after the passing of this Act, an Account in Writing of all Fees and Emoluments whatsoever received or made by the Clerk hereby appointed, or his Successor, and also an Account in Writing of the Cash paid into Court or otherwise received, and taken out of the same by the Suitors (so that the Surplus of Cash then remaining in the Hands of the Clerks and belonging to the said Suitors may clearly appear), made up to the last Day of the preceding Month inclusive, shall be given on solemn Declaration by the said Clerk hereby appointed, or his Successor, before the Commissioners then sitting in Court, or any Three of them; and such Account, so verified and made up, shall be left with and belong to the said Commissioners, and shall be sealed and filed by them, and be deemed public Documents or Records belonging to the said Court, and as such shall and may be given in Evidence by or on behalf of the said Commissioners or Suitors in any other Court or Place; and if the Amount of Fees and Emoluments taken or received by the said Clerk, together with the Surplus of Cash then remaining in the Hands of the said Clerk as aforesaid, shall exceed the Sum of One hundred Pounds,

Pounds, the Balance shall from Time to Time be paid into the Bank of *England* to an Account to be entitled "The Account of the Commissioners of the Court of Requests for the City and Liberty of *Westminster* and that Part of the Duchy of *Lancaster* which adjoineth thereto," and that no Sum of Money shall be drawn out of the said Bank, except by a Check to be signed by Three of the said Commissioners, and countersigned by the said Clerk: Provided always, that nothing herein contained shall be construed to take away from the Commissioners, at any General or Special Meeting, the Power to call upon their Clerk or other Officers to produce or make out any Account or Accounts of Monies which may have passed through his or their Hands.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the said Court for the Time being to nominate a Deputy to act for the Clerk of the said Court; and such Deputy in the Absence of the said Clerk shall have the same Authority as if the Clerk himself was personally present, and shall from Time to Time be displaceable and removeable and shall accordingly be displaced and removed at the Will and Pleasure of the said Commissioners for the Time being; and such Deputy is hereby empowered and required, in the Absence of the said Clerk, to issue all Summonses, Subpœnas, Warrants, and Precepts, and to register all Orders, Decrees, and Judgments of the said Court, and to do all such Acts, Matters, and Things as are directed and required to be done by the said Clerk by virtue of the said Act, and shall enter and register, or cause to be entered and registered, in proper Books to be provided and kept for that Purpose, all the Acts and Proceedings of the said Court of what Nature or Kind soever: Provided always, that nothing herein contained shall extend or be construed to allow the said joint Clerks or their Successors to absent themselves from any Court or any General or Special Meeting of the said Commissioners without the Consent of Three or more of the said Commissioners sitting in the Execution of this Act.

Commissioners  
may appoint  
Deputy Clerk.

XXXIII. And be it further enacted, That the Clerk of the said Court and the Deputy Clerk shall do and perform all such Acts, Matters, and Things relative to the said Court as he or they shall be directed or appointed by the said Commissioners. to do and perform.

Clerk and Deputy to do all Things ordered by Commissioners.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, or the major Part of them, and they are hereby required, from Time to Time, at the Times of rendering the Accounts of the Clerk as herein-before directed, or at any Adjournment thereof, to pay out of the Monies in their Hands the Rent and Taxes of the said Court House and Offices, and all Salaries and other Disbursements and Expences relative to the said Court and for the Purposes of carrying this Act into effect.

Commissioners to pay Rent, Salaries, and Expences of the Court.

XXXV. And be it further enacted, That the several Clerks, Assistant Clerks, Criers, Officers, and other Persons appointed in manner herein-before mentioned shall be and are hereby authorized and required to do and perform all such other Acts, Matters, and Things as may be required to be done by this Act or by the said Commissioners; and the said Commissioners may and

Clerks, &c. to do all Matters required.

Security to be taken from Clerks, &c.

are hereby empowered to take sufficient Security from every such Clerk, Crier, Assistant Clerk, Officer, and other Person as they may think necessary for the due and faithful Execution of his Office.

Compensation  
to Counsel of  
Marshalsea and  
Palace Court.

XXXVI. ' And whereas the Four Counsel of the Court of the Marshalsea and Court of His Majesty's Palace of *Westminster*, who hold their Offices for the Terms of their natural Lives respectively, will sustain Loss by this Act, unless a Compensation shall be made to them for the same: And whereas Compensation has been given to the Four Counsel of the said Courts for the Time being by former Acts of the like Nature; ' be it therefore enacted, That the said Commissioners of the said Court of Requests hereby constituted for the Time being shall and they are hereby required, out of the Fees hereby established and to be received and taken, to pay or cause to be paid unto *Henry James Ross, Stephen Guzelee, Thomas Collett, and Peter Stafford Carey*, Esquires, the present Counsel of the said Court of the Marshalsea and Court of His Majesty's Palace of *Westminster*, as a Compensation for the Loss they will sustain in their Offices by this Act, the yearly Sum of Twenty Pounds respectively of lawful Money of *Great Britain*, by equal quarterly Payments on the Tenth Day of *January*, the Tenth Day of *April*, the Tenth Day of *July*, and the Tenth Day of *October* in each and every Year, so long as they shall respectively hold their said Office of Counsel and as such practise in the said Court.

What Debts  
shall be decided  
by the Commis-  
sioners.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and enabled, to decide and determine all Disputes and Differences between Party and Party for any Sum of Money not exceeding Five Pounds in all Actions or Causes of Debt, except as herein-after is mentioned.

Certain Debts  
to which this  
Act is not to  
extend.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Court to entertain or determine any Dispute or Difference whatsoever in respect of any Act done in the Execution or Discharge of any Public Office or Employ, or in respect of any Liability or supposed Liability implied in or inferred from the holding of such Office or Employment, or arising therefrom or in consequence thereof, or to determine the Right or Title to any Lands, Tenements, or Hereditaments or Real Estates whatsoever, or to judge, determine, or decide on any Debt where the Title of the Freehold or Lease for Years, not being a Lease by Parol, of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come in question, or for any Sum being the Balance of any Account originally exceeding Five Pounds, except as herein-after mentioned, nor to any other Debt which shall arise by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition by or by way of Retainder of Tithes, or for or by reason of any Bye Law, or to any Debt for Tolls or Customs due to any Corporation or Company, or in anywise relating to the Franchises, Privileges, or chartered Rights of any other Bodies Politic or Corporate, or any Premium or any Policy of Insurance.

XXXIX. And



XXXIX. And for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Requests, be it further enacted and declared, That all Defendants in the said Court shall be allowed to plead or claim any Statute of Limitation now in force or hereafter to be made; and every Defendant so pleading or claiming shall have and receive such and the like Advantage and Relief thereby as such Defendant would have been entitled to in case this Act had not been made, and he, she, or they had been sued for the same Debt or other Cause of Action in any of His Majesty's Courts at *Westminster*, or any other Court, and had there pleaded such Statute in bar to the Action or Suit.

Statute of Limitations may be pleaded.

XL. And be it further enacted, That in every Case where a Debt not exceeding Five Pounds shall be contracted for Necessaries by any Person under the Age of Twenty-one Years, and residing or inhabiting or employed as Clerk, Officer, Book-keeper, Journeyman, Shopman, or Labourer, or otherwise seeking or obtaining a Livelihood within the City and Liberty of *Westminster* or that Part of the Duchy of *Lancaster* which adjoineth thereto, and such Debt would be recoverable against such Person by an Action for the same in any of His Majesty's Courts at *Westminster*, it shall be lawful for the Person or Persons to whom such Debt shall be due to sue for and recover such Debt in the said Court in the same Manner as if the Person by whom the Debt shall be contracted were of full Age; and that in every Case where any Wages or other Debt or Debts, not exceeding the Sum of Five Pounds, shall be due to any Menial Servant or other Person under the Age of Twenty-one Years, it shall be lawful for such Servant or other Person to sue for and recover such Debt or Debts in the said Court in the same Manner as if he or she were of full Age; and the said Commissioners are hereby fully authorized and required in such Case to take cognizance of and proceed concerning such Debt in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff and Defendant were of full Age.

Power to sue Infants in the Court of Requests for Debts contracted for Necessaries.

XLI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or restrain any Person or Persons from making Distress or bringing any Action or Actions whatsoever for Rent, and thereby recovering such Rent with Costs, although the same Rent shall not amount to the Sum of Five Pounds.

This Act not to prevent any Distress or Action for Rent.

XLII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Plaintiff to split or divide any Cause of Action for Recovery of any Debt or Demand where the whole Sum that shall appear to be due and owing shall amount to more than Five Pounds, in order that the same may be made the Ground of Two or more Actions, Causes, or Matters in controversy for the Purpose of bringing such Actions, Causes, or Matters within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause of Action, Debt, or Demand as aforesaid, except to bring it within the Power herein-after contained, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Action, Cause, or Matter so split or divided; but such Dismissal shall not hinder or prevent

For preventing the splitting or dividing of Debts.

prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she might have lawfully proceeded if this Act had not been passed.

For empowering Plaintiffs to reduce their Demand to Five Pounds, provided they accept the same in full for their respective Debts.

XLIII. Provided also, and be it further enacted, That in case any Plaintiff who shall have so split or divided such his or her Cause of Action, Debt, or Demand as aforesaid, or to whom the whole Sum that shall appear to be due shall exceed the Sum of Five Pounds, shall declare to the Commissioners that he or she is willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge and order to be paid in full of the Whole of such Debt or Demand in such Action or Cause, then and in every such Case the said Commissioners shall and may, on such Plaintiff adducing Proof respecting his or her Debt or Demand to the Satisfaction of the said Commissioners, adjudge, decree, and order such Sum to the Plaintiff, not exceeding Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Order, Judgment, or Decree to be given by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Action, Cause, or Matter in controversy; and the Plaintiff shall be precluded from afterwards proceeding in any other Court for or on account of such Debt.

Debtors within Jurisdiction may be summoned before Commissioners, who shall adjudge between Parties.

XLIV. And be it further enacted, That from and after the Tenth Day of *October* next after the passing of this Act it shall be lawful for any Person or Persons, whether such Person or Persons shall or shall not reside within the City and Liberty of *Westminster* or that Part of the Duchy of *Lancaster* which adjoineth thereto, and for all Bodies Politic or Corporate, who now have or hereafter shall have any Debt or Debts, Demand or Demands, upon any Contract or Agreement, or for or in respect of Wages or Rent or otherwise howsoever, (which the said Commissioners are by this Act enabled to determine, and except such as they are expressly prohibited from determining,) owing or due to or claimed or demanded by such Person or Persons, Bodies Politic or Corporate, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he, she, or they shall be Executor or Administrator, Guardian or Trustee, or due and owing to him as Collector of any Rates or Taxes, or as a Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted, or in any other Manner whatever (except as aforesaid), and for which Debt or Demand he, she, or they shall claim any Sum of Money from any Person or Persons whomsoever residing or inhabiting within the said City and Liberty of *Westminster* or that Part of the Duchy of *Lancaster* which adjoineth thereto, or keeping or using any House, Warehouse, Wharf, Quay, Counting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or employed, working, or seeking a Livelihood, or trading or dealing within the same City and Liberty and Part of the Duchy, to apply to the Clerk of the said Court for the Time being, or his Assistants, who shall make out and deliver to the said High Bailiff or his Assistant Bailiffs for the Time being a Summons written or printed, or partly written and partly printed, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them,

them, the Nature of the Demand, with the Name of the Party or Body demanding the same, and requiring such Debtor or Debtors to appear, at a certain Time and Place to be mentioned in such Summons, before the Commissioners of the said Court to answer such Demand or Demands; and such High Bailiff or Assistant Bailiffs shall in due Course serve or cause such Summons to be served on such Debtor or Debtors, either personally, or by leaving the same with his, her, or their Servant or other Person belonging to him, her, or them, or the Master or Mistress of the House, at the Dwelling House, or at the Wharf, Quay, Lodging, Place of Abode, Warehouse, Counting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or Resort of such Debtor or Debtors, being within the Jurisdiction of the said Court, Two clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the Hearing thereof; and upon the Appearance of the Debtor or Debtors the said Commissioners present in Court (such Number not being less than by this Act directed) are hereby empowered and required to make due Inquiry concerning such Demands, and make such Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and they may order and direct the Payment of any such Demands to be made either at One Sum at once, or by Instalments at stated Periods, as they shall see Cause and deem just and reasonable; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decree or Decrees, Judgments, and Proceedings respectively shall concern, shall duly perform, observe, and keep the same; and for the better Discovery of the Truth and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Commissioners present in the said Court to administer an Oath or Oaths to any Officer or Officers of the said Court, or to all or any of the Parties, or his, her, or their Agent or other Person appearing on his, her, or their Behalf, whom they the said Commissioners shall think proper to examine touching the Matters then in question, and also to any other Person or Persons whose Evidence shall seem necessary toward the hearing or determining of any of the said Actions or Causes, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

XLV. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court at the Time and Place mentioned in the said Summons, then and in every such Case it shall be lawful for the said Court, after Proof made to the Satisfaction of the said Court of the Service of the said Summons, to make such Order, Attachment, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place according to their Discretion for such Debtor or Debtors to show Cause before the said Commissioners against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid; at which Time and Place, or any subsequent Court or Courts, it shall be lawful for the said Court, whether such

If any Debtor does not appear when summoned Commissioners may proceed.

such Debtor or Debtors shall then appear and show Cause or not, upon Proof made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left with his, her, or their Servant or other Person belonging to him, her, or them, or the Master or Mistress of the House, at the Dwelling House, Wharf, Quay, Lodging, Place of Abode, Warehouse, Counting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or resorting of such Debtor or Debtors, being within the Jurisdiction of the said Court, to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience.

Restricting  
Evidence on  
Trial of Causes  
and Actions.

XLVI. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on the Trial of any such Action or Cause as aforesaid, of any Demand except such as is stated in the said Summons herby directed to be given, nor shall any Evidence be admitted on the Behalf of the Defendant or Defendants, on the Trial of such Action or Cause, of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off to lessen or discharge himself, herself, or themselves from the said Action or Cause, unless Notice thereof in Writing shall have been given to the Clerk of the said Court, or left for him at the Office of the said Court.

No Action  
removeable by  
Certiorari.

XLVII. Provided always, and be it further enacted, That no Orders, Decrees, Judgments, or other Proceedings made or taken by the said Commissioners in pursuance of this Act shall be removed or removeable into any other Court by Certiorari or otherwise howsoever.

How Persons  
may be sum-  
moned from  
whom Debts  
shall be jointly  
due.

XLVIII. And be it further enacted, That where any Debt shall be due, owing, or demanded from any Two or more Persons jointly, the like Service of any such Summons as aforesaid on or for any One of such Two or more joint Debtors shall be as good and sufficient in Law as if each of them were separately summoned as aforesaid.

Attorneys not  
exempt from  
the Jurisdiction  
of the Court.

XLIX. And be it further enacted, That no Privilege shall be allowed to exempt any Person from the Jurisdiction of the said Court of Requests, on account of his being an Attorney or Solicitor or any other Officer of any Court of Law or Equity at *Westminster*, or of any other Court whatsoever; but that all Attorneys, Solicitors, and Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests, in the same Manner as any other Persons are subject to the same by this Act or otherwise.

No Attorney,  
Solicitor, or  
Scrivener, or  
Practiser of the  
Law, to be an  
Advocate in the  
Court.

L. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or any Person practising the Law shall be permitted to appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant or any other Person, to speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener shall appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not  
himself

himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, on being convicted thereof before any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex* upon Oath of One or more credible Witness or Witnesses, which Oath such Justice or Justices is and are hereby authorized and required to administer, or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus, if any, to such Offender, after deducting such Fine or Forfeiture, and the Costs and Charges of such Distress and Sale; and such Fine or Forfeiture, when so paid and levied or recovered, shall be distributed in like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

LI. And be it further enacted, That it shall be lawful for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cause, or Question hereafter depending in the said Court of Requests, to serve or cause to be served any Person or Persons residing within the Jurisdiction of the said Court with a Subpœna to be issued by the Clerk of the said Court, or his Deputy, either personally or by leaving the same at the last or most usual Place or respective Places of Abode of such Person or Persons, to appear as a Witness or Witnesses to give Evidence in the said Court in or concerning any such Action, Cause, or Question; and in case any Person residing or being within the Jurisdiction of the said Court, after being duly served as aforesaid with such Subpœna, shall refuse or neglect to appear pursuant to such Subpœna, due Proof being made of the Service of such Subpœna, and no sufficient Cause for his, her, or their Absence or Non-appearance being shown to the Satisfaction of the said Court, or if such Person or Persons so subpœnaed and appearing shall refuse to be examined upon Oath and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, then and in any of the said Cases every such Person so neglecting or refusing shall forfeit and pay for every such Offence not exceeding the Sum of Forty Shillings, to be awarded by the said Commissioners; and if any Person or Persons so offending shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall be lawful for the said Commissioners to order and cause such Person or Persons to be apprehended by the said High Bailiff or any of his Assistant Bailiffs, and committed to any Prison in the said City, there to remain for any Space of Time not exceeding Seven Days, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned which shall be received by virtue of this Act shall thereupon (after deducting the reasonable Costs and Charges of apprehending and taking such Person or Persons so refusing or neglecting) be paid over into the Hands

For compelling  
the Attendance  
of Witnesses.

of

of the Churchwardens or Overseers of the Poor of the Parish wherein the Person or Persons respectively paying the same shall at the Time of his, her, or their Neglect or Refusal to appear to give Evidence as aforesaid inhabit, dwell, or seek a Livelihood, and shall be applied towards the Support and Maintenance of the Poor of the said Parish.

Adjourning the Determination of any Cause to a future Day.

LII. And be it further enacted, That in case and when and so often as for the Want of the Attendance of any Witness or Witnesses, or for Want of any Deeds, Instruments, Writings, or other Documents, or written, printed, or other Evidence, or on account of Illness or Absence of any Parties or otherwise, the said Commissioners shall be unable to examine and determine to their full Satisfaction any particular Action, Cause, or Matter in controversy coming before them in the said Court, then and in every such Case it shall be lawful for the said Commissioners to adjourn or postpone such Cause or Matter in controversy from Time to Time as they shall think proper and direct: Provided always, that at the Time of such Adjournment or Postponement a Day shall be fixed for the further hearing of such Action, Cause, or Matter.

For punishing Persons guilty of Perjury.

LIII. And be it further enacted, That in case any Person or Persons shall make Oath or give Evidence in any Action, Cause, or Question depending in the said Court of Requests, whereby he, she, or they shall commit wilful and corrupt Perjury, and thereof be duly convicted according to Law, then every such Person or Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of wilful and corrupt Perjury according to the Laws and Statutes of this Realm.

Clerk not to issue Summons until Deposit is made.

LIV. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt exceeding Forty Shillings unless the Plaintiff shall at the Time of issuing out such Summons deposit with the Clerk or Clerks of the said Court, for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings, the Sum of Two Shillings and Sixpence, and for every Debt exceeding Sixty Shillings and not exceeding Five Pounds, the Sum of Five Shillings; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Action or Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall be lawful for the said Court, and they are hereby required, to award to the Defendant or Defendants a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the said Court in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff

or Plaintiffs shall on the Return Day of any such Summons appear and make Proof of his, her, or their Demands to the Satisfaction of the said Court, or that the Debt has been settled or paid, then and in every such Case such Overplus or Sum or Sums of Money so deposited with the said Clerk as aforesaid shall be by the said Clerk returned and repaid into the Hands of such Plaintiff or Plaintiffs accordingly: Provided also, that in case such Plaintiff or Plaintiffs, at the Time of such Judgment of the said Commissioners, or at any Time afterwards, or his, her, or their Goods and Chattels, shall be out of the Jurisdiction of the said Court, then it shall be lawful for the said High Bailiff or any Assistant Bailiff of the said Court to apply to any Justice of the Peace acting for the City and Liberty of *Westminster*, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having issued against such Person or Persons, or Effects, as the Case may be, such Justice of the Peace is hereby authorized and required to sign and endorse the said Precept of Execution or Attachment, and thereupon the said High Bailiff or Assistant Bailiff shall have the like Powers and Authorities to execute the said Precept or Attachment as are herein-after provided in case any Defendant or Defendants, or his, her, or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed out of the Jurisdiction thereof.

L.V. And be it further enacted, That in case it shall at any Time during the Hearing of any Action or Cause in the said Court appear, by the Oath of any Person or Persons, to the Satisfaction of the major Part of the Commissioners present at the Court at which such Action or Cause shall be heard, that such Debtor or Debtors is or are unable from Sickness or unavoidable Accident to pay and discharge the Debt or Debts for which he, she, or they shall have been so summoned, then it shall be lawful for the major Part of the said Commissioners, assembled at any such Court or Courts as aforesaid, to suspend or supersede the Proceedings in such Action or Cause until it shall, upon like Proof as aforesaid, appear to the Court that such Debtor or Debtors shall be able to pay such Debt or Debts, and then to proceed again in manner aforesaid; any thing herein contained to the contrary notwithstanding.

L.VI. And be it further enacted, That in any Action, Cause, or Question in which the said Court shall have made an Order or Decree for the Payment of Money, it shall be lawful for the said Court immediately, or in case of Default or Failure of Payment thereof at the Times and in the Manner thereby directed, to award Execution, with Costs, against the Goods and Chattels of the Party against whom such Order or Decree shall be made; and thereupon it shall be lawful for the Clerk of the said Court, or his Assistants, at the Request of the Party prosecuting such Order or Decree for Payment of Money, to issue an Execution under his Hand to the said High Bailiff, or Assistant Bailiffs or Bailiff of the said Court, who by virtue of such Execution shall and may and is hereby empowered, by himself or Assistant Bailiffs or Bailiff, to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such

Commissioners may suspend Proceedings in Cases where Debtors are ill or unable to pay the Debt.

Commissioners may award Execution against the Goods.

Sum

Sum and Sums of Money and Costs as shall be so ordered, decreed, or adjudged.

For regulating the Sale of Goods taken in Execution.

LVII. Provided always, and be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Five Days at least next following the Day on which such Goods shall have been so taken; and in the meantime, and until any such Sale shall be made, the Goods taken by virtue of any Execution as aforesaid shall be deposited by the said Bailiffs or Bailiff taking or levying the same in some fit and convenient Place or Places to be appointed by the said Commissioners: Provided also, that it shall be lawful for the said Commissioners from Time to Time, and when and as often as they shall think proper, to nominate and appoint such and so many Sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects in execution under or by virtue of this Act, as shall appear to the said Commissioners assembled to be necessary or proper; which said Brokers and Appraisers shall be Officers of the Court, and be appointed and liable to be dismissed in like Manner as Bailiffs or other Officers.

Costs of Distress.

57 G. 3. c. 93.

LVIII. Provided always, and be it further enacted, That the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of small Rents.*

Execution against the Body may issue after an Execution against the Goods.

LIX. And be it further enacted, That if the said High Bailiff shall certify and make a Return thereon in Writing under his Hand, that the said Party or Parties against the Goods of whom Execution shall have been awarded hath or have no Goods or Chattels or not sufficient Goods or Chattels wherein or whereby such Levy can be made, then and in every such Case it shall be lawful for the said Commissioners to award Execution, with Costs, against the Body or Bodies, Party or Parties against whom such Order or Decree shall be made, for the Whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied; and thereupon it shall be lawful for the Clerk of the said Court, or his Deputy, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Warrant under his Hand to the said High Bailiff, who shall and may and is hereby empowered, by himself or Assistant Bailiffs or Bailiff, to take such Party or Parties, who shall remain in Custody until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed.

In case Parties shall secrete their Goods or abscond.

LX. And be it further enacted, That if after such Warrant shall have been issued against the Body or Bodies of any Party or Parties as herein-before mentioned, and before the Execution thereof, it shall appear to the Satisfaction of the said Court, at any of the Meetings thereof, that such Party or Parties had at the Time of Judgment being pronounced against him, her, or them, or at any Time afterwards, any Goods or Chattels capable of being taken in Execution by virtue of this Act, and that such Party or Parties



Parties hath or have been guilty of secreting or removing the same, or making any fraudulent Gift, Delivery, or Transfer of the same, or that such Party or Parties hath or have absconded, or by other Means prevented the Execution of the said Warrant so issued against his, her, or their Body or Bodies as aforesaid, then and in every or any such Case it shall and may be lawful for the said Court to award a further Execution against the Body or Bodies of such Party or Parties, and thereupon the said Clerk or his Deputy shall, at the Prayer of the Party or Parties at whose Suit such Execution shall be awarded, issue a Warrant under his Hand, directed to the said High Bailiff, who shall and may and is hereby empowered, by himself, or Assistant Bailiffs or Bailiff, to take such Party or Parties into Custody, to be imprisoned for any Space of Time not exceeding Thirty Days; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

LXI. And be it further enacted, That it shall not be lawful for the said Court to issue any Process against the Body or Bodies of any Defendant or Defendants, unless the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment, or Decree shall have obtained an Execution against the Goods and Chattels of the same Defendant or Defendants, and there shall have been a previous Return of No Goods thereon, in manner before mentioned, or unless the Goods sold under the Execution shall not be sufficient to defray the Sum and Sums of Money and Costs so ordered, decreed, and adjudged; in which Case any Process against the Body or Bodies of any such Defendant or Defendants shall be issued only for the Deficiency: Provided always, that in case it shall appear to the said Court, either upon the Confession of the Party or otherwise, that any Defendant or Defendants hath or have not sufficient Goods and Chattels whereon to levy such Execution, the said Court shall not be required to issue any Warrant or Process against the Goods and Chattels of such Defendant or Defendants, but it shall be lawful for the said Court and they are hereby authorized to award Execution against the Body or Bodies of such Defendant or Defendants; which said Execution shall be valid and effectual to all Intents and Purposes as if Execution against the Goods had been awarded in the first instance in manner herein-before mentioned.

LXII. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, and the Defendant or Defendants, or his, her, or their Goods and Chattels, shall be out of the Jurisdiction of the said Court, it shall be lawful for the High Bailiff, Assistant Bailiffs, or other Officer of the said Court to apply to any Justice of the Peace acting for the Division or Place to or in which such Defendant or Defendants, or his, her, or their Goods and Chattels, shall be removed or be found; and upon being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Warrant of Execution having issued against the Person or Persons or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court, but is or are believed to be within the County or District where such

Process not to issue against the Body and Goods at the same Time.

If Defendant removes out of Jurisdiction of the Court to avoid Execution any Justice of the Peace may endorse the Warrant.

Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or endorse his Name upon the Back of the said Warrant, and thereupon the said High Bailiff shall be and is hereby authorized and empowered, by himself or Assistant Bailiffs or Bailiff, to take and seize the Person or Persons or Effects of the Defendant or Defendants, wheresoever the same shall be found within the County or District for which such Justice of the Peace who shall have so signed or endorsed the said Precept or Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court; and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting within their respective Districts in the Execution of the said Warrant so endorsed as aforesaid.

Clerk to insert or endorse Debt and Costs on Warrant, and if paid to the Clerk of the Court before Sale Execution to be superseded.

LXIII. And be it further enacted, That in or upon every Warrant to be issued upon Execution awarded against the Goods and Chattels or Body of any Person or Persons whomsoever, the Clerk of the said Court, the Deputy Clerk, or Assistant Clerks, shall insert or endorse the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively shall, before an actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the said Term of his, her, or their Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the High Bailiff or Assistant Bailiff holding the Execution, or in case such Party or Parties shall be in Prison, to the Gaoler of the Prison, such Sum or Sums of Money as aforesaid, or such Part thereof as the Plaintiff or Plaintiffs shall agree to accept in full for his, her, or their Debt or Debts, together with the Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at liberty, and the Officer holding the Execution, or the Gaoler (as the Case may be), shall immediately transmit such Sum or Sums of Money to the Clerk of the said Court.

Limitation of the Time of Imprisonment of Debtors.

LXIV. And be it further enacted, That no Person or Persons whomsoever, being a Debtor or Debtors, Defendant or Defendants, who shall be committed to Gaol or Prison by Order of the said Court of Requests, shall be kept or continued in Custody on any Pretence whatsoever (except in the Cases herein provided) for any longer Space of Time than Seven Days, and the Keeper and Keepers of any such Gaol or Prison is and are hereby directed and required to discharge such Person or Persons accordingly.

In case Defendant has obtained Credit under false Pretence, or has fraudulently transferred his Goods.

LXV. And be it further enacted, That if upon the Hearing of any Cause it shall appear that the Defendant or Defendants shall have under false Colour or Pretence of carrying on Business and dealing in the ordinary Course of Trade obtained Credit from the Plaintiff or Plaintiffs in that Action for any Goods and Chattels with Intent to defraud the Owner thereof, or that the said Defendant or Defendants shall have made or caused to be made any fraudulent Gift, Delivery, or Transfer of any of his, her, or their Money, Securities for Money, Goods and Chattels, or other Personal Property, or shall have removed or concealed the same with Intent to defraud the Plaintiff or Plaintiffs, and if also Judgment in

in such Action shall be given for the Plaintiff or Plaintiffs, and Default shall be made by the Defendant or Defendants in Payment of any Sum of Money ordered by such Judgment to be paid by him, her, or them, that then and in every such Case it shall and may be lawful for the said Court, if they shall think fit so to do, to award Execution in the first instance against the Body or Bodies of the Defendant or Defendants, requiring him, her, or them to be imprisoned for any Space of Time not exceeding Thirty Days, unless the Plaintiff or Plaintiffs shall be sooner satisfied, any thing herein contained to the contrary thereof in anywise notwithstanding.

LXVI. And be it further enacted, That in any Case in which any Defendant shall be committed to any Common Gaol or Prison by virtue of this Act for Want of sufficient Goods and Chattels, it shall be lawful for the said Commissioners, if they shall think fit, to direct the Plaintiff to pay the said Defendant any Sum not exceeding Sixpence *per Diem* for his Support and Maintenance during his Imprisonment.

Allowance to Defendants for Support in Prison.

LXVII. Provided always nevertheless, and be it further enacted, That all and every Person or Persons who shall be taken in execution under or by virtue of any Process issuing from or out of the said Court, and who at the Time of being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned during the Time limited by this Act for and in respect of each other Execution; that is to say, after the limited Time is expired on the First Execution, the Imprisonment shall commence on the Second Execution, and after the limited Time is expired on the Second Execution, the Imprisonment shall commence on the Third Execution, and so on until he, she, or they shall have been imprisoned the Time limited by this Act for and in respect of each other separate Execution to be issued against him, her, or them in the said Court previously to his her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary notwithstanding.

Time of Imprisonment to extend to every Execution where more than One.

LXVIII. 'And whereas it is expedient that the Fees taken and received in the said Court for and in respect of the several Proceedings hereby authorized, and for the Services of the respective Officers and their Successors, should be vested in the Commissioners for the Time being, and that Power should be given to the Commissioners to fix and limit the said Fees, and from Time to Time to lessen, reduce, or abolish any of such Fees, so as from Time to Time to bring in or produce yearly as near as may be sufficient to pay all Costs, Charges, and Expences attending the carrying this Act into effect; be it therefore enacted, That the several Fees herein-after limited and expressed shall be and are hereby authorized and directed to be taken and received by the said Commissioners and their Officers, and such Fees are hereby declared to be vested in the said Commissioners for the Time being, for the Purposes of this Act; (that is to say,)

Regulating Fees.

	On Debts not exceeding 40s.		On Debts above 40s.	
	s.	d.	s.	d.
Summons and Service thereof - -	1	0	2	0
Order Nisi and Service - -	0	10	2	0
Hearing, calling the Parties into Court, and Entry - -	1	6	2	0
Postponement of the Cause or Hearing, or Dismissal thereof - -	1	6	2	0
Execution - -	2	6	3	6
On receiving Money out of Court, on First Payment - -	0	6	1	0
Every subsequent receiving of Money out of Court - -	0	2	0	4
Paying of every Sum of Money into Court (the Defendant chargeable on the First Payment only) - -	0	6	1	0
Nonsuit where Plaintiff does not attend Subpœna or } for Witnesses - -	0	4	0	6
Summons	0	6	1	0

Fees to be suspended or reduced if more than sufficient to pay Salaries and Expences.

LXIX. Provided always, and be it further enacted, That if at any Time hereafter it shall appear to the Satisfaction of the said Commissioners, or the major Part of them, present at a Meeting to be convened for that Purpose, that the Amount of Fees taken and received upon an Average of the Three preceding Years shall considerably exceed the Salaries payable to the said Clerk, Deputy Clerks, Court Keepers, and all other Officers of the said Court, and other Persons employed under the Authority of this Act in and about the Business of the said Court, and also the necessary usual and customary Outgoings, Charges, Payments, and Expences incurred or paid in and by the said Court and duly allowed, then the said Commissioners, or the major Part of them, present at a General Meeting to be summoned and held for such Purpose, shall and may order and direct the said Fees and Emoluments, or such of them or any Part or Parts thereof respectively as they shall deem expedient, to be suspended or lessened and reduced, so as from Time to Time the Fees to be allowed by the said Commissioners bring in and produce yearly such Sum and Sums of Money as may in their Judgment be sufficient for the several Salaries, Outgoings, Charges, Payments, and Expences as aforesaid, or as near thereto as may be; and if any Time or Times after such Suspension or Reduction of Fees the Business and Proceedings of the said Court shall not so bring in or produce sufficient Sums of Money for Payment of the said respective Salaries, customary Outgoings, Charges, Payments, and necessary Expences, it shall and may be lawful to and for the said Commissioners, or the major Part of them, present at any Meeting or Meetings from Time to Time to be convened for that Purpose, to reduce the Salaries of the said Clerk, Deputy Clerks, and all other Officers of the said Court, or to increase or restore or alter the said several Fees, or any or either of them, so as they shall not nor do at any Time

on

on any Account or Pretence whatever exceed the Fees herein set forth and allowed to be taken.

LXX. And be it further enacted, That the Keeper or Keepers for the Time being of the New Prison *Tothill Fields*, in the said City and Liberty of *Westminster*, shall and he and they is and are hereby required to receive and take into his or their Custody respectively all and every Person and Persons who shall be committed or ordered to stand committed by the said Commissioners; and in case the Keeper or Keepers of the said Prison respectively shall neglect or refuse to receive or take into his or their Custody any Person or Persons committed by virtue of this Act, or shall before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody discharge such Person or Persons out of his or their Custody, or wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing from the said Court, and signed by the said Clerk for the Time being, such Keeper or Keepers respectively so offending in either of the said Cases, and being thereof convicted before One or more of the Justices of the Peace of the said City and Liberty of *Westminster*, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required to administer), or upon his or their own Confession, shall for every such Offence forfeit and pay the Debt or Debts and Costs for which such Person or Persons shall have been committed to the Custody of such Keeper or Keepers, and also any Sum not exceeding Five Pounds at the Discretion of the said Justice or Justices.

Penalty on Keeper of Prison neglecting his Duty.

LXXI. And be it further enacted, That the Salaries to be paid and payable out of the Fees to be received and hereby vested in the Commissioners under and by virtue and for the Purposes of this Act, after Payment of the Expences of the Court House and other incidental Expences relating thereto, shall be as follows, the respective Amount to be from Time to Time determined by the Commissioners, or the major Part of them, at a Meeting to be convened for such Purpose; to each of the Chief Clerks a Sum not exceeding Four hundred and fifty Pounds nor less than Three hundred Pounds *per Annum*, and in the event of only One Chief Clerk being appointed, then a Sum not exceeding Five hundred Pounds and not less than Three hundred and fifty Pounds *per Annum*; and that such respective Salaries shall and the same are hereby directed to be paid, out of the Fees hereby vested as aforesaid, quarterly; and after the Payment thereof the said Commissioners shall likewise pay to each and every Deputy and Assistant Clerk, Crier, and other Officers and Persons appointed and employed in and about the said Court and the Business thereof, such respective Salaries and Wages as the Commissioners or the major Part of them at a General Meeting shall from Time to Time determine, direct, and appoint.

For the Payment of the Salaries to the Officers.

LXXII. And be it further enacted, That it shall and may be lawful for the said Commissioners to lay and invest, or to order and direct to be laid out and invested, all Sum and Sums of Money which shall come into their Hands or under their Control by virtue of this Act in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or of other Government Securities, in the

For the Investment of unclaimed Money.

joint Names of any Four Persons to be from Time to Time chosen by the said Commissioners, or the major Part of them, at a General Meeting; and if any Person entitled to any of the Money so laid out and invested shall, before the Expiration of Ten Years from the Time of the same having been received or paid into Court, demand the same of the said Commissioners, they or any Five of them in Court shall and are hereby required to order the Money so claimed to be paid to the Person or Persons entitled to the same, and, if necessary so to do, shall make an Order on the said Trustees to sell a sufficient Sum to pay the same, who shall sell the same accordingly, and pay the Produce to the Clerk, to be by him paid to such Claimant or Claimants; and all Dividends and annual Produce of the said Stock or Securities, and also so much of the said Stock or Securities as shall from Time to Time become irreclaimable under this Act, or as shall have been purchased by Money arising from Fees, shall be paid and applied and sold and disposed of by Order of the said Commissioners, or the major Part of them, at a General Meeting, towards Payment and Satisfaction of the Expences attending the Court and Offices, and in insuring and keeping the same in repair, and in defraying all Rent and Expences attending the same, or of building or hiring a new Court or Courts, or towards the Payment of any of the Expences relating to the Purposes of this Act, any thing herein contained to the contrary in anywise notwithstanding.

New Trustees  
to be appointed  
in case of  
Death, &c.

LXXIII. And be it further enacted, That when and as often as any One or more of the said Trustees in whom or in whose Names the said Monies shall by the Authority of this Act be laid out and invested respectively as aforesaid shall happen to die, or become bankrupt or insolvent, or cease to reside within the Jurisdiction of the said Court, or be desirous of being discharged from or become incapable to act in the said Trust, the said Commissioners, or the major Part of them, at the next General Meeting to be held as by this Act is directed, shall and are hereby required by Writing under their Hands and Seals to appoint another Person or Persons to be a Trustee or Trustees in the Room of him or them so dying, or becoming bankrupt or insolvent, ceasing to reside, being desirous of being discharged, or becoming incapacitated as aforesaid, and thereupon such Trust Funds or Premises shall be assigned, transferred, or made over, so as to vest in such surviving or continuing Trustee or Trustees and such new Trustee or Trustees jointly, who shall stand and be possessed of the said Monies so placed out and invested, and all other the said Trust Funds, Premises, or Securities, upon the Trusts and for the Purposes before mentioned of and concerning the same.

Assistant Clerk,  
Crier, or other  
Officer neglect-  
ing his Duty.

LXXIV. And be it further enacted, That if any Assistant Clerk, Crier, or other Officer or Officers of the said Court shall by wilful Neglect, Omission, or Connivance cause or suffer the Party against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall be lawful for the said Commissioners, upon complete and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Assistant Clerk, Crier, or other Officer to pay the Sum or Sums of Money for which

which such Execution was awarded, or such Part thereof as the said Commissioners may think proper, to the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of their Debts; and it shall be lawful for the said Commissioners, and they are hereby enabled, to impose any Fine, not exceeding Ten Pounds, for every such Offence on such Assistant Clerk, Crier, Officer or Officers, and to levy such Fine by Distress and Sale of the Goods and Chattels of such Assistant Clerk, Crier, or other Officer or Officers of the said Court, rendering the Overplus (if any), after deducting such Fine and the Cost and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so levied and recovered, shall be paid to and distributed by the said Commissioners in such Shares and Proportions and in such Manner amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court as they the said Commissioners may think fit and proper.

LXXV. And be it further enacted, That if any Clerk, Deputy or Assistant Clerk, Crier, or any other Officer to be appointed by the said Commissioners employed in putting this Act or any of the Powers thereof in execution, shall wilfully and knowingly exact, take, or accept any Fee or Reward whatsoever other than and except such Fees as are or shall be appointed and allowed to them respectively as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next herein-after mentioned, forfeit and pay the Sum of Ten Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Two Calendar Months after the Offence committed, in which Suit no Essoign or Protection shall be allowed.

Penalty on  
Officers taking  
any Fee besides  
the Fees allowed.

LXXVI. ' And whereas under and by virtue of the said hereby recited Acts the Monies received and paid into Court on account of and for the Suitors of the said Court have been under the Control and Management of the Clerks and Officers of the said Court, there being no Provision in and by the said recited Acts for or in respect of the same: And whereas for several Years previous to the Tenth Day of *April* One thousand eight hundred and thirty-five *Edward Cary Grojan* and *John Hodgson* were the Clerks of the said Court, and on the Tenth Day of *April* One thousand eight hundred and thirty-five the said *Edward Cary Grojan* was dismissed from the Office of Clerk, and on the Twenty-second Day of *April* One thousand eight hundred and thirty-five *Christopher Cuff* was elected one of the Clerks of the said Court, and the said *John Hodgson* and *Christopher Cuff* are now the Clerks thereof; be it therefore enacted, and it is hereby declared, That nothing in this Act contained shall extend or be construed to extend to release the said *John Hodgson* and *Christopher Cuff*, or either of them, from the Payment of or Liability to the Suitors of the said Court for and in respect of all

Liabilities of  
the present  
Clerks to con-  
tinue.

Sum and Sums of Money recovered during their respective Clerkships under and by virtue of the said recited Acts; but the said *John Hodgson* and *Christopher Cuff* shall respectively remain liable to the Payment and Satisfaction thereof in the same Manner as if this Act had not passed.

A List to be made out of unclaimed Sums.

LXXVII. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required, in the Month of *October* in every Year, to make out and lay before the said Commissioners a correct List of all Sums of Money which shall have been paid into Court or received by him after the passing of this Act, and which shall have remained unreclaimed for the Space of Six Calendar Months, or for any longer Period next before the making out such List, and the said List shall also contain the Names of the Parties having paid such Sum or Sums of Money, and also the Names of the Parties for whom and on whose Account the same was or were so paid into Court and received; and any Sums which may have been received since the passing of this Act, and have remained unclaimed for the Space of Ten Years, shall be applied in the same Manner as Fees received in the said Court.

For supporting the Dignity of the Court and preventing Insults.

LXXVIII. And for the more effectually maintaining the Dignity and Consequence of the said Court, and to protect the Commissioners, Clerks, and Officers of the said Court from Insult, be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, Clerks, or Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or going to or from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall be lawful for the High Bailiff, Assistant Clerks, Bailiffs, Criers, or other Officer or Officers of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners then sitting, or any Three or more of them, to take such Offender or Offenders into Custody, and carry him, her, or them before One or more of His Majesty's Justices of the Peace for the City of *Westminster* or County of *Middlesex* (such Justice or Justices not then being a Commissioner or Commissioners of the said Court), to answer for such Offence; and upon the Fact alleged being duly proved upon the Oath or Oaths of One or more credible Witnesses against him, her, or them, then and in such Case the said Justice or Justices shall proceed to punish such Offender or Offenders by Fine or Imprisonment, or both, provided that the Fine on any One Person do not exceed the Sum of Five Pounds, and that the Imprisonment be not for any longer Space of Time than Seven Days.

Recovery and Application of Penalties.

LXXIX. And be it further enacted, That all Fines, Penalties, or Forfeitures by virtue of this Act imposed or authorized to be imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall, on Proof of the Offences respectively before any Five or more of the Commissioners, by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, 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



Warrant under the Hand and Seal of such Commissioners; 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 the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Clerk to the Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court of Requests; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Commissioners to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Commissioners for his, her, or their Appearance before them or him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security such Commissioners are and is hereby empowered to take, by way of Recognizance or otherwise, as to them or him shall seem right and proper; but if upon Return of such Warrant or Warrants no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Commissioners, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Commissioners whereon to levy all such Penalties, Forfeitures, and Fines, Costs and Charges, such Commissioners may, at their or his Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the New Prison *Tothill Fields*, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month nor less than Seven Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Commissioners, it shall be lawful for the Commissioners to whom Complaint shall be made of any Offence against this Act to summon before them or him the Party complained against, on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before them or him; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Commissioners may proceed by Summons in the Recovery of Penalties.

LXXXI. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, the Form of Conviction shall be in the Words or to the Effect following; that is to say,

Form of Conviction.

‘ BE

‘ **BE** it remembered, That on this                      Day of  
 ‘ in the                      Year of the Reign of  
 ‘ *A.B.* is convicted before us                      of the Commissioners for  
 ‘ the Recovery of Small Debts within the City and Liberty of  
 ‘ *Westminster* and that Part of the Duchy of *Lancaster* which  
 ‘ adjoineth thereto, of having [*as the Offence may be*]; and we the  
 ‘ said Commissioners do adjudge him [*her or them*] to forfeit and  
 ‘ pay for the same the Sum of                      . Given under  
 ‘ our Hands and Seals the Day and Year aforesaid.’

Distress not  
 unlawful for  
 Want of Form,  
 nor removeable  
 by Certiorari.

LXXXII. And be it further 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 or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or 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 afterwards be done by the Party or Parties so distrained, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not  
 to be quashed  
 for Want of  
 Form.

LXXXIII. And be it further enacted, That no Order, Decree, Judgment, or other Proceeding made touching and concerning any of the Matters aforesaid, or the Conviction of any of the Offender or Offenders of or against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiffs not  
 to recover  
 without Notice  
 or after Tender  
 of Amends.

LXXXIV. And be it further 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, and also to the Clerk for the Time being of the said Commissioners, Ten Days before 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 be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after 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 bring Money into Court.

Limitation of  
 Actions,

LXXXV. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of  
 Action

Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if any such Action shall be brought before Ten Days Notice shall have been given, or after sufficient Amends, Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should 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 such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

LXXXVI. And be it further enacted, That no Action or Suit for any Debt not exceeding the Sum of Forty Shillings, and recoverable by virtue of this Act in the said Court of Requests, shall be brought against any Person residing or inhabiting within the Jurisdiction thereof in any other Court whatsoever: Provided always, that nothing herein contained shall destroy, limit, or prejudice the Jurisdiction of His Majesty's Courts of Record at *Westminster* or other Courts in Cases wherein the Debts shall exceed the Sum of Forty Shillings; but the said Courts respectively shall have the same Powers, Privileges, and Jurisdiction as they had before the passing of this Act.

Concurrent  
Jurisdiction.

LXXXVII. And for the more solemn Determination of the Causes and Matters which shall be depending in or inquired into by the Court hereby established, or relating to any of the Matters aforesaid, it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to administer an Oath to the Plaintiff or Defendant, and to such Witness or Witnesses as shall be produced to give Evidence in the said Court, and also to all Clerks, Deputy Clerks, Assistant Clerks, High Bailiff, Assistant Bailiffs, and other Officers and Persons, for or concerning any Business or Inquiry relative thereunto, if the said Commissioners or any Three of them shall think it meet.

Commissioners  
to administer  
Oaths, &c

LXXXVIII. And be it further enacted, That throughout this Act, wherever the Word Clerk (in reference to the Chief Clerk or Clerks of the said Court) shall be used, the same shall be construed to include both the Persons (so long as there shall be Two) appointed to and acting in the Office of Clerk of the said Court.

Interpretation  
of Act.

LXXXIX. And be it further enacted, That for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing of this Act, it shall and may be lawful to and for the said Commissioners, or any Five of them, at their First or any subsequent Meeting or Meetings, in such Manner as they shall think proper, to borrow and take up at Interest such Sum or Sums of Money as they or any such Five or more of them shall think fit, and they or any such Five or more of them are hereby empowered from Time to Time, by any Writing under their Hands

For paying Ex-  
pences of Act.

and Seals, to enter into and execute such Security or Securities as may be required by any Person or Persons for the several Sums of Money as shall be so borrowed, with Interest for the same; and the Time or Times of such Sum or Sums being so borrowed shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Court; and for raising a Fund for paying off such Sum or Sums of Money as shall or may be borrowed for the Purposes aforesaid, and the Interest in respect thereof, it shall and may be lawful to and for the Clerk of the said Court to deduct and retain by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court any Sum or Sums of Money not exceeding Sixpence when the Amount of such Debt recovered shall amount to the Sum of One Pound, and any Sum or Sums not exceeding One Shilling when the Amount of such Debt recovered shall amount to the Sum of Two Pounds, and any Sum or Sums not exceeding One Shilling and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Three Pounds, and any Sum or Sums not exceeding the Sum of Two Shillings when the Amount of such Debt recovered shall amount to the Sum of Four Pounds; and such respective Sum and Sums of Money shall be payable and paid in all Cases by such Plaintiff or Plaintiffs after Suit or Action commenced, whether the Amount of such Debt or Debts shall be paid into or levied under the Process of the Court, or shall be paid, secured, or settled by the Defendant or Defendants unto or with the Plaintiff or Plaintiffs; which Sum or Sums so to be raised as aforesaid the Clerk of the said Court is hereby required to keep an Account of, and pay over from Time to Time to any Five or more of the said Commissioners assembled in Court, for the Purpose of applying the same in Liquidation of or paying off such Sum or Sums of Money as may be borrowed, and the Interest thereof, for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing this Act.

This Act to  
cease on the  
passing of any  
General Act.

XC. Provided always, and be it further enacted, That at the Expiration of Six Calendar Months next after any General Act shall be passed for the Recovery of Small Debts, and the Operation of which General Act shall extend to the said City and Liberty, every Clause, Matter, and Thing in this Act contained which shall extend or be construed to extend to give the Commissioners hereby appointed any such local or separate Jurisdiction shall cease and determine.

Public Act.

XCI. And be it further 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.

*Cap. cxxxviii.*

An Act for making and maintaining a Turnpike Road from *Annie-land* Toll Bar to *Saint George's* Road, and Branch Roads therewith connected, all in the County of *Lanark*. (b)

[19th August 1836.]

[*Powers of 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 1. Tolls to be paid but once a Day for passing and returning on same Day through same Gate, § 20.*]

## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN  
IN EVIDENCE.

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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 King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.”

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*Cap. 1.*

An Act for inclosing Lands in the Parish of *Hardwick* in the County of *Cambridge*. [18th March 1836.]

[*Allotment to be made for Materials for Roads, § 33.; and to the Lords of the Manor for Rights of Soil, § 34.; and to the Rector in lieu of Glebe Lands and Rights of Common, § 35.*]

*Cap. 2.*

An Act for inclosing Lands in the Parish of *Wootton* in the County of *Bedford*. [30th March 1836.]

[*Allotment to be made for Materials for Roads, § 35.; and to the Lords of Manors for Right of Soil, § 36.; and to Rector and Vicar in lieu of Glebe, §§ 37, 38.; and Tithes, § 39. Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing of Act, § 66.*]

*Cap. 3.*

An Act for inclosing Lands in the Parish of *Orwell* in the County of *Cambridge*, and for commuting the Tithes of the said Parish. [30th March 1836.]

[*Allotment to be made to the Lord of the Manor for Right of Soil, § 33.; and to the Rector in lieu of Glebe and Rights of Common, and Tithes, §§ 34, 35. Rector's Allotments to be fenced at the general Expence, § 42. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing of Act, § 43.*]

## Cap. 4.

An Act for inclosing Lands in the Parish of *North Runcton* in the County of *Norfolk*. [19th May 1836.]

[*Compensation to be made to Lords of Manors for Rights of Soil, § 35. Allotment to be made to S. Gee, Esq. in lieu of Right of Sheepwalk, § 36.; and to Mrs. Hudson of Part of Hardwick Green, § 37.*]

## Cap. 5.

An Act for inclosing Lands in the Parish of *Alveston* in the County of *Gloucester*, and in the Tithing of *Tockington Upper* in the Parish of *Olveston* in the same County. [19th May 1836.]

[*Allotment to be made for Materials for Roads, § 33.; and to Persons entitled to Right of Soil, § 37. Saving the Rights of Lords of Manors, § 71.*]

## Cap. 6.

4 W 4. c. 15.

An Act to amend an Act passed in the Fourth Year of the Reign of His present Majesty, for inclosing certain Lands within the Parish of *Alstonefield* in the County of *Stafford*.

[19th May 1836.]

## Cap. 7.

An Act for dividing, allotting, and inclosing Lands within the Parish and Manor of *Godmanstone* in the County of *Dorset*.

[19th May 1836.]

[*Allotments to be made for Watering Places, and Stone, Chalk, Gravel, and Sand Pits, and for depositing Manure and Rubbish, &c., § 35.; and to Lord of the Manor for Right of Soil, § 36.; and to the Rector for Glebe and Common Rights, § 37. Rector's Allotments to be fenced at the general Expence, § 47. Manorial Rights reserved, § 69.*]

## Cap. 8.

An Act for inclosing and exonerating from Tithes Lands in the Parish of *Stepingley* in the County of *Bedford*.

[20th May 1836.]

[*Allotments to be made for Materials for Roads, § 27.; and to the Lord of the Manor for Right of Soil, § 28.; and to the Rector for Glebe and Tithes, §§ 29, 30. Rector's Allotments to be fenced at the general Expence, § 44. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing of Act, § 47. Saving the Rights of the Lord of the Manor, § 71.*]

## Cap. 9.

An Act for settling and securing certain Parts and Portions of the Lands and Estate of *Delvine* in the County of *Perth* to and in favour of Sir *John Muir Mackenzie* Baronet, and the Series of Heirs entitled to take by certain Deeds of Entail made by *George Muir* Esquire, and under the Conditions and Limitations contained therein; and for vesting in lieu thereof the Lands and Estate of *Cassencarie* and others lying in the Stewartry of *Kirkcudbright*

*cudbright* and Counties of  *Dumfries* and  *Wigton* in the said Sir  *John Muir Mackenzie*, and his Heirs and Assigns, in Fee Simple. [7th June 1836.]

Cap. 10.

An Act to authorize the Sale of One Fourth Part or Share of a certain Tenement and Farm called  *Limehurst*, in the Parish of  *Ashton under Line* in the County of  *Lancaster*, late belonging to  *John Gartside* of  *Haugh* in the Parish of  *Rochdale* in the said County of  *Lancaster*, Yeoman, deceased, and for laying out the Purchase Money in the Purchase of other Estates to be settled to the same Uses. [7th June 1836.]

Cap. 11.

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[ *Saving the Rights of the Lord of the Manor of South Petherton*, § 44.]

Cap. 12.

An Act to enable  *Francis* Earl of  *Moray* to borrow a certain Sum of Money upon the Security of certain of his Entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [21st June 1836.]

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Cap. 14.

An Act to amend an Act passed in the Third Year of the Reign of His late Majesty, for vesting the Lands and Barony of  *Dryden*, and certain other Entailed Estates of Sir  *Charles Macdonald Lockhart* Baronet, in Trustees, to be sold, and for laying out the Prices thereof in the Purchase of other Lands and Estates more conveniently situated, to be entailed in a similar Manner; to regulate the Manner of holding the said Estates; and to grant Powers of feuing to the Heirs of Entail. [4th July 1836.]

[3 G. 4. c. 12. to remain in force except as altered, § 19.]

Cap. 15.

An Act to vest a Part of the Entailed Estate of  *Milliken* in the County of  *Renfrew* in Trustees, to sell the same, and apply the Price thereof, or the Securities to be granted thereon, towards satisfying the Debts affecting the said Entailed Estate, and the Debt contracted for Money laid out in the Improvement of the same. [4th July 1836.]

## Cap. 16.

An Act for dividing, allotting, and laying in Severalty Lands in the Parishes of *Marsh Baldon* and *Toot Baldon* in the County of *Oxford*. [4th July 1836.]

[Allotments to be made to Lords of Manors for Rights of Soil, § 28.; and for Materials for Roads, § 29.; and to Sir H. *Willoughby* in lieu of Glebe and Tithes, §§ 41, 42.; and to the Trustees of the Poor, § 45. Allotments for Glebe and Tithes to be fenced at the general Expence, § 50.]

## Cap. 17.

An Act to enable the Trustees of *Bowdler's* Blue Coat School in *Shrewsbury* to effect a Sale to *John Jones* Esquire of Estates called *Trefnant* and *Llanerchrockwell* in the Parish of *Guilfield* in the County of *Montgomery*. [4th July 1836.]

## Cap. 18.

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## Cap. 19.

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## Cap. 26.

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## Cap. 28.

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\* *Signifies that the Act relates exclusively to Ireland.*

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